

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
February 20, 2013**

AGENDA & MINUTES

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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
Gerald Herbst

PLANNING BOARD

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

**Zoning Board of Appeals
February 20, 2013 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, Board Member Gerald Herbst, Nancy Tagliaferro, Attorney with Town Attorney’s Office and Richard Williams, Town Planner.

Chairman Olenius called the meeting to order at 7:05 p.m.

There were approximately 4 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
Board Member Herbst	-	here
Chairman Olenius	-	here

1) VICTOR ANDERSON CASE #01-13

Mr. Victor Anderson was present.

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, February 20, 2013 at 7:00 p.m. at the Patterson

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

**Victor Anderson Case #01-13 – Area Variances: Held over from the
January 23, 2013 meeting**

Chairman Olenius stated Mr. Anderson.

Mr. Victor Anderson stated yes.

Chairman Olenius stated could you come on up to the microphone for us, please. Could you just state your name and address for the record, please.

Mr. Anderson stated Victor Anderson, 25 Flint Road, Patterson, New York.

Chairman Olenius stated thank you. Thank you for meeting us a couple of weeks ago to look at your situation over there. Apparently in light of that, the Building Inspector noticed one of your decks there did not have a C.O. But I see you received his letter, or his call, and were kind enough to come in and...

Mr. Anderson stated yes. He told me I had to pay a \$235 fine and he gave me a year to...for the deck. But he says there will be \$50 more dollars when it's in, but can't dig underneath to see the...

Chairman Olenius stated footings.

Mr. Anderson stated footing. He can't dig out this time of year with the frost. And he gave my son, he said a couple of months so he could come out and check it.

Chairman Olenius stated yes, the permit's good for a year, so...

Mr. Anderson stated and Mrs. Smith told me I didn't have to bring the forms. She said she would provide the forms with...

Chairman Olenius stated that's all handled through their department. It's just in order to receive anything from the Zoning Board...

Mr. Anderson stated yes.

Chairman Olenius stated we have to make sure everything else on your property is in compliance. So, I thank you for rectifying that so hopefully we can make a decision tonight, you know, on your situation, and move you forward.

Mr. Anderson stated ok.

Board Member Bodor stated and she did pass on to us a copy of the building permit.

Mr. Anderson stated oh, okay.

Board Member Bodor stated so we do have that.

Mr. Anderson stated she said she would.

Board Member Bodor stated yes. We do have it.

Mr. Anderson stated because she said I wouldn't have to bring it.

Board Member Bodor stated no, you didn't have to bring it. We have it.

Mr. Anderson stated okay.

Chairman Olenius stated as I said, we did go out for a site walk; took a look at your property. You explained to us the location of your septic fields and whatnot.

Mr. Anderson stated right.

Chairman Olenius stated and it's obvious you're on a very constrained lot with the two front yards and whatnot. There didn't seem to be a whole lot of other...

Mr. Anderson stated places I could have built it.

Chairman Olenius stated options you could do.

Mr. Anderson state right.

Chairman Olenius stated you explained to us that your siding for the new shed is going to match your existing home.

Mr. Anderson stated yes.

Chairman Olenius stated as a matter of fact, you showed it to me.

Mr. Anderson stated yes, Sir.

Chairman Olenius stated even as it appears now, it's got an aesthetically more pleasing look than the metal shed...

Mr. Anderson stated yes.

Chairman Olenius stated and you stated that blew down in the hurricane.

Mr. Anderson stated yes.

Chairman Olenius stated Hurricane Sandy.

Mr. Anderson stated it tool out the back of my car, too.

Chairman Olenius stated oh boy. I hope you got insurance for it.

Mr. Anderson stated yes, it covered...It's covered the complete...In fact, the Hurricane took very good care of my house.

Board Member Buzzutto stated yes.

Mr. Anderson stated they gave me more money than I thought I was going to get.

Chairman Olenius stated that's why you pay those premiums all the time.

Mr. Anderson stated oh, yes.

Board Member Buzzutto stated there looks like there's a little...There's a storage place under here [referring to a picture]. That couldn't be utilized to take up the storage space of a shed.

Mr. Anderson stated you mean underneath the deck.

Board Member Buzzutto stated yes.

Mr. Anderson stated there's a big bowl there, right in front of it. I would have to build a ramp or something.

Board Member Buzzutto stated it's just that looking at it, it's...

Mr. Anderson stated and that's...

Board Member Buzzutto stated pretty large.

Mr. Anderson stated and if you notice, you can't see it, but that's also on the slant because that's a hillside coming down...

Board Member Buzzutto stated yeah.

Mr. Anderson stated beside it. And underneath that deck, it's a...it slants. I'd have to build it. I'd have to...

Board Member Buzzutto stated right.

Mr. Anderson stated level it off.

Board Member Buzzutto stated it was just a question I had.

Mr. Anderson stated I'd have to level it off.

Board Member Buzzutto stated a lot of space up there, but I don't know.

Chairman Olenius stated no, I think...I walked around that side of the property and I think there was a...

Board Member Buzzutto stated I didn't. I think there was too much snow.

Chairman Olenius stated there was a head room issue that too, wasn't there.

Mr. Anderson stated yes. Yes.

Chairman Olenius stated there wasn't...I walked around that corner...

Board Member Buzzutto stated you did.

Chairman Olenius stated and it was...It's not as...

Board Member Buzzutto stated I didn't, but, yes. Okay.

Chairman Olenius stated generous as it looks from the picture.

Board Member Bodor stated no the height...

Chairman Olenius stated oh no, I understand.

Board Member Bodor stated and the height is...

Chairman Olenius stated but I did look at it.

Board Member Bodor stated the height is closer...is not as high on the...by the house. It gets...

Board Member Buzzutto stated yeah.

Board Member Bodor stated higher because of the steepness of the slope there.

Chairman Olenius stated anyone in the audience have any comment on this case. Hearing none.

Board Member Buzzutto stated you want to close the public hearing.

Board Member Burdick stated second.

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

Chairman Olenius stated okay. This is going to take a little while because we have to go through this three times: there's three different resolutions necessary to...

Mr. Anderson stated okay.

Chairman Olenius stated rectify your problem here, so...

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF

Victor Anderson, Case #01-13

Board Member Buzzutto stated you can sit down if you wish, Sir.

Mr. Anderson stated oh, thank you.

Board Member Buzzutto stated yes. Sit down. That's right.

Mr. Anderson stated thank you.

Board Member Buzzutto stated make it a little easier for you.

Mr. Anderson stated my back is killing me.

Board Member Buzzutto stated yes, okay. Fine.

Mr. Anderson stated thank you.

Chairman Olenius continued to read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Victor Anderson, Case #01-13
For an Area Variance for Replacing an Existing Shed in the Front Yard

WHEREAS, *Victor Anderson* is the owner of real property located at 25 Flint Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.55-2-48, and**

WHEREAS, *Victor Anderson* has made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to legalize and continue the reconstruction of a 9.5' x 11' shed in the front yard which was damaged by Hurricane Sandy, and

WHEREAS, §154-27(12)(a) of the Patterson Town Code states that a shed shall not be located in the front yard.

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 23, 2013 and February 20, 2013, and a site walk was conducted on February 10, 2013,*** 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 the new shed is in fact replacing an older, more dilapidated metal shed.***

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the slope and shape of his property and the fact that he actually resides with two front yards.*
3. the variance requested *is not* substantial *due to the uniqueness of the property.*
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 just replacing a shed that's been there for quite some time.*
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 *Victor Anderson* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 7' from the 15' required for a front yard setback in order to legalize and continue the reconstruction of the 9.5' x 11' shed which was damaged during Hurricane Sandy 8' from the front property line.*

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Victor Anderson, Case #01-13
For an Area Variance for Replacing an Existing Shed

WHEREAS, *Victor Anderson* is the owner of real property located at 25 Flint Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.55-2-48, and**

WHEREAS, *Victor Anderson* has made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-27(12)(b) of the Patterson Town Code; Permitted accessory uses, in order to legalize and continue the reconstruction of a 9.5' x 11' shed in the front yard which was damaged during Hurricane Sandy, and

WHEREAS, §154-27(12)(b) of the Patterson Town Code states that a shed shall not be closer than 15 feet to the principal building, and

WHEREAS the Patterson Town Code requires a 15' separation between structures; Applicant has 13'; *Variance requested is for 2'*, 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 23, 2013 and February 20, 2013, and a site walk was conducted on February 10, 2013*, 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 the new shed is in fact an improvement.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *due to the topography of the property and the need to retain parking facilities.*
3. the variance requested *is not* substantial *due to the fact that it is only 2' and that 2' actually encompasses not the actual structure of the home but an attached deck whereby giving the fire department still sufficient egress to get between the two structures.*
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 stated before, it is replacing a pre-existing shed.*
5. the alleged difficulty necessitating the variance *was self-created however 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 *Victor Anderson for an area variance* pursuant to §154-27(12)(b) of the Patterson Town Code; Permitted accessory uses, *in order to legalize and continue the reconstruction of the 9.5' x 11' shed damaged during Hurricane Sandy to be 13' from the principal building.*

Board Member Bodor stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated one more.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Victor Anderson, Case #01-13
For an Area Variance for a Front Yard Setback for a Shed

WHEREAS, *Victor Anderson* is the owner of real property located at 25 Flint Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.55-2-48, and**

WHEREAS, *Victor Anderson* 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 and continue the reconstruction of the 9.5' x 11' shed that was damaged during Hurricane Sandy, and

WHEREAS, §154-7 of the Patterson Town Code requires a 15' front yard setback; Applicant will has 8'; ***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 23, 2013 and February 20, 2013, and a site walk was conducted on February 10, 2013,*** 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 the shed is fact replacing a pre-existing.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because of the fact that the applicant has two front yards.***
3. the variance requested ***is*** substantial ***however not so much as to cause a denial of the requested variance in light of the fact that the proximity to the road is actually an elevation change of approximately 10' in height where the road would probably never be expanded upon anyway.***
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 is replacing a shed that was there for a considerable amount of time.***
5. the alleged difficulty necessitating the variance ***was self-created however 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 *Victor Anderson* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 7' from the 15' required for a front yard setback in order to legalize and continue the reconstruction of the 9.5' x 11' shed which was damaged during Hurricane Sandy 8' from the front property line.*

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated okay, Mr. Anderson. You're all set.

Mr. Anderson stated everything's fine.

Chairman Olenius stated everything's fine.

Mr. Anderson stated thank you for everything.

Chairman Olenius stated put your siding on as long as you continue with that building permit and legalize that deck.

Mr. Anderson stated yes. That will all be taken of when...

Chairman Olenius stated you have time, that's fine.

Mr. Anderson stated when the ground thaws because he's got to dig it down. Thank you very, very much.

Board Member Buzzutto stated good luck.

Chairman Olenius stated you're welcome.

Mr. Anderson stated thank you.

Board Member Bodor stated good luck.

Board Member Burdick stated thank you.

Mr. Anderson stated thank you.

Chairman Olenius stated I look forward to seeing the siding on it.

Mr. Anderson stated yes. I'll get that up tomorrow. He's going to start tomorrow or the next day. No, the next day.

Chairman Olenius stated okay.

Mr. Anderson stated he said he'll be done this weekend anyways.

Chairman Olenius stated very good.

Board Member Bodor stated that will be nice.

Mr. Anderson stated thank you very, very much.

Chairman Olenius stated thank you.

2) JOSEPH FARESE CASE #03-13

Mr. Farese was not present.

Chairman Olenius stated is Mister...

Board Member Herbst stated Sarah...

Chairman Olenius stated Farese here.

Board Member Herbst stated you have another pen.

Board Member Bodor stated there's no one here.

Board Member Herbst stated I took one from the office there, and it doesn't work.

Board Member Buzzutto stated see, that's the new...

The Secretary stated I'll get rid of that [referring to the pen].

Chairman Olenius stated before you read the next legal, is Mr. Farese here. Okay. Why don't you...why don't we just skip to the...

3) DANNA DUNNING CASE #03-13

Mrs. Danna Dunning and Mr. Dan Dunning were both present.

The Secretary stated Dunning.

Chairman Olenius stated the Dunning case and then we'll wait and see if he shows up.

The Secretary stated okay.

The Secretary read the following legal notice:

Danna Dunning Case #03-13 – Special Use Permit

Applicant is requesting a Special Use Permit pursuant to §154-106 of the Patterson Town Code; Accessory Buildings. Applicant wishes to construct a one-story accessory dwelling with 1,244 square feet of livable floor area on her 70.51 acre property. This property is located at 122 Route 292 (R-4 Zoning District).

Chairman Olenius stated Mr. and Mrs. Dunning, would you come up to the microphone for us, please. State your names and addresses for the record, please.

Mr. Dan Dunning stated Dan Dunning. 122 Route 292.

Mrs. Danna Dunning stated I'm Danna Dunning. 122 Route 292.

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

Mrs. Dunning stated yes.

Mr. Dunning stated you're kidding. Sure.

[Laughter]

Chairman Olenius stated thank you.

[Laughter]

Mr. Dunning stated where's the bible. I mean...

Chairman Olenius stated we don't have to do that.

Mr. Dunning stated okay.

Chairman Olenius stated for the record...

Mr. Dunning stated okay.

Chairman Olenius stated we need to make sure you're not lying to us.

Mr. Dunning stated alright.

Chairman Olenius stated explain to us what you'd like to do, please.

Mr. Dunning stated I'd like to build an accessory dwelling.

Chairman Olenius stated for rentals.

Mr. Dunning stated no.

Mrs. Dunning stated no.

Mr. Dunning stated for family.

Chairman Olenius stated for family.

Mr. Dunning stated yes.

Chairman Olenius stated the existing home isn't large enough.

Mrs. Dunning stated it's for our son.

Mr. Dunning stated yes. It's for our son, yes.

Chairman Olenius stated oh, okay.

Mrs. Dunning stated we want him to live on the property with us.

Mr. Dunning stated yes.

Chairman Olenius stated we're just trying to get a little background on it...

Mrs. Dunning stated okay.

Chairman Olenius stated for the record, what you're...

Mr. Dunning stated sure. Okay.

Chairman Olenius stated what you're looking for. I've read through most of your application here. You have quite a large parcel.

Mr. Dunning stated it's pretty steep.

Chairman Olenius stated oh, is it. This is on [Route] 292 before the hard bend by Mooney Hill there.

Mr. Dunning stated correct.

Mrs. Dunning stated yes.

Chairman Olenius stated horses.

Mr. Dunning stated before the bridge.

Mrs. Dunning stated yes. The driveway's right at the bridge.

Chairman Olenius stated I think a friend of mine...I think I've been on your property because a good friend of mine used to be your farrier years and years ago.

Mrs. Dunning stated oh, okay.

Mr. Dunning stated that's very possible.

Chairman Olenius stated I think I had to tow him out about this time of year one time. He got stuck down by your barn.

Mr. Dunning stated that's possible. Sure.

Mrs. Dunning stated I don't remember that. But maybe I wasn't there that day.

Chairman Olenius stated I don't think anybody was there because he was trying to...

Mr. Dunning stated that's why he towed him out.

Chairman Olenius stated give me directions.

Mrs. Dunning stated yes, because he would have towed him out.

Chairman Olenius stated yes. And I do remember kind of...

Mr. Dunning stated yes.

Chairman Olenius stated climbing up and then I think the barn was down to the left.

Mr. Dunning stated yes.

Mrs. Dunning stated it's on the left when you go up the driveway, yes. Yes, that's us.

Chairman Olenius stated okay. So you found some space on your lot though that's suitable.

Mr. Dunning stated yes. According to our engineer.

Chairman Olenius stated that's...Have you been before the Health Department, too, already. Did I see something in here.

Mr. Dunning stated yes. He has already applied. He has already filed a...

Mrs. Dunning stated it passed the perk test.

Chairman Olenius stated okay. I knew I saw something similar in all this. And this was just a one-bedroom home.

Mr. Dunning stated yes.

Chairman Olenius stated when I looked at the plans. Oh a cottage. I like that. That sounds nicer. Long run for the septic for this one, huh.

Mr. Dunning stated yes.

Chairman Olenius stated oh boy.

Mrs. Dunning stated it's steep there. That's why...

Chairman Olenius stated I was going to say yes, it looks...

Mrs. Dunning stated that's why it has to go down to flat area.

Mr. Dunning stated yes.

Chairman Olenius stated looking at the...

Mrs. Dunning stated it shouldn't have any trouble. It's down...

Chairman Olenius stated yes.

Mr. Dunning stated yes, when you flush it, it takes care of itself.

[Laughter]

Board Member Bodor stated now the access will be off your existing driveway.

Mr. Dunning stated yes.

Mrs. Dunning stated yes.

Chairman Olenius stated you probably can't even see this location from the road I wouldn't think, right.

Board Member Bodor stated probably...

Mrs. Dunning stated you look hard this time of year, you might see a light at night.

Chairman Olenius stated okay, yes.

Mr. Dunning stated you can see the (inaudible).

Chairman Olenius stated oh, I didn't even see the elevation change just on the architectural renderings here. Very nice. A lot of outdoor living. I like the decks and porches.

Mrs. Dunning stated yes, the wrap around porch...

Mr. Dunning stated nice.

Mrs. Dunning stated on our house now which we love. Yes. It's great in the thunderstorm when it's covered.

Chairman Olenius stated yes. I hope the bugs aren't too bad up there.

Mrs. Dunning stated actually, they're not.

Mr. Dunning stated the secret I think is high off the ground.

Mrs. Dunning stated yes.

Mr. Dunning stated it seems to work. It's the way the house is now; the existing one.

Chairman Olenius stated good.

Mr. Dunning stated yes.

Mrs. Dunning stated you would think it's worse but it's not.

Chairman Olenius stated I don't have architectural of your existing home. I was just going by the pictures on the thing there, but it seems like it's...what I'm looking at from your architect's renderings, it looks like it's kind of keeping in character with the existing main home.

Mrs. Dunning stated it's supposed to. Yes.

Mr. Dunning stated yes.

Mrs. Dunning stated yes.

Chairman Olenius stated good.

Mrs. Dunning stated it's...

Mr. Dunning stated all of the buildings on the...The garage and everything, has got horizontal siding and white corners. It actually matches Town Hall.

Chairman Olenius stated oh really.

[Laughter]

Chairman Olenius stated is that where we got our ideas, Mr. Williams.

Rich Williams stated it is not, Sir.

[Laughter]

Mrs. Dunning stated there's no stone on ours.

Mr. Dunning stated no. We don't have the stone. Yes.

Chairman Olenius stated I mean with the size... You meet everything other than the fact that, obviously, just a special use permit to allow it. Oh, five or more acres and you have seventy. I knew there was a...

Board Member Bodor stated an acreage limitation there, so...

Mr. Dunning stated yes.

Board Member Bodor stated yes. Five or more.

Chairman Olenius stated you've exceeded that.

Board Member Bodor stated and you plan to continue living in the main building...in the main house. The existing.

Mrs. Dunning stated excuse me.

Board Member Bodor stated I wanted you to speak out and say that, yes.

Mrs. Dunning stated oh.

Mr. Dunning stated yes. Yes. We do.

Board Member Bodor stated thank you.

Mrs. Dunning stated as far as...That's what we plan on for the moment.

Board Member Bodor stated we want to get everything into the record so that...

Mr. Dunning stated right.

Board Member Bodor stated it's right.

Chairman Olenius stated anybody in the audience have any comment on this case.

Mrs. Dunning stated our son's [referring to the fact that their son is the only one in the audience].

Chairman Olenius stated hearing none.

Board Member Bodor stated 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 5 to 0.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Danna Dunning Case #03-13
For a Special Use Permit for an Accessory Building

WHEREAS, *Danna Dunning* is the owner of real property located at 122 Route 292 (**R-4 Zoning District**), also identified as ***Tax Map Parcel #3.-1-60.1***, and

WHEREAS, *Danna Dunning* has made application to the Zoning Board of Appeals for a Special Use Permit pursuant to **§154-106** of the Patterson Town Code; Accessory buildings, in order to permit for the construction of a 1,244 square foot single-family accessory dwelling, and

WHEREAS, §154-106 of the Patterson Town Code; Accessory buildings states that accessory buildings for residential occupancy may be permitted in the R-4 Zoning District by special use permit, and

WHEREAS, the proposed action constitutes an unlisted action under 6 NYCRR Part 617, and

WHEREAS, a public hearing was held at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***February 20, 2013*** to consider the application; and

WHEREAS, The Patterson Zoning Board of Appeals finds that the Applicant ***has*** met the requirements for the issuance of a special use permit as set forth in **§154-106** of the Patterson Zoning Code;

- A. The building shall be used as an accessory use to a detached one-family dwelling only.
- B. The building is used solely, and in its entirety, for the purpose of providing living quarters.
- C. The parcel of property containing the structure is five or more acres. ***This property is 70.51 acres.***
- D. The maximum size of the accessory structure shall be a 1/3 the size of the principal building, as measured by the total floor area, including uninhabitable space, of each building; however, in no case shall the building exceed 1,250 square feet in livable floor area. In addition, the architectural character of the accessory building shall be similar in character to that of the principal building. ***The principal structure is 3,821 sq. ft.***
- E. The principal dwelling shall be occupied by the owner of the property on which the accessory dwelling is constructed.
- F. The Zoning Board of Appeals shall determine that suitable facilities exist for yard space, sanitary facilities and potable water.

- G. Suitable access and parking shall be provided, which shall be constructed in accordance with the standards of this chapter.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby determines that the proposed action *will not* have significant effects on the environment and issues a negative SEQRA declaration for the following reasons:

1. There *will not* be substantial change in existing air quality, ground or surface water quality or quantity, traffic or noise levels.
2. There *will not* be substantial increase in potential for erosion, flooding, leaching or drainage problems.
3. There *will not* be removal or destruction of large quantities of vegetation or fauna.
4. There *will not* be substantial increase in traffic or the use of existing infrastructure.
5. There *will not* be significant impairment of the character or quality of architectural or aesthetic resources of the existing neighborhood character.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Danna Dunning* for a special use permit as set forth in §154-106 of the Patterson Town Code; Accessory buildings, to permit the construction of a 1,244 square foot single-family dwelling.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Mr. Dunning stated thank you.

Chairman Olenius stated good luck with that.

Mr. Dunning stated thank you very much.

Board Member Burdick stated good luck.

Mrs. Dunning stated thank you very much.

Mr. Dunning stated thank you.

Chairman Olenius stated thank you for a very well assembled packet. There was...

Mrs. Dunning stated well, that's our engineer there.

Mr. Dunning stated well the help of him [referring to Rich Williams] and we got it all together.

Mrs. Dunning stated oh, he's not here.

Chairman Olenius stated there wasn't a lot of questions because...

Mrs. Dunning stated Rich.

Chairman Olenius stated everything was there.

Mr. Dunning stated little guy that was from Town Hall. Thank you very much.

Chairman Olenius stated no problem. Good luck.

Mr. Dunning stated great. Bye-bye.

Board Member Bodor stated good night.

Board Member Herbst stated I couldn't tell it was you in the car when you came...

Mrs. Dunning stated oh.

Mr. Dunning stated I couldn't tell it was you, the headlights were on. I couldn't tell it was you.

Mrs. Dunning stated I recognize you.

Board Member Herbst stated it's what happens.

Mr. Dunning stated yes, right. I know.

[Laughter]

Mr. Dunning stated thank you very much.

Chairman Olenius stated thank you. Good luck.

Board Member Buzzutto stated take care.

3) OTHER BUSINESS

Chairman Olenius stated Mr. Farese was aware that the meeting was this evening.

The Secretary stated he was aware. I have received any notice from him that wasn't coming tonight or there would be nobody representing him.

Chairman Olenius stated well, I guess we could probably finish with other business and what not first and then we'll have a discussion as to what to do.

Board Member Buzzutto stated I've got everything mixed up. So I couldn't find nothing.

a) Appointment of Vice Chairman

Chairman Olenius stated appointment of Vice Chairman.

Board Member Buzzutto stated oh, you could pass it along to Jerry. I accept.

Chairman Olenius stated you do.

Board Member Buzzutto stated yes, why not.

Chairman Olenius stated alright.

Rich Williams stated I just saw...I thought I saw him pull in and I don't know where they are. But the big truck is still out there.

Chairman Olenius stated okay.

Board Member Herbst stated he may be downstairs.

Chairman Olenius stated I didn't close anything yet, so...

Board Member Buzzutto stated unless Mary Bodor wants Vice, for a change.

Board Member Bodor stated I'm sorry.

Board Member Buzzutto stated yes, you...

Board Member Bodor stated I wasn't listening to you.

Board Member Buzzutto stated that's good.

Board Member Bodor stated oh.

[Laughter]

Board Member Bodor stated but why are you saying my name.

Chairman Olenius stated I was going to make a motion to appoint Howard Buzzutto as Vice Chairman again for the 2013 calendar year. It is one year, right.

The Secretary stated yes.

Nancy Tagliafierro stated yes.

Board Member Bodor stated yes, one year appointment, yes. You need a second. No. You just make that appointment.

The Secretary stated yes, you make it.

Chairman Olenius stated he's appointed.

Board Member Bodor stated that's it.

The Secretary stated okay.

Chairman Olenius stated got you one more year.

Board Member Buzzutto stated one more year. Another year.

b) Minutes

Chairman Olenius stated I didn't want to make a motion on the minutes from the last meeting as I was in absentia.

Board Member Bodor stated I didn't read them all, I'll tell you that. I was reading them tonight, and I didn't get through them all.

Board Member Burdick stated so do you want to wait. Do you want to wait.

Board Member Bodor stated did everyone else read them.

Board Member Burdick stated did you guys read the minutes.

Board Member Herbst stated the what.

Board Member Burdick stated did you read the minutes.

Board Member Buzzutto stated no, I did not.

Board Member Burdick stated okay.

Board Member Bodor stated I think we can't vote on the minutes.

Nancy Tagliaferro stated we'll wait.

Chairman Olenius stated hold them. I'm sure they're perfect.

Board Member Buzzutto stated yes.

The Secretary stated of course.

Chairman Olenius stated we'll still wait until everybody has a chance to review them. What is...What is this other piece that was put in here. Somebody is in front of the Planning Board that's going to be coming here or something; Imad Danial. Imad.

The Secretary stated oh. Yes. He has a lot of issues with the wetlands and dumping in the wetlands and he has to remedy all of that. And I guess well they were...

Chairman Olenius stated where is Palmyra [Road]. Is that right on the Lake or is that at the north end of the lake. I know it's in Putnam Lake. I just...

The Secretary stated I know it's in Putnam Lake.

Chairman Olenius stated I know the name. I pass it a hundred times.

Nancy Tagliaferro stated me, too. And I can't...

Chairman Olenius stated I just can't picture where it is.

Nancy Tagliaferro stated place where it is.

Chairman Olenius stated I don't know what...Oh, maybe he's bordering the wetlands that are between East Branch Road and the Lost Pond there.

Nancy Tagliaferro stated I think Palmyra [Road] is down by...If you go past the monument, instead of making the left to go...If you go down that way...

Chairman Olenius stated yes.

Nancy Tagliaferro stated there's...Past the waterfall and that first beach, I think it's down in there somewhere.

Chairman Olenius stated okay.

The Secretary stated but the found he has a shed and a fence...or like a stone wall on neighbor's property and he has to move that and he might have to come for the shed because it doesn't meet zoning requirements. And there's a whole slew of issues out there, so...

Chairman Olenius stated I saw that because he wrote a letter and then Rich wrote a letter back to him kind of clarifying his letter.

The Secretary stated yes. He's in front of the Planning Board right now.

Chairman Olenius stated anything new on the cell towers.

The Secretary stated no. I haven't heard anything from Verizon.

Chairman Olenius stated I know service has improved dramatically.

The Secretary stated yes. No word from them.

Chairman Olenius stated from Verizon at least.

c) Site walk

Rich Williams stated nope [referring to if Mr. Farese was present]. No body.

Chairman Olenius stated alright then. So, should we just hold him over.

Board Member Bodor stated yes.

Chairman Olenius stated the Secretary will reach out.

The Secretary stated yes. I'll let him know.

Chairman Olenius stated tell him we'll give him till next month and if we don't hear from him then...

Rich Williams stated you want to do a site walk in between.

Chairman Olenius stated is that permissible.

Nancy Tagliafierro stated yes.

Chairman Olenius stated would you like to make a site walk out here. I really don't know where it is, so.

Board Member Bodor stated it's down Ballyhack [Road]. I figured that out.

Chairman Olenius stated yes.

[Laughter]

Chairman Olenius stated I wouldn't mind getting a look at the...

Board Member Burdick stated yes.

Chairman Olenius stated the lay of the land out there.

Board Member Bodor stated no. I think we could do a site walk.

Chairman Olenius stated you guys want to go take a look at the person that didn't show up today.

Board Member Buzzutto stated yes. If we can do a pre...

Chairman Olenius stated prior to the next meeting.

Board Member Buzzutto stated did you... Yes, I think we have done that once before.

Chairman Olenius stated I wouldn't mind getting a look because I'm really not familiar with that area of the Town anyway. Especially if there's more...

Board Member Bodor stated and what I don't... Do I understand it correctly, this structure is already up. This garage is up.

The Secretary stated everything was built.

Board Member Bodor stated so we can see it. It's not a matter of...

The Secretary stated right.

Board Member Bodor stated looking at measurements. It's there.

Nancy Tagliafierro stated yes.

Chairman Olenius stated could you reach out to him and see...

Board Member Herbst stated where are we going to do a site walk.

Board Member Buzzutto stated what.

Chairman Olenius stated we'll come up with a date shortly.

Board Member Herbst stated where is there going to be a site walk.

The Secretary stated make sure he's available.

Board Member Buzzutto stated on Farese.

Chairman Olenius stated make sure somebody's there.

The Secretary stated yes.

Chairman Olenius stated come and see us. Meet us.

Board Member Buzzutto stated the case we're holding over, we're going to do it first. It was suggested that we do a site walk first. Well, it actually would save a lot time though.

Chairman Olenius stated sure.

Nancy Tagliafierro stated it would be very efficient.

Board Member Buzzutto stated save him a month.

Nancy Tagliafierro stated yes.

Chairman Olenius stated have you ever been out that way.

Board Member Buzzutto stated is it near Town Hall.

Chairman Olenius stated it's off Ballyhack [Road].

Board Member Buzzutto stated oh, off Ballyhack.

Board Member Bodor stated down Ballyhack.

Board Member Buzzutto stated yeah. That's up [Route] 22, isn't it.

Chairman Olenius stated yes.

Board Member Buzzutto stated right down by Jason's Auto Body, down passed that.

Board Member Bodor stated yes.

Nancy Tagliafierro stated yes.

Board Member Buzzutto stated yeah.

Chairman Olenius stated it's a new, like...

Board Member Bodor stated the camp used to be right back in there.

Chairman Olenius stated is it a subdivision yet, Mr. Williams.

Rich Williams stated it is a subdivision. It was a subdivision...

Board Member Buzzutto stated yes.

Rich Williams stated approved early 2000s.

Chairman Olenius stated I don't think we've been out there yet for anything though. Have we. Or if we have, I don't remember.

Board Member Bodor stated we were down there, weren't we, to see a...

Board Member Burdick stated we were up there for...

Board Member Bodor stated structure on the left-hand side somewhere there.

Chairman Olenius stated okay.

Board Member Bodor stated and then...

Board Member Burdick stated and then when they were going to do...

Board Member Bodor stated that garden center or something...

Board Member Burdick stated yes.

Board Member Bodor stated on the...

Chairman Olenius stated oh, right. The garden center.

Board Member Buzzutto stated that's right. Yes.

Board Member Bodor stated yes.

Chairman Olenius stated alright. Does anybody have preferable dates.

Board Member Bodor stated I don't have a calendar with me. It's in my pocketbook and I don't know which pocketbook so I don't even have a pocketbook tonight.

[Laughter]

Chairman Olenius stated that's right. You just returned from fair weather.

Board Member Bodor stated yes.

Board Member Herbst stated you know where this is.

Chairman Olenius stated you got a date in mind. You want to start.

Board Member Buzzutto stated Ballyhack, I know where that is. It's off [Route] 22.

Chairman Olenius stated a good date for you.

Board Member Burdick stated I'm good with any date. I'm guessing we're going to do weekend.

Board Member Bodor stated weekends.

Board Member Burdick stated or can we squeeze in after 5.

Board Member Bodor stated I don't know.

Nancy Tagliafierro stated it's getting...It's staying light out now.

Board Member Bodor stated that's true. It is.

Chairman Olenius stated it's getting close.

Nancy Tagliafierro stated yes.

Chairman Olenius stated you know what time it does.

Board Member Bodor stated at 5:30ish.

Rich Williams stated time what.

Chairman Olenius stated time sunset is now.

Rich Williams stated about 5:30 to 5:45 [p.m.]; In two weeks we change the clocks, I think.

Board Member Bodor stated we do change the clocks.

Nancy Tagliafierro stated already.

Rich Williams stated I think so, yes.

Board Member Burdick stated on the 10th, yes. The 10th.

Rich Williams stated it was early this year.

Chairman Olenius stated oh, alright. And that next meeting is the 23rd.

Board Member Burdick stated 20th.

Chairman Olenius stated 20th.

The Secretary stated yes.

Chairman Olenius stated yes. So what do you think. That's a Saturday. The 9th or the 16th. Oh no, we said we can do it during the week. I'm sorry. I'm losing myself here. So like the week of the 10th. After that, because it will be lighter later.

Board Member Burdick stated yes. I'm not available the 11th or 12th though because I have a training.

Chairman Olenius stated okay.

Board Member Bodor stated so we've got Wednesday the 13th.

Board Member Burdick stated 14th...

Board Member Bodor stated that's okay.

Board Member Burdick stated yes.

Board Member Bodor stated 13, 14 or 15.

Chairman Olenius stated how's Wednesday the 13th sound.

Board Member Herbst stated fine.

Board Member Buzzutto stated it's okay with me.

Chairman Olenius stated at 5 p.m.

Board Member Buzzutto stated well, that's right. We can do it...

Chairman Olenius stated or no. 5:15 [p.m.].

Board Member Bodor stated 5:15 p.m.

Board Member Burdick stated 5:10, 5:15.

Board Member Herbst stated sounds okay to me.

Chairman Olenius stated okay. Let's go for the 13th and the 14th as a rain date.

Board Member Bodor stated okay.

Chairman Olenius stated snow date. 3/13, 5:15 [p.m.]

Board Member Bodor stated 5:15. Okay.

Chairman Olenius stated and I'll put rain 3/14. And hopefully our secretary will be kind enough to send out an email reminder.

The Secretary stated yes.

Chairman Olenius stated maybe that Monday or something, just to actually...

Board Member Buzzutto stated okay. So the site walk's added Wednesday, the 13th, 5:15. Is that right. Have I got that right.

Chairman Olenius stated the...Yes. And the rain date is the Thursday.

Board Member Buzzutto stated Thursday; same week.

Chairman Olenius stated yes.

Board Member Herbst stated let me see what you've got.

Board Member Buzzutto stated site walk on Wednesday...

Board Member Herbst stated 13th.

Board Member Buzzutto stated the 13th at 5:15.

Board Member Herbst stated that's what I thought, yes.

Board Member Bodor stated now it's down Ballyhack [Road] is...Rich, is Sylvia Barlow right off of Ballyhack.

Rich Williams stated it's right off of Ballyhack [Road].

Board Member Bodor stated okay.

Rich Williams stated almost all the way down to the end of Ballyhack.

Board Member Bodor stated okay.

Rich Williams stated it's on your left-hand side. It's the only subdivision road down in there.

Board Member Bodor stated okay.

Board Member Burdick stated so it's past the entrance to the old camp.

Rich Williams stated yes. Just past the entrance to the old camp.

Board Member Bodor stated okay.

Rich Williams stated if you go by it, you're going to be in Mr. O'Connor's house, and you don't want to be there.

[Laughter].

Board Member Bodor stated okay. Anything else.

Chairman Olenius stated I...Do you have to announce anything.

Board Member Buzzutto stated I make a motion to adjourn.

Chairman Olenius stated I'll second.

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

Meeting adjourned at 7:43 p.m.