

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
January 22, 2014**

AGENDA & MINUTES

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3) Albert (Ricky) Stever Case #21-13	10 – 20	Public hearing opened & closed: Area variances of 6' and 8' for front yard setbacks for a wrap-around porch granted.
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c) Minutes	41 – 42	November 19, 2013 minutes approved.

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Lars Olenius, Chairman
Howard Buzzutto, Vice Chairman
Mary Bodor
Marianne Burdick

PLANNING BOARD

Shawn Rogan, Chairman
Thomas E. McNulty, Vice Chairman
Michael Montesano
Ron Taylor
Edward J. Brady, Jr.

**Zoning Board of Appeals
January 22, 2014 Meeting Minutes**

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

Present were: Chairman Olenius, Board Member Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Nancy Tagliafierro, Attorney with Town Attorney’s Office and Richard Williams Sr., Town Planner.

Chairman Olenius called the meeting to order at 7:02 p.m.

There were approximately 5 members of the audience.

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

Chairman Olenius led the salute to the flag.

Roll Call:

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

1) DESIGN CONCEPTS ENGINEERING, PC CASE #14-13

The Secretary stated so...

Chairman Olenius stated go ahead.

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, January 22, 2014 at 7:00 p.m. at the Patterson

Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

Design Concepts Engineering, PC Case #14-13

Chairman Olenius stated is still being over one more month. Still waiting on a decision from the Town Board as to...if they want to amend zoning for the Fire Department. So, just move on to the next...

2) SHAWN ROGAN & MARIANNE BURDICK CASE #20-13

Shawn Rogan and Marianne Burdick were both present.

The Secretary read the following legal notice:

Shawn Rogan & Marianne Burdick Case #20-13 - Area Variance

Applicants are requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct a 24' x 36' two-story detached garage. The Code requires a 20' side yard setback, Applicants will have 13'; Variance requested is for 7'. This property is located at 215 McManus Road South (R-4 Zoning District).

Chairman Olenius stated Mr. Rogan.

Board Member Burdick stated Chairman Olenius, I will recuse myself.

Board Member Buzzutto stated okay, Mrs. Rogan.

Board Member Burdick stated Burdick.

Mr. Shawn Rogan stated under the hot light.

Board Member Buzzutto stated alright.

Mr. Rogan stated Shawn Rogan. 215 McManus Road South. Good evening, Board.

Chairman Olenius stated good evening.

Board Member Bodor stated good evening.

Chairman Olenius stated do you swear the testimony you provide tonight will be the truth and the whole truth.

Mr. Rogan stated I do.

Chairman Olenius stated thank you very much.

Mr. Rogan stated thank you.

Chairman Olenius stated go ahead, fire away. Fill us in a little bit.

Mr. Rogan stated okay, so we're proposing to construct the garage, that you have in the application, attached to an existing 16' x 16' shed. Both because of architectural elements and slope requirements we are looking to shift the shed a little bit closer to the property line so that it fits with the design elements of that structure. We don't have, as you can see from the application and I think many of have been out to the site previously, we don't have any neighbors and there's no...nothing but open space around us. Closest neighbor is about 700' away. So it's a very remote site. And we'll still be able to maintain separation distance from the property line for access and maintenance of the building.

Chairman Olenius stated did you say shift the existing shed.

Mr. Rogan stated no. No.

Chairman Olenius stated oh.

Mr. Rogan stated I'm sorry. Shift the proposed shed to align architecturally and (inaudible – coughing) so that the existing shed will be centered on the proposed structure.

Chairman Olenius stated so the existing is getting melded into the...

Mr. Rogan stated correct.

Chairman Olenius stated new construction.

Mr. Rogan stated correct. It will be adjoined; physically connected. Same elevation slab. And the architectural sheet that you have, Chairman...Mr. Chairman, shows that.

Chairman Olenius stated oh, okay. That's the lower portion that I'm seeing, this front elevation.

Mr. Rogan stated that's correct. That's the...

Chairman Olenius stated that's the existing one.

Mr. Rogan stated correct. The structure on the right is the existing structure. The larger structure is the proposed tying in. You'll see that on the bottom left corner it shows the two gables, one over the top of another. That would be the entrance profile. We've tried to meld the two structures in pleasing architectural style. And it will match the existing structure of the house and the shed with log siding so that it fits into the...

Chairman Olenius stated oh, it's log siding. It's not actual...

Mr. Rogan stated that will be log siding, correct.

Chairman Olenius stated oh, okay.

Mr. Rogan stated the house is both log siding and solid log.

Chairman Olenius stated it's very nice looking.

Mr. Rogan stated the original concept was a bit larger in footprint, but because of the slope that we...we're close to...we changed the layout to be a little more conservative of impacts.

Chairman Olenius stated I'm just smiling because in my mind bigger is always better, too, but...

Mr. Rogan stated yes, me too, but...

Chairman Olenius stated the reality of finances sometimes dictates.

Mr. Rogan stated yes. And the existing slope was...You know, as you get further, obviously, towards the slope, it became a little more difficult for stabilization and fill requirements. And so we wanted to minimize those impacts of course.

Chairman Olenius stated what's the distance...what will the distance be between the proposed new construction being that it overlaps the existing one to the existing residence. What's the...

Mr. Rogan stated our residence.

Chairman Olenius stated yes. Approximately.

Mr. Rogan stated probably a hundred and...About 110', give or take.

Chairman Olenius stated that's a pretty good space there.

Mr. Rogan stated yes. I'm guessing on that. But I believe it's about 100 or so feet.

Chairman Olenius stated and you have a very large lot but where your house is sited is kind of up towards the property lines for a lack of a better word.

Mr. Rogan stated yes, you can say that. Sure.

Chairman Olenius stated your lot...

Ms. Marianne Burdick stated because of the topography and ledge.

Mr. Rogan stated yes, a good bit of the rear of the lot is steep slopes over 20, 25% to the rear.

Board Member Bodor stated drop off.

Mr. Rogan stated correct. In fact, the back line that you see on there is the stonewall. Below that line is unusable property and every buildable sense, you know. We certainly can walk and hike on it but it's very steep going down towards the adjacent property.

Ms. Burdick stated it abuts Wilbur Herrlich, just to give you...

Board Member Bodor stated okay.

Mr. Burdick stated so that slope that goes up behind...

Board Member Bodor stated right. Okay.

Ms. Burdick stated there, that's the steepness.

Chairman Olenius stated and your septic system is on the opposite side of your residence.

Mr. Rogan stated correct.

Chairman Olenius stated who owns the property that this is adjacent to where this proposed structure is going.

Mr. Rogan stated you mean the closest neighbor to the other side...

Chairman Olenius stated closest...

Mr. Rogan stated is Wilbur Herrlich property which is owned by Putnam County.

Chairman Olenius stated okay.

Mr. Rogan stated it's open space property at this point.

Chairman Olenius stated it's not that actual residence that's 700' away. It's...

Mr. Rogan stated no. That would be across the street.

Chairman Olenius stated okay.

Mr. Rogan stated that's directly to the east. And that is shown on the survey. I drew a line with a... Yes. They're directly across the street. That's John and Rita Depasquale.

Chairman Olenius stated okay.

Mr. Rogan stated good friends of ours. And we've spoken to them about this because they're the only people who actually would be able to see this structure even though their house is approximately 700' away from this proposed action. And...

Board Member Buzzutto stated you still can see that in McManus Road where you live.

Mr. Rogan stated say that again.

Board Member Buzzutto stated McManus Road, that's still your... Does McManus run from [Route] 311 right out to...

Mr. Rogan stated no.

Board Member Buzzutto stated they never did.

Mr. Rogan stated no. It's...

Ms. Burdick stated they're not connected.

Board Member Buzzutto stated they're not connected.

Mr. Rogan stated no.

Board Member Buzzutto stated okay.

Mr. Rogan stated we constructed...

Ms. Burdick stated we...

Mr. Rogan stated our driveway...I'm sorry.

Ms. Burdick stated that's okay. We come off from Bullethole [Road].

Board Member Buzzutto stated okay.

Board Member Bodor stated this shows the [De]Pasquale residence from [referring to a picture]...

Mr. Rogan stated that's correct.

Board Member Bodor stated the proposed site. Where were you standing.

Mr. Rogan stated yes. From right where...Right in front of the existing garage.

Board Member Bodor stated okay.

Mr. Rogan stated yes.

Board Member Buzzutto stated your driveway's long enough to have a Town name.

[Laughter].

Mr. Rogan stated you have any proposed names.

Board Member Buzzutto stated proposed names.

Ms. Burdick stated yes. The driveway is about a half a mile.

Mr. Rogan stated yes.

Board Member Buzzutto stated that's quite a house you got there. It's the first time I've seen it.

Mr. Rogan stated I'm not sure the pictures that you have...Is that from the tax records. Oh...

Board Member Buzzutto stated no. This is... Well, yes.

Mr. Rogan stated yes.

Board Member Bodor stated yes.

Mr. Rogan stated okay.

Board Member Buzzutto stated Marianne did all the work building that though, I heard.

Mr. Rogan stated she did. It's true. It doesn't look like your photocopies worked. Sometimes it's difficult to photocopy maps.

Board Member Buzzutto stated yes.

Mr. Rogan stated the one...Mr. Chairman, the one you're looking at looks like it's a little bit dark. But that was supposed to be a Google overlay of the property and as it relates.

Chairman Olenius stated I can get an idea, of, you know...

Mr. Rogan stated yes.

Chairman Olenius stated I know exactly where you are and what's going on here. I'm just thinking to myself...

Board Member Bodor stated this one's a little lighter [referring to a copy of a map submitted].

Chairman Olenius stated I have to...

The Secretary stated I have the color copies if you want.

Mr. Rogan stated color copies are probably best. And it shows the...

Chairman Olenius stated but GPS...

Mr. Rogan stated the remoteness of the...

Chairman Olenius stated for...

Mr. Rogan stated yes. We have a lot of trees as neighbors.

Chairman Olenius stated how many acres is Camp Herrlich.

Mr. Rogan stated you know what, they have a couple of properties. I believe it's well over 200 acres. And then across the street there's another several hundred acres that's also an open space

preservation. So we're very fortunate to have a lot of undeveloped property around us.

Chairman Olenius stated absolutely. Anybody in the audience have a comment on this case. Hearing none.

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

Board Member Bodor stated I'll second it.

Chairman Olenius stated all in favor. Motion carried by a vote of 3 to 0.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Shawn Rogan & Marianne Burdick, Case #20-13
For an Area Variance for a Side Yard Setback for a 24'x36' Two-Story Garage

WHEREAS, *Shawn Rogan and Marianne Burdick* are the owners of real property located at 215 McManus Road South (R-4 Zoning District), also identified as **Tax Map Parcel #23.-2-70, and**

WHEREAS, *Shawn Rogan and Marianne Burdick* have made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to construct a 24' x 36' two-story addition to the already existing detached garage, and

WHEREAS, §154-7 of the Patterson Town Code requires a 20' side yard setback; Applicant will have 13'; ***Variance requested is for 7'***, 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 ***January 22, 2014*** 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 ***due to the size of the properties around and it would actually enhance the area.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because of topographical issues with the property and in an effort to encompass an existing building with new construction.***
3. the variance requested ***is not*** substantial ***and not so much 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 of the sheer size of the existing property; it just happens to be the only area suitable for expansion upon.*

5. the alleged difficulty necessitating the variance *was self-created but 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 *Shawn Rogan and Marianne Burdick for an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 7' from the 20' required for a side yard setback for an accessory structure in the R-4 Zoning District in order to construct a 24' x 36' two-story addition to the existing detached one-car garage 13' from the side yard property line.*

Board Member Bodor stated I'll second that. But I'd like to though in just a clarification. The second story is for...

Mr. Rogan stated we have not yet sketched it out. It is for hobby space at this time.

Board Member Bodor stated storage.

Mr. Rogan stated yes.

Board Member Bodor stated not living space.

Mr. Rogan stated not yet. It hasn't been designed as such. It would need to be... We'd need to apply for that actually. So...

Board Member Bodor stated okay. The plan is not to have a living space up there at this time.

Mr. Rogan stated correct.

Board Member Bodor stated okay.

UPON ROLL CALL:

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

Resolution carried by a vote of 3 to 0.

Mr. Rogan stated thank you. Have a good evening.

Chairman Olenius stated good luck. You'll have a busy summer.

Mr. Rogan stated you know anybody looking to do an internship on woodworking.

[Laughter].

Mr. Rogan stated we're accepting applications.

Chairman Olenius stated I have a 22 year old at home doing nothing.

Ms. Burdick stated we have a 26 year old at home doing nothing.

[Laughter].

Chairman Olenius stated go ahead.

3) **ALBERT (RICKY) STEVER CASE #22-13**

Mr. Albert Stever was present.

The Secretary read the following legal notice:

Albert (Ricky) Stever Case #21-13 - Area Variances

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct a 2nd story addition and a wrap-around porch. Applicant has two front yards. The Code requires a minimum front yard setback of 15'; Applicant will have 9' from Palisades Road and 7' from Xenia Road; Variances requested are for 6' and 8', respectively. This property is located at 22 Palisades Road (RPL-10 Zoning District).

Chairman Olenius stated I am going to recuse myself from this case as I received the mailing. I am a close neighbor. So this one's all yours.

Board Member Buzzutto stated oh, thank you. Let's see, Stever...Stever.

Mr. Albert Stever stated hi. How are you doing. Good evening, Board.

Board Member Buzzutto stated give your name and address please.

Mr. Stever stated my name is Albert. I go by Ricky Stever. 22 Palisades Road, Patterson, New York 12563.

Board Member Buzzutto stated okay. You solemnly swear to tell the truth, testify...the truth tonight.

Mr. Stever stated yes.

Board Member Buzzutto stated I forgot that. Okay, fine. Okay, you heard the application. Is there any changes in that that you... You agree with what was read here tonight.

Mr. Stever stated yes.

Board Member Buzzutto stated okay.

Board Member Bodor stated it is my understanding you wish to go up on...existing floor...Footprint.

Mr. Stever stated yes. What...Originally, the house was built in 1960. 1980 they only went up with half the house.

Board Member Bodor stated yes.

Mr. Stever stated we would like to go up with the other half so it doesn't look like an "L" shape. And we just thought that the wrap-around porch...Something my wife always wanted and it would also help the structure, too: I also want to come out about 3'. I don't know what it's called. I think it's called a cantilever or something like that. I don't know much. I'm sorry. And that's what we want to do. We wants to give my daughters two rooms.

Board Member Bodor stated okay, so part of the house is already two stories and you want to make the one story part into a second story; kind of even it off.

Mr. Stever stated we're trying, yes.

Board Member Bodor stated okay.

Board Member Buzzutto stated the rooms you are going to put up there are bedrooms.

Mr. Stever stated there're going to be two bedrooms and a bathroom.

Board Member Buzzutto stated okay. Does that need Board of Health approval on the septic, Mary.

Board Member Bodor stated how many bedrooms are there existing.

Mr. Stever stated right now there's three. There's going to be only three.

Board Member Bodor stated it will still be three.

Board Member Buzzutto stated still only be three, okay.

Mr. Stever stated yes.

Board Member Buzzutto stated okay. So you're not increasing the amount of bedrooms. Okay.

Mr. Stever stated no. The only thing we're adding, we're adding an office. Me and my wife...My wife actually has her own business and I also do real estate. So, kids get a little noisy, so we're trying to, you know, add a room for ourselves.

Board Member Buzzutto stated okay.

Board Member Bodor stated are there homes right there in your area, adjoining your property, are theirs two-stories. Or are they one-story. What kind of construction is there.

Mr. Stever stated how our property is, you have Palisades [Road], Xenia [Road] and I forgot the road that comes right here, but there's only one house; they own an acre. But it's just woods and she's not doing anything at this point. She's actually trying to sell her home. And it's a two-story home.

Board Member Bodor stated it's a two-story.

Mr. Stever stated yes.

Board Member Bodor stated okay.

Mr. Stever stated it's two-story.

Board Member Bodor stated alright.

Mr. Stever stated it's all the way back onto County property.

Board Member Buzzutto stated is Palisades [Road]...Where is that located. In...

Mr. Stever stated it's in Putnam Lake.

Board Member Buzzutto stated oh, it's in Putnam Lake.

Mr. Stever stated yes. It's in Putnam Lake. We're in the back part. So if you're on Haviland [Drive]...

Board Member Buzzutto stated yes.

Mr. Stever stated and then you'd make a right on Saginaw and then it goes like Java, then...

Board Member Buzzutto stated right. That would be down near the lake.

Mr. Stever stated no. We're up on the hill.

Board Member Buzzutto stated oh, up on the hill.

Mr. Stever stated we're up on the hill. We're all the way in the back next to...

Nancy Tagliaferro stated closer to the church, right. In the direction of the church...

Mr. Stever stated church...

Nancy Tagliaferro stated but past the old baseball fields and you...

Mr. Stever stated and you make a...

Board Member Buzzutto stated okay.

Nancy Tagliaferro stated make a left and you up back there.

Mr. Stever stated all the way back, yes.

Board Member Buzzutto stated okay. Oh. Alright. Okay, now. And how much property do you have up there. Let's see.

Mr. Stever stated I think...It's...What is it. Less than a...

Board Member Bodor stated you have 5 lots, no. Yes.

Mr. Stever stated yes, I don't know much. I don't know the difference. I'm sorry.

Board Member Buzzutto stated five lots.

Board Member Bodor stated looks like five lots.

Board Member Buzzutto stated five lots. Well, you're not changing anything on the outside of the house. Just the...

Mr. Stever stated no. The only...

Board Member Buzzutto stated everything will be done on the inside.

Mr. Stever stated well, the only thing we're doing we're adding...

Board Member Buzzutto stated oh, the wrap-around.

Mr. Stever stated adding and then putting a wrap-around porch...

Board Member Buzzutto stated okay.

Board Member Bodor stated they're raising the roof on the one part of the house that's only one-story.

Board Member Buzzutto stated oh, I see. They're raising the roof on the back over here.

Mr. Stever stated if you look at the...

Board Member Buzzutto stated over there.

Mr. Stever stated sorry [looking at Board Member's plans]. Yes, we're...

Board Member Buzzutto stated you're raising the roof over there [referring to plans].

Mr. Stever stated raising it over there. Do you have the new plans.

Board Member Buzzutto stated I've got it in here.

Mr. Stever stated if you see, my friend drew this for me.

Board Member Buzzutto stated he did a good job.

Mr. Stever stated yes. She's pretty good. All the grey area, that would be new. So this is the existing right here.

Board Member Buzzutto stated yes, okay.

Mr. Stever stated this would be new. And this would be the new porch.

Board Member Buzzutto stated okay. And how close is this...far to the road here. [Inaudible].

Mr. Stever stated it's...I think it's 15' right now. Or maybe more than that. Because I know were doing...We want to go 9 [feet] and there's still another 7'. So that's already 16' from the road. And the road's...The property is slanted down.

Board Member Buzzutto stated oh, okay. In the back.

Mr. Stever stated no, actually in the front, too.

Board Member Buzzutto stated oh, here. Over here. Over here.

Mr. Stever stated it actually comes...It dips down, yes.

Board Member Buzzutto stated oh, I see. Okay, yes.

Mr. Stever stated yes, we don't even...When we bought the house that fence that's there [referring to the property description picture] it's no longer there anymore.

Board Member Buzzutto stated the...So you need a 6' variance in the front. How many rooms in house are there. Living room, dining room...

Mr. Stever stated we have a kitchen, dining room, living room, a bedroom downstairs which it's an office now. And then we have two bedrooms upstairs for my...One for my daughters and one for me and my wife.

Board Member Buzzutto stated okay.

Mr. Stever stated the downstairs is just big enough for an office. And with the new plans if you can see, we're actually knocking the wall down to make it just one big living room.

Board Member Buzzutto stated inside the house, yes.

Mr. Stever stated inside the house. Yes.

Board Member Buzzutto stated oh, okay. I get, yes. Okay.

Mr. Stever stated let me show you on a plan so you can see (inaudible). We're redoing the whole, basically, the whole house. So, right now this is the existing bedroom, living room and we're knocking this wall down to make one big living room. There's a full bathroom here. We want to make it a half bath/laundry room. And this is the existing, you know, this is the...

Board Member Buzzutto stated well, actually there's only one bedroom in the house as of now.

Mr. Stever stated downstairs.

Board Member Buzzutto stated downstairs, yes.

Mr. Stever stated yes. There's only one bedroom downstairs and two upstairs. The original...Like it says, they raised the house in 1980 to give two more bedrooms so the people living there could live there fulltime and have some people come over. That's what was explained to me.

Board Member Buzzutto stated okay. How do you think the variances are on that, Marianne. Mary.

Board Member Bodor stated I'm sorry. I'm sorry, Buzzy. I wasn't listening.

Board Member Buzzutto stated do I have any input from the audience in here. There are two front yards.

Nancy Tagliafierro stated you are going to have 9' off of Palisades Road so they need 6' off of Palisades Road.

Board Member Buzzutto stated right.

Nancy Tagliafierro stated and then they're going to have 7' off of Xenia [Road] so they're looking for an 8' variance there.

Board Member Buzzutto stated oh, I see. Okay. So it would be an 8' variance.

Board Member Bodor stated yes.

Board Member Buzzutto stated oh, I see. Seven foot...15...Okay. Fifteen. Fine. Eight foot...

Board Member Bodor stated it's 6 and 8 [feet]. One is 6 [feet] and the other is 8 [feet].

Board Member Buzzutto stated right.

Board Member Bodor stated there's two.

Board Member Buzzutto stated right. Okay.

Mr. Stever stated here's the...

Board Member Buzzutto stated now that's not complicated.

Mr. Stever stated the roads. That's Xenia [Road]. That's Palisades [Road] right there.

Board Member Buzzutto stated well, which is this...sort of main...This one be the main...

Mr. Stever stated this is the main road...

Board Member Buzzutto stated main road.

Mr. Stever stated and this is a dead end.

Board Member Buzzutto stated dead end. Okay.

Mr. Stever stated Jim lives and then...

Board Member Buzzutto stated I see, okay. So...

Mr. Stever stated and a lady lives down there.

Board Member Buzzutto stated even though it's a front yard it's still a dead end there.

Mr. Stever stated yes.

Board Member Buzzutto stated yes, okay. So Palisades is the main...This goes right out...back out to Haviland.

Mr. Stever stated no.

Board Member Buzzutto stated no.

Mr. Stever stated you would have to...

Board Member Buzzutto stated that goes out to Shore Drive or Lake Shore.

Mr. Stever stated it's...No. It's up on the mountain.

Board Member Buzzutto stated oh, it's up on top there.

Mr. Stever stated it's on top, yes. Palisades only loops...I don't know what road's all the way down. I just moved into the lake when we bought the house three years ago.

Board Member Buzzutto stated oh, okay. I see. Okay. Alright.

Mr. Stever stated so...I'm originally from Lake Carmel.

Board Member Bodor stated did you say Xenia Road is a dead end.

Mr. Stever stated it's a dead end, yes.

Board Member Buzzutto stated dead end, yes.

Board Member Bodor stated yes. And there's only one structure up in there.

Mr. Stever stated there's two.

Board Member Bodor stated two.

Mr. Stever stated you have Jim and I don't know her name. She's all the way at the end.

Board Member Bodor stated okay.

Mr. Stever stated she's a really nice lady.

Board Member Bodor stated alright. So it's not a really...Not a real busy thoroughfare or anything.

Mr. Stever stated no. Not at all. We might get one or two cars...

Board Member Bodor stated okay.

Mr. Stever stated a day, you know. One reason why we picked it; for the kids.

Board Member Bodor stated where is your septic here in relation to the house. I see the well.

Mr. Stever stated the septic, if you look where the deck is...

Board Member Bodor stated okay.

Mr. Stever stated it's...The septic is actually right outside of the deck. The...

Board Bodor stated the wood porch. Where...Indicated as the wood porch.

Mr. Stever stated yes.

Board Member Bodor stated yes. Okay. So it's over here.

Mr. Stever stated I'm sorry.

Board Member Bodor stated yes.

Mr. Stever stated this is the deck right here.

Board Member Bodor stated oh, it's over there. Oh.

Mr. Stever stated I'm sorry. Where is Palisades [Road]... Okay. Yes, because this is not anything. So it's right here and this is my well. That's my septic.

Board Member Bodor stated okay.

Mr. Stever stated and my fields go into the woods.

Board Member Bodor stated okay. And the wrap-around porch will be on both Palisades and Xenia [Road] going that way.

Mr. Stever stated yes. We were hoping.

Board Member Bodor stated okay.

Mr. Stever stated you know...

Board Member Buzzutto stated the shed is still on your property though. Build, framed shed you got here [referring to the survey].

Mr. Stever stated it's a wood frame. We actually just...

Board Member Buzzutto stated yes.

Mr. Stever stated rebuilt it.

Board Member Buzzutto stated (inaudible). It's certainly is not too close to the house. That's for sure. Mary. Got any more to add, Mary.

Board Member Bodor stated nope, I'm fine.

Board Member Buzzutto stated no. Nobody in the audience want to. I make a motion to close the public hearing.

Board Member Burdick stated second.

Board Member Buzzutto stated all in favor. Motion carried by a vote of 3 to 0.

Board Member Buzzutto stated okay. You going to wing that [referring to the resolution].

Board Member Bodor stated I'll read it.

Board Member Buzzutto stated okay.

Board Member Bodor read the following resolution:

IN THE MATTER OF THE APPLICATION OF

***Albert (Ricky) Stever, Case #21-13
For Area Variances for a Front Yard Setback for a Wrap-Around Porch***

WHEREAS, *Albert (Ricky) Stever* is the owner of real property located at 22 Palisades Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.46-1-21, and**

WHEREAS, *Albert (Ricky) Stever* 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 square off the existing dwelling, dormer the roof to relocate the existing bedrooms and add a vestibule and a wrap-around porch, and

WHEREAS, the Applicant has two front yards: Palisades Road and Xenia Road,

WHEREAS, §154-7 of the Patterson Town Code requires a 15' front yard setback; Applicant will have 9' from Palisades Road and 7' from Xenia Road; ***Variances requested are for 6' and 8', respectively,*** 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 ***January 22, 2014*** 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 ***due to the fact it will in fact enhance the neighborhood giving the home a more pleasurable existence in eye appeal.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the fact that a structure is there, has been there, and is going to be receiving upgrading.***
3. the variance requested ***is*** substantial ***but this is due to the existing size of the residence and the existing lot size. It is not going to have any negative bearing on this application.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because it in fact enhance the property and the whole neighborhood.***
5. the alleged difficulty necessitating the variance ***was not self-created nor is 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 ***Albert (Ricky) Stever*** for ***area variances*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***for a variances of 6' and 8' from the 15' required for a front yard setback in the RPL-10 Zoning District in order to square off the existing dwelling, dormer the roof to relocate the existing bedrooms and add a vestibule and a***

wrap-around porch.

Board Member Burdick stated second.

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

Resolution carried by a vote of 3 to 0.

Board Member Bodor stated okay.

Mr. Stever stated thank you so much, Board, and have a good night.

Board Member Burdick stated thank you. You, too. Good luck.

Mr. Stever stated thank you.

Board Member Buzzutto stated Building Inspector come out.

Board Member Burdick stated do you want me to go get Lars.

The Secretary stated you want me to get him, or...

[Chairman Olenius came back to the dais].

Board Member Buzzutto stated.

Chairman Olenius stated you're too fast.

Board Member Buzzutto stated something's (inaudible).

4) PAUL OLSEN CASE #22-13

Mr. Steve Johnson was present representing Mr. Paul Olsen.

The Secretary stated all right.

The Secretary read the following legal notice:

Paul Olsen Case #22-13 - Area Variances

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize his existing dwelling. Applicant has two front yards. The Code requires a minimum 15' front yard setback. Applicant has 14' from Lake Shore Drive; Variance requested is for 1'. Applicant also has a front yard setback of 0' from Harmon Road; Variance requested is for 15'. The Code also requires a minimum side yard setback of 15'; Applicant has 3'; Variance requested is for 12'. The Patterson Town Code requires not more than 38% of the lot be impervious coverage; Applicant has 42%; Variance requested is for 4%. This property is located at 2 Harmon Road (RPL-10 Zoning District).

Chairman Olenius stated Mr. Olsen.

Mr. Steve Johnson stated I'm Mr. Johnson. I'm taking...He's not around.

Chairman Olenius stated could you just state your name for the record then, please.

Mr. Johnson stated Steve Johnson.

Board Member Bodor stated (inaudible).

Chairman Olenius stated yes (inaudible). So can you explain this situation to us.

Mr. Johnson stated it's all the way it was when he bought the house. I mean, it's...

Chairman Olenius stated and when was that.

Mr. Johnson stated I'd say...I don't know.

Chairman Olenius stated (inaudible).

Mr. Johnson stated eleven or twelve or fifteen years ago. Something like that.

Chairman Olenius stated 2004.

Board Member Bodor stated 2004.

Mr. Johnson stated yes. Okay. And right now, he's just trying to sell the house.

Chairman Olenius stated oh, the house is for sale.

Mr. Johnson stated yes.

Chairman Olenius stated okay. And a title search came up with all these issues.

Mr. Johnson stated I'm not sure how the issues came about. Probably that's it. I mean, someone had bought the house...Someone had bought the house and when they did the title search, all this stuff came up and they backed out.

Chairman Olenius stated okay.

Mr. Johnson stated and we ended up... We tore down the shed.

Chairman Olenius stated okay.

Mr. Johnson stated and I think at that time, he thought that was the only thing that was the problem with the variance and that he needed a variance for so he figured it was easier just to tear it down. But then it turns out all this other stuff came up.

Chairman Olenius stated and this was never found when... This was his mother that purchased the house...

Mr. Johnson stated yes.

Chairman Olenius stated am I correct.

Mr. Johnson stated yes.

Chairman Olenius stated that's the story.

Mr. Johnson stated and none of it had ever come up before.

Chairman Olenius stated and when his mother owned it, she didn't do any improvements...

Mr. Johnson stated no.

Chairman Olenius stated to the property. It's as she bought it.

Mr. Johnson stated yes.

Board Member Bodor stated so in other words, when his mother purchased the property, some of the structures were on the adjoining property.

Mr. Johnson stated I...

Board Member Bodor stated according to the survey there are pieces...

Mr. Johnson stated that are on Town...on the road.

Board Member Bodor stated I don't know. On the...On the easement. The Town...

Mr. Johnson stated right.

Board Member Bodor stated the Highway easement. The...

Mr. Johnson stated correct.

Board Member Bodor stated road easement.

Mr. Johnson stated and the way I understand it, back then, nobody cared.

Board Member Bodor stated uh huh. Is Harmon Road a real road that cars travel, or is it one of these, quote, "paper roads".

Mr. Johnson stated it's a real road.

Board Member Bodor stated it's a real...

Mr. Johnson stated it goes up to Fairfield...New Fairfield. Whatever.

Board Member Bodor stated it's a through road.

Mr. Johnson stated yes.

Board Member Bodor stated it's paved, the whole nine yards.

Mr. Johnson stated yes.

Board Member Bodor stated okay. And it's a Town road, so it's a Town easement there. We've got a fence. We've got some steps. Patio: part of a patio with a roof. Stonewall; some steps going down from that.

Chairman Olenius stated oh, this home is only on two lots. Is that what I'm reading from this survey.

Mr. Johnson stated I guess so. Yes. I mean, I'm not...

Chairman Olenius stated this was one of the real Lake bungalows.

Board Member Bodor stated I guess so.

Mr. Johnson stated for some reason on that patio in the back that's actual a poured slab, it's actually been cut at a 45 degree angle over by where it looks like it's going off into the Town land. I don't know why because the roof goes over the whole thing, too.

Board Member Bodor stated but the slab is chopped off on the corner.

Mr. Johnson stated yes. I don't know why.

Board Member Bodor stated huh.

Chairman Olenius stated and who's Vincent Buccieri that the survey was prepared for.

Mr. Johnson stated was that recently.

Chairman Olenius stated 2013.

Mr. Johnson stated yes. That's the guy that, I think, had purchased...was trying to purchase the house.

Chairman Olenius stated oh, okay. He had it surveyed to show all...

Mr. Johnson stated he had it surveyed...

Chairman Olenius stated the problems and...

Mr. Johnson stated because I don't think there was anything recently done and he wanted to check because at the time everybody thought the shed was over the property line. And that was everyone's concern.

Chairman Olenius stated I see. So, when Mr. Olsen's mother purchased it, she didn't opt for a survey at that time. She might...

Mr. Johnson stated I guess...

Chairman Olenius stated have used the existing survey or whatever.

Mr. Johnson stated yes.

Board Member Buzzutto stated and what was your name, Sir.

Mr. Johnson stated my name.

Board Member Buzzutto stated yes.

Mr. Johnson stated Steve Johnson.

Board Member Buzzutto stated do you have an authorization to...

Board Member Bodor stated yes. It's in the packet.

Board Member Buzzutto stated well, I don't have it here.

Chairman Olenius stated it's in here.

Board Member Bodor stated it's in there.

Board Member Buzzutto stated oh, I didn't see anything. Okay, fine. That's all I want to make sure. Okay. Oh, yeah. Okay. All right, fine. Got you.

Nancy Tagliafierro stated it's not pre-existing...

Mr. Johnson stated what's that.

Nancy Tagliafierro stated nonconforming. The structure. I don't know when...It was built in 1950. I don't know off the top of my head when the Code went into effect...The Zoning

regulations on this area, but that would be the first question I would ask if I were the homeowner.

Chairman Olenius stated could you please grab our resident Code expert [referring to Rich Williams].

The Secretary stated I think just because it's over the property line though, it's not all on their property.

Nancy Tagliaferro stated right. But if it's over the property line that presents a different problem because the Board can grant variances but it can't give them a license to use Town property. That's going to have to come from someplace else, so...

The Secretary stated right. I think what they're doing is seeking the variances to have the 0 [foot] setback...

Nancy Tagliaferro stated yes.

The Secretary stated and then going to go to the Town Board for the licensing.

Nancy Tagliaferro stated got you. That makes sense.

The Secretary stated let me go and grab Rich.

Nancy Tagliaferro stated on Olsen...

Rich Williams stated yes. On Olsen...

Nancy Tagliaferro stated we...I...We just want to clarify this is...We're being asked to consider variances and...

Rich Williams stated correct.

Nancy Tagliaferro stated and the structures that are on Town property, it's going to be a separate consideration to whether or not the Town's going to grant a license for the...

Rich Williams stated correct.

Nancy Tagliaferro stated use of that. Okay.

Rich Williams stated right.

Nancy Tagliaferro stated okay.

Rich Williams stated correct. We're working on that. And everybody I've talked to is fairly favorable about that.

Nancy Tagliaferro stated okay.

Rich Williams stated that was it.

Nancy Tagliafierro stated yes. I just...

Chairman Olenius stated so the structures I see on Town property are just these concrete walkways, basically. The actual structure of the house is maybe right on the line, but it's not over the line.

Rich Williams stated okay. Yes, it's been awhile since I've looked at it but it was mostly the concrete structures. See this corner of the house...

Nancy Tagliafierro stated it's not pre-existing.

Rich Williams stated well, here's the thing, as you know, Counselor, you know, through pre-existing nonconforming has three tests. It needs to be legal when it was constructed...

Nancy Tagliafierro stated right.

Rich Williams stated and comply with zoning. It has to be substantial. You know, certainly you can make the argument that it's substantial, but at no time...

Nancy Tagliafierro stated we're not being asked to make that determination. We're just being asked to consider variances.

Rich Williams stated right. These were constructed after we had zoning which...

Nancy Tagliafierro stated oh, okay.

Rich Williams stated established certain setbacks that...

Nancy Tagliafierro stated that answers my questions.

Rich Williams stated I mean, I've worked with the Building Department on this and we...It was our opinion, jointly, that it was not pre-existing nonconforming...

Nancy Tagliafierro stated makes sense.

Rich Williams stated because it was built after the zoning code...

Nancy Tagliafierro stated that sounds absolutely correct to me.

Rich Williams stated okay.

Nancy Tagliafierro stated thank you.

Mr. Johnson stated thank you.

Rich Williams stated okay.

Board Member Bodor stated so we can make a decision on the setbacks irregardless of the fact

that some of these things are on Town property.

Nancy Tagliaferro stated right. That's a separate matter...

Board Member Bodor stated yes.

Nancy Tagliaferro stated for the Applicant to pursue.

Chairman Olenius stated the variances are really for the dwelling, not for...

Nancy Tagliaferro stated right.

Chairman Olenius stated they're all labeled for the dwelling, not for the other pieces such as the concrete walks which, I guess, technically, you could remove. It's to legalize the dwelling, not the...

Nancy Tagliaferro stated right.

Board Member Bodor stated right.

Chairman Olenius stated 1950. That's what I was looking for. Does anybody in the audience have comment on this case. Hearing none.

Board Member Buzzutto stated setback and on the road is 0 [feet].

Chairman Olenius stated it's right on...

Board Member Buzzutto stated he can give nothing.

Chairman Olenius stated it's right on the line.

Board Member Buzzutto stated it's right on the line.

Chairman Olenius stated or the...Did you see the survey. Did you see the picture here. It's not on the road itself, but it's on the edge of the right-of-way.

Board Member Buzzutto stated oh, I see then.

Chairman Olenius stated it abuts right to the right-of-way. It's not on a physical road.

Board Member Buzzutto stated oh, it's not on a paper road there. Okay.

Chairman Olenius stated that's how it is kind of all around. The right-of-ways come in.

Board Member Buzzutto stated I wonder if that was built before the right-or-way was put in. Who knows. You'll have to chop off that part of the house.

Chairman Olenius stated I think that's what Mr. Johnson stated, it was already cut.

Board Member Buzzutto stated oh, it was already cut there. Yes.

Chairman Olenius stated the slab there was cut on a 45 degree angle.

Mr. Johnson stated right.

Chairman Olenius stated which would make sense because that's where the line is. That's how we get the 0 [feet]

Mr. Johnson stated right.

Chairman Olenius stated it was over the line...

Mr. Johnson stated but the roof is still hanging over it.

Board Member Bodor stated the roof is still there, right.

Mr. Johnson stated yes. And I think there's a post at that corner that's going...that's going down on to I'm not sure what.

Board Member Buzzutto stated I wonder if they knew that when they built or right-of-way went in after that. I don't know.

Chairman Olenius stated I don't know. A guy that just didn't know how to design a roof with a...

Board Member Buzzutto stated yes.

Chairman Olenius stated miter on it.

[Laughter].

Board Member Buzzutto stated well, I have no more on it.

Chairman Olenius stated I'll make a motion to close the public hearing.

Board Member Burdick stated second.

Chairman Olenius stated all in favor. Motion carried by a vote of 4 to 0.

Chairman Olenius stated okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Paul Olsen, Case #22-13
For Area Variances for Front Yard Setbacks to Legalize Existing Dwelling
WHEREAS, *Paul Olsen* is the owner of real property located at 2 Harmon Road (RPL-**

10 Zoning District), also identified as **Tax Map Parcel #25.65-1-8, and**

WHEREAS, Paul Olsen 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 his existing dwelling, and

WHEREAS, the Applicant has two front yards: Lake Shore Drive and Harmon Road,

WHEREAS, §154-7 of the Patterson Town Code requires a 15' front yard setback; Applicant has 14' from Lake Shore Drive and 0' from Harmon Road; ***Variances requested are for 1' and 15', respectively,*** 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 ***January 22, 2014*** 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 said dwelling has been in existence as is for very many years.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because as previously stated, the dwelling has been as is since possibly 1950.***
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 as previously stated, it's been in existence for a considerable amount of time already.***
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 ***Paul Olsen*** for ***area variances*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***for a variances of 1' and 15' from the 15' required for a front yard setback in the RPL-10 Zoning District in order to legalize his existing dwelling.***

Board Member Burdick stated second.

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

Resolution carried by a vote of 4 to 0.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Paul Olsen, Case #22-13
For an Area Variance for Side Yard Setback to Legalize Existing Dwelling

WHEREAS, *Paul Olsen* is the owner of real property located at 2 Harmon Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.65-1-8, and**

WHEREAS, *Paul Olsen* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to legalize his existing dwelling, and

WHEREAS, §154-7 of the Patterson Town Code requires a 15' side yard setback; Applicant has 3'; ***Variance requested is for 12'***, 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 ***January 22, 2014*** 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 it has been in existence for quite some time.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because the house has been as is for numerous years and it's only sitting upon two building lots in the Hamlet of Putnam Lake.***
3. the variance requested ***is*** substantial ***however not so much 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, it's been in existence for numerous years.***
5. the alleged difficulty necessitating the variance is ***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 *Paul Olsen* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 12' from the 15' required for a side yard setback in the RPL-10 Zoning District in order to legalize his existing dwelling.*

Board Member Bodor stated I'll second.

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

Resolution carried by a vote of 4 to 0.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Paul Olsen, Case #22-13
For an Area Variance for Impervious Coverage to Legalize Existing Dwelling

WHEREAS, *Paul Olsen* is the owner of real property located at 2 Harmon Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.65-1-8, and**

WHEREAS, *Paul Olsen* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to legalize his existing dwelling, and

WHEREAS, §154-7 of the Patterson Town Code requires ≤38% impervious surface coverage in the RPL-10 Zoning District; Applicant has 42%; ***variance requested is for 4%***, 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 ***January 22, 2014*** 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 it's been in existence for numerous years with no ill-effects.***

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the size limitations of the lot: Applicant has already tried to mitigate, by removing an existing shed, to some degree.*
3. the variance requested *is not* substantial; *It's only down to 4% now from the 38% required.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because at this point, it's been in existence for half a century.*
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 *Paul Olsen* for *an area variance of 4% in addition to the 38% impervious coverage permitted in the RPL-10 Zoning District* as required by §154-7 of the Patterson Town Code; Schedule of Regulations, in order to legalize his existing dwelling.

Board Member Bodor stated second.

Board Member Buzzutto stated second. Okay.

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

Resolution carried by a vote of 4 to 0.

Chairman Olenius stated okay. Now you're good.

[Laughter].

Mr. Johnson stated okay. So what is left that we need to do then. I mean is...

Nancy Tagliafierro stated as far as the Zoning Board is concerned, you're done hear.

[Laughter]

Mr. Johnson stated that's all you care about, right.

Chairman Olenius stated you're done here.

Mr. Johnson stated okay.

Chairman Olenius stated I think something has to be done with the Town Board probably.

Nancy Tagliaferro stated yes. They have to consider granting a license to use the property where there are structures and other things on the Town...

Mr. Johnson stated okay.

Nancy Tagliaferro stated right-of-way.

Mr. Johnson stated okay, thank you.

Chairman Olenius stated you can check with the Town Planner on your way out.

Mr. Johnson stated okay.

Chairman Olenius stated he's probably in the office. He could probably fill you in a little bit more.

Mr. Johnson stated okay. Thank you.

5) MICHAEL & ANNE MONTESANO CASE #01-14

Mr. Michael & Anne Montesano were both present.

Chairman Olenius stated go right ahead, dear.

The Secretary read the following legal notice:

**Michael & Anne Montesano Case #01-14 – Accessory Apartment
Renewal**

Applicants are requesting a renewal of their Special Use Permit to allow for an accessory apartment pursuant to §154-105 of the Patterson Town Code; Accessory apartments. This property is located at 1 Shirley Drive (R-1 Zoning District).

Chairman Olenius stated good evening.

Mr. Michael Montesano stated Mr. Chairman, Board Members. Michael Montesano. 1 Shirley Drive. I'm here to renew a Special Use Permit for an accessory apartment.

Chairman Olenius stated it's very good to see you again.

Board Member Bodor stated let the record show that I am a neighbor. I was noticed and I will recuse myself if that's your pleasure.

Mrs. Anne Montesano stated fine with that.

Mr. Montesano stated no problem.

Board Member Bodor stated thank you.

Chairman Olenius stated we appreciate your coming back and living up to your civic duties. Because I notice your right on the money. Five years ago, I remember when you were here the first time.

Mr. Montesano stated we try.

Board Member Buzzutto stated it's just that he's so thorough.

Chairman Olenius stated he is.

Board Member Buzzutto stated it aggravates me.

[Laughter]

Board Member Buzzutto stated we never get that kind of stuff here. Not really.

Chairman Olenius stated it appears the Building Inspector signed off on everything. You have... Your approval is still good from the Department of Health.

Mr. Montesano stated yes.

Chairman Olenius stated because that's every three years not every five. And this was done in 2012 [referring to the Department of Health approval]. So this is good through 2015. And that is not part of your packet [referring to a stack of papers]. I was wondering why your packet was so big. Because the meeting minutes were attached to them.

Mr. Montesano stated I wouldn't know about that.

Chairman Olenius stated it seems like the packet is complete to me. I don't...I looked through it: I didn't see anything missing, so...

Board Member Bodor stated it does appear to be, yes.

Board Member Buzzutto stated it was all checked by Nick.

Chairman Olenius stated yes.

Board Member Bodor stated yes.

Chairman Olenius stated yes.

Mr. Montesano stated Building Inspector was at the house and verified what was required.

Chairman Olenius stated okay. So I will make a motion to close the public hearing on that note because it seems that...

Board Member Buzzutto stated I'll second that.

Chairman Olenius stated all in favor. Motion carried by a vote of 4 to 0.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Michael & Anne Montesano, Case #01-14
*For a Renewal for an Accessory Apartment***

WHEREAS, *Michael and Anne Montesano are* the owners of real property located at 1 Shirley Drive (R-1 Zoning District), also identified as **Tax Map Parcel # 13.7-1-65**, and

WHEREAS, *Michael and Anne Montesano* have made application to the Patterson Zoning Board of Appeals for a renewal for an accessory apartment as set forth in §154-105 of the Patterson Town Code; Accessory apartments, and

WHEREAS, the said application was reviewed by the Zoning Board of Appeals on January 22, 2014, and

WHEREAS, all the conditions of the original permit are still satisfied, and

WHEREAS, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearing and finds that the ***Applicant substantially complies with the requirements set forth in §154-105 of the Patterson Town Code for Renewal for an Accessory Apartment,*** and

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby ***grants*** the application of ***Michael and Anne Montesano for a renewal for an Accessory Apartment*** as set forth in §154-105 of the Patterson Town Code; Accessory apartments, and

BE IT FURTHER RESOLVED, that the variance granted herein is subject to the following special conditions:

1. Those conditions that exist in the Town Code for Accessory Apartments which include a renewal in five years. (A copy of that section of the Code is attached to this resolution).

Board Member Bodor stated I'll second.

Board Member Bodor	-	yes
Board Member Burdick	-	yes
Board Member Buzzutto	-	yes

Chairman Olenius - yes

Resolution carried by a vote of 4 to 0.

Board Member Buzzutto stated good luck.

Mrs. Montesano stated thank you.

Mr. Montesano stated thank you very much.

Chairman Olenius stated thank you for fulfilling...

Mr. Montesano stated and my grandchildren thank you...

Mrs. Montesano stated see you in five years.

Board Member Buzzutto stated is the apartment for rent.

Mr. Montesano stated for rent.

Board Member Buzzutto stated is it available.

Mr. Montesano stated as soon as I can get rid of the last kid.

[Laughter].

Board Member Buzzutto stated oh.

Mrs. Montesano stated have a happy New Year everybody.

Board Member Burdick stated you, too.

Chairman Olenius stated you, too.

Board Member Bodor stated you, too. Good to see you.

Chairman Olenius stated sorry we made you wait around.

Mrs. Montesano stated yes.

Chairman Olenius stated it's one of those busy nights: we didn't have a December meeting so we were a little backed up tonight.

[Laughter].

Mr. Montesano stated we don't have those problems.

Chairman Olenius stated no.

Mrs. Montesano stated take care.

Chairman Olenius stated stay warm.

Board Member Burdick stated good night.

Board Member Bodor stated good night.

Board Member Buzzutto stated take care.

6) OTHER BUSINESS

Board Member Buzzutto stated don't we have minutes or something.

a) Recommendation for waiver of Olsen Fee

Chairman Olenius stated we have a couple...a couple of things. The first thing is that...Mr. Anderson [Chairman Olenius misspoke. Referring to Mr. Johnson] who was here standing in for Mr. Olsen. Mr. Olsen has written a letter to the Town Board and the Supervisor requesting that the fees be waived in that it was, what he considers, a pre-existing non-conforming decision that was never brought to his attention when his mother purchased the home in 2004 and because the way the Town Code is structured, the fees were doubled because it was...Things that were...

The Secretary stated already existing.

Chairman Olenius stated they were preexisting.

The Secretary stated they were already existing.

Chairman Olenius stated they were already existing. I'm sorry. So the fees were doubled. So he's requesting to have the fees completely waived. And I'm just going to speak...I couldn't remember the exact fee structure but apparently it's \$175.00 for the first.

The Secretary stated for the first variance and \$50.00 for every additional variance. And then so doubled, the first variance would be \$350.00 and \$100.00 for each additional.

Chairman Olenius okay.

Board Member Buzzutto stated he wants the whole thing...everything dismissed.

Chairman Olenius stated that's what he would like.

Board Member Bodor stated you know, and in his statement here though, it says:

“I feel this is not fair to change the rules and charge such an exorbitant amount of money at the same time.”

It's like we changed the rules and that's why...regarding his structure and that's what I'm reading.

Chairman Olenius stated my opinion is, this was brought up by the title company. His mother didn't have as though of a title search...

Board Member Bodor stated yes.

Chairman Olenius stated is what I can see. So, I can understand, I'm just speaking for myself, I can understand at some point that yes, maybe, it should have been found the first time when his mother bought it. I'm personally...

Board Member Bodor stated but is that the Town's fault.

Chairman Olenius stated yes. I'm personally not for waiving the entire fee. I would be comfortable recommending to the Town Board that he pays half the fee. You know, what a normal person would be made, because he's not the one that built the existing structure that's not in noncompliance. Technically, he didn't build it. I know. I have heart. It's a brand new year and I'm just...So what would...So that would be \$175.00 plus \$150.00.

The Secretary stated plus \$150.00, so it would be \$325.00.

Chairman Olenius stated \$325.

The Secretary stated as opposed to \$650.00.

Board Member Bodor stated that's half of what he paid.

The Secretary stated yes. He paid \$650.00.

Chairman Olenius stated that's my take on the whole thing. I don't think he should get off scot-free.

Board Member Buzzutto stated I agree with that.

Board Member Bodor stated I don't either. I agree with you.

Board Member Buzzutto stated I agree with that.

Board Member Bodor stated and you know what though...

Chairman Olenius stated I don't know that I'd...

Board Member Bodor stated the way I read this, he's still not going to be happy. He wants to not pay anything because he doesn't feel it's appropriate.

Chairman Olenius stated well, you know, that's up to the Town Board to decide because it's really up...their decision.

Board Member Bodor stated yes. It's true.

Chairman Olenius stated they're just looking for recommendations from us.

Board Member Bodor stated yes.

Chairman Olenius stated and, you know, we could waive everybody's fees but where does that get us, you know. It's not...It's an expensive office to run...Department to run. I think that because he had...or his mother had a poor title search company really isn't our fault as you stated. You know, it's not the Town's fault that...

Board Member Bodor stated right.

Chairman Olenius stated that it was missed the last time. I'll give...offer him a certain amount of sympathy.

Board Member Buzzutto stated 50%.

Chairman Olenius stated you're good with that.

Board Member Buzzutto stated very good with that.

Board Member Bodor stated yes.

Board Member Buzzutto stated at least that. At least.

The Secretary stated so waive the doubling.

Chairman Olenius stated waive the doubling. Our...If you could send a memo to the Town Board, our ZBA's recommendation is to charge...is to not double it. Charge just a single thing.

Board Member Buzzutto stated I mean, the Town should get at least 50%, not him.

Chairman Olenius stated right.

Board Member Buzzutto stated yes, so...

Nancy Tagliaferro stated I would think that the doubling of the fees would be something to not encourage the practice of putting structures or things on your property that are not in compliance with the Code. And he obviously didn't do that, but the Town shouldn't have to bear the burden of the cost of the application at the same token. So...

Board Member Buzzutto stated yes. That's what I'm saying.

Nancy Tagliaferro stated so that would be rationale.

Chairman Olenius stated that...Yes. Because we had a public hearing...

Nancy Tagliaferro stated yes.

Chairman Olenius stated you know. We put our time and effort into it, so...Okay. There's something here. What else do I have here.

Board Member Burdick stated minutes.

[Laughter].

b) Appointment of Vice Chairman

Chairman Olenius stated how you feeling.

Board Member Buzzutto stated good. Why. What are you up to.

Chairman Olenius stated I have to appoint a Vice Chairman...

Board Member Buzzutto stated what the hell are you up to.

[Laughter]

Chairman Olenius stated you know, since I've been the Chairman, you've been my Vice Chairman through all these years, so...

Board Member Buzzutto stated we're do for a change.

Chairman Olenius stated well, I was going to ask you if you still wanted to continue.

Board Member Buzzutto stated well, do you want to be Vice Chairman.

Board Member Bodor stated no. It's yours seat.

Board Member Buzzutto stated (inaudible).

[Laughter].

Chairman Olenius stated I'd be happy with anybody that sits on this Board with me to be the Vice Chairman, don't get me wrong...

Board Member Buzzutto stated it's a quiet job. The pay is good.

[Laughter].

Chairman Olenius stated a lot of recusals lately, so, you know what I mean. You get to...

Board Member Buzzutto stated oh...

Chairman Olenius stated and I've done it myself like three times this year, so...

Board Member Buzzutto stated well, I like the way he will pat you on the back. Buddy, he says. Buddy.

[Laughter].

Board Member Buzzutto stated yes, alright.

Chairman Olenius stated one more time.

Board Member Buzzutto stated yes. One more time.

Chairman Olenius stated alright then. I nominate Howard Buzzutto.

Board Member Buzzutto stated Buzzutto.

Chairman Olenius stated Buzzutto.

[Laughter].

Chairman Olenius stated for position of Vice Chairman. All in favor. Motion carried by a vote of 4 to 0.

Board Member Buzzutto stated I don't even know him. Who said he knows him. Me. That was me.

Chairman Olenius stated was it you. You want to get out of it.

Board Member Buzzutto stated no, that's alright. I don't.

c) Minutes

Chairman Olenius stated and I did read the November minutes, not here. I read them online because it was easier.

The Secretary stated yes.

Chairman Olenius stated but I didn't see any issues with anything. So I'll make a motion to approve them...

Board Member Burdick stated second.

Chairman Olenius stated as presented.

Board Member Buzzutto stated that's November.

Chairman Olenius stated yes.

Board Member Bodor stated all in favor. Motion carried by a vote of 4 to 0.

Board Member Bodor stated done.

Board Member Buzzutto stated okay.

Chairman Olenius stated okay. We're good. I'll make a motion to...

Board Member Buzzutto stated adjourn.

Chairman Olenius stated adjourn.

Board Member Buzzutto stated so when are we going to find out who our new... Well, actually Jerry would still be...

Nancy Tagliaferro stated did you vote on the motion to adjourn.

The Secretary stated no. Not yet.

Board Member Burdick stated second.

Chairman Olenius stated all in favor. Motion carried by a vote of 4 to 0.

Meeting was adjourned at 8:04 p.m.