

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
November 24, 2008**

AGENDA & MINUTES

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2009 Meeting Schedule		Approved
Minutes		Approved

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**ZONING BOARD OF
APPEALS**

Howard Buzzutto, Chairman
Mary Bodor, Vice Chairwoman
Marianne Burdick
Lars Olenius
Martin Posner

PLANNING BOARD

Shawn Rogan, Chairman
David Pierro, Vice Chairman
Michael Montesano
Maria DiSalvo
Charles Cook

**Zoning Board of Appeals
November 24, 2008 Meeting Minutes**

Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

Present were: Chairman Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Lars Olenius, Board Member Marty Posner, Tim Curtiss, Attorney with Town Attorney's Office Curtiss & Leibell and Rich Williams, Town Planner, Dave Raines Town Building Inspector.

Chairman Buzzutto called the meeting to order at 7:01 p.m.

Chairman Buzzutto led the salute to the flag.

There were approximately 10 members in the audience.

Rich Williams was the secretary and Eileen Seirup transcribed the following minutes.

Roll Call:

Board Member Bodor	-	here
Board Member Burdick	-	here
Board Member Olenius	-	here
Board Member Posner	-	here
Chairman Buzzutto	-	here

The Secretary read the following legal notices.

NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS of a public hearing to be held on Monday, November 24, 2008 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

- 1. Edwin Davila Case # 11-08 – Area Variances held over from September 17, 2008 and October 15, 2008 meetings.**

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations in order to place an 18 foot round above ground pool in the front yard. Applicant will have greater than 38% impervious surface coverage. The Code requires less than 38%. Applicant is seeking a variance for greater than 38 % impervious coverage. Also applicant is requesting a variance pursuant to §154-27, 12 A Permitted Accessory Uses. The code does not permit pools to be located in the front yard. Applicant cannot install pool in another other location. This property is located at 21 Manchester Road, RPL-10 Zoning District.

Board Member Bodor stated in the case Edwin Davila we have a letter from the applicant dated November 6, 2008. Case # 11-08 Mr. Davila writes I am writing this letter to withdraw my application for putting up a pool. Thanks a lot. Sincerely, Edwin Davila.

Board Member Bodor stated I make a motion to accept Mr. Davila's request that his application be withdrawn and also with that motion I'd like to have included the fact that there will be no refund of filing fees due to the fact that we have already worked on this one.

Board Member Olenius seconded.

Rich Williams asked for all in favor:

Board Member Bodor	-	aye
Board Member Burdick	-	aye
Board Member Olenius	-	aye
Board Member Posner	-	aye
Chairman Buzzutto	-	aye

Motion carried on a vote of 5 to 0.

2. Joseph & Andrea Neri Case #12-08 – Area Variance held over from October 15, 2008 meeting.

Applicants are requesting an area variance pursuant to § 154-27 B 5 of the Patterson Town Code Permitted Accessory Uses in order to install an outdoor furnace. The Code requires a minimum of 10 acres and 200 feet from the property line. Applicant has 14 plus acres and is 146.5 feet from the side property line. Variance requested is for 53.5 feet. This property is located at 478 East Branch Road in the R-4 Zoning District.

Board Member Bodor stated again we do have a letter here submitted by the applicant dated November 25, 2008. Dear Mr. Buzzutto, At this time I wish to withdraw my application for the outdoor furnace. Thank you for all you have done. Joseph Neri and Andrea Neri.

Board Member Bodor stated I'd like to make a motion to accept the Neri's request to withdraw the application and to state too that there will be no refund for any filing fees due to the fact that we have already visited this site and entertained the request at one meeting.

Board Member Burdick seconded.

Rich Williams asked for all in favor:

Board Member Bodor	-	aye
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Board Member Burdick	-	aye
Board Member Olenius	-	aye
Board Member Posner	-	aye
Chairman Buzzutto	-	aye

Motion carried on a vote of 5 to 0.

3. Alan Steger Case #16-08 – Use Variance

Applicant is requesting a Use Variance pursuant to §154-30 of the Patterson Town Code Permitted Principal Uses in order to allow a single family residential use of the site. The property is located in a General Business Zoning District in which residential are not permitted by Code. The property is located at 5-19 Center Street, Front Street.

Chairman Buzzutto stated Mr. Steger would you please come up. Would you raise your right hand Sir? Would you swear the testimony that you provide tonight will be truth and the whole truth?

Mr. Steger stated I do.

ZBA Chairman Buzzutto stated okay what you want to do is to re do that building next to the Post Office to make it into all residential

Mr. Steger stated I want to re do that back part of the building, the two story part of the building and that was basically originally for office space. We had mixed use there at one time.

Rich Williams stated I don't know the history. Dave is more familiar with the history of the site than I am. I do know there has been times when it has been mixed use.

Mr. Steger stated it has been.

Rich Williams stated there are times that it has been all commercial use.

Mr. Steger stated there really has never been a time that it's all commercial use, because most of the time it's never been rented.

Board Member Bodor stated how long have you owned it Sir?

Mr. Steger stated since 1988.

Board Member Bodor stated and when you purchased it what was the zoning for that structure?

Mr. Steger stated general business.

Board Member Bodor stated general business, so you knew going into it that this was a commercial usage, general business use, for that structure.

Mr. Steger stated right.

Board Member Bodor stated okay

Board Member Posner stated and you purchased it in 1988? We did a site walk on that.

Board Member Bodor stated this case was heard by us once before in 1997.

Mr. Steger stated yes I requested to put two apartments upstairs.

Board Member Bodor stated and what was our determination?

Mr. Steger stated that there were no apartments allowed in a general business.

Board Member Bodor stated right and so you're application for the two accessory apartments, in your writing here, was denied in 1997.

Mr. Steger stated right.

Board Member Bodor stated and what's been going on in there since 1997?

Mr. Steger stated nothing. It's been empty.

Board Member Bodor stated how come it's lit up at night?

Mr. Steger stated where?

Board Member Bodor stated it has been. I've observed lighting inside that structure through the years at night meaning to me that there's somebody in there.

Mr. Steger stated I had some friend asked me to allow somebody to stay there for a while because they lost their apartment and they were working at the Dunkin Donuts. A man and his wife and so I told them it was illegal apartment but they could stay there until they found another apartment and eventually they did so they were there for maybe three months or six months at the most?

Board Member Bodor stated did they pay you residential rent? Did they pay you rent for the use of your illegal apartment?

Mr. Steger stated yep, they did.

Board Member Bodor stated knowing that that is a commercial site, how did you market it as a commercial site? Where did you do your advertising to get a commercial or more in there?

Mr. Steger stated, well I used the Pennysaver and signs on the building all the time.

Board Member Bodor stated do you have copies of the ads that you placed? Where I'm coming from, there are four things that you must prove to us in order to get a variance, use variance. Number 1 says you cannot realize a reasonable return on that property under the current zoning for that property okay and substantial as shown by competent financial evidence. That's why I'm asking where did you market it, and where is the documentation that you were not able to rent it and therefore were not getting a substantial return on it? We need to see that in writing.

Mr. Steger stated well over the years I threw most of the stuff out. I'm not going to keep anything longer than what five years. It's rather a bad thing to keep anything tax wise over five years.

Board Member Olenius stated can I ask you when did you put in for those apartments.

Mr. Steger stated was it 97?

Board Member Posner stated so in 1997 you had apartments in there. So, for 11 years now you've been trying to rent it as commercial space even though it's actually a residential building now?

Mr. Steger stated no, it's not now, it's half way in between.

Board Member Posner stated you took out the apartments?

Mr. Steger stated, yeah, there's really actually nothing in there right now because I had permission from Mr. Raines to change it to a 1 family house and so I started tearing things out and then we had word that we couldn't do it so we had to stop and so it's setting there half way in between now. This has been going on since April. So and I was made to take all down all my signs saying that I have a commercial building, so it's been unrentable.

Board Member Bodor stated and the reason I asked you about long you've owned it too, alleged hardship has not been self created. Well, it has been self created because you purchased it knowing it was a commercial site. So, you have created that hardship.

Mr. Steger stated that's right but I was also promised all sorts of things at the time that we're going to have Front Street into a megatropolis and all this kind of stuff, so far Front Street is now 5 empty lots. So, that wasn't my problem that wasn't my fault.

Chairman Buzzutto stated I think there's a difference in the zoning from that side of Front Street where Pitney's used to be, remember Pitneys?

Rich Williams stated from Pinkney's lots all the way down to 311 has all been zoned either NS-2 or General Business.

Chairman Buzzutto stated that does not apply from the post office back?

Rich Williams stated yes, well no just the properties in front on Front Street.

Chairman Buzzutto stated so, they have not been changed down there, so basically it was never residential there.

Rich Williams stated no, what I think Mr. Steger is saying is that there are vacant lots. He thought there was going to be more development along Front Street which would help support his business.

Chairman Buzzutto stated yeah but the vacant lots

Mr. Steger stated there isn't any office building or offices in that whole front street area. There's not one, so how can I rent it out as an office? You know, we have the Post Office, we have a building next to me

that used to be the Bruno Building, which is basically apartments, and I have a frame manufacturer next door, so you know, it's not conducive to having any kind of offices there.

Dave Raines stated Mr. Chairman Can I have an opportunity to speak to the Board?

Chairman Buzzutto stated yes, come up Dave.

Dave Raines stated I'm David Raines acting Building Inspector, this is kind of like a one lot, it's a little ambiguous this whole thing. First of all, just a little explanation for those of you not familiar with the way the property is set up. 19 Front and 5 Center are shown as one piece of property, how that happened I don't know, maybe Rich knows. But 19 Center is the Post Office and 5 Center is the Bodega, I guess we'll call it that, which actually has frontage on Front Street as a business and then behind it, attached is what we're talking about 5 Center, which a two story structure. It's originally back in 1948 was shown as a residential structure, a three bedroom two bath, one kitchen and it was attached and I don't know if that front part was built it's hard to tell and I went up into the ceiling and the attic and I can't tell if it was built separately or built together but it's connected now. So, as you see on the floor plan, the back of the Bodega actually is tied into the two family residential structure, so that the floor space in the back of the Bodega has one room that's actually part of this. Its recent history is that it's been a daycare, it's been a liquor store, it's been a real estate office, it's been, J&M Granite had an office in there and I'm talking about the little adjadems in the back. As far as the front section were the deli is, it's been a day care, real estate, a liquor store a dance studio, yes it was offices in the recent history in the back Jane M. Browning had an office, I don't know who else rented from you. How that happened, I don't know, but as far as the Building and the Fire Code goes that should have never happened. And that's what brought me to my decision back in June after removing the occupants of the apartments after removing the office expansion that, not removing but denying the office expansions that they wanted to do. Due to code restrictions on the structure itself, you can't do this, you can't do that, you can't do this. It comes down to whether we should gut the building or do I bring it back to its original use. So, I errantly made the decision before talking to Counsel, that I could bring this back to single family residential. So, I met with Mr. Steger and said let's bring this back to single family residential. You don't have parking, you can't put signs up in location that's not going to be obtrusive to the folks that, they complained to me saying that we don't want signs on Center Street, there shouldn't be signs on Center Street, well where are you going to put the signs for these businesses? Where are you going to put the dumpster enclosure the dumpster was an issue. People were using the dumpster for general neighborhood waste, we need an enclosure, there's no spot for that. The street parking spots are on the Center Street side of the building there's no parking spots on the Front Street side, which are used for Post Office and what not, so we have all kinds of problems. That should have never been zoned as far as I'm concerned, without a good look at the site this part of the building, I do believe that the front part, where the Bodega is clearly a GB use. So, I made a decision to go to Mr. Steger and say, you know what, let's make this habitable let's make it safe, you should upgrade the electric, put a full fledged fire alarm system in, get rid of this door, get rid of this door, fix this window, yada yada yada and we started that. Then it was brought to my attention, that I could not do that, so, I went to counsel, an Attorney that worked with Mr. Curtiss previously, who sent a letter back to me saying no this has to go for a use variance because this part of the structure is in GB and you can't have residential occupancy. So, I argued that I believe we should be able to return it back to its original use. That's the safe issues, and from a site plan or a zoning perspective I felt that, that part of the building specifically, would be, the site is best suited for residential on Center Street. Not necessarily the front part unless we can look at the potential of using the entire building as one use, for example, similar to what Mr. Curtiss's office is. We have what looks like a residential house that's completely utilized as an office, that you could do with not spending a half of a million dollars on renovations but to segregate this and have a secure safe four offices, or three offices. This building was never designed to do that. This is a house and if you chose to do a walk through you'll

see it now especially with everything ripped out. And when I looked at it, it had multiple kitchens, multiple bathrooms, rooms leading through rooms, fire code violations, and narrowed hallways things like that, it's now opened back up to what it was originally. The second kitchen has been removed, one of the bathroom's been removed and what not. So, that's how we got to this point. I'm not advocating that a variance be issued, but my concern long term is that we come up with what we really can use this building for because whether Mr. Steger owns it or somebody else owns it, we as a Town are as a Building Department, Zoning Board and Planning Board, have to be able to give some positive direction. You can use it for this we're saying it should be apartments and I'm telling you from a Fire and a Building Code it's not built, sure someone could put a million dollars into it, we could renovate the whole thing we could make it into offices without a doubt. I don't know that's really a viable answer. I know that I denied many many applications, or use application as far as coming in and saying I'd like to do this to it. I need to knock this wall down I need to open, you can't do that, the building was not built for that. Everything you see in a walk through is load bearing. That's one of the problems, you can't start cutting doorways and archways and putting file cabinets in and things like that, it's one of the problems. The other problem is with that second kitchen, that was put in God knows when, it just proliferates the residential use and have the separate bathrooms and have the segregated units, it proliferated the illegals Mrs. Bodor was pointing out, the illegal apartments. And, so like again, it's two challenges, one is to look at this application based on not multiple apartments but single family, but then what do we do moving forward, maybe that's not for you to decide, but the Town as a whole, whether it's the Planning Board or myself or Rich Williams we have to decide what we're going to use the building for, because if it was a great economy. We had four businesses in there and there was three parking spots and they want to put signs up, we're faced with a whole bunch of other challenges and that's what I want us to look at as a whole umbrella not just the fact that, yes there's been a lot of issues here. He had illegal occupancy, my feeling as the Code Enforcement Official, he shouldn't have let that happen. Again, we had to take action to stop him, we did. And were all going to be erring in the fact that I let him go ahead and do something I shouldn't have let him do. I think we did our due diligence in it and I think that the denial of 1997 was the right thing because again this should not be multiple apartments, it's not suited for that it's not set up electrically for that, plumbing wise, I don't know if that would impact the septic, the count, things like that, that's another factor on use if we had four apartments or two apartments.

Rich Williams stated well certainly the bedroom count, whether it's single family or multifamily you have to take into account the potential for sewage flows coming off of that site.

Dave Raines stated again that's my view and that's my piece of it and again I apologize for allowing Mr. Steger to move forward in June. I should have done some more homework. I did go to him he was compliant in stopping he was in the midst of renovation and upgrading the electrical. If you have any question, like I said I'd be more than happy, but I think to get a good snapshot you should, my recommendation is that you should take a look at it, because it's really a one lot situation it's similar to what we have on Front Street you have a business attached to what's out there is apartments and I know it's on Center Street, but if you look at it, you know, it's very similar to what Cathy Petty has what the Bruno's have.

Tim Curtis stated your analysis of it is that it would best as a mixed use commercial in front and residence in back?

Dave Raines stated said it would be best for the Center Street portion to be single family residential as it was built that way.

Tim Curtis stated one unit.

Dave Raines stated one unit yes. Again, I would like to see in the perfect world, you know fire wall between the commercial and residential because again I don't what was built first. I assume the house was built and there was an addition. There's no records there's some photos of it from the 70's and those photos show it just as we see it now, so I can't tell from the assessor's cards and neither can the assessor. So, because the Town at one time was leasing it and the Town stopped leasing it.

Chairman Buzzutto stated what do you mean the Town Hall?

Board Member Posner stated for a very short time?

Tim Curtis stated I think it was the Town Hall.

Dave Raines stated it didn't suit their needs that all the assessor's card says. It was like a dollar. Anyway again, I'm sorry we're hear on this, so that's my piece.

Chairman Buzzutto stated Dave how much work did Mr. Steger do after you said you could make the apartment there?

Dave Raines stated several thousand dollars in demolition, he basically ripped all the pieces, the kitchen he moved some wall and not some walls but some doorways that should have been put in after the fact. The biggest expense was the electrical upgrade he put in.

Chairman Buzzutto stated already he got seven thousand in electric changes.

Dave Raines stated again that was one of the biggest hazards that we say was the fact whether it was prior to him or not, some of the work was clearly 60's and 70's early 80's work that was not inspected. That was, whether it was residential commercial or something he needed to do.

Chairman Buzzutto stated I think there was at least three electric meters on the side of that building at one time, maybe before if I can remember.

Dave Raines stated there's still three or four now right.

Mr. Steger stated there still is four.

Chairman Buzzutto stated that would indicate different office and apartments.

Dave Raines stated it's clearly different feeds to the different apartments and there's a feed to the restaurant or the Deli downstairs, the Bodgea.

Chairman Buzzutto stated well four or five there... Do we have any input from the audience on this particular case here?

Mr. Fisher stated I'm Chris Fisher, 15 Front Street.

Chairman Buzzutto stated will you swear that the testimony you provide tonight will be the truth, the whole truth?

Mr. Fisher stated I do.

Chairman Buzzutto stated okay, and you're on Front Street.

Mr. Fisher stated, South Street, 15 South Street.

Chairman Buzzutto stated oh, so you're right in back of him?

Mr. Fisher stated yes. I'm representing a couple of neighbors that couldn't come, some of us are here, some of us aren't. The residents in the Hamlet have been dealing with some success and some frustration with a pattern of, you know, absentee landlord which is inevitably translating into illegal occupation. The fact is that we don't have, we have a law on the books to fight it but it's not enforced and I think that's understood by all that it's essentially a dormant, you know, it's on the books but it's not enforced. We've had issues with this building in the past, there have been Code violations for this very thing, and that quite simply compels us to not be in favor of the variance. I think I've covered all my points, they're very straight forward.

Board Member Olenius stated what was the law on the books that you're referring to?

Mr. Fisher stated rental registration law, something on the books that allows a Code Enforcement Officer some teeth to insure that a single family dwelling, some thing that is for single family occupancy is actually used as such. There are countless examples, I think it's, you can drive up and down the hamlet, especially in the summer and see that readily.

Chairman Buzzutto stated okay thank you for your input. It all goes into the minutes.

Mr. Fisher stated okay great. And, Mary [Board Member Bodor] I would love to hear what those other three things are. I was taking copious notes in terms of you know.

Board Member Bodor stated okay the points that have to be in place in order for a Use Variance to be granted, the criteria. Number one the applicant cannot realize a reasonable return which is substantial as shown by competent financial evidence. And this would want and expect in writing showing that you just can't make it and this is what I've done to try and make it and I just can't. Number two the alleged hardship is unique and does not apply to substantial portions of the district or neighborhood. Number three Requested Variance will not alter the essential character of the neighborhood. Number four the alleged hardship has not been self created.

Chairman Buzzutto stated that all has to be documented for a period of a year, financial.

Tim Curtis stated well what you're going to have to show, it's really not a specific time frame but you need to show that you really can't rent it in the Commercial District with a Commercial Use. For a variety of reasons, A. it may be too small, or as Dave Raines said it may be cut up, but what normally happens is that the applicant will come in and show they have it listed with a broker for a year or two, three and that they've had either no success in renting it for the purpose that it's zoned for or very little success you know, no luck, once a prospective tenant saw it because it's got the wrong, they had no parking they had no, you know those kind of things. And normally what they'll do is show the rental history that they're just not able to rent it for a year or two years etc.

Chairman Buzzutto stated well we'd have to have, you know, documents with figures and.

Tim Curtis stated yeah, well yeah it'd show that there's no rental and you'd have to show that the building is basically losing money. He's got taxes, he's got overhead, he's got expenses, fuel oil to keep it going at that point in time and he hasn't been able to get a reasonable return which is a rental income that would support it.

Mr. Fisher stated, can I ask a question? This is Chris Fisher again. What public parking is there on Front Street? I know there are Metro North spaces but there's more to it than that. Is that something that we can have in the record?

Rich Williams stated I don't know the specific number I certainly can come up with that. I do know that as part of the Metro North parking lot that was constructed down by the Rec center. The Town negotiated an agreement to acquire twenty parking spaces on the east side of Front Street, down near closest to [Route] 311.

Mr. Fisher stated by Cathy Petty.

Rich Williams stated by Cathy Petty's, and then you have all the parking along the west side of Front Street from [Route] 311 going right on down to the restaurant down there, Magnolias, were it's all pull in parking, head in parking and then it becomes parallel parking for four or five spaces.

Chairman Buzzutto stated well none of that's overnight parking though.

Rich Williams stated some of it is allowed to be overnight parking because of the residences.

Chairman Buzzutto stated after November 15?

Rich Williams stated yes and there certainly are cars there overnight.

Chairman Buzzutto stated I didn't know that.

Mr. Fisher stated thank you.

Chairman Buzzutto stated well Mr. Steger hasn't come up with any documents or anything to show it.

Tim Curtis stated well I was going to say you may want to after you take another comment, table it for a site walk. Also to provide the applicant with an opportunity to bring in his economic proof to show that he has not been able to rent this section of the property for any reasonable return within the last year and

Chairman Buzzutto stated okay fine we'll do that, okay do you want to state your name sir?

Mr. Mandras stated yes, Steven Mandras 15 Jill Court.

Chairman Buzzutto stated and the testimony you provide tonight will be the truth, the whole truth.

Mr. Mandras stated absolutely, I'm not really giving a testimony but I just want to maybe provide an idea or a thought. As we all want Front Street to grow and prosper you know, be more a place where we can kind of just take our kids down there at night and maybe have an ice cream cone or go to a little store or something. Maybe instead of thinking of this property as multi use, like okay I've got a Bodega or a

market sitting there, you know, serving clientele I need to do something with the other half of the building, why not find the right business that can utilize that structure? Whatever it might be a five and dime, maybe something that sells crafts or what not, where the offices for the business that are in that area where the market is today, can support that market, like the interface to the customer is in that building that's there now as a market. The offices that support the business are there and it's one business and you have parking in front, you have parking four or five spots behind instead of trying to jam four offices in there or try and make it a house that's attached to a business on Front Street that I think it would be maybe better to find the right business to bring into Front Street and make that structure one use full thing. It's just an idea.

Chairman Buzzutto stated alright, thank you very much. Any more comments from the audience on this particular agenda item? Dave?

Dave Raines stated just for the record, there was a comment made about not enforcing and this hearing is about this property and all the violations were enforced and met full satisfaction. And all were corrected and Mr. Mandras went through the file today and I'm sure he saw them. So, specific to this property when the violations were made known to this Town, there were immediately action was taken and the tenants were removed in '06 and in '07 we stopped Mr. Steger from doing what he couldn't do. Just so that's clear, there was no lack in reports with specific to this property.

Chairman Buzzutto stated for this particular.

Dave Raines stated for this particular property, if he's got other concerns we will be willing at another venue to hear about it.

Mr. Mandras Thank you.

Chairman Buzzutto stated okay are there anymore comments from the audience on this? Alright and with that we will table the public hearing, for the time being, set up a site walk on this.

Tim Curtis stated Mr. Steger if you have realtor information, you know, where you've tried to rent it and you've been non successful or the realtor wants to come in and tell us what efforts he/she has made to try and get a reasonable return with that section of the building. That's what you should present.

Chairman Buzzutto stated o.k., so that's what we'll do now we're going to table it. We're not going to close it we're going to table it till the December meeting. Mr. Steger if you could come up with that information for us, some more documentation.

Mr. Steger stated I hope you realize that I've already said what with eight months not being able to even do anything with it. I haven't been able to show it, I haven't sold, this year's already shot. You know, I don't know, it isn't any fault of mine. So, it's obvious that I can show that I've never had a penny with regard to that section for a year and I couldn't do anything, I couldn't even have a tour or a real estate person. The thing is I was basically told to take signs down and it wasn't going to be a business anymore.

Chairman Buzzutto stated but we have to follow the criteria on this particular piece of the codes have to be followed. So we have to go through a certain procedures before we can make a decision on it one way or the other but, that's the way it's set up.

Mr. Steger stated okay well I've said it'd be easy because I can't, somebody already tied my hands with it here. It's obvious I haven't had any rent on the place for a year.

Board Member Bodor stated but there were years before?

Mr. Steger stated pardon?

Board Member Bodor stated but there were years before too? We're not just looking at this year your hands were tied, previous years too.

Chairman Buzzutto stated alright, so you'll be back at the next meeting in December, I don't know the date on that.

Board Member Bodor stated December 17th.

Unknown Audience Member stated will that be a public hearing?

Board Member Bodor stated it will not be noted in the papers, but yes, it will be a public hearing.

Unknown Audience Member stated you didn't close the public hearing you just deferred it.

Chairman Buzzutto stated no no we just tabled it until then. December 17th that I believe is a Wednesday. Okay fine that's the way it will be set up. Alright Mr. Steger thank you.

Mr. Steger stated when are you going to do a walk through?

Board Member Bodor stated you'll be notified when we're going to do that because we'd like to of course have you there so you can show us the whole layout. After the meeting we'll decide when that's going to be. We've got to get the five of us together. Ok.

Mr. Steger stated okay thank you.

Dave Raines stated I just wanted to say for the record that the building permit to renovate was issued June 27, 2008 and within three weeks of that I advised him to stop work, so it hasn't been eight months as far as the rest, my office may have caused him but it was in between June and July late June, June 27th I issued the building permit. I don't know when he started the work, sent him a stop a few weeks later, and prior to that he was just under violation of not being allowed to have apartments. So, we did not take any action prior to me stopping in July.

Chairman Buzzutto stated well maybe some of the work might have been done before you.

Dave Raines stated regardless we did. Just so you have that information, I'll try and put a time line together before the next meeting so you'll have something tangible in your boxes there.

Board Members all stated Thank you Dave.

Chairman Buzzutto stated okay what's left on the agenda?

Board Member Bodor stated other business, the 2009 schedule for our approval.

Chairman Buzzutto stated was there anybody else here for other cases or anything? Two of them were withdrawn. I don't want you waiting around expecting. Okay thank you. We went right to the end at one time and there was a case here.

Board Member Bodor stated we already had several people leave they were with the Neri case.

Chairman Buzzutto stated ok the next thing on the agenda is to approve the meeting schedule for 2009.

Board Member Bodor stated down at the bottom here it says November 24, 2008.

Rich Williams stated yeah it was copied off of the last one.

Tim Curtis stated yeah, you're right it's November 23rd probably.

Board Member Bodor stated it should be 2009 anyway

Tim Curtis stated yeah 2009, it probably will move back a day.

Board Member Bodor stated looking at this now, with the whole year ahead it looks fine.

(Board Members Laugh)

Board Member Bodor stated nice dates you know. You can publish it before we change it. (Laughing)

Board Member Bodor stated I make a motion to accept the schedule.

Board Member Burdick seconded.

Board Member Bodor stated all in favor.

Board Member Bodor	-	aye
Board Member Burdick	-	aye
Board Member Olenius	-	aye
Board Member Posner	-	aye
Chairman Buzzutto	-	aye

Motion carried on a vote of 5 to 0.

Chairman Buzzutto stated we can change the date as they come up.

Board Member Bodor stated it says right at the bottom subject to change. We've got it covered. The minutes from October 15th.

Chairman Buzzutto stated anybody have a motion on those?

Board Member Bodor stated I make a motion to accept the minutes.

Board Member Burdick seconded.

Chairman Buzzutto stated all in favor.

Board Member Bodor	-	aye
Board Member Burdick	-	aye
Board Member Olenius	-	aye
Board Member Posner	-	aye
Chairman Buzzutto	-	aye

Motion carried on a vote of 5 to 0.

Chairman Buzzutto stated okay now everybody got their notice for the meeting December 11th, right? For the Patterson Crossing.

Rich Williams stated Patterson Crossing

Board Member Bodor stated is that final that date?

Chairman Buzzutto stated yeah.

Board member Bodor stated oh no I didn't know it was finalized.

Board Member Burdick stated I didn't know it was finalized.

Board Member Bodor stated when you called me you were still polling people.

Rich Williams stated I was still polling people. We had two options the 9th or the 11th, and we had picked the 11th.

Chairman Buzzutto stated I hope that is still a good thing.

Board Member Olenius stated at 7:00, 7:00 pm

Board Member Posner stated at the rec center

Chairman Buzzutto stated no, here no it's going to be here because you said you weren't getting sort of a crowd, so I figured the weather might

Board Member Bodor stated did can we get an email on that?

Rich Williams stated sure, would you like an email on that too, Dave?

Board Member Posner stated so where is it is it at the rec center or here?

Chairman Buzzutto stated no, it's going to be here.

Meeting adjourned at 7:53 pm.