

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS  
December 15, 2010**

**AGENDA & MINUTES**

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<b>a) Revised 2011 Meeting Schedule</b>	37	Revised 2011 Meeting Schedule approved
<b>b) Minutes</b>	39 – 40	November 22, 2010 minute 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  
Gerald Herbst

**PLANNING BOARD**

Shawn Rogan, Chairman  
Charles Cook, Vice Chairman  
Michael Montesano  
Thomas E. McNulty  
Ron Taylor

**Zoning Board of Appeals  
December 15, 2010 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 Gerald Herbst, Tim Curtiss, Attorney with Town Attorney's Office Curtiss & Leibell and Rich Williams, Town Planner.

Chairman Buzzutto called the meeting to order at 7:07 p.m.

There were approximately 4 members of the audience.

Sarah Wagar was the secretary for this meeting and transcribed the following minutes.

Chairman Buzzutto led the salute to the flag.

Chairman Buzzutto stated roll call.

**Roll Call:**

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

**1) ROBERT PINCHBECK CASE #15-10**

Mr. Robert Pinchbeck was present.

Chairman Buzzutto stated Jerry, my foot.

Board Member Herbst stated oh.

Chairman Buzzutto stated it's okay. I walk on the bottoms.

[Laughter].

Chairman Buzzutto stated okay. You want to...

The Secretary stated do you want me to read the notice.

Chairman Buzzutto stated yes. The notice.

The Secretary stated okay.

The Secretary read the following legal notice:

**NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS** of a public hearing to be held on Wednesday, December 15, 2010 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

**Robert Pinchbeck Case #15-10 – Area Variances; Held over from the June 14, 2010, July 21, 2010, August 30, 2010, October 20, 2010, and November 22, 2010 meetings**  
Applicant...

Chairman Buzzutto stated okay.

The Secretary stated go on.

Chairman Buzzutto stated sorry.

The Secretary stated you want me to keep going.

Chairman Buzzutto stated well, yes.

The Secretary stated do you want me to read everything or no.

Chairman Buzzutto stated no, no. Just as we go. Is that all part of the same case that you're talking about.

The Secretary stated yes.

Chairman Buzzutto stated yes, read the case.

The Secretary continued to read the following legal notice:

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize an existing wood deck. The Code requires there to be a 15' side yard setback; Applicant has 11'; Variance requested is for 4'. The Code also requires a 20' rear yard setback; Applicant has 0'; Variance requested is for 20'. This property is located at 36 Lacona Drive (RPL-10 Zoning District).

Chairman Buzzutto stated okay. Mr. Pinchbeck. You've been here a few times. Good evening again. You said you wanted to get in touch with somebody, so we held the meeting over.

Mr. Robert Pinchbeck stated yes. I asked for an opportunity to go up there and look at your proposal of 10 feet, and no matter which way I measure, remeasure, crawled under, crawled on top of, done everything I can with this deck, and anything I take away from it is going to expose, you guys have seen, bedrock, which I'm saying it's not even safe.

Chairman Buzzutto stated right.

Mr. Pinchbeck stated so, what I'm going to ask is that if we can consider anywhere from 12 to 16 feet, which would allow me to maybe even save the steps on the left side and, you know, I'll go with that. I mean, I'll do whatever I'm asked to do. And it's not going to be my decision, but...

Chairman Buzzutto stated well, you're asking to have a 12' deck, not a 12' setback.

Mr. Pinchbeck stated well, I mean, the original request was for 20'. I think we left here last month you had, you know, proposed 10 [feet].

Chairman Buzzutto stated 10 [feet], yes.

Mr. Pinchbeck stated I'm saying 2 to 12...Anywhere from 16 [feet] to 12 [feet], which will allow for, you know, an adequate space against the neighbor's property, and minimize what looks like the moon underneath the deck.

Chairman Buzzutto stated okay.

Board Member Bodor stated well let me...Let me understand you. You're talking about 12 to 16 rear yard or deck size.

Mr. Pinchbeck stated yes.

Board Member Bodor stated what are we talking about.

Mr. Pinchbeck stated I need 20 [feet], I have zero. And I guess what I'm asking is, you know, anywhere from 4' to 6' from the property line.

Board Member Bodor stated 4 to 6 from the property line. Okay.

Mr. Pinchbeck stated yes. From the neighbor's property line.

Board Member Bodor stated alright.

Mr. Pinchbeck stated and that will secure, you know, the side steps that step over the left side of the deck. That will actually goes...You know, I looked at the under pinnings underneath.

Board Member Bodor stated 6' would give you the existing steps intact.

Mr. Pinchbeck stated yes. Yes, I think roughly, you know, with a tape measurer.

Chairman Buzzutto stated with steps intact, you're talking about this one over here.

Board Member Bodor stated these steps over here on the side.

Chairman Buzzutto stated yes. That looks just like a one step deal there.

Board Member Bodor stated so you would be willing to follow the line of the property line across.

Mr. Pinchbeck stated yes. I mean, if that's what it calls for.

Board Member Bodor stated giving you a 6' buffer there, to the property line.

Mr. Pinchbeck stated right.

Chairman Buzzutto stated well, we were asking, what, 10 [feet], but...

Board Member Bodor stated yes.

Chairman Buzzutto stated that would be...I think I drew...Yes, I drew the line across on this one here...

Board Member Bodor stated yes.

Chairman Buzzutto stated similar to what you said, yes.

Board Member Bodor stated yes.

Mr. Pinchbeck stated I mean, I guess once you get a number, I may be willing to, you know, have them come back out, restake it again, mark it. See exactly what's going to happen. Again, I'm just...

Chairman Buzzutto stated well, the deck would have to be cut on an angle, the way that I look at it here.

Board Member Bodor stated to follow the property line.

Chairman Buzzutto stated to follow the property line, yes.

Mr. Pinchbeck stated right.

Board Member Bodor stated yes.

Mr. Pinchbeck stated okay, if that's what it took, that's what it would be.

Chairman Buzzutto stated yes, that's...Yes, that's...

Board Member Bodor stated whatever it is that may be granted, it would have to be consistent going along for the property line to the deck.

Mr. Pinchbeck stated yes.

Chairman Buzzutto stated yes.

Board Member Bodor stated right across.

Chairman Buzzutto stated yes, if it's 5' on one side, it's got to be 5' on the other side, or whatever...

Board Member Bodor stated whatever it is.

Chairman Buzzutto stated whatever we're going to...

Mr. Pinchbeck stated I think that the largest part of the variance is on the left, I mean...How do I explain this. I've got more room on one side than I do on the other.

Board Member Bodor stated yes.

Mr. Pinchbeck stated so I guess I'm looking at the minimum side...

Chairman Buzzutto stated yes.

Mr. Pinchbeck stated and asking from that. Because the deck and the property fan out after that. So I don't think I'd have a problem.

Chairman Buzzutto stated okay.

Mr. Pinchbeck stated you know, even if it was cut on an angle, I...it's going to be more than what I'm asking for. More than half of it.

Chairman Buzzutto stated well, what do you think about that proposal. That...I'm looking at the old...'91. This is 2010. How's that feel to you, rather than the 10.

Board Member Olenius stated it's better than a 0.

Board Member Herbst stated yes.

Chairman Buzzutto stated do you want to go to a 5 or a 6.

Board Member Bodor stated no, the applicant is willing to work with us.

Chairman Buzzutto stated yes. Very nice.

Board Member Bodor stated there's a mention of 6. I'm looking at 6 [feet]. That board is about 6 feet wide, so...Maybe a little less (referring to the board in the meeting room). But I'm looking to visualize now the space that we would be referring to.

Chairman Buzzutto stated well...

Mr. Pinchbeck stated and again, it's really...It's not a high volume...It's zero volume as far as traffic.

Chairman Buzzutto stated yes.

Mr. Pinchbeck stated you know, except for the neighbors, it's remote, it's back in the... You guys have been there. It's...

Chairman Buzzutto stated well... Like you said, he's very... willing to work with us on this. I would go with that. Rather than go back to 10, because like you said, there is all outcroppings of rock under there that's...

Mr. Pinchbeck stated yes. Really, it's... I'm doing everything I can to try to minimize...

Chairman Buzzutto stated yes.

Mr. Pinchbeck stated as most...

Board Member Bodor stated 6 foot...

Chairman Buzzutto stated 6 foot.

Board Member Bodor stated rear yard.

Chairman Buzzutto stated or that's what he's requesting...

Board Member Bodor stated is okay with me.

Chairman Buzzutto stated yes.

Board Member Bodor stated it's okay with me.

Chairman Buzzutto stated that's what the applicant's requested.

Board Member Burdick stated me, too.

Chairman Buzzutto stated alright. You got anything written on that so far.

Board Member Olenius stated I can make something up.

Chairman Buzzutto stated okay. Alright, does anybody in the audience have any comments on this particular... Alright, I'd like to see... have a motion to close the public hearing.

Board Member Bodor stated I'll make that motion.

Chairman Buzzutto stated second.

Board Member Herbst stated I'll second it.

Chairman Buzzutto stated meeting closed, thank you. Okay.

Board Member Olenius stated ready for a resolution on that.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF  
*Robert Pinchbeck, Case #15-10*  
*For Area Variances for an Existing Deck***

**WHEREAS, *Robert Pinchbeck*** is the owner of real property located at 36 Lacona Drive (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.56-1-70, and**

**WHEREAS, *Robert Pinchbeck*** has made application to the Patterson Zoning Board of Appeals for area variances, pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to legalize the existing wood deck in the rear of his home, and

**WHEREAS, §154-7 of the Patterson Town Code** requires a 15' side yard setback; Applicant will have 11'; ***Variance requested is for 4'***, and

**WHEREAS, §154-7 of the Patterson Town Code** requires an 20' rear yard setback; Applicant will have 6'; ***Variance requested is for 14'***, and

**WHEREAS,** the proposed action constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under the State Environmental Quality Review Act (SEQRA), and

**WHEREAS,** a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***June 14, 2010, July 21, 2010, August 30, 2010, October 20, 2010, November 22, 2010, and December 15, 2010,*** and a site walk was conducted on ***August 3, 2010*** to consider the application; and

**WHEREAS,** The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearings and finds that:

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because of the existing deck that's been in place for a considerable amount of time which will be cut down under this variance to give a little more room to the adjacent neighbor's property line.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because of the siting of the actual house on the property; It's sited very much to the rear of a rectangular lot.***
3. the variance requested ***is*** substantial ***however not so much as so as to cause a denial.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because as previously stated, the existing deck is much larger and will be cut down substantially, thereby reducing impervious coverage.***
5. the alleged difficulty necessitating the variance ***was not self-created and is not sufficient*** so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED,** that the Patterson Zoning Board of Appeals hereby ***grants*** the application of ***Robert Pinchbeck*** for ***an area variance*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***for 4' from the 15' required for a side yard setback,*** and

**BE IT FURTHER RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Robert Pinchbeck* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for 14' from the 20' required for a rear yard setback*, in order to legalize the existing wood deck in the rear of his home.

Board Member Herbst stated second.

Board Member Bodor	-	yes
Board Member Burdick	-	yes
Board Member Herbst	-	yes
Board Member Olenius	-	yes
Chairman Buzzutto	-	yes

Resolution carried by a vote of 5 to 0.

Mr. Pinchbeck stated thank you. I'll hear from you guys.

Board Member Olenius stated Merry Christmas.

[Laughter]

Chairman Buzzutto stated okay. Good luck.

## 2) **KATHLEEN PETTEY CASE #30-10**

Ms. Kathleen Pettey, Jeff Moore, Harry Nichols Office, and Bill Martin, contractor, were all present.

Chairman Buzzutto stated now we have what. Pettey.

Board Member Bodor stated yes.

Board Member Herbst stated what are we going to do without him now.

Chairman Buzzutto stated okay.

The Secretary read the following legal notice:

### **Kathleen Pettey Case #30-10 – Area Variances**

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to demolish her existing garage and reconstruct and enlarge a new garage. The Code requires a minimum 15' side yard setback; Applicant is proposing 2'; Variance requested is for 13'. The Code also requires a minimum 25' rear yard setback; Applicant is proposing 2'; Variance requested is for 23'. The Code requires lot coverage to be not more than 12%; Applicant will be able to provide 60%; Variance requested is for 48%. This property is located at 35 South Street (R-1 Zoning District).

Chairman Buzzutto stated okay. Ms. Pettey.

Ms. Kathleen Pettey stated hello.

Chairman Buzzutto stated you...We were out to the site walk and you said you were going to come up with...revise the...

Ms. Pettey stated actually. I think we would be happy with (inaudible). Right. Because you sent it. You have this one with you [referring to plans].

Chairman Buzzutto stated is that the original one that we had.

Ms. Pettey stated yes. Well, you didn't have that one. I don't know why you didn't have it, but we gave it.

Board Member Bodor stated this is the revised one.

Ms. Pettey stated no. That's the original one.

Board Member Bodor stated this is what I had originally. That's the one we were given.

Ms. Pettey stated that's my original survey.

Board Member Bodor stated right.

Ms. Pettey stated and then...No, it doesn't have the...

Board Member Bodor stated it doesn't have the...

Chairman Buzzutto stated proposed.

Board Member Bodor stated proposed on it.

Ms. Pettey stated right. And that's why I'm giving it to you.

Board Member Bodor stated no, it's not in our packet.

Ms. Pettey stated okay, well...

Board Member Bodor stated the one that I...

Ms. Pettey stated the original one that was done.

Board Member Bodor stated this is existing.

Ms. Pettey stated right.

Board Member Bodor stated that's what this paper is.

Ms. Pettey stated that's correct.

Board Member Bodor stated okay. And now we've got the proposed on here.

Ms. Pettey stated right.

Board Member Bodor stated which was not seen until right now. Okay.

Board Member Olenius stated can we get copies of that.

Board Member Bodor stated can you make some copies of this.

Chairman Buzzutto stated thank you.

[The Secretary made copies of the proposed plans for the Board].

Board Member Bodor stated now that which Sarah is copying right now with the proposed on it, is that with...as a result of our site walk or was that the original, original.

Ms. Pettey stated that was the original.

Board Member Bodor stated okay.

Chairman Buzzutto stated so what were the changes that you were going to bring to us.

Ms. Pettey stated well, actually...

Chairman Buzzutto stated well, wait a minute. She's coming back. This is the paperwork [referring to the Secretary coming back with copies of the proposed plans].

Board Member Herbst stated that was fast.

Jeff Moore stated thanks.

Tim Curtiss stated oh, thanks.

The Secretary stated you're welcome.

Chairman Buzzutto stated alright.

Ms. Pettey stated I think after the site walk, I believe everything was pretty, you know, good with everything, except for the 5' in the back when I was asking on there to bring the garage to the back of the property line to be equal with the other two: one on each side.

Chairman Buzzutto stated right.

Ms. Pettey stated just put it back there; that 5' back there. And this gentleman had, you know, a problem with the impervious, or whatever that is.

Chairman Buzzutto stated right. That's...

Ms. Pettey stated and to, you know, not put it back that far and put it instead up 8'. And I brought Bill and Jeff here. That's because I don't really, you know, understand...

Chairman Buzzutto stated yes, okay. Fine.

Ms. Pettey stated why. I'm not sure why, but I would not be able to turn a car around if it was up 8'. I wouldn't be able to maneuver there. So, it needs to go back. And what I would like to propose is that if we take 2', you know, leave 2' of impervious back there, and take 3', put it back 3', and then change the...instead of it being 30', make it 28'. So there's another 2 [feet]. And then in exchange I would take my greenhouse down, which is 8' x 10'. And that would pretty much...

Chairman Buzzutto stated the greenhouse in front there.

Ms. Pettey stated yes. But that would open up impervious. And then the shed's got to go...

Chairman Buzzutto stated but what's under...We didn't check under...

Ms. Pettey stated ground is under it.

Chairman Buzzutto stated is it ground or blacktop.

Ms. Pettey stated yes. No, it's ground.

Board Member Olenius stated it's ground.

Ms. Pettey stated yes.

Board Member Bodor stated where.

Chairman Buzzutto stated under the greenhouse.

Board Member Bodor stated oh, I thought you meant...

Ms. Pettey stated I would take my greenhouse and I would take that other shed that's down lower, that's 12' x 6'.

Chairman Buzzutto stated yes.

Ms. Pettey stated I'll take both of those down to open up even more.

Chairman Buzzutto stated in other words, you're pushing it back...

Ms. Pettey stated 3' instead of 5'.

Chairman Buzzutto stated 3' closer to the easement.

Ms. Pettey stated right. Push it back 3'.

Chairman Buzzutto stated push it back there.

Ms. Pettey stated and then 2' off the measurement itself, and then it only has to come up 3' in the front.

Chairman Buzzutto stated well, there was a question that came up that was put...that Rich...about putting maintenance to the building, about putting a ladder up in the back to get to the structure. They say 2'...I don't know if that's...

Tim Curtiss stated if it's even going to be possible to do.

Chairman Buzzutto stated it's going to be possible to do. Is that relevant to this particular...

Tim Curtiss stated I just want to ask Kathy, there's a proposal here for a 2 feet setback, right, from this drawing.

Ms. Pettey stated yes.

Tim Curtiss stated and you're saying you're going to build the building 2' shorter, so you're going to end up with a 4' setback back there. Is that what you're going to end up with.

Ms. Pettey stated there's 5' back there.

Tim Curtiss stated 5 feet.

Ms. Pettey stated 5'.

Tim Curtiss stated so 5' on the back...

Ms. Pettey stated right. And then...

Tim Curtiss stated and then how much on the sides.

Ms. Pettey stated all the other garages are right on the property line. So I just wanted to push mine back there, too, so I wouldn't have to bring it up 8'.

Tim Curtiss stated okay.

Ms. Pettey stated but rather than doing that, to compromise, we're thinking if we just bring it back 3' and then knock 2' off the measurement, that would be...

Tim Curtiss stated that would...You would get your 5'.

Ms. Pettey stated that would be the 5'.

Tim Curtiss stated okay.

Ms. Pettey stated and then leaving 2' in the back.

Tim Curtiss stated 2' on the sides or...You've got 5' in the back, because you've just explained you're going to...

Ms. Pettey stated correct.

Tim Curtiss stated you're going to move this 3 [feet] and then you're going to cut down the size of the building 2[feet].

Ms. Pettey stated right.

Tim Curtiss stated so that's 5' on the back. What's going to be the measurement on the sides. Is it going to be the same as...

Ms. Pettey stated the sides will...the sides don't...are already covered by blacktop, so that doesn't fall under that impervious thing.

Tim Curtiss stated okay. But it would still be a 2' setback on each side.

Jeff Moore stated yes. It's 2 feet off the shortest distance because the lot is not parallel.

Tim Curtiss stated right. Got you.

Jeff Moore stated so, towards the front, there's probably more like 4'.

Tim Curtiss stated 4'. Okay. So, just so the Board knows, your proposal is to increase the rear dimension by 3' so you have a 5' setback to the rear and you'd still have the 2' on each side.

Ms. Pettey stated right. And there's also...

Jeff Moore stated 2 foot setback in the rear now, instead of 5...

Board Member Burdick stated a 2 foot setback in the rear.

Chairman Buzzutto stated will it be 5' on the rear.

Board Member Olenius stated no.

Board Member Burdick stated no.

Ms. Pettey stated you'll be taking off 3 feet from the rear.

Chairman Buzzutto stated you'll be taking 3, so you'd have 2 foot.

Ms. Pettey stated right.

Board Member Burdick stated yes.

Chairman Buzzutto stated right.

Ms. Pettey stated but there's also a 45' easement back there...

Chairman Buzzutto stated right.

Ms. Pettey stated conservation and waterline, so...

Board Member Bodor stated but, that's not you're property.

Ms. Pettey stated I know that.

Board Member Bodor stated so it's not useable to you to put your ladder up, or whatever. And the other issue was the property behind...the area behind the existing barn is not paved. So it's not called an impervious surface.

Ms. Pettey stated right.

Board Member Bodor stated you already are in excess of...

Ms. Pettey stated correct.

Board Member Bodor stated the Code, as far as impervious surface goes.

Ms. Pettey stated I know.

Board Member Bodor stated and that's why we wished you to move it forward...

Ms. Pettey stated yes.

Board Member Bodor stated on the blacktop, which is already impervious, instead of adding to impervious coverage.

Ms. Pettey stated right.

Jeff Moore stated that's why you're proposing to trade the buildings; to take those down and gain some of that area back...

Ms. Pettey stated which would gain more area than we would be taking, back there.

Jeff Moore stated because if you take 120 square feet, and this is 80 [feet] and that's 72, so it should add up to...

Chairman Buzzutto stated did you say...on the...was a decrease on the size of the building.

Tim Curtiss stated yes. She said instead of having a depth of 30', she was going to have 28', correct.

Ms. Pettey stated correct.

Chairman Buzzutto stated 28'.

Tim Curtiss stated that would still be 40' across the front.

Chairman Buzzutto stated but you're still going back...

Board Member Bodor stated but she still wants it 2' from the rear line.

Tim Curtiss stated 2' from the property line, yes.

Ms. Pettey stated yes.

Tim Curtiss stated 2' from the property line. I thought your suggestion was to keep that dimension and make it 28' which would give you either 4 or 5 feet from the rear property line.

Ms. Pettey stated there's already 5' from the rear property line. We want to take 3 of those because the building can't come up 8'. If it comes up 8', you won't be able to drive a car on that.

Tim Curtiss stated I'm seeing (inaudible - too many talking). Well, I'm missing that because you're plan only shows a 2' setback on the rear side.

Ms. Pettey stated right. That's what we're proposing.

Board Member Bodor stated that's what they're proposing.

Tim Curtiss stated oh, I've got you.

Board Member Bodor stated currently, it's 5.

Ms. Pettey stated right now it's 5.

Tim Curtiss stated okay, currently it's 5. Okay. I got you.

Board Member Bodor stated and they want to move it back.

Chairman Buzzutto stated can I call...what's that fellow's name.

Bill Martin stated Bill.

Chairman Buzzutto stated Bill.

Bill Martin stated yes.

Chairman Buzzutto stated okay. You redid your...

Bill Martin stated yes.

Chairman Buzzutto stated you want to talk in the mic.

Bill Martin stated yes.

Chairman Buzzutto stated your barn there. You're on the property line, on the easement property line.

Bill Martin stated no. I'm no where's near it.

Chairman Buzzutto stated oh, you're...

Bill Martin stated I had to move, which I didn't want to do, closer to my house. I'm off the property line, probably, 15'.

Chairman Buzzutto stated from the easement.

Bill Martin stated right.

Chairman Buzzutto stated oh, so...

Bill Martin stated I couldn't get down. That was solid rock beneath me.

Chairman Buzzutto stated oh, okay.

Bill Martin stated I was looking at another \$20,000 and...

Chairman Buzzutto stated right, okay.

Bill Martin stated and I wasn't even going to think about that.

Chairman Buzzutto stated I just wanted to make sure that...Okay, fine. Thank you for your input there.

Tim Curtiss stated now, when you say if you move it up you can't turn a car around, you mean you can't back it up and turn it around in the lot. Okay. Alright. And is that like a radius issue or is that just a...

Chairman Buzzutto stated well, there's a big...It's hard to describe.

Board Member Bodor stated geographically, it's...

Tim Curtiss stated oh.

Board Member Burdick stated topography.

Board Member Bodor stated Bill has already told us that he is going to have to excavate anyway.

Chairman Buzzutto stated yes.

Board Member Bodor stated that's in the plan because of the construction. He needs to do some excavation there.

Bill Martin stated we're going to have to do something with that grade, too, right there. And some of that is blacktop right now. And you can lose that...

Ms. Pettey stated yes.

Bill Martin stated you know, you can lose that over...give you more...Bust up the ground, move the blacktop away. But we're going to have to do something; there's a steep slope and a wall there. I may be able to do something there where it will give us a little more room to turn and get in there.

Tim Curtiss stated okay. Because I was going to say, if you level out that grade, can you inch it up a couple of feet and still get the turning radius that you need.

Bill Martin stated possibly. I mean, once we get there, we can do something.

Rich Williams stated Bill. You've got to use the microphone.

Tim Curtiss stated yes. You've got to use the microphone so it gets in the minutes.

Bill Martin stated oh. I thought I spoke loud.

[Laughter].

Bill Martin stated I'm sure we can do something. That wall, and then there's a little slope of the driveway that comes down. They never really built a wall...

Ms. Pettey stated my well's there.

Bill Martin stated your well's there. We can still move some of that rock back. I mean, you're not going to be driving up in there, that's between the two garages. It's tight right now. Let's see, if I put a two-car garage there, it's going to be rough turning to get in there. And you was looking to take the greenhouse and the other shed down. That will give you a little more ground uncovered. I don't know. What can we do to come up with a compromise so it works for her to turn in there and enough...

Tim Curtiss stated well, what if you use the dimension...You know, what if you did a 28' x S28'...25' x 25'...I mean the standard parking is 20' x 10'; parking spot for a car. So if you do a two...You want a two-car garage, right.

Ms. Pettey stated three.

Tim Curtiss stated three. Oh, a three-car garage. Okay. Alright, so then that would be tight for you. You'd be alright with 30' depth, but you'd be tight on...well. If it's 20 x 10 you can do...with a three bay garage you could probably do 35' width and 25' depth, for a three-car garage. I've got it 28' x 30' going now, it's two-car but pretty close to three. It's got stairs and you can put a lawn tractor and stuff like that.

Bill Martin stated you want to get close to that 28', as close as you can to that 28' depth.

Tim Curtiss stated yes.

Bill Martin stated because even a small, let's say a Honda or a Civic or a Ford...

Tim Curtiss stated yes, yes, yes.

Bill Martin stated you need to have room to get around the front...

Tim Curtiss stated yes.

Bill Martin stated or...

Tim Curtiss stated get around back. Yes, true.

Bill Martin stated it's kind of tight.

Chairman Buzzutto stated where that front door is, Tim, there's like a retaining wall that comes out maybe 15' from the door. It's about that high. So it's pretty hard to...Unless you were going to take it back...

Tim Curtiss stated right.

Chairman Buzzutto stated because of the retaining wall. And then the little drive up on the side that she would have to come out and then up and down the top of the road.

Bill Martin stated yes. The property next door is a little higher...

Chairman Buzzutto stated yes.

Tim Curtiss stated oh, I see.

Bill Martin stated she's set a little lower...

Chairman Buzzutto stated that's what makes it...

Tim Curtiss stated yes, I know the front. I've never been in the backyard.

Board Member Burdick stated it's amazing how, yes, the slope backed up. I was surprised how steep it was.

Jeff Moore stated there's no contour to the surveys.

Tim Curtiss stated yes, true.

Board Member Bodor stated yes.

Tim Curtiss stated true, true.

Chairman Buzzutto stated you see...Did you have this picture.

Tim Curtiss stated no.

Chairman Buzzutto stated see where that garage door is there [referring to pictures], if you could see on the left of that, basin, that there's a retaining wall maybe, what, 2 feet...3 feet...4 feet high. Maybe...

Jeff Moore stated I'd say...

Ms. Pettey stated yes.

Chairman Buzzutto stated maybe 3 or 4 feet high which extends out another 6 or 8 feet out.

Board Member Bodor stated here, Tim.

Tim Curtiss stated oh, okay. Oh, I see.

Board Member Bodor stated (inaudible) seeing there.

Tim Curtiss stated it is a pretty tight site.

Chairman Buzzutto stated yes. Moving it back on to the...next to the easement there, we were just discussing for maintenance...

Tim Curtiss stated yes, how you get a ladder up. It would be around the backside of the building to...

Chairman Buzzutto stated yes. That would be the big question there. I mean it sounds kind of...

Ms. Pettey stated I mean, how do the other ones do it.

Chairman Buzzutto stated that I don't know.

Board Member Bodor stated they didn't come to us and ask us.

Chairman Buzzutto stated yes.

Board Member Bodor stated maybe their's...I... You know, we don't know, is it new construction or has it been there as long as yours and that's just where it was put originally.

Ms. Pettey stated the one on the...Helen's...Bourdette's is fairly new.

Board Member Bodor stated as I said, they didn't ask us.

Chairman Buzzutto stated and the depth of the garage was how many feet. Thirty was it.

Bill Martin stated we were 30', now we're going...cutting it down to 28'.

Chairman Buzzutto stated 28'.

Board Member Bodor stated which is closer to the proposed which was 26'.

Chairman Buzzutto stated the original...

Board Member Bodor stated on here.

Chairman Buzzutto stated proposal. Yes.

Board Member Bodor stated the original proposal on the application for building permit is 38' x 26'.

Ms. Pettey stated that was before I had an engineer...

Board Member Bodor stated yes, well...

Ms. Pettey stated who told me that was not...

Board Member Bodor stated but that's where it started at.

Bill Martin stated right, right. We're trying to give you something. We're trying...

Chairman Buzzutto stated yes.

Bill Martin stated to make everybody happy here.

Chairman Buzzutto stated and the average length of a car is what, 22...23 feet. Somewhere's...

Tim Curtiss stated the average parking spot is 20 x 10...

Rich Williams stated 10 x 20.

Tim Curtiss stated 10' x 20'. Yes. So the car is usually 18 to 19 feet.

Rich Williams stated it depends on whether it's a car or a truck or...

Tim Curtiss stated car, suburban, whatever. But yes, usually you're standard parking spot in like a shopping center is 10 feet wide, 20 feet long. And that would accommodate most cars. Now, would it give you a lot of walking around room, it may not.

Bill Martin stated that's not enough. That's not adequate for a garage.

Board Member Bodor stated for interior.

Bill Martin stated a parking lot is completely different.

Tim Curtiss stated yes. That's the full car in that parking spot. You're not going to have a lot of room to walk around or get out.

Board Member Bodor stated so 28 [feet] depth gives you 8'.

Tim Curtiss stated yes.

Chairman Buzzutto stated gives you 8 feet. So you could have...

Tim Curtiss stated you have 4 on each end...

Chairman Buzzutto stated 40, 10...

Jeff Moore stated minus the walls.

Chairman Buzzutto stated cut that, maybe, 3 on...Cut 2 feet off of it; 2 feet less.

Board Member Bodor stated a 28 depth.

Chairman Buzzutto stated yes. Well, let's see.

Board Member Bodor stated alright, for a 3-car garage then, you would figure width. Ten, twenty...If you're going with an outside...That's 30 and we've got it at 40' here, so that's 10'.

Tim Curtiss stated yes. They're asking for, basically, what, about 3' width around each car. You know, to get...

Board Member Bodor stated 3, 6, 9.

Tim Curtiss stated it would be 10 feet, and they want 40...

Board Member Burdick stated consider the walls.

Board Member Bodor stated 40' x 28'.

Chairman Buzzutto stated well, the garage itself would be just for parking for the car. It won't be used for maintenance or anything on the car.

Ms. Pettey stated well, 2 of the bays will be used for just parking the car and the 3<sup>rd</sup> bay will be used for if you have to go in there and do something...

Chairman Buzzutto stated yes.

Ms. Pettey stated to your car; change the oil or whatever.

Tim Curtiss stated is this one-story or two-story.

Ms. Pettey stated it's half of one story right now...

Tim Curtiss stated okay.

Ms. Pettey stated it's going to be a full two-story.

Tim Curtiss stated it will be a full two-story. Okay.

Ms. Pettey stated right. It's just going to bring the other side up with, you know...Two story on one side and then it's lower on the other.

Tim Curtiss stated it's a full two story and then...

Chairman Buzzutto stated any ideas on that there.

Tim Curtiss stated okay, got you. Oh, alright.

Chairman Buzzutto stated how much more impervious surface would you get once the greenhouse is down. Would that...

Ms. Pettey stated the greenhouse is 8' x 10' and the other building is 6' x 12'. And plus, some of the blacktop will come up on the side when we do this.

Bill Martin stated 200 square out of the two little buildings and we'll probably get close to 100 square feet...80-100 [square feet] with the blacktop being ripped up that's in between the two garages.

Chairman Buzzutto stated oh, I see.

Jeff Moore stated the outside...

Bill Martin stated we want to take that up. We want to be able... We want some water to go down. You don't want it all going down in there. We'll build a wall...

Jeff Moore stated and impervious would be sort of similar to what it is now by taking the buildings down...

Ms. Pettey stated more than that.

Jeff Moore stated it's definitely over 12% permitted, but if we can keep it at the same number (inaudible – too distant).

Bill Martin stated I would say you're pushing 280-300 square feet that we're going to give you...that we're going to give you, that we're going to take the two buildings away and take the blacktop up. That's a guessimate around there.

Board Member Bodor stated okay, but, what does that do to the percentage of coverage.

Ms. Pettey stated well, we only want to take 120 square feet.

Board Member Bodor stated don't tell...I want to, you know...Applicant can provide 60%. Requesting a variance for lot coverage of 48%. That's a lot. And I'm looking to see...Now, you're going to trade, and I don't know where it's going to fit in.

Bill Martin stated when we trade (inaudible – too distant).

Jeff Moore stated currently, I think it's about 58%. And as it stands, we had 60[percent]. But I figure if we can take the buildings down, it could negate the other 2% increase.

Board Member Bodor stated so it's still going to be in the neighborhood of 60 then.

Jeff Moore stated yes, that's what it is now, 58%.

Board Member Bodor stated yes.

Board Member Olenius stated so you think you could remain at 58%.

Jeff Moore stated right. Yes, without increasing it from what it is now. By taking some of the blacktop...Because the existing part, there is blacktop over here.

Ms. Pettey stated yes.

Jeff Moore stated you know, some of that will be covered by the building, but that pretty much goes up the property line. So that can all be taken out. (Inaudible – too distant). And yes, then the greenhouse and the...

Ms. Pettey stated and then the shed.

Bill Martin stated so roughly, I think, we're going to be staying right at the mark...

Jeff Moore stated the same number...

Bill Martin stated where we first started.

Chairman Buzzutto stated yes.

Board Member Bodor stated that's if it's moved back and there's only a 2' rear yard...

Bill Martin stated right.

Board Member Bodor stated setback.

Chairman Buzzutto stated there's no way we can get around that that I know of. What about the dog run, is that...What are you going to make that...

Ms. Pettey stated I'm going to have make something new for them.

Chairman Buzzutto stated make something new.

Bill Martin stated yes, that's got to go.

Board Member Bodor stated yes, because you're planning on 2' over there.

Chairman Buzzutto stated yes. And that's not blacktop there, is it.

Ms. Pettey stated yes.

Chairman Buzzutto stated that is blacktop there. There for the dogs. Well, that's only the width though, that's not the depth.

Ms. Pettey stated right.

Chairman Buzzutto stated okay. Well...

Board Member Bodor stated I'm still concerned about leaving 2' in the back to the property line. Regardless of the impervious coverage switch. It's just not...2 feet is not much at all. And it's, to me, it's just not appropriate.

Bill Martin stated what can we...What do you need...How much you figuring would...

Board Member Bodor stated you've got 5' now. Leave it at 5'. It's unfortunate that it is that close. It's already in violation, but that's okay, it's there. With me it's okay it's there. I don't want to see it go back any further.

Bill Martin stated I understand.

Tim Curtiss stated so if you...

Jeff Moore stated to make room, suppose we back it up...

Ms. Pettey stated we won't be able to do it then.

Jeff Moore stated because it would cut the (inaudible) it will help. (Inaudible – too distant) isn't really shown exactly on the survey.

Board Member Bodor stated if you take that greenhouse and that other shed out in there, wouldn't you gain that much more turn room.

Ms. Pettey stated no, that's not even near it.

Board Member Bodor stated what is right behind the pool.

Ms. Pettey stated there's, yeah, the greenhouse is right there.

Chairman Buzzutto stated the greenhouse, there's a shed.

Ms. Pettey stated no. The shed's down the other side.

Board Member Bodor stated alright, well, not the shed then. The greenhouse and something else is right there, too.

Ms. Pettey stated there is another shed there.

Board Member Bodor stated okay, if those things are removed, that gives you more turn room.

Ms. Pettey stated well, that one's not...The other one's not being removed. That one's like a...It's the greenhouse and the lower one.

Chairman Buzzutto stated these don't show the pool on here, does it [referring to a survey].

Board Member Bodor stated no, the pool's not on there.

Chairman Buzzutto stated that would give us a better picture...

Board Member Bodor stated the accessory buildings are not on there.

Chairman Buzzutto stated yeah.

Board Member Bodor stated none of them. And that's why, you know, it looks like a big space there.

Chairman Buzzutto stated that's right, yeah. Give us a better...

Bill Martin stated is there another compromise we can come up with. Maybe...

Tim Curtiss stated I'm just thinking if you... Yes. If you... The width of the building, if you made it 28', or even if you left it where it was, it would be a 4' setback, right. I mean, could you go 27', the width of it right where it is. I mean, leave the front of the building where it is, just go 27'.

Bill Martin stated back 27' deep.

Tim Curtiss stated 27 deep and that way if you have a 2' setback, that would give you the 5'. Is that doable.

Bill Martin stated that would work.

Ms. Pettey stated what is it.

Bill Martin stated instead of 28', 27'...

Tim Curtiss stated 27' deep...

Bill Martin stated that's a foot.

Tim Curtiss stated leave the building where it is, because you're showing a 2' setback now, and you get the extra 3', would be 5' off the line still.

Jeff Moore stated you leave the front of the building where it is...

Tim Curtiss stated yeah, leave the front of the building where it is, yes. You just cut... All you're really doing is cutting... instead of being 30', you're cutting 3' off the back and you're giving... ending up with a 5' setback. But you show it 2' off the line right now, if you cut 3' off the building, you would be at 5' on the setback, and you wouldn't have to come up at all. Here, all I'll do is draw it just so you know. I'm just taking the line and I'm drawing right... The back part of your building is right here.

Ms. Pettey stated it's going to be there.

Tim Curtiss stated yes.

Ms. Pettey stated right where it originally is.

Tim Curtiss stated yes.

Ms. Pettey stated right.

Tim Curtiss stated yes. Yes.

Ms. Pettey stated okay. So that's...

Tim Curtiss stated and we're doing is...

Ms. Pettey stated 5 feet.

Tim Curtiss stated yes. What...You've given us 2' right here, you're showing 2 though. And if you take 3 off the building...

Ms. Pettey stated that's 4'.

Tim Curtiss stated that's 5'. You're at 5'.

Ms. Pettey stated okay, and then...But then how wide is the thing.

Tim Curtiss stated oh, the width stays the same.

Ms. Pettey stated from the depth.

Board Member Burdick stated 27'.

Bill Martin stated 27.

Tim Curtiss stated 27. 27 feet. You got 30' right now, but you offered...you said 28, I said if you go down another foot to 27' instead of 30'...

Ms. Pettey stated is that alright.

Bill Martin stated 27' is doable.

Tim Curtiss stated yes.

Bill Martin stated it's...I have 24' and it's...

Tim Curtiss stated yes. I was going to say go to 27' on your depth and then you've got the 5 feet. You don't have to move the garage up. You've got it in the spot wide enough to turn and probably work. Not...

Ms. Pettey stated so not move it back at all.

Tim Curtiss stated no. You're going to leave it right where it is. You're just trimming the back of the building to give the extra 3'. That's all you're doing.

Bill Martin stated then it would be 27' x 40' instead...

Tim Curtiss stated 27' by...

Bill Martin stated of 28'.

Tim Curtiss stated yes. It would be 27' x 40'.

Bill Martin stated you're losing 1 foot on the deck.

Tim Curtiss stated and that way you've got 5' off of the rear line which is what you want.

Chairman Buzzutto stated the turning radius...

Tim Curtiss stated the width you're okay with.

Chairman Buzzutto stated would still stay the same.

Tim Curtiss stated stay the same because you're not moving the building up.

Chairman Buzzutto stated you're not moving the building up.

Tim Curtiss stated you're just keeping it where it is. You're just trimming the back of the building to get the 5 feet. Does that work.

Ms. Pettey stated ask these guys. I don't know...

Bill Martin stated oh, it will work. I can build it. Is it alright with you is the question.

Board Member Burdick stated Jeff, you look like you have...

Ms. Pettey stated (inaudible – too many talking).

Tim Curtiss stated how about we throw in...

Ms. Pettey stated I'm spending, you know, \$100,000 that I want to be able to put cars in.

Board Member Burdick stated Jeff, you look like you have some concerns. You look like you have some concerns. You're thinking...

Jeff Moore stated I just want to make sure that she'll be able to back out there. Unfortunately I wasn't at the site walk and of course the survey is pretty old. Like when I was still in high school this survey was drawn in 1984.

Board Member Bodor stated exactly. It doesn't have the structures on it.

Jeff Moore stated yes, it doesn't have...It would be a little more helpful if it had the structures.

Board Member Bodor stated yes.

Chairman Buzzutto stated and it still keeps...

Tim Curtiss stated you want to take time to think about it or make plans and...

Ms. Pettey stated we'd like to build this before the heavy snow sets in.

(Inaudible – too many people talking)

Bill Martin stated oh yeah, I definitely want that. I won't go one inch over whatever you tell me because...

Tim Curtiss stated yes.

Bill Martin stated I'm paying for it to take it down. That ain't happening.

Jeff Moore stated yes, so the 46' rear yard (inaudible).

Tim Curtiss stated are we okay.

Ms. Pettey stated can we take 1' back there.

Tim Curtiss stated no. Three.

Ms. Pettey stated 3'.

Tim Curtiss stated that makes you 5'. This way then you have it just the way it is.

Ms. Pettey stated so you're leaving the 5' back there as it is.

Tim Curtiss stated as it is. It's going to stay right where it is. You've given us 2', we're taking 3' off the building, we have 5'. According to the builder, it's okay. You get your cars and, you know, as long as you...

Ms. Pettey stated okay.

Tim Curtiss stated don't buy a suburban you'll be fine.

Bill Martin stated so we're 27'...

Jeff Moore stated by 40'.

Bill Martin stated by 40'.

Tim Curtiss stated by 40'.

Jeff Moore stated as long as we give you the 5', the Board would be happy, but just not increasing that...

Tim Curtiss stated that's what I'm hearing.

Bill Martin stated that works.

Tim Curtiss stated if you have the 5' in the back.

Jeff Moore stated if we can find the corners, if they're staked. Approximately where it would be.

Bill Martin stated well, before we can get...

Chairman Buzzutto stated so, does it sound fair. Well, you know...

Tim Curtiss stated is it doable.

Chairman Buzzutto stated accomplish what you want to do.

Bill Martin stated no problem.

Tim Curtiss stated no problem.

Bill Martin stated Kathy, I see you...

Jeff Moore stated building size is fine.

Ms. Pettey stated well, I don't know because...I don't know. I mean, you have to tell me. That's why you're here.

Bill Martin stated is it going to work, yes. I mean, a foot isn't going to kill us either way. I mean, if you can't turn already when we have it at 28', I'm sure you can get a car in and out of there whether it's 28 or 27'.

Tim Curtiss stated 27. Yes, it's just, you know, you're going to have 8' around, you're going to have 8' front and back as opposed to 7. You're still going to have 2.5' in front.

Bill Marin stated I want you to be happy with...

Ms. Pettey stated alright. As long as it will work, then that's fine.

Jeff Moore stated I think we should just...

Board Member Burdick stated when you guys get out there...Bill, when we get doing construction and doing your grading, if you see that turning radius when you take down some of those buildings are okay, you can go 28' or more, as long as you're going towards the house because it's already impervious coverage.

Bill Martin stated that's a good...

Tim Curtiss stated yes.

Board Member Burdick stated so you still...Because as long as you don't impact the back...

Tim Curtiss stated you can bring it up a foot or two, that's fine, too.

Ms. Pettey stated now change seats with her right now.

Jeff Moore stated you know...

Tim Curtiss stated the big bucks.

[Laughter].

Jeff Moore stated you could probably even stake it out, and we find out it's too close to something, I mean, we then, I mean...

Tim Curtiss stated sure. Let us know.

Bill Martin stated then what do we do. Do we notify you, the Building Inspector, or that we can just do it. Or that we want to make it to 28'.

Board Member Burdick stated well, I would...I guess you would go to the Building Inspector because you would...Your application has to be...Yes, because it's not going to impact us because there's no variance needed on that, the front part. And you're not increasing the impervious coverage because there's already blacktop there.

Bill Martin stated so they wouldn't send us back to you.

Chairman Buzzutto stated yes, just let the Building Inspector...

Tim Curtiss stated no. It wouldn't affect...

Board Member Bodor stated why, are we hard to deal with.

Bill Martin stated no, no, no. Just to hold things up.

[Laughter]

Tim Curtiss stated no, no. You wouldn't come back here because you're not going to affect them. The impervious is the same.

Board Member Burdick stated it would be like a field change. You would probably call Nick, and he would just adjust the paperwork so your CO would be an accurate measurement.

Jeff Moore stated you're going towards the front...

Board Member Burdick stated exactly.

Jeff Moore stated there's no variance required.

Tim Curtiss stated no variance.

Jeff Moore stated 2' on the side.

**TAPE ENDED**

Tim Curtiss stated we're good.

Chairman Buzzutto stated alright, now, let's go over exactly what we're requesting here tonight.

Tim Curtiss stated alright. They're requesting a 5' setback on the rear.

Chairman Buzzutto stated in the rear, yes.

Tim Curtiss stated you've got a 2' side yard setback, and the dimensions of the garage is...are going to be as proposed: 40' in width and 27' depth.

Chairman Buzzutto stated right. Okay.

Board Member Burdick stated and, too, the greenhouse taken down...

Tim Curtiss stated greenhouse taken down...

Board Member Burdick stated and one shed.

Tim Curtiss stated and one shed taken down.

Chairman Buzzutto stated and one shed.

Tim Curtiss stated correct.

Jeff Moore stated and that was some impervious...

Tim Curtiss stated yes.

Jeff Moore stated not increase.

Tim Curtiss stated so that you'll stay at 58% impervious surface so there won't be any change in what exists.

Chairman Buzzutto stated now, if you find, like Tim said, if you find that you can change that, you come to the Building Inspector.

Bill Martin stated yes.

Chairman Buzzutto stated go over it with him and just so he knows what's going on with the measurements, that's all.

Bill Martin stated sure.

Chairman Buzzutto stated is that agreeable.

Ms. Pettey stated yes.

Bill Martin stated that's agreeable by me.

Ms. Pettey stated but I just have one question. If we're not taking any of the 5' in the back, why do I have to take the greenhouse down then.

Tim Curtiss stated because you're impervious surface. You're expanding the size of the building so you're coming up... You're going about that 15% impervious surface.

Ms. Pettey stated yes, but it's already covered, that.

Tim Curtiss stated yes...

Bill Martin stated we're trying to give that so we wind up at the same...

Tim Curtiss stated same... When the garage is built, you have the same impervious surface that you have now.

Ms. Pettey stated okay.

Tim Curtiss stated so you're going to stay at the 58%.

Ms. Pettey stated but we would. Even if we didn't take the greenhouse or the other shed because we're not going in the back there.

Jeff Moore stated we're not going back now, yes.

Ms. Pettey stated we're not going back. We're not taking that.

Board Member Burdick stated you might find that you need the greenhouse down to get the...

Tim Curtiss stated the radius for the cars.

Board Member Burdick stated if you want to make the...

Tim Curtiss stated if you want to come forward with it...

Board Member Burdick stated get your 28'.

Tim Curtiss stated it may be to your benefit because if you take that greenhouse down, you may get more turning radius so you can build... You can get...

Ms. Pettey stated well, I understand that. Me saying I'd take the greenhouse down was a big deal for me.

Tim Curtiss stated I understand that. I understand that you have a green thumb and...

Ms. Pettey stated because my stuff's in there. I do stuff in there.

Tim Curtiss stated and you like the plants and you're going to grow orchids this spring. I understand that.

Ms. Pettey stated so, can we just leave it that if I can't maneuver there I take it down, and if not I can leave it there.

Tim Curtiss stated I would say you have to ask the Board.

Board Member Olenius stated honestly, it would be your decision...

Board Member Burdick stated yes.

Board Member Olenius stated because right now, you currently exist at 58%.

Ms. Pettey stated right.

Board Member Olenius stated by you not going back and infringing on that 5'...

Board Member Burdick stated yes.

Board Member Olenius stated you're not changing it.

Board Member Burdick stated yes.

Board Member Olenius stated so I don't have to increase beyond what you already have. So that's a personal decision.

Chairman Buzzutto stated yes.

Tim Curtiss stated if you're very attached to the greenhouse, so be it.

Ms. Pettey stated well, I am.

Tim Curtiss stated okay.

Ms. Pettey stated I'm attached to everything like that.

Tim Curtiss stated I understand. It's...I understand. Well, yes. I guess it would...

Chairman Buzzutto stated do we have to write the resolutions tonight on that.

Board Member Bodor stated why not.

Tim Curtiss stated I think you got them. Rich was kind enough to give us, I think, a proposed...Yes. Kathleen. Oh, I never knew it was Kathleen. Kathleen Pettey. He gave us an area variance that we can probably work up because we know the dimensions now are going to be...

Board Member Burdick stated Lars, you have it done, don't you.

Board Member Olenius stated yes.

Board Member Burdick stated Lars has it done.

Tim Curtiss stated 27' x 30' as opposed to 30' x 40'. And we know what the lot and the rear yard and the... You still are going to take down the one shed, correct. I just want to know for the resolution.

Ms. Pettey stated well, do I have to.

Tim Curtiss stated you don't have to do anything. It's... I mean, your preferences might change. That's up to you.

Ms. Pettey stated well, I might. I might be having a lot of work to do here. So maybe I will take that one down.

Tim Curtiss stated alright, because we're going to put it in the resolution, so yes.

Ms. Pettey stated then I have to take down that shed. Well, what...

Tim Curtiss stated yes, you have to take it down.

Ms. Pettey stated does that have to do with anything.

Tim Curtiss stated no, we're just going to make sure... If you don't want to take it down, you won't...

Ms. Pettey stated we'll leave it for now. I might take it down anyway.

Tim Curtiss stated alright. Okay. So we won't put anything about the shed or the greenhouse in the resolution.

Chairman Buzzutto stated okay. It's agreeable.

Tim Curtiss stated alright. Lars is ready to let it rip.

Chairman Buzzutto stated alright.

Tim Curtiss stated yes, let it rip.

Chairman Buzzutto stated okay. There's nobody in the audience...

Board Member Bodor stated make a motion to close the public hearing.

Tim Curtiss stated yes.

Chairman Buzzutto stated that's right. So I make a motion to close the public hearing.

Board Member Herbst stated second.

Tim Curtiss stated all in favor. Motion carried by a vote of 5 to 0.

Tim Curtiss stated okay.

Chairman Buzzutto stated meeting closed.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF  
*Kathleen Pettey, Case #30-10*  
*Area Variances for a Detached 40' x 27' Garage***

**WHEREAS, *Kathleen Pettey*** is the owner of real property located at 35 South Street (R-1 Zoning District), also identified as **Tax Map Parcel #3.20-2-8, and**

**WHEREAS, *Kathleen Pettey*** has made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to demolish her existing 32' x 22' garage and reconstruct a new 27' x 40' garage, and

**WHEREAS, §154-7 of the Patterson Town Code** requires a 15' side yard setback; Applicant will have 2'; ***Variance requested is for 13'***,

**WHEREAS, §154-7** requires a 25' rear yard setback; Applicant will have 5'; ***Variance requested is for 20'***,

**WHEREAS, §154-7** requires not more than 12% impervious surface coverage; Applicant will have 58%; ***Variance requested is for 46%***, and

**WHEREAS, the proposed action** constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under the State Environmental Quality Review Act (SEQRA), and

**WHEREAS, a public hearing** was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***November 22, 2010 and December 15, 2010***, and a site walk was conducted on ***December 4, 2010***, to consider the application; and

**WHEREAS, The Patterson Zoning Board of Appeals** has given careful consideration to the facts presented in the application and at the public hearings and finds that:

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because all adjoining properties have similar situations with detached barns or garages in the rear, close to the rear line.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the physical constraints of the property...***

Tim Curtiss stated dimensions of the lot.

Board Member Olenius continued to read the following resolution:

***dimensions of the lot.***

3. the variance requested ***is*** substantial ***however not so much so as to cause a denial of the requested variance.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or

environmental conditions in the neighborhood or district *because through agreement, the impervious coverage will not increase from what it currently is and has been for quite some time.*

5. the alleged difficulty necessitating the variance *was not self-created and is not sufficient* so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Kathleen Pettey* for *area variances* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a 13' variance from the 15' required for a side yard setback, and a 20' variance from the 25' required for a rear yard setback*, and

**BE IT FURTHER RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Kathleen Pettey* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, *of 46% impervious coverage from the 12% required*, in order to demolish...

That's not right. I didn't read that right.

Board Member Olenius continued to read the following resolution:

*58% impervious coverage from the 12% required*, in order to demolish her existing 32' x 22' garage and reconstruct a new 27' x 40' garage.

Board Member Bodor stated I'll second.

Board Member Bodor	-	yes
Board Member Burdick	-	yes
Board Member Herbst	-	yes
Board Member Olenius	-	yes
Chairman Buzzutto	-	yes

Resolution carried by a vote of 5 to 0.

Tim Curtiss stated alright.

Chairman Buzzutto stated okay, good luck.

Tim Curtiss stated good luck on the garage.

Bill Martin stated I love coming to these.

Board Member Olenius stated start...

Tim Curtiss stated anytime, Kathleen.

Ms. Pettey stated you'll have to come over and take a walk around.

Tim Curtiss stated I'll have to.

Board Member Olenius stated good luck.

Chairman Buzzutto stated thank you for your input.

Board Member Olenius stated yes, thank you very much.

Tim Curtiss stated oh, no. Trust me, I like it. I have the (inaudible) and that was once, and once only. Never again.

Bill Martin stated I've seen the racks on your truck and I said, oh, he's a contractor.

Board Member Olenius stated I used to.

Bill Martin stated you used to.

Board Member Olenius stated I used to. I work for a school now.

Bill Martin stated oh, okay. Good for you.

Board Member Olenius stated I retired.

Bill Marin stated you won't be outside freezing then.

[Laughter]

Tim Curtiss stated okay guys. Done with this batch.

Chairman Buzzutto stated yes. We want to thank you for your...

Board Member Bodor stated bye.

Tim Curtiss stated oh, you're welcome.

Chairman Buzzutto stated you were very helpful.

Tim Curtiss stated all I did was a little quick math. Front of the building, from the side, okay, we're good. Just a little quick math.

### **3) OTHER BUSINESS**

#### **a) Revised 2011 Meeting Schedule**

Board Member Bodor stated oh, revised meeting schedule.

Chairman Buzzutto stated yes.

Board Member Bodor stated that's why we have two.

Chairman Buzzutto stated revised meeting schedule. What did we do with that.

The Secretary stated the Town Board came out with theirs and there were conflicts. So, I changed some dates.

Tim Curtiss stated yes, they have a couple of meetings where they go to the third Wednesday of the month instead of the second or the fourth. One is in November, so that's going to change yours, and the other is...

The Secretary stated September.

Tim Curtiss stated September, yes. Because I guess of the Labor Day holiday or something. I don't know.

The Secretary stated I don't know why.

Tim Curtiss stated I don't know why they did it that way either but they did do a couple of fluky things, so...

The Secretary stated and then April's changed.

Board Member Bodor stated and then April, too.

Tim Curtiss stated yes.

Board Member Bodor stated alright, so the one with the asterisk on it is the revised one.

The Secretary stated right.

Tim Curtiss stated yes.

The Secretary stated and those are different meeting days than Wednesday.

Board Member Bodor stated yes. I see that.

Tim Curtiss stated yes.

The Secretary stated so that's why.

Board Member Bodor stated I'm folding the other one in half right now.

Chairman Buzzutto stated alright. April 25<sup>th</sup> would be on what day.

Board Member Bodor stated this is...April 25<sup>th</sup> and November...

Chairman Buzzutto stated oh, I see.

Board Member Bodor stated 21<sup>st</sup> are Monday nights.

Chairman Buzzutto stated are Monday nights. Okay.

Board Member Bodor stated and September 20<sup>th</sup> is a Tuesday night.

Chairman Buzzutto stated right. Very good. Very well.

Board Member Bodor stated I make a motion to accept the revised meeting schedule at this time. Changes could be determined as we go along, however.

Chairman Buzzutto stated right. Yes, okay.

Board Member Olenius stated second.

Chairman Buzzutto stated all in favor. Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated okay. That will do it. Okay.

**b) Minutes**

Board Member Bodor stated minutes from November 22<sup>nd</sup>.

Board Member Olenius stated I'll make a motion to approve the minutes.

Board Member Bodor stated second. I'll second it.

Chairman Buzzutto stated all in favor. Motion carried by a vote of 5 to 0.

Board Member Burdick stated I thought you were seconding it. So when you said second, I thought you were seconding it.

[Laughter]

Board Member Bodor stated I was looking for a second.

Board Member Burdick stated I thought you were.

Chairman Buzzutto stated it did sound like a question mark.

[Laughter]

Board Member Bodor stated are we finished ladies and gentlemen.

Tim Curtiss stated I think we're done.

Board Member Bodor stated I make a motion to adjourn the meeting.

Board Member Burdick stated second.

Chairman Buzzutto stated all in favor. Motion carried by a vote of 5 to 0.

Meeting was adjourned at 7:56 p.m.