

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
March 16, 2011**

AGENDA & MINUTES

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| 2) Patricia Tanzi Case #03-11 | 12 – 28 | Public hearing opened; Tabled pending a site walk |
| 3) Robert Gross Case #04-11 | 28 – 41 | Public hearing opened and closed; Front and side yard variances for existing garage granted |
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| 6) Other Business | | |
| a) Site walk | 59 – 64 | April 5, 2011 site walk scheduled for Patricia Tanzi |
| b) Minutes | 64 | February 16, 2011 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
Gerald Herbst

PLANNING BOARD

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

**Zoning Board of Appeals
March 16, 2011 Meeting Minutes**

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

Present were: Chairman Lars Olenius, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Howard Buzzutto, Board Member Gerald Herbst, Tim Curtiss and Melissa Klepack, Attorneys with Town Attorney's Office, Rich Williams, Town Planner

Chairman Olenius called the meeting to order at 7:03 p.m.

There were approximately 12 members of the audience.

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

Chairman Olenius led the salute to the flag.

Board Member Buzzutto stated Sarah, do you happen to have a pen with you, an extra one. Thank you, I'll give it back.

The Secretary stated okay.

Roll Call:

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

1) KATHLEEN PETTEY CASE #01-11

Ms. Kathleen Pettey was present.

Chairman Olenius stated okay. Do you have to read the legal. I guess you could read the legal on Kathy Pettey, it's short.

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, March 16, 2011 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

Kathleen Pettey Case #01-11 – Interpretation – Held over from the January 19, 2011 and February 16, 2011 meetings.

Applicant is appealing the determination of the Director of Codes that her existing dwelling is limited to two families. This property is located at 35 South Street (R-1 Zoning District).

Chairman Olenius stated Ms. Pettey.

Ms. Kathleen Pettey stated yes.

Chairman Olenius stated you've been here a few times already. You have any new information to share with us.

Ms. Pettey stated yes. I just want to, you know, try to get a little picture here. I first appeared on the 19th, and I presented my own statement plus seven exhibits being my father's application with the, you know, apartment on the back of the house. An affidavit from the Gronke's who are in their 80's and who recall the apartment being there, built for my grandparents, and gave an affidavit. An affidavit from my brother confirming the same thing. The assessor's record, which lists my place as a three-family. Violation letter to the bank attorney from the Town, Building Inspector Nick. The bank's letter telling me there's a violation and then the letter from Nick about there's no three-families allowed, and he says that in one paragraph, and the next paragraph he says that but in M-1, where I am, everything was, all uses, were allowed. And I also have the Zoning Code from 1960. It was tabled and I was told to bring back proof of voting records from my grandparents and title report, which I brought on February 16th, and you have copies of it. I also brought a County report from George Michaud, down at the County, which showed that the County records also reflect that on three-family. We tabled me again and today I was told to bring my statement from Betty Bubenicek, which I have...I just, actually, got. She's been in Florida so I wasn't able to give copies. I did leave copies of the other stuff. But this...I just got this; she just got back. A letter from the bank about why they're denying me, based upon it's not a three-family and an appraisal report, which the bank just sent me. And I left copies for everybody. I also have here...I was asked to show proof of a three refinances on February 16th, which I showed...was in the title report, but there was a lot of papers there. But after looking at it myself, I realized that there was one page here that does list them all, according to that title report. So, it's in that title report but I just figured I'd just make a copy of that page in case...Because I didn't see it at first either. So, that what I have for that.

Board Member Buzzutto stated you state that it's a three-family. I don't think there's a doubt that, basically, it is three-family here, but it was never validated that it was a legal three-family. That's basically the issue, I would assume. So...Okay.

Ms. Pettey stated I'm just trying to establish here that right from the...day one my, father did apply to put, you know, that apartment on the back of house although they...In that report, you know, the zoning report doesn't say apartment. It says it was an addition. But it was in fact a separate apartment and has been. And my grandparents lived in there and I think that I have proven that and it has been an apartment for all

along. And I have refinanced three times. And three times the title company came to the Town and it was never reported back that there was any violations until this time. This time, the Town is saying it's not a three-family. So...

Board Member Buzzutto stated well, that's because, basically, it was just brought to the attention to the Town because of the bank. I think...

Ms. Pettey stated right.

Board Member Buzzutto stated it would not verify it was a three-family home.

Ms. Pettey stated the bank verified it was because I have refinanced three other times as a three-family and three times they... The title company, you know, contacts the Town to see if it coincides with the Town's records. And three times, the Town didn't put in violation; they let it go through. And so this time, you know, so three times I refinanced as a three-family. But this time, they're saying I'm not a three-family.

Board Member Buzzutto stated you applied to the Town three times...

Ms. Pettey stated yes. I've had three prior refinances.

Board Member Buzzutto stated and the Town said it was a three-family or it was validated as two...three-family...

Ms. Pettey stated they sent it as a...

Board Member Buzzutto stated on record.

Ms. Pettey stated three-family, and the Town did not put it in violation for three different times. Those were...

Board Member Herbst stated so basically the Town did nothing, though, is what you're saying.

Board Member Buzzutto stated well, yeah.

Tim Curtiss stated yeah, they just wrote back there was no violations.

Board Member Herbst stated yeah.

Ms. Pettey stated right.

Board Member Buzzutto stated yeah.

Ms. Pettey stated but this time they're writing back there's a violation; it's, you know, not a three-family.

Tim Curtiss stated and the discrepancy is the Building Department is now tied in with the Assessor's records. So the Building Department had it as a two-family house all these years and assumed that's what they were approving. Apparently, when they checked with the assessor's card, the assessor's card has it as a three-family house, so they flagged it and said to the bank that their records only show a lawful two-family. And that's how this all got started at that point.

Board Member Buzzutto stated well, it's obvious the other two banks didn't do their homework and the...

Tim Curtiss stated yes, well there wasn't any connection... Yes, true. They just said there was... Because the Building Department didn't know that they had a three-family status on the assessor's card, so they just wrote back that there was no violations. They didn't confirm one way or another what the actual...

Board Member Buzzutto stated yes.

Tim Curtiss stated apartments were.

Board Member Buzzutto stated well...Have you tried other banks since...

Ms. Pettey stated it's a refinance.

Board Member Buzzutto stated it's a refinance.

Ms. Pettey stated I'm not getting a mortgage. I'm refinancing a mortgage that I have.

Board Member Buzzutto stated right.

Ms. Pettey stated I'm not going and getting a new mortgage. I'm refinancing.

Board Member Buzzutto stated oh, I see.

Ms. Pettey stated so I have to stay with my bank.

Board Member Buzzutto stated if you...did you receive a copy of...

Tim Curtiss stated no, she wouldn't have gotten that, Buzz.

Board Member Bodor stated no.

Board Member Buzzutto stated oh, she wouldn't have gotten it.

Tim Curtiss stated that's just for you, yes.

Board Member Buzzutto stated just for us, okay.

Ms. Pettey stated also, I'm taxed for three-family and I pay garbage pick-up for three-family; three garbage pick-ups since 1991.

Chairman Olenius stated I'm just hard pressed to find anything here showing the legality of a three-family prior to 1960...or 1961. Because even the variance from back then just states a two room extension. It doesn't say anything about separate living space.

Board Member Buzzutto stated what was that that the date was changed on one of the documents, scratched over.

Tim Curtiss stated well, the assessor's card...

Board Member Buzzutto stated on the assessor's card.

Tim Curtiss stated it just showed a change in '91 from a two-family code to a three-family code.

Board Member Buzzutto stated but it was...

Tim Curtiss stated that's when you started getting billed for the three-family and for the records.

Ms. Pettey stated right. That's when they did garbage pick-up.

Board Member Buzzutto stated well, I wonder who scratched that over.

Tim Curtiss stated it was probably the Assessor's because what they were doing was they had...The garbage district was setup and they actually went out and did a unit count for the garbage district...

Board Member Buzzutto stated I see.

Tim Curtiss stated and they probably picked up, well, you have three electric meters or three units were in the house at that point in time.

Board Member Buzzutto stated so, they would have no way of knowing that it was legal originally.

Tim Curtiss stated yes, correct. They wouldn't have any way of...They just counted what was there. They don't establish the legality of it.

Board Member Buzzutto stated all the documents we received from the Building Department, the Assessor's Office, everything kind of states that it was never coded as a legal three-family home. We have nothing in our literature to say that it was legally a three-family home on the Town's records. So, I don't know.

Ms. Pettey stated it say three-family on the assessor's card. It also says it on the County record. It says it on the title reports. It says it on the appraisals. I can't speak for what...

Board Member Buzzutto stated well, yeah. Well...

Ms. Pettey stated the Town does.

Board Member Buzzutto stated but it was never documented through the Zoning Board or through the Town Board or anything.

Tim Curtiss stated yes. That's really the issue, is what documentation...

Board Member Buzzutto stated that's...

Tim Curtiss stated you have to establish, you know...When it was established in '61 or '62, it became...Obviously your father made an application to the Zoning Board and there was some discussion of it and apparently it got reflected as a two-room addition, not separate living.

Board Member Buzzutto stated but that's what it says, a two-room...

Ms. Pettey stated it's just one line.

Tim Curtiss stated yes, that's all it is.

Board Member Buzzutto stated the summary report of the Board of Appeals approved a two-room extension of the property. They did approve a two-room extension. It further states that even though the though the house is non-conforming, its use is allowed in the particular district. This document is not dated, but one can surmise that regarding 1961 approval addition to the property. Clearly, the Board of Appeals approved a two-room extension, but the issue is whether the Board approved a third (inaudible).

Board Member Bodor stated it's stated here that in November 1961, a variance is granted allowing an addition to a then two-family dwelling. Not saying that the addition is another residence...another apartment, whatever you want to call it there, but a two room addition to a, at that time, two-family dwelling. Nowhere is it saying it becomes a three-family dwelling.

Ms. Pettey stated wouldn't that be the building inspector have to come and inspect that apartment before they moved in there. When it was built on there, would they...If you make an addition, does the building inspector have to come in and look at it.

Board Member Bodor stated there are timeframes...different...

Board Member Buzzutto stated well...

Board Member Bodor stated stages. I...

Ms. Pettey stated I was thinking that if it was inspected, they would have seen...

Board Member Bodor stated was there a CO issued for those two rooms.

Ms. Pettey stated I have no idea because I just, you know, I bought the house I believed that...

Board Member Bodor stated but that's where an inspection on a completed structure would have produced a CO.

Ms. Pettey stated right. But there's nothing in the folder.

Board Member Bodor stated so...

Ms. Pettey stated you know, there was nothing in my folder for the building either. There's like nothing in any of the folders.

Board Member Buzzutto stated well, the building inspector probably would have went there to inspect a two-room addition, not a third apartment...not as a third apartment. But just as a two room addition.

Ms. Pettey stated but I'm...

Board Member Buzzutto stated that's what he went there for.

Ms. Pettey stated saying if they would have went there and they would have seen it was, you know, had a separate entrance and it was...

Board Member Buzzutto stated well...

Ms. Pettey stated a separate apartment.

Board Member Buzzutto stated well, that's all well and good, but it was never listed to go there to inspect it as a three-family dwelling. That's where all the...

Ms. Pettey stated right.

Board Member Buzzutto stated all the (inaudible) is here.

Ms. Pettey stated well, is there a possibility that it could have been and the records are lost or something like that.

Board Member Buzzutto stated I don't know. I don't...

Tim Curtiss stated I mean, we have...I think, Sarah went through and got everything that's in the record that we have.

Board Member Buzzutto stated yes.

Ms. Pettey stated there wasn't a lot.

Tim Curtiss stated so...Yes. And whether or not there was ever a there was a CO ever issued because they were building it for three family.

Board Member Buzzutto stated yes.

Tim Curtiss stated because the Building Department been counting it as a two-family. The conflict came up is when they did the garbage district in '91 and somebody actually went out and did a unit count, that's when the assessor's card changed from the two-family rating to the three-family rating.

Board Member Buzzutto stated when was the third meter or electrical meter put on.

Ms. Pettey stated I did that not too long ago.

Board Member Buzzutto stated yeah, just recently. Yeah.

Ms. Pettey stated a few years back. Yeah, I did because I put a house meter and, you know, updated everything. And that's when I gave that one a separate one, too.

Board Member Buzzutto stated how far back is our Town records, about '61...or '50.

Tim Curtiss stated yes, probably. They have some that go back to the 40's and early 30's.

Board Member Buzzutto stated oh, really.

Tim Curtiss stated definitely. But the zoning, really the first modern zoning ordinance, was 1960. Yes. Before that it was pretty, you know, rural and you could do just about anything you wanted in the zones. But the first modern one was in '60.

Board Member Buzzutto stated see if you can get something from the audience.

Chairman Olenius stated does anybody in the audience have any comment on this case. No one. I just don't, personally, find enough evidence here to support the fact that it was three family prior to the zoning code. That's my personal opinion.

Board Member Buzzutto stated well...

Ms. Pettey stated I'm just saying that it's been being used as a three-family consistently since 1961.

Chairman Olenius stated I understand that, but not necessarily legally...

Board Member Bodor stated legally.

Chairman Olenius stated in the Town's eyes, you know. I couldn't even suggest anymore information that you could submit because it looks like you've covered every base that you could, unfortunately. Anybody else have anything.

Board Member Buzzutto stated well, even the Board of Elections, they would only indicate the name and the address of the person who applied there. It wouldn't list it as a apartment 3, stuff like that.

Ms. Pettey stated no. It was... You were asking me to establish that it was built for a family member, and I do believe it states something in that old zoning code there about you can make an addition into an apartment if it's for a family member, and I got the records that they were in fact, you know, voters and lived on South Street. And then I, you know, the numbers weren't on yet because 911 didn't come yet. So it just South Street. However, I have that backed up by three or four affidavits from people who remember that they... who they were and that they were there and what the circumstance was and that it was a separate apartment with a separate entrance.

Board Member Buzzutto stated well...

Ms. Pettey stated I mean, Nick had come over and dated half of the stuff in there as back to then. It's preexisting back to then, it's not something newly made.

Board Member Buzzutto stated but it was never... There was never an affidavit to validate that it was established as a three-family home at that time.

Ms. Pettey stated well...

Board Member Buzzutto stated that's where the zoning...

Ms. Pettey stated I don't know what to tell you there because I only can...

Board Member Buzzutto stated yeah.

Ms. Pettey stated tell you what I know. I don't know how the Town works or what. I bought the house, the apartment was on it.

Board Member Buzzutto stated when you bought it, yes.

Ms. Pettey stated yes. And it was rented out.

Board Member Buzzutto stated I've run out of...What is that thing there.

Chairman Olenius stated that was a voter registration.

Board Member Buzzutto stated oh, that was voter registration.

Chairman Olenius stated I was just trying to see if there was any, like you said, apartment or anything. But I don't see anything.

Board Member Buzzutto stated if anything, just close the public hearing.

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

Ms. Pettey stated may I say something first.

Chairman Olenius stated certainly.

Ms. Pettey stated you're not going to decide right now.

Chairman Olenius stated we are.

Board Member Buzzutto stated yes, we will.

Ms. Pettey stated because I would like to motion that we could table it one more time because I actually do have an attorney on board who could not be here tonight. But I said I would come one more time to see, and if not, she will be here next month.

Board Member Buzzutto stated well...

Tim Curtiss stated sure.

Chairman Olenius stated I mean...

Tim Curtiss stated if you want to...If you're requesting...

Chairman Olenius stated if...

Tim Curtiss stated it be adjourned, we'll adjourn it for you, sure.

Ms. Pettey stated thank you.

Tim Curtiss stated if you have an attorney.

Board Member Herbst stated so we're adjourning it.

Tim Curtiss stated it's up to the Board, but certainly, if she's requesting a chance to have an attorney come in, I wouldn't think that that would be a problem. You know, if she has anything more she wants to add, just make sure she gets it to the Board or gets it to us so we can get it to the Board beforehand. You know, chance to let them have and read.

Ms. Pettey stated alright.

Board Member Buzzutto stated well, I'd be in favor of giving her the time that she...

Tim Curtiss stated yes.

Board Member Buzzutto stated needs.

Tim Curtiss stated to have an attorney.

Board Member Buzzutto stated whatever she needs to...

Tim Curtiss stated that's right.

Ms. Pettey stated the attorney just could not be here tonight.

Board Member Buzzutto stated well, alright, so I'd be in favor of postponing it for another meeting to maybe help you along on this.

Board Member Herbst stated I'll make a motion to postpone it for another meeting.

Board Member Burdick stated second.

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

Tim Curtiss stated we left the public hearing opened so...

Board Member Buzzutto stated okay.

Tim Curtiss stated if she has something she wants to say, or something.

Ms. Pettey stated alright.

Board Member Buzzutto stated so the public hearing will still be opened, okay.

Ms. Pettey stated okay.

Board Member Bodor stated please make sure anything else you're giving us gets to us well in advanced...

Ms. Pettey stated okay.

Board Member Bodor stated so we do have an opportunity to...

Ms. Pettey stated yes.

Board Member Bodor stated to look it over.

Board Member Buzzutto stated yes.

Ms. Pettey stated I'm sure she knows that.

Board Member Bodor stated and we'd like more...different information from the attorney. Let's not start from square one and rehash everything in this packet. Okay.

Board Member Buzzutto stated okay, so...

Board Member Bodor stated thank you.

Board Member Buzzutto stated it will be tabled at the request of the applicant.

Board Member Bodor stated yes.

Tim Curtiss stated yes.

Board Member Buzzutto stated okay. That's in...

Tim Curtiss stated the April meeting.

Chairman Olenius stated the April meeting's the 25th.

Tim Curtiss stated the 25th, just so you know.

Ms. Pettey stated okay.

Chairman Olenius stated it's a little bit later.

Tim Curtiss stated yes.

Chairman Olenius stated it's like the third Wednesday.

Ms. Pettey stated okay. Thank you.

Board Member Buzzutto stated okay. Let's see. What do we got here.

Board Member Bodor stated what was it.

The Secretary stated it's a Monday.

Chairman Olenius stated I think so, yes.

Board Member Bodor stated okay.

Chairman Olenius stated yes. Monday night. April 25th.

Board Member Buzzutto stated thank you.

2) PATRICIA TANZI CASE #03-11

Mrs. Patricia Tanzi and Mr. Lou Madera were both present.

Chairman Olenius stated number two.

The Secretary stated okay.

Tim Curtiss stated excuse me [referring to sneezing].

Board Member Burdick stated bless you.

Tim Curtiss stated thank you.

Chairman Olenius stated bless you.

The Secretary read the following legal notice:

Patricia Tanzi Case #03-11 – Special Use Permit

Applicant is requesting a Special Use Permit pursuant to §154-105 of the Patterson Town Code, Accessory Apartments, in order to legalize her existing accessory apartment. This property is located at 405 Fair Street (R-4 Zoning District).

Chairman Olenius stated good evening.

Mrs. Patricia Tanzi stated good evening.

Chairman Olenius stated could you raise your right hand for me. Do you swear the testimony you provide tonight is the truth and the whole truth.

Mrs. Tanzi stated yes I do.

Board Member Buzzutto stated

Chairman Olenius stated give your name and address for the minutes please.

Mrs. Tanzi stated Patricia Tanzi. 405 Fair Street, Carmel, New York, 10512.

Chairman Olenius stated thank you.

Board Member Bodor stated and the gentleman with you.

Mrs. Tanzi stated Lou Madera.

Mr. Lou Madera stated I'm a friend of hers.

Board Member Bodor stated can we have your name, Sir.

Mr. Madera stated Lou Madera.

Board Member Bodor stated Lou Madera.

Chairman Olenius stated you agree with what was read in the legal there. That you're just here for a special use permit.

Tim Curtiss stated special use permit for an accessory apartment.

Mrs. Tanzi stated yes.

Board Member Buzzutto stated there's no changes in what you've heard.

Mrs. Tanzi stated no. I just want to explain a few things.

Board Member Buzzutto stated no, that's fine. That's what, yes...

Mrs. Tanzi stated yes. No, no. There's no change. I'm trying to get this...

Board Member Buzzutto stated okay.

Mrs. Tanzi stated I just want it noted that, again, someone made it (inaudible) first. This is the way that I bought this, okay. I bought it; on it was a five bedroom. I think I gave you a picture of the ad. I put it in the papers.

Chairman Olenius stated yes. This here.

Board Member Buzzutto stated oh, that one.

Mrs. Tanzi stated right. Real estate ad.

Chairman Olenius stated right.

Mrs. Tanzi stated and my taxes I'm paying for are 5 bedrooms. For all these years; 37 years. This house was in 1961...'60 was built. This is the way I got it. And to my knowledge, this is what it was.

Board Member Bodor stated you got it as a five bedroom house, part of which was an apartment.

Mrs. Tanzi stated yes. Everything was there.

Board Member Bodor stated that's what I'm trying to clarify.

Mrs. Tanzi stated yes. Everything, the way it is now, has been there since day one. From 1960.

Board Member Bodor stated okay. One home divided into two apartments.

Mrs. Tanzi stated one home with an accessory downstairs. The prior owner, the builder, I guess he was his own builder. I'm trying to get going through the records myself and trying to find information, you know. And it seems he was his own builder and 1960, then, most records, let me tell you.

[Laughter]

Mrs. Tanzi stated it's very hard. And then I was told that... And she said I needed to come for more variances. I'm trying to do it and get it done, but I just wanted it noted that this...

Board Member Buzzutto stated yes, was that...

Mrs. Tanzi stated is the way it was when I got it, you know.

Board Member Buzzutto stated is there a difference between second apartment, Tim, and a mother and daughter apartment.

Tim Curtiss stated yes. Well, there would be a difference between a two-family and an accessory apartment.

Board Member Buzzutto stated yes. That's what I mean. There would be.

Tim Curtiss stated there would be, yes. And Nick, I think, has gone out... Has the Building Inspector been out.

Mrs. Tanzi stated oh, yes.

Tim Curtiss stated and he's...

Mrs. Tanzi stated and he's the one who told me that...

Tim Curtis stated told them it's an accessory apartment, not a two-family.

Board Member Buzzutto stated it's not a two-family.

Tim Curtiss stated yes. It's an accessory.

Mrs. Tanzi stated what he said. I go by what he told me because...

Tim Curtiss stated yes. Yes, he took a look at it.

Board Member Buzzutto stated so basically, what is she asking here.

Mrs. Tanzi stated I'm asking for...

Tim Curtiss stated she needs a special permit to legalize the accessory apartment.

Board Member Bodor stated in one structure...How many structures are on the property.

Mrs. Tanzi stated just two structures on the property.

Board Member Buzzutto stated I have that one.

Board Member Bodor stated two homes.

Mrs. Tanzi stated yes.

Board Member Bodor stated two single family homes.

Board Member Buzzutto stated I don't understand what she's asking for.

Mrs. Tanzi stated yes. But that's a modular in the back. That's okay. Everything's done. You know, all the variances...that's fine. This is the main house, the original house, on the property.

Tim Curtiss stated which has the accessory apartment.

Mrs. Tanzi stated and this is the way it's been, yes.

Mr. Madera stated and it's on 22 acres.

Mrs. Tanzi stated acres.

Mr. Madera stated it's not like it's a small lot. It's 22 acres.

Board Member Bodor stated and is there an existing auto repair business still there.

Mrs. Tanzi stated no.

Board Member Bodor stated there was in the past.

Mrs. Tanzi stated yes, no. There's no...it's...There was a license there. But...

Board Member Bodor stated yes.

Mrs. Tanzi stated you know, it's done right now.

Board Member Buzzutto stated alright.

Mrs. Tanzi stated but that's all listed, too, on the papers. I mean, it's been there... We've moved in... In fact, you've went in a couple of times... I think the Zoning Board has been out there when I tried to do a subdivision.

Board Member Bodor stated alright. There's two houses on the property.

Mrs. Tanzi stated yes.

Board Member Bodor stated one is 405 and one is 409. Correct.

Mrs. Tanzi stated correct.

Board Member Bodor stated and they are each divided into two rental units. So you have four rental units.

Mrs. Tanzi stated no. No. The one house is a one unit.

Tim Curtiss stated the modular in the back.

Mrs. Tanzi stated yes.

Tim Curtiss stated okay. That's one unit...

Board Member Bodor stated what house number is that.

Mrs. Tanzi stated 409.

Board Member Bodor stated 409 is only one living unit.

Mrs. Tanzi stated yes.

Board Member Bodor stated on the main living level. What's in the basement...

Mrs. Tanzi stated yes. With a finished basement.

Board Member Bodor stated what's in the basement there.

Mrs. Tanzi stated with a finished basement. Nick knows all about that. That's all straightened out. That's got the permit...

Tim Curtiss stated okay. So there's not another apartment...

Mrs. Tanzi stated no. That has nothing to do with this.

Tim Curtiss stated okay.

Mrs. Tanzi stated this case.

Tim Curtiss stated okay.

Mrs. Tanzi stated it's straightened out. The permit's there.

Tim Curtiss stated okay.

Mrs. Tanzi stated I paid the \$75.00. It's good.

Tim Curtiss stated okay.

Mrs. Tanzi stated you know, that's done. The main...It's this one; my house.

[Cell phone vibrating]

Mrs. Tanzi stated shut your damn phone off. I told you that [referring to Mr. Lou Madera's cell phone].
Sorry.

Tim Curtiss stated yes, see, Mr. Lamberti has notified the Board, this is as of March 4th that house number 409, which is the modular, correct.

Mrs. Tanzi stated right.

Tim Curtiss stated is divided into two rental apartments; one on the main living level...one on the main level living area which appears to be owner occupied, and the other in the basement.

Mrs. Tanzi stated no. There's only one rental...We straightened all that out, me and Mr. Lamberti.

Tim Curtiss stated okay.

Mr. Madera stated his numbers are backwards.

Tim Curtiss stated yes, well they do...

Mrs. Tanzi stated oh, over there, they did have it backwards; the original...

Tim Curtiss stated so house...

Mrs. Tanzi stated the original, yes. They had it backwards.

Mr. Madera stated I think they had the numbers backwards.

Mrs. Tanzi stated yes. They did have the numbers backwards.

Tim Curtiss stated yes. Because there is pen and ink change on the numbers.

Mrs. Tanzi stated yes. Yes. He had the address numbers wrong.

Tim Curtiss stated okay.

Chairman Olenius stated when did this take place. Was this awhile ago.

Mrs. Tanzi stated what.

Chairman Olenius stated when the numbers were changed on the...When the original was...

Mrs. Tanzi stated when he first gave me the summons, yes. It was...I let him know. I'm like, you got it wrong. It was the wrong numbers.

Chairman Olenius stated how long ago did he give you the summons though.

Mr. Madera stated I think it's something about 293, was the original house number.

Mrs. Tanzi stated yes.

Chairman Olenius stated how long ago did he give you the summons, though.

Mrs. Tanzi stated this is going on awhile.

Chairman Olenius stated this is dated 2009...March 4, 2009.

Mrs. Tanzi stated yes.

Chairman Olenius stated that's why I'm asking...

Mrs. Tanzi stated yes.

Chairman Olenius stated this is two years old already.

Mrs. Tanzi stated yeah.

Chairman Olenius stated love that.

Mrs. Tanzi stated yes.

Chairman Olenius stated because I thought...

Mrs. Tanzi stated that's why I said, that is...

Chairman Olenius stated I saw March. I didn't look at the...

Mrs. Tanzi stated but the original....You're right. Now that you're saying it, I now remember the original...

Tim Curtiss stated this is '09.

Mrs. Tanzi stated yes.

Tim Curtiss stated yes. This is March '09.

Mrs. Tanzi stated because I told him it was wrong and he had to correct it. Yes.

Tim Curtiss stated but in the March '09, he's saying that there's actually four dwelling units out there; two in your...two in the house that you're in and two in the modular house.

Mrs. Tanzi stated yes. It was a finished basement. There is no rental, because the tenant I have there was complaining because I wouldn't give her the downstairs. So they kind of said that it was when (inaudible).

Tim Curtiss stated okay. Alright.

Mrs. Tanzi stated that's all taken...That's all (inaudible) then they got the permit, you know.

Tim Curtiss stated excellent. Okay.

Mrs. Tanzi stated this is for my house.

Tim Curtiss stated we're going to ask, probably, Nick to do is just give us a letter confirming that...

Mrs. Tanzi stated oh, sure.

Tim Curtiss stated the modular is just a single-family and that...

Mrs. Tanzi stated yes. I would have brought the folder with the paid thing or the...

Tim Curtiss stated that's fine. We can get that.

Mrs. Tanzi stated Cheryl knows. That's all done.

Board Member Buzzutto stated this always been occupied.

Mrs. Tanzi stated yes. Since day one.

Board Member Buzzutto stated so it's always been occupied.

Mrs. Tanzi stated yes.

Board Member Buzzutto stated okay.

Mrs. Tanzi stated because as far as I know, I was...

Tim Curtiss stated you were legal.

Mrs. Tanzi stated you know.

Tim Curtiss stated got you.

Board Member Bodor stated right.

Mrs. Tanzi stated (inaudible).

Tim Curtiss stated I'm glad.

Mrs. Tanzi stated so, hello.

Tim Curtiss stated that's a good thing.

Mrs. Tanzi stated you know. And they have me down on the taxes as a five bedroom. I mean, I heard what you said, that they come out and look. But, 37 years I've been paying them.

Board Member Burdick stated in the apartment...

Mrs. Tanzi stated yes.

Board Member Burdick stated that you're applying for the special use permit for, one bedroom or two. Two bedrooms.

Board Member Bodor stated and the Code says there can only be one.

Tim Curtiss stated yes, for accessory.

Board Member Bodor stated for an accessory apartment.

Tim Curtiss stated for an accessory apartment. Yes. Well, you have to probably just get...Nick would probably have to show you how to discontinue the one bedroom and make it either into your one big bedroom or do something else with it so you'll be in compliance at that point in time because he'd come out and...

Mr. Madera stated but is there a square footage restriction as well.

Tim Curtiss stated I think there is.

Board Member Bodor stated yes there is.

Chairman Olenius stated there is, yes.

Tim Curtiss stated yes.

Mrs. Tanzi stated that's what I think is...

Mr. Madera stated so that would cause a problem anyway because it's the whole basement of this house.

Tim Curtiss stated oh, it's the whole basement of the house.

Mrs. Tanzi stated yeah.

Tim Curtiss stated okay. So what we've got to do then is you may have to amend your application to...because you may need a variance for an apartment that's larger than the Code requires. We can do that for you, too.

Mr. Madera stated I think that's basically what she's looking for.

Tim Curtiss stated yeah...

Mr. Madera stated is what do I need to do to comply...

Mrs. Tanzi stated what do I need...

Tim Curtiss stated yes, yes. To get it back into compliance at that point in time. Maybe you guys ought to take just a site walk to see what's out there...

Board Member Burdick stated we're going to have to.

Tim Curtiss stated so that you could help her...

Board Member Bodor stated yes. We want to go out and take a look at it.

Tim Curtiss stated get it straightened out so you know what's there and then...

Mrs. Tanzi stated oh, okay.

Tim Curtiss stated they can kind of guide you as to what you should...

Board Member Bodor stated so we know what building we're talking about.

Mrs. Tanzi stated okay.

Mr. Madera stated alright. That's a great idea.

Tim Curtiss stated and that way...

Mrs. Tanzi stated I think you were at my house already.

Board Member Bodor stated no.

Tim Curtiss stated they get you in here to apply for...

Mrs. Tanzi stated did you ever go out to the field when... Who goes in the field when they have to.

Board Member Burdick stated if you were...

Tim Curtiss stated they all go in the field.

Board Member Bodor stated we do.

Board Member Burdick stated you mentioned something about a subdivision, though. That would probably be the Planning Board.

Mrs. Tanzi stated oh, maybe. Maybe. Sorry.

Tim Curtiss stated yeah. But they'll all come out.

Mrs. Tanzi stated I've never dealt with this before, so...

[Laughter]

Mrs. Tanzi stated I've been (inaudible) all these years.

Board Member Buzzutto stated is this rented to a relative or family.

Mrs. Tanzi stated a friend of mine.

Board Member Buzzutto stated a friend.

Mrs. Tanzi stated who her husband had a stroke. They lost their home and...

Board Member Buzzutto stated well, a rental has to be family, doesn't it. On a...

Tim Curtiss stated on the accessory.

Board Member Buzzutto stated accessory apartment.

Tim Curtiss stated yes, it was originally set up, I think, as a mother-daughter. So I have to take a look...

Board Member Buzzutto stated yeah.

Tim Curtiss stated at the...

Rich Williams stated Tim.

Mrs. Tanzi stated before that my daughter lived there.

Tim Curtiss stated no, not anymore. Okay. No, it doesn't have to be family. I'm sorry.

Board Member Buzzutto stated oh.

Chairman Olenius stated as long as it's owner occupied.

Tim Curtiss stated as long as it's owner occupied.

Board Member Buzzutto stated okay, just wanted to...

Mrs. Tanzi stated yes, I live upstairs.

Board Member Buzzutto stated bring that up. Okay.

Tim Curtiss stated I apologize. Yes, it's owner occupied.

Mr. Madera stated I think it's a great idea that they come out and actually look at it.

Mrs. Tanzi stated yes.

Mr. Madera stated this way they...

Tim Curtiss stated yes. I think in that way you get it straightened out because she's probably...It sounds like she's going to need a couple of variances as well as a Special Use Permit.

Board Member Bodor stated yes, she does.

Tim Curtiss stated I the apartment's that size...

Board Member Burdick stated it says here 2,400 square feet.

Tim Curtiss stated yes.

Board Member Burdick stated the Code says 600 [square feet].

Mrs. Tanzi stated if I measured correctly.

Mr. Madera stated yeah.

Board Member Burdick stated that looks like...

Tim Curtiss stated close enough...

Board Member Burdick stated Nick...

Tim Curtiss stated so you're going to need the variance.

Board Member Burdick stated Nick initialed that, so I'm assuming he took the measurement...

Mrs. Tanzi stated he went by what I gave him.

Tim Curtiss stated okay.

Board Member Burdick stated well, your section is not completed, only his section is [referring to the Compliance Checklist].

Mrs. Tanzi stated oh no, he went by the map I gave him.

Board Member Burdick stated okay. He probably did the calculation then. That's the only reason why...

Mrs. Tanzi stated okay, he did the calculations...

Board Member Burdick stated we'd like to come out.

Mrs. Tanzi stated but...

Board Member Buzzutto stated I usually write it on there, too, if I can find it.

Mrs. Tanzi stated you know, give or take a little bit, maybe. Take a little off.

[Laughter]

Board Member Bodor stated you have a survey of this property with all the structures on it.

Tim Curtiss stated there we go. Looks like we do.

Board Member Bodor stated where's Fair Street. Oh, here's Fair Street over here. Okay, where are we here. There's an existing dwelling there.

Mr. Madera stated the first one when you go up the driveway.

Board Member Bodor stated that's the one that we're referring to.

Mrs. Tanzi stated yes.

Board Member Bodor stated and there's one way in the back.

Mr. Madera stated that's the modular in the back.

Board Member Bodor stated okay.

Board Member Buzzutto stated that's the modular.

Board Member Bodor stated it says to be removed [referring to the plans]. Is that current.

Mrs. Tanzi stated that's the subdivision paperwork.

Tim Curtiss stated oh, so that's...

Board Member Bodor stated oh. Okay.

Mrs. Tanzi stated I thought if I...

Tim Curtiss stated if you were going to go through with the subdivision, you were going to...

Mrs. Tanzi stated if I'm going to go through, this is what I would come in to the...

Tim Curtiss stated Planning Board.

Mrs. Tanzi stated the Planning Board with.

Tim Curtiss stated got you.

Mrs. Tanzi stated that's why I say they were there. Because they had to come up and put sticks...

Chairman Olenius stated flag.

Tim Curtiss stated flagged it.

Mrs. Tanzi stated they had to do that. But that's as far as they went.

Mr. Madera stated that way they would approve the subdivision, is by knocking that (inaudible) get that land per unit...

Tim Curtiss stated per unit, okay.

Board Member Bodor stated okay.

Mrs. Tanzi stated but I didn't do anything yet. So...But there's a map that shows you what's there.

Chairman Olenius stated oh, I see.

Board Member Bodor stated yes.

Chairman Olenius stated I got you.

Board Member Bodor stated multi-family dwelling, two stories. Okay. There's a barn on the structure.

Mrs. Tanzi stated yes.

Board Member Bodor stated okay.

Chairman Olenius stated did you guys want to take a look at the survey.

Board Member Buzzutto stated yes.

Tim Curtiss stated that just shows you what's existing on the property.

Chairman Olenius stated this is the house in question right here [referring to the plans].

Board Member Buzzutto stated let me just click that off there [referring to a pen]. I would have left a mark on there. This one is the one.

Chairman Olenius stated that's the residence in question with the accessory apartment.

Board Member Buzzutto stated and the accessory is there in the basement as well.

Chairman Olenius stated right,

Mrs. Tanzi stated you see in that picture. That picture I gave you. Can I step up.

Chairman Olenius stated sure.

Mrs. Tanzi stated this is the existing house. This is where it is.

Tim Curtiss stated yes, okay.

Mrs. Tanzi stated okay.

Tim Curtiss stated so, yes. So it's in the basement area.

Mrs. Tanzi stated right, with it's own door. It's on....It's been there.

Tim Curtiss stated okay, I see. Yes.

Mrs. Tanzi stated this main structure of the house.

Tim Curtiss stated this is the apartment with the door right there.

Mrs. Tanzi stated that's the original house. The whole thing.

Board Member Buzzutto stated what size property is that.

Chairman Olenius stated 22 acres.

Board Member Buzzutto stated well, 22 acres is...

Mrs. Tanzi stated you see what I was trying to tell you. It's the whole...It's the main house since 1960.

Board Member Bodor stated when you bought it in 1960, was the modular in the back.

Mrs. Tanzi stated I didn't buy it in '60. I bought it in '74. It was built in the 60s.

Board Member Bodor stated did you put the modular in the back.

Mrs. Tanzi stated yes.

Board Member Bodor stated you did.

Mrs. Tanzi stated all the permits are there. That's all...

Board Member Buzzutto stated you do it [referring to folding the plans].

[Laughter]

Mrs. Tanzi stated I can never, ever get those things.

Mr. Madera stated they never go back the way you want them.

Mrs. Tanzi stated no.

Chairman Olenius stated does anybody in the audience have a comment on this application.

Board Member Buzzutto stated how far down on Fair Street is this. Is it near...

Mrs. Tanzi stated how far down.

Board Member Buzzutto stated near Bullethole Road.

Mrs. Tanzi stated just past Bullethole Road, on the right.

Board Member Buzzutto stated going towards Carmel.

Mrs. Tanzi stated going... Yes.

Board Member Bodor stated yes. There is a house right on the corner with a fence and this is right beyond it...

Mrs. Tanzi stated the old farm house...

Board Member Bodor stated and sets back in.

Mrs. Tanzi stated Beal's farm.

Board Member Buzzutto stated oh, okay.

Board Member Bodor stated Beal's farm.

Mrs. Tanzi stated right at the next one.

Board Member Buzzutto stated okay. I know.

Board Member Bodor stated okay.

Chairman Olenius stated so I'll make a motion to table this so that we can take a site walk and get the rest of the information together and have a visual...

Mrs. Tanzi stated I appreciate it.

Chairman Olenius stated on it.

Board Member Herbst stated I'll second it.

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

Mrs. Tanzi stated thank you.

Chairman Olenius stated is there any certain time that's bad for, because we'd like someone there when we come out to visit.

Mrs. Tanzi stated yes. If you just choose a Monday, Tuesday or Wednesday; Thursdays and Fridays I'm not usually around.

Chairman Olenius stated we'll do our best. The Secretary will be in touch with you...

Mrs. Tanzi stated yes.

Chairman Olenius stated and let you know what date and what not.

Mrs. Tanzi stated absolutely.

Chairman Olenius stated I think it's light enough now we can do them...

Mrs. Tanzi stated yes.

Board Member Bodor stated yes, a little later.

Chairman Olenius stated after work probably...

Mrs. Tanzi stated if it's late, it should be...

Chairman Olenius stated you know, during the week.

Mrs. Tanzi stated thank you.

Chairman Olenius stated okay. Thank you.

Mrs. Tanzi stated thanks.

Tim Curtiss stated you're welcome. That's it.

Board Member Bodor stated that's it for now...for tonight.

Tim Curtiss stated yes. You can probably go during the week. Of course I think...

Board Member Buzzutto stated time is ahead now.

Tim Curtiss stated sunset is at like 7 o'clock or something.

3) ROBERT GROSS CASE #04-11

Mr. Robert Gross was present.

The Secretary stated okay. Next one.

Chairman Olenius stated fire away.

The Secretary stated okay.

The Secretary read the following legal notice:

Robert Gross Case #04-11 - 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 detached garage. The Code requires there to be a 40' front yard and side yard setback; Applicant currently has 10' and 19.5', respectively. Variances requested are 30' for a front yard setback and 20.5' for a side yard setback. Applicant is also requesting a variance pursuant to §154-27 A.(7) of the Patterson Town Code; Permitted accessory uses. The Code requires the garage to be $\leq 50\%$ of the bulk area ratio of the principal dwelling as measured from the aboveground exterior walls of the structure; Applicant's garage is 98%; Variance requested is for 48%. This property is located at 32 Bear Hill Road (R-4 Zoning District).

The Secretary stated and I also just wanted to make a note that this was noticed incorrectly. The correction is that he needs to go...he needs a 20' side yard setback, not a 40' side yard setback. So he is going for a 1' variance for the side yard, not a 19.5' variance.

Chairman Olenius stated Mr. Gross.

Mr. Robert Gross stated that's me.

Chairman Olenius stated do you want to raise your right hand for me. You swear the testimony you will provide will be the truth and the whole truth.

Mr. Gross stated I do.

Chairman Olenius stated thank you. Can you just state your name and address for the record, please.

Mr. Gross stated okay. My name is Robert Gross. I live at 32 Bear Hill Road, Patterson, New York, for thirty years.

Board Member Bodor stated for thirty years.

Board Member Buzzutto stated Bear Hill, that's off of [Route] 311.

Mr. Gross stated yes, Sir. Across the street from Fair Street, where Fair Street...

Board Member Buzzutto stated yes.

Mr. Gross stated ends.

Board Member Buzzutto stated didn't Bowman live up there.

Mr. Gross stated yes, Sir.

Board Member Buzzutto stated yes.

Mr. Gross stated and I'll mention him in my...

Board Member Buzzutto stated oh, okay. Very good.

Mr. Gross stated discussion if you want me to go to that.

[Laughter].

Board Member Buzzutto stated okay. Now I know where it is.

Mr. Gross stated there you go.

Board Member Buzzutto stated okay.

Mr. Gross stated you've all got your pictures and you know what we're talking about today.

Board Member Buzzutto stated you heard what was read in the minutes.

Mr. Gross stated yes.

Board Member Buzzutto stated do you agree with that totally.

Mr. Gross stated yes. And you got the correction.

Board Member Buzzutto stated any changes in that.

Mr. Gross stated no, that's correct.

Board Member Buzzutto stated okay.

Mr. Gross stated except with the correction as noted.

Board Member Buzzutto stated okay.

Mr. Gross stated you all did get the pictures, right.

Board Member Bodor stated nice pictures.

Chairman Olenius stated yes.

Board Member Bodor stated thank you. We like pictures.

Mr. Gross stated you know, a picture's worth a thousand words.

Tim Curtiss stated there you go.

Board Member Bodor stated it's very true.

Mr. Gross stated people know what we're talking about.

Board Member Bodor stated very true.

Mr. Gross stated I'm sorry about all the snow, but it came out of the sky.

[Laughter].

Tim Curtiss stated indeed it did.

Mr. Gross stated I would like to tell you my story about how all this happened.

Board Member Bodor state we would love to hear it.

Chairman Olenius stated yes, please do.

Mr. Gross stated okay.

Board Member Bodor stated go ahead.

Mr. Gross stated well, I'm sure there's hundreds of me out there. First of all, I'm the one initiating this whole action; not on the base of any complaint from anybody or what have you.

Board Member Buzzutto stated yes, okay.

Mr. Gross stated the main concern of my initiation of this action is I'm going to die and I don't want to leave a nightmare for my son. That's what I...

Board Member Bodor stated that's good of you.

Mr. Gross stated I've recently gone through the loss of my two parents. I was the executor; became very aware of all the legal ins and outs of properties, and I wanted to be sure everything is neat and clean when I pass away. I was going to tell you because it's the right thing to do with this, but the real reason is what I just said. Okay.

Board Member Buzzutto stated you're just not ready for last rights yet, are you.

Mr. Gross stated no. All the health is pretty good. But the day will come.

Board Member Buzzutto stated not yet.

Mr. Gross stated and...Well, I bought the house in '80...'81. Dead end road deep in the woods, one lane narrow road. I was filled with the American Dream. My house, my property, I'll do whatever I want. That's how it was. That's was back in 1980, Patterson was a different place. It's still a lovely place, but it was different. I did an addition on the house. This is the story of how my thinking and everything came to be. It all was innocent enough; there was nothing deliberate. And back then...It was a good addition on the house. And I did know I need the permit for my house. And the supervisory networks of the Town at that time were not, like I said, as stringent as they are today. Things were kind of loose and easy going.

Yeah, it looks good to me Bob. You're good to go, here's your CO. That kind of thing. And it was good, and it wasn't that anybody was being negligent or anything. Okay, and then I...As you see on the original survey, and that would be the one that goes like this, you'll see it was a single-car garage when I bought the house. Okay, and on the existing plan, that single-car garage is outlined in the yellow. Okay, so that's what I started with. The garage used to have...The original garage used to have its entrance towards Bear Hill Road. Prior, a few years before I bought the house, the Town bought Bear Hill Road, which used to be a private Road. And that's where it's also known as, or it was Foot Road or...Foot Road A, is what it used to be called. Well, anyway, they raised the level of the road about three feet, making the entrance to the garage from Bear Hill Road directly straight this way, making that impossible because it just went from here to there, straight down about 4 feet. And that's how the variance allowing me to enter from the side started. Now, since I couldn't get in the garage directly from Bear Hill Road, the only way to get in the garage was to go all the way around...Well, I'm just telling you how it all came about. It was difficult and in the winter pretty much impossible to get into the garage. So I gave up trying to get the car in the garage and I put the boat in the garage.

[Laughter]

Mr. Gross stated well then I figured out how to get the car in the garage and the boat came out, and I parked the boat on the side of the garage. And then four poles went in the ground, and a little shed roof went over to cover the boat. And you know where we're going. A year or two later, I put sides on the walls. Then I said this is still too hard to get the car in the garage, I'm going to make the entrance to the garage by the way the pictures show now. And, gee, I can put my car and my truck and my boat right here, and it turned into a three garage, and it all evolved that way. Somewheres near the end of building this thing, Ted Bowman came down the hill walking his dog. If you didn't know Ted, he was the heart...He's a heart of gold man. Anyway, we were close. We talked a lot. Anyway, he started saying, do you have a permit, Bob. That was the first it hit me. I said it's a garage, not a house. And I was really under the impression that permits is where people...You needed them for houses where people...It was a garage. To me it was still a pole barn with a shed roof on it, but it was a real garage. And that's when it started to work on me...This was back 1990. And then it's been working on me ever since and I said I have to make this legal. I got to make this legal. Blah, blah, blah. And then my parents died and then it really hit me this could be a real mess for my son and he's got enough to do just putting me in the ground and dealing with all that. And that's why I'm here today. And that's my story and, yeah, I'll say it, and I'm sticking to it.

[Laughter]

Mr. Gross stated but it was all innocent enough and I'm here to make it right and do whatever I need to do. I started off this venture talking to the Code Enforcement Officer; he's a wonderful guy. I forgot his name...Nick.

Board Member Bodor stated Nick.

Mr. Gross stated and he gave me the confidence to proceed with all of this. Told me to get the right drawings, pictures would help. Blah, blah, blah. And so here I am. And then this...Her...This lovely lady from the Zoning office, went to her next and she was so supportive and helpful. I got the courage enough to do this. And here I am. Okay, you can hit me with all your questions. And I don't know what else I might tell you. Oh, part of the story of when I first bought it, that's why the garage is where it is in terms of being close to the road; because that's where it was in the beginning and that's what I had to start with. The discrepancies on...from the survey to the map I've given you, that little corner on the original survey

that says “Now or Formerly Lyons”, up here in this corner, I bought that ten, fifteen years ago. That was they failed to pay the taxes and I bought it...

Board Member Bodor stated that’s good.

Mr. Gross stated on an auction or something, whatever it was, with the Town. So I own that whole square as shown on the map. But the garage is where it is because that’s where the single-car garage was and that’s where the access was to get in and out of Bear Hill Road, and that’s why it’s so close to everything. I made it into three cars because I have a car and a truck on the road. And, well, I’m here to do whatever I need to do.

Chairman Olenius stated so I see in speaking with Mr. Lamberti, you’ve applied for a building permit...

Mr. Gross stated yes.

Chairman Olenius stated because it’s part of the thing here to...

Mr. Gross stated yes. I had to...

Chairman Olenius stated legalize that part of it, so he obviously has no issues with the structure itself. It’s just the legality of the...

Mr. Gross stated yes.

Chairman Olenius stated setbacks right now.

Mr. Gross stated the neighbors, as far as I know, the neighbors are all good with this. I think one of my neighbors...

Tim Curtiss stated yes, he sent a letter in. Yes, he did.

Board Member Bodor stated there’s a letter here.

Tim Curtiss stated there’s a letter in the pile.

Mr. Gross stated he’s up the hill from me. It’s not that noticeable from the road, you can see from a couple of the pictures.

Board Member Bodor stated I’d like to...

Mr. Gross stated dead end road. There’s only seven houses on the street.

Board Member Bodor stated I’d like to read this letter into the record.

Mr. Gross stated I don’t know what she said...

Board Member Bodor stated well, you’re going to hear it.

Tim Curtiss stated it’s all good.

Board Member Bodor stated it's good.

Mr. Gross stated that's good.

Tim Curtiss stated it's all good.

Board Member Bodor stated this is dated March 8th. It has the appropriate heading and all.

Board Member Bodor read the following letter:

Dear Board Members,

Regarding Robert Gross, area variance. As I am not able to attend the March 16th hearing regarding the above mentioned variance request, I'd like to go on record as stating that I have no problem with Mr. Gross' garages. They look great and his property is very well maintained at all times.

Sincerely,
Sandy Morrissey

Mr. Gross stated yes. Thank you for reading that.

Board Member Buzzutto stated the garages are completed now. They're all complete.

Mr. Gross stated yeah.

Board Member Buzzutto stated oh, they've been... You're just looking for a variance now.

Mr. Gross stated I'm trying to make it right.

Board Member Buzzutto stated okay.

Mr. Gross stated again, it all came to be as I told my story.

Board Member Buzzutto stated okay. When the Town improved that road there, they made it almost impossible for you to get into your garage.

Mr. Gross stated I mean, may I come up.

Board Member Buzzutto stated yes, that's fine.

Board Member Bodor stated sure.

Mr. Gross stated show you with a pen.

Board Member Buzzutto stated when the Town improved the road...

Mr. Gross stated yes.

Board Member Buzzutto stated they made...

Mr. Gross stated may I borrow it [referring to a pen].

Board Member Buzzutto stated yes.

Board Member Herbst stated that doesn't write well.

Mr. Gross stated I don't need to write, I just want to point. I'm a teacher.

[Laughter]

Mr. Gross stated the original...When the road was way back and still private, the entrance to the garage was right here [referring to the survey].

Board Member Buzzutto stated right.

Mr. Gross stated the Town raised this right there. You can see how high the road is here [referring to pictures]...

Board Member Bodor stated did you see the pictures.

Mr. Gross stated if you had to get down...

Board Member Buzzutto stated yeah.

Mr. Gross stated bottom of here, it's a...You couldn't do it. It would be too steep. So then I, before all this was here, I started coming around this way to get in this way.

Board Member Buzzutto stated you had doors over there.

Mr. Gross stated well, I put one in.

Board Member Buzzutto stated you put one in.

Mr. Gross stated the doors were here. I closed that all up and I opened up this end to get on that side.

Board Member Bodor stated to get over on the other side.

Mr. Gross stated and then that became...

Board Member Bodor stated you can see even when the snow is here, this is higher [referring to the road in pictures].

Mr. Gross stated it was all muddy. It was just...

Board Member Buzzutto stated originally, it went in this way here.

Mr. Gross stated well, I never went in that way from the time I bought the house. I couldn't.

Board Member Buzzutto stated which way did you go in. Through here.

Mr. Gross stated I parked up here. I couldn't get in there.

Board Member Herbst stated he came in here, this way.

Board Member Buzzutto stated I mean, before they did the road. You went in the garage...

Mr. Gross stated well, before they did the road, the entrance to the drive...the garage was right here. Right there.

Board Member Buzzutto stated and they literally made that impossible for you to...

Mr. Gross stated yes. They raised the road up this much.

Board Member Buzzutto stated and did you complain to the Town about that.

Mr. Gross stated it wasn't...They didn't do it while I was living there. I just found all this out by...

Board Member Buzzutto stated oh, okay.

Mr. Gross stated searching the deeds and all that. And I found that everything that happened. And actually, what happened, there's more to it, the property ended here and when the Town did that to the road, the lady complained and the Town gave her this piece right here so that she could...It was...It's just from...

Board Member Buzzutto stated I got it. Okay.

Mr. Gross stated searching all the records I found...It's really interesting to search all those old records, but...

Board Member Buzzutto stated okay.

Mr. Gross stated and that's how it all came to be.

Board Member Buzzutto stated okay.

Mr. Gross stated and Nick is waiting to get my next permit. No, application. He gives the permits not me.

Board Member Buzzutto stated on the building permit, did Nick...does Nick have to look at that for the permit.

Mr. Gross stated Nick has to inspect...Yes, he has to do a structure inspection and an electrical inspection.

Board Member Buzzutto stated oh, he did do it.

Mr. Gross stated yeah.

Board Member Buzzutto stated he didn't find no problems or...

Mr. Gross stated no. He didn't do that yet. This is the first...

Board Member Buzzutto stated oh, he didn't do it yet.

Chairman Olenius stated he's waiting for this.

Board Member Buzzutto stated oh.

Mr. Gross stated he won't look at it until it's legal to be there...

Board Member Buzzutto stated alright.

Mr. Gross stated and then he'll come and look.

Board Member Herbst stated he comes to us first.

Board Member Buzzutto stated yeah, alright, so...

Mr. Gross stated this was the first step. He does the structure inspection and then there's an electrical inspection.

Chairman Olenius stated when did you state that the construction was done to this.

Mr. Gross stated '91 it was done.

Chairman Olenius stated '91.

Mr. Gross stated it's been there 20 years.

Board Member Herbst stated Bear Hill Road is off of [Route] 311, isn't it.

Board Member Buzzutto stated yes. It's close to Fair Street.

Mr. Gross stated and I hope still there after the snow. It was... There is a lot of snow.

Board Member Buzzutto stated you see Fair Street on your left. Up the hill at Ted Bowman's...

Board Member Herbst stated that's what I thought. I know right where it is.

Board Member Buzzutto stated yeah.

Chairman Olenius stated anybody in the audience have a comment on this particular case. Hearing none. Well I have to say, I like the packet that you've submitted because it was very thorough and very easy to follow.

Mr. Gross stated thank you, Sir.

Chairman Olenius stated which is unusual.

Mr. Gross stated (inaudible) and being a teacher.

Chairman Olenius stated and the pictures do help.

Board Member Buzzutto stated what do you teach.

Mr. Gross stated I taught chemistry at...

Board Member Buzzutto stated oh, that's right.

Mr. Gross stated I taught chemistry in Chappaqua.

Board Member Bodor stated in Chappaqua.

Board Member Buzzutto stated oh, Chappaqua. Really.

Mr. Gross stated great town.

Board Member Buzzutto stated okay.

Chairman Olenius stated I don't have anything else. Does anybody else.

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

Board Member Herbst stated I'll second.

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

Mr. Gross stated what just happened. I'm sorry.

Tim Curtiss stated they just closed the public hearing.

Mr. Gross stated excuse me.

Tim Curtiss stated they closed the public hearing.

Mr. Gross stated okay.

Chairman Olenius stated we're going to read a resolution.

Tim Curtiss stated we're going to read a resolution and make a decision.

Mr. Gross stated oh.

Board Member Bodor stated we're going to make our decision right now.

Tim Curtiss stated right now. Tonight.

Mr. Gross stated do I stay here or...

Board Member Bodor stated yes, you stay.

Tim Curtiss stated yes, yes.

Board Member Bodor stated please stand right there so you hear it along with everybody else.

Tim Curtiss stated loud and clear.

Board Member Herbst stated but you're not allowed to throw anything.

[Laughter]

Mr. Gross stated that's only in Iraq or somewhere.

Board Member Bodor read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Robert Gross, Case #04-11
For Area Variances for an existing garage

WHEREAS, *Robert Gross* is the owner of real property located at 32 Bear Hill Road (R-4 Zoning District), also identified as **Tax Map Parcel #23.13-1-10, and**

WHEREAS, *Robert Gross* 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, and §154-27 A.(7) of the Patterson Town Code, permitted accessory uses, in order to legalize his existing detached garage, and

WHEREAS, §154-7 of the Patterson Town Code requires a 20' side yard setback; Applicant will have 19.5'; ***Variance requested is for 1'***, and

WHEREAS, §154-7 of the Patterson Town Code requires a 40' front yard setback; Applicant will have 10'; ***Variance requested is for 30'***, and

WHEREAS, §154-27 A.(7) of the Patterson Town Code requires that that garage not exceed 50% of the bulk area ratio of the principal dwelling as measured from the aboveground exterior walls of the structure; Applicant's garage is 98%; ***Variance requested is for 48%***, 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 ***March 16, 2011*** 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 garage in question is preexisting and is certainly a good-***

looking structure.

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because it is existing.*
3. the variance requested *is not* substantial. *Although it may appear so, the size of the land and the relationship to the road with the existing structures on the property, being the home and the garage.*
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 is a finished structure conforming to the residence.*
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 **Robert Gross** for *area variances* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 1' from the 20' required for a side yard setback, and a 30' variance from the 40' required for a front yard setback,* and

BE IT FURTHER RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of **Robert Gross** for an *area variance* pursuant to §154-27 A.(7) of the Patterson Town Code; Permitted accessory uses, *for a variance of 48% from the 50% allowed,* in order to legalize his existing detached garage.

Board Member Burdick stated second.

UPON ROLL CALL:

| | | |
|-----------------------|---|-----|
| 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 you're approved. You can go to the Building Department now.

Tim Curtiss stated that one's done.

Mr. Gross stated thank you all very much.

Chairman Olenius stated you're very welcome.

Board Member Bodor stated you've done a beautiful job.

Mr. Gross stated thank you.

Board Member Bodor stated your packet was beautiful and the structure itself looks very handsome.

Board Member Buzzutto stated did you want those snap shots back.

Mr. Gross stated well, if you don't want them, I'll take them.

Tim Curtiss stated there you go.

Board Member stated I don't...

Mr. Gross stated I guess, you're probably just going to throw them away, and I...

Tim Curtiss stated no, we don't that.

Board Member Bodor stated no.

Board Member Buzzutto stated well, one set will go in the file, I think.

Mr. Gross stated well, you've got so much paper, you have to hang on to...

Board Member Buzzutto stated yes.

Mr. Gross stated I'm sure you don't need more. Again, thank you very much.

Board Member Buzzutto stated you're welcome. Good luck.

Board Member Bodor stated good luck to you.

Chairman Olenius stated good luck.

Board Member Herbst stated is this yours or mine.

Board Member Buzzutto stated that must be yours. I don't...

4) CALLED TO SERVE FELLOWSHIP CASE #05-11

Mr. Nestor Gomez and Mrs. Rosa Gomez were both present.

Chairman Olenius stated go ahead, Sarah. You can start.

The Secretary read the following legal notice:

Called To Serve Fellowship Case # 05-11 - Special Use Permit

Applicant is requesting a Special Use Permit pursuant to §154-96 of the Patterson Town Code, Churches, parish houses and convents, in order to allow for a place of worship for their small Christian congregation. This property is located at 2680 Route 22 (C-1 Zoning District).

Chairman Olenius stated good evening.

Mrs. Rosa Gomez stated good evening.

Chairman Olenius stated could you state your names for the record, please.

Mrs. Gomez stated sure. Rosa Gomez.

Mr. Nestor Gomez stated and Nestor Gomez.

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

Mrs. Gomez stated yes.

Mr. Gomez stated we do.

Chairman Olenius stated thank you. Tell us a little bit about what you're looking to do here. I see it's a special use permit for...

Mrs. Gomez stated well, we have a small congregation right now; We're actually in Mt. Kisco. And we rent a parish hall in Episcopalian church there. And it's a small group that we get together twice a week and my husband is the pastor of the congregation. And that's where we... We've started looking for a place only because we want to be able to have access to a property, you know, more than twice a week. So, that's why we decided to look around and we found this property.

Chairman Olenius stated do you have to do... For what you're looking to do here, would you be changing the exterior in any way.

Mrs. Gomez stated no. Not at all. Even on the inside. We're basically keeping it the same. There's a few changes here and there, but nothing dramatic. We actually got together with the architect yesterday, and he's actually drawing up the plans at the moment, so, we should be submitting them by the 22nd.

Chairman Olenius stated you're planning on putting any signs or anything.

Mrs. Gomez stated there's a sign there right now, and we're trying to use that actual sign.

Chairman Olenius stated Town Code has limitations on signs; signs and different things.

Mrs. Gomez stated yes.

Chairman Olenius stated that's why I just want to make sure you were aware.

Mrs. Gomez stated yes, yes.

Board Member Bodor stated and you're currently before the Planning Board.

Mrs. Gomez stated yes.

Tim Curtiss stated yes. They were in the Planning Board and they got referred over here for the Special Permit first.

Mrs. Gomez stated yes.

Board Member Buzzutto stated what are the hours of worship there.

Mr. Gomez stated well, right now in the place where we are doing it right now, it's at 6 o'clock. But...

Board Member Buzzutto stated I mean, what days.

Mr. Gomez stated oh, Sundays.

Board Member Buzzutto stated just Sundays.

Mr. Gomez stated Sunday and Fridays. Fridays at 7:30 and Sundays at 6 o'clock, due to the fact that that's the time that we can use that facility.

Board Member Buzzutto stated yes.

Mr. Gomez stated if we move to this place, we'll change the hours, especially Sunday. A little bit more earlier, because it's more convenient that way...

Board Member Buzzutto stated yes.

Mr. Gomez stated for the members.

Board Member Buzzutto stated okay.

Board Member Bodor stated but you plan to, if you were to get this building made available to you, you would be using it more than just the two days.

Mr. Gomez stated well, yes. We would like to use it to do, you know, to pray, have some meetings, concerts, things that we do that right now we cannot do. WE use our home, we use other places from others in the community.

Mrs. Gomez stated right.

Mr. Gomez stated but we really need more...

Board Member Buzzutto stated I mean, it could be opened seven days a week. It could.

Mr. Gomez stated yes, Sir.

Mrs. Gomez stated right.

Mr. Gomez stated but we don't...

Board Member Buzzutto stated yes, well...

Mr. Gomez stated we don't have a service everyday.

Mrs. Gomez stated right. Well, the congregation itself won't be there seven days a week...

Board Member Buzzutto stated no.

Mrs. Gomez stated only those two days. But during the week, we will be having meetings. And there's an upstairs apartment, at the moment, there's a place up top which we'll be using it for offices. So, I'm sure I will be there, you know, once or twice during the week.

Board Member Buzzutto stated okay.

Mrs. Gomez stated to make phone calls or...

Board Member Bodor stated you don't plan to have anyone reside in there.

Mr. Gomez stated no.

Mrs. Gomez stated no.

Mr. Gomez stated no.

Mrs. Gomez stated no.

Board Member Bodor stated just office space.

Mr. Gomez stated yes.

Mrs. Gomez stated yes.

Mr. Gomez stated and besides that, we don't have the permit. I think they told us last time that the permit expired, so...But we need it for the office.

Board Member Buzzutto stated does it have any...

Mr. Gomez stated I need an office, she needs an office.

Board Member Buzzutto stated any kitchen facilities in that. I think it did at one time.

Mr. Gomez stated yes, it has it.

Board Member Buzzutto stated it does.

Mrs. Gomez stated upstairs there's an office, yes.

Board Member Buzzutto stated yes, it does. The upstairs, yes.

Mrs. Gomez stated I mean a kitchen.

Board Member Buzzutto stated yes, a kitchen.

Mr. Gomez stated yes.

Board Member Buzzutto stated okay.

Board Member Bodor stated where are most of your congregants coming from.

Mr. Gomez stated different places. We have...Some are from Yorktown, Yorktown Heights. Some of them from Bedford. And then we're coming from Fishkill and some of the areas around here: Brewster, Carmel.

Board Member Bodor stated so you're drawing from a large area then.

Mr. Gomez stated yes. Not more than half an hour from here. But there's some places closer than...

Board Member Bodor stated yes.

Mr. Gomez stated yes.

Chairman Olenius stated and how big was your congregation. I thought you stated it before, but...

Mrs. Gomez stated it's about 35, 40 members.

Board Member Bodor stated but you're hoping it will grow with the...

Mrs. Gomez stated we're hoping...

Board Member Bodor stated with the different facility to work out of.

Mr. Gomez stated yes.

Mrs. Gomez stated we're hoping. And if we had to add on an additional service on a Sunday, then we would, because I know there's a limit of people that are...can be in the facility at one time, so...

Board Member Bodor stated now, are your services in Spanish.

Mr. Gomez stated right now, yes, because a majority of them are Spanish speaking.

Board Member Bodor stated yes.

Mr. Gomez stated and some of them are bilingual. But, for the kids we do it in English.

Board Member Bodor stated oh.

Mr. Gomez stated because a majority of them are English speaking. But we're reaching the Spanish community. So, we see a need over there so we're trying to help supply them.

Board Member Buzzutto stated as a church, is that tax exempt.

Tim Curtiss stated actually, this, they're just renting.

Board Member Buzzutto stated oh, I see.

Tim Curtiss stated they're not owning the property so it would not affect the taxes or... The landlord has already been in before the Planning Board, and she's stated that she understands that she's still going to pay the taxes on the property...

Board Member Buzzutto stated okay.

Tim Curtiss stated at that point. The only limitation from the Planning Board was, I think, there are 20 parking spots out there.

Board Member Buzzutto stated 20 spots.

Tim Curtiss stated yes.

Board Member Buzzutto stated I don't know.

Tim Curtiss stated but the limitation would be they could seat 80 in the parish or in the hall, that they want use for a parish, that would be the limitation and they're comfortable with that because right now they only have 35. So they could, you know, have room to expand.

Board Member Buzzutto stated the inside will be structured as a religious...

Mr. Gomez stated yes.

Board Member Buzzutto stated pews and stuff like that.

Mr. Gomez stated it's the main...

Mrs. Gomez stated it's the main floor.

Mr. Gomez stated floor.

Mrs. Gomez stated and it's actually, they have quite a big space there that is going to be used...that's where the chairs are going to go.

Board Member Buzzutto stated yeah.

Mrs. Gomez stated yeah.

Board Member Buzzutto stated you know Nolletti made the best cheesecakes around.

[Laughter]

Mrs. Gomez stated I heard.

Tim Curtiss stated they were really good.

Mr. Gomez stated I'm waiting for her to make us one.

[Laughter].

Board Member Buzzutto stated anybody from the audience.

Board Member Herbst stated you can see it right here.

Board Member Buzzutto stated boy, you're cruising. Anybody from the audience we have...

Board Member Bodor stated is there handicap access or will there be, provided.

Mr. Gomez stated there will be, yes.

Mrs. Gomez stated yes.

Mr. Gomez stated that's what the architect is having...

Mrs. Gomez stated yes. He's drawing up the plans. There's going to be some sort of a ramp that's going to go. And I believe one parking spot is going to be moved...They're going to rearrange the parking...

Board Member Bodor stated good.

Mrs. Gomez stated spots to...

Mr. Gomez stated make sure it's handicapped...

Mrs. Gomez stated yes.

Board Member Bodor stated okay.

Chairman Olenius stated is there anybody in the audience that has comment on this application. I don't have anything further. It seems pretty...

Board Member Bodor stated I don't have anything either.

Chairman Olenius stated complete.

Board Member Burdick stated it's pretty straight forward.

Chairman Olenius stated you guys alright.

Board Member Buzzutto stated yes, I fine with it, really. Any church bells.

[Laughter]

Mrs. Gomez stated no.

Board Member Buzzutto stated I miss those, really.

Tim Curtiss stated I know.

Mrs. Gomez stated yes.

Board Member Buzzutto stated I used to like to hear the church bells.

Board Member Burdick stated would you like me to read it.

Chairman Olenius stated if you'd like. I'll close the...I make a motion to close the public hearing.

Tim Curtiss stated do you guys want to make a decision on the Special Permit with the occupancy, you know, no more than 80 seats because it's...

Chairman Olenius stated it's attached already.

Tim Curtiss stated yes.

Chairman Olenius stated it's already attached.

Tim Curtiss stated oh, it's already attached, okay. You got to make a SEQRA finding before you take action. You have to do a negative dec[laration].

Board Member Burdick stated it's in here.

Tim Curtiss stated it's in there, okay. As long as it's in there, good. Rich is on the ball.

Board Member Herbst stated we didn't have a second on that, did we. On the motion to close it.

Board Member Buzzutto stated I'll second it, I don't care.

Board Member Herbst stated okay. Now we got a second.

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

Board Member Buzzutto stated who's reading it.

Chairman Olenius stated Marianne.

Board Member Buzzutto stated Marianne.

Board Member Burdick stated unless you wanted to.

Chairman Buzzutto stated he can't find it.

Tim Curtiss stated let it rip.

Board Member Burdick read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Called to Serve Fellowship, Case #05-11
*For a Special Use Permit for a Church***

WHEREAS, *Albert & Cheerie Nolletti are* the owners of real property located at 2680 Route 22 (C-1 Zoning District), also identified as ***Tax Map Parcel #14.19-1-18,*** and

WHEREAS, *Called to Serve Fellowship* has made application to the Patterson Zoning Board of Appeals for Special Use Permit as set forth in §154-96 of the Patterson Town Code; Churches, parish houses and convents, and

WHEREAS, §154-96 states that a special use permit may be granted, after public hearing by the Board of Appeals, in any district for an place of worship, provided that:

1. The lot area size and setbacks conform to all the requirements of the district which it is located.
2. The lot frontage shall conform to the requirement of the district in which it is located, but shall be no less than 100 feet.
3. Said frontage and access for the lot shall be on a state or county road, which road shall have sufficient design capacity to accept the additional traffic and/or shall not cause, or further deteriorate an unsafe traffic condition.
4. The maximum lot coverage by impervious surface shall be 65%.
5. Adequate parking, based on the standards enumerated in §154-73. Any parking areas and access drives shall be suitably screened from any adjacent residential areas with a vegetative buffer of no less than 50 feet.
6. The architecture design of the building exterior shall be similar to and complement the surrounding residential neighborhood.
7. Adequate water and sewage disposal can be provided on the parcel to accommodate the proposed activities.
8. For any special use permit issued, site plan approval, pursuant to §154-75 shall also be required.
9. The proposed activity for which a special use permit has been issued pursuant to this section shall not cause or result in the total assessed value of the Town by more than 5%.

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

WHEREAS, a public hearing was held at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***March 16, 2011*** to consider the application; and

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.

BE IT FURTHER RESOLVED, pursuant to the application of the Called to Serve Fellowship and §154-96 of the Patterson Zoning Code, that the Patterson Zoning Board of Appeals makes the following findings of fact:

- 1) The minimum lot size required is 2 acres; The actual lot size is 4.34 acres. All setback requirements for the C-1 Zoning District are met without a need for variances.
- 2) The lot frontage required in a C-1 Zoning District is 200'; Applicant has 212'.
- 3) Access to the site will be off of Route 22.
- 4) Lot coverage by impervious surface is less than 15%.
- 5) The structure in which the church is going to be located has been in existence for many years, and blends in with both the commercial and residential uses in the area.
- 6) The total assessed value of the property will not cause more than a 5% reduction in the total assessed value of the Town.

BE IT RESOLVED, the Patterson Zoning Board of Appeals wishes to *grant* the request for a Special Use Permit *to for a church in a Commercial (C-1) District as set forth in §154-96* of the Patterson Zoning Code; Churches, parish houses and convents, and

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

1. Applicant must receive site plan approval from the Planning Board
2. Based on the parking that can be provided, the maximum number of 80 persons should be established for the use of the building.
3. Health Department approval must be received.

Board Member Bodor stated I'll 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 good luck.

Mrs. Gomez stated thank you very much.

Mr. Gomez stated have a good night.

Tim Curtiss stated have a good night.

Board Member Buzzutto stated okay.

5) MARK FARRELL CASE #06-11

Mr. Mark Farrell was present.

Chairman Olenius stated sorry.

The Secretary read the following legal notice:

Mark Farrell Case #06-11 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to build a 24' above-ground pool with an attached deck in the rear yard. Code requires there to be a 25' rear yard setback; Applicant will have 11'; Variance requested is for 14'. This property is located at 460 Fair Street (R-1 Zoning District).

Chairman Olenius stated Mr. Farrell.

Mr. Mark Farrell stated hello.

Chairman Olenius stated how are you.

Mr. Farrell stated very well, thank you.

Chairman Olenius stated do you want to raise your right hand for me...

Mr. Farrell stated sure.

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

Mr. Farrell stated so help me God.

Chairman Olenius stated can you give your name and address for the record, please.

Mr. Farrell stated sure. Mark Farrell, 460 Fair Street, Carmel, New York, 10512.

Chairman Olenius stated and did you agree with what was worded in the legal notice...

Mr. Farrell stated yes.

Chairman Olenius stated the Secretary just read.

Mr. Farrell stated yes.

Chairman Olenius stated no changes.

Mr. Farrell stated no.

Chairman Olenius stated okay. Just a little back story here of what you're looking to do.

Mr. Farrell stated okay. I've got pictures.

Tim Curtiss stated oh, boy.

Chairman Olenius stated oh, we like pictures.

Board Member Bodor stated oh, good.

Mr. Farrell stated okay. If you can pass them. My wife did a hell of a job on this.

Tim Curtiss stated oh, there you go. We'll pass this through.

Mr. Farrell stated basically, what's going on with the house, years ago, 15' round pool in the backyard. It was old; it was on the verge of collapse. So, in September, we purchased another pool: 24' round pool. So it's a little bit bigger. And we plan on putting it in...we hope to put it in (inaudible). And my reason for being here is I want to do this by the book with you all. And I've already worked with Cheryl and Nick, they've given me some good guidance. And there's my presentation on where we're hoping to put it. That's pretty much it. We want to enjoy our backyard.

Chairman Olenius stated is there a reason it's so close to the rear yard, having not looked at the pictures yet. Is it...

Mr. Farrell stated my neighbor...

Chairman Olenius stated a contour issue or...

Mr. Farrell stated to my far... To my neighbor in the back.

Chairman Olenius stated yes.

Mr. Farrell stated it's just the distance from my house to the...my neighbor, it's just not that big. You know, it's... We're trying to put the pool 15' from our house, and with the deck on it, we'll still be 11' away from my neighbor's back part.

Chairman Olenius stated okay.

Mr. Farrell stated and their house is very well off, so we're not in their backyard in any way, shape or form. They're a good distance away from us.

Board Member Bodor stated does their house face on High View [Drive]. Is that where you are.

Mr. Farrell stated yes.

Tim Curtiss stated yes. They're looking the opposite way.

Mr. Farrell stated they're looking at high View, I'm looking...

Board Member Bodor stated yes.

Mr. Farrell stated on Fair Street.

Tim Curtiss stated Fair Street.

Board Member Bodor stated you're on Fair Street.

Mr. Farrell stated yes.

Board Member Bodor stated your back lies...

Mr. Farrell stated yes.

Board Member Bodor stated okay.

Mr. Farrell stated and there's a good, about, I'd say, about 150' between my backyard and their backyard.

Board Member Bodor stated your house is set back on your property.

Mr. Farrell stated yes. Very much so.

Board Member Bodor stated yes.

Tim Curtiss stated yes. When those came in, there was an issue, this is showing my age, there was...

Board Member Bodor stated yes.

Tim Curtiss stated there was an issue with the septic, so they had to put the fields and everything in the front yard, so it pushed all the houses back.

Board Member Bodor stated yes.

Tim Curtiss stated yes. When they were getting their...the lots approved, that whole subdivision, the septics, I think, are all in the front yard.

Mr. Farrell stated yes, they are.

Tim Curtiss stated yes. They perked it, I think, that way.

Mr. Farrell stated yes.

Board Member Bodor stated yes. I...

Tim Curtiss stated and that's why all the houses...

Board Member Bodor stated I have some vague recollection of...

Tim Curtiss stated yes. All those houses got pushed back from Fair Street...

Board Member Bodor stated yes.

Tim Curtiss stated on the right hand side there.

Chairman Olenius stated yes. And the deck.

Board Member Buzzutto stated it's just a back deck, I assume, yes.

Chairman Olenius stated right. There's going to be a pool...separate pool deck.

Board Member Buzzutto stated yes. Well, there is...

Mr. Farrell stated yes. It's not going to be on the house.

Board Member Buzzutto stated okay.

Mr. Farrell stated it's going to be...

Board Member Buzzutto stated it's not attached.

Mr. Farrell stated it's going to be directly behind it. No, we're not putting it near the house.

Chairman Olenius stated they're leaving a 15' separation so you can...

Board Member Buzzutto stated okay. Well, it has to be 15'.

Chairman Olenius stated right.

Mr. Farrell stated yes. We have plenty of space to the left.

Board Member Buzzutto stated okay.

Mr. Farrell stated to the right. Particularly to the right. It's more to the backend of the house.

Board Member Bodor stated what's on your neighbor's property in the back there, in his backyard. What's he got back there.

Mr. Farrell stated he's go...there's a row of evergreens. And then nothing. It's just a straight back...and I said, it's probably a good 100' before we even get to their backyard.

Board Member Bodor stated when you get to their...He has no pool back there.

Mr. Farrell stated no. Nothing at all.

Board Member Bodor stated tennis court or anything.

Mr. Farrell stated no. They have a trampoline up by the, up at the house. It's a (inaudible).

Board Member Bodor stated and there's a row of evergreens near the line there...

Mr. Farrell stated actually from...

Board Member Bodor stated like a buffer.

Mr. Farrell stated from my fence and right there, there's a row of evergreens.

Board Member Buzzutto stated and the deck will be a separate deck from the...

Mr. Farrell stated there would be somewhat in the sight line, you know, knocked off.

Board Member Herbst stated it has to be right against the wall.

Board Member Buzzutto stated yes, it has to be 15' from the house.

Board Member Herbst stated yes.

Board Member Buzzutto stated are you getting this above ground or...

Mr. Farrell stated it's above ground.

Board Member Buzzutto stated above ground pool.

Mr. Farrell stated yes.

Board Member Buzzutto stated okay.

Board Member Bodor stated I like your justification for request. Relaxation.

[Laughter].

Mr. Farrell stated yes. This is my vacation money, it's going to the pool.

[Laughter].

Board Member Bodor stated I read that and had a chuckle.

Mr. Farrell stated thank you.

Board Member Bodor stated and I want to thank you for coming to us to do this the right way.

Mr. Farrell stated yes. I'm...I don't want to have anything in the future. You know, you all tell me to do it this way, we're going to do it that way and that way there's no grief. It's that simple.

Board Member Bodor stated how long have you been there.

Mr. Farrell stated 2000...

Board Member Bodor stated 2000.

Mr. Farrell stated two. Wait, September 11th, I was there. 2000.

Board Member Bodor stated 2000.

Mr. Farrell stated yes.

Board Member Buzzutto stated does the pool itself have to be fenced in or is it the property has to be fenced. Which is it.

Mr. Farrell stated the property's already fenced in.

Board Member Buzzutto stated the property. That takes care of the pool.

Tim Curtiss stated usually an above ground...

Board Member Burdick stated it's an above ground.

Board Member Buzzutto stated oh, that's right. Yes.

Tim Curtiss stated you have to have a ladder pull up so that you can...

Board Member Bodor stated some type of security.

Tim Curtiss stated yes.

Mr. Farrell stated I'm already fenced in all the way around anyway.

Board Member Buzzutto stated yeah. Okay. Alright.

Chairman Olenius stated anybody in the audience have anything to add. No.

Tim Curtiss stated oh, I didn't realize that. There's a big plan in there that shows...

Board Member Bodor stated yes. It's right here.

Tim Curtiss stated I didn't realize that when I said that. I'm getting too old for this thing here.

Board Member Burdick stated at least you didn't contradict yourself.

Tim Curtiss stated yeah, really.

[Laughter]

Tim Curtiss stated that's true.

Mr. Farrell stated that's Jerry's house.

Tim Curtiss stated yes. I thought it was his.

Mr. Farrell stated yes. It's Jerry's house.

Tim Curtiss stated that's right.

(Inaudible – too distant)

Chairman Olenius stated you guys alright with the submission so far.

Board Member Buzzutto stated yes. Okay.

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

Board Member Burdick stated second.

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

Chairman Olenius stated okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
*Mark Farrell, Case #06-11***

For an Area Variance for a 24' Above-ground Pool and Attached Deck

WHEREAS, Mark Farrell is the owner of real property located at 460 Fair Street (R-1 Zoning District), also identified as **Tax Map Parcel #34.13-1-20, and**

WHEREAS, Mark Farrell 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 construct a 24' above-ground pool with an attached deck in the rear yard, and

WHEREAS, §154-7 of the Patterson Town Code requires a 25' rear yard setback; Applicant will have 11'; ***Variance requested is for 14'***, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***March 16, 2011*** 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 is well screened within the Applicant's rear yard.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because of the house being set to the rear of the lot substantially, and the septic being in the front of the house.***
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 the Applicant stated, there was a smaller pool there previously. This additional structure will not increase the impervious coverage so much as to affect the environment.***
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 ****Robert Gross*** [****note: should read Mark Farrell***] for ***an area variance*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***for a variance of 14' from the 25' required for a rear yard setback,*** in order to construct a 24' above-ground pool with an attached deck in the rear yard.

Board Member Burdick stated just change Robert Gross to Mark Farrell.

Chairman Olenius stated oh. I apologize.

Tim Curtiss stated that's alright. That's the word processor that got ahead of us.

Mr. Farrell stated okay.

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. Farrell stated very good.

Chairman Olenius stated good luck.

Mr. Farrell stated thank you.

Board Member Bodor stated good luck.

Chairman Olenius stated thanks for the picture collage, it was very helpful.

[Laughter]

Mr. Farrell stated my wife gets credit for this.

[Laughter]

Board Member Bodor stated you be sure and tell her we liked it.

Mr. Farrell stated very good. Thank you all.

6) OTHER BUSINESS

a) Site walk

Chairman Olenius stated we have other business.

The Secretary stated site walk.

Chairman Olenius stated site walk.

The Secretary stated site walk, yeah.

Tim Curtiss stated yes, just doing a site walk for the property.

Chairman Olenius stated she said Mondays, Tuesdays and Wednesdays were better for her.

Tim Curtiss stated that's right.

Chairman Olenius stated try and accommodate her if possible. You ladies are first with the datebook, so you can shout out what you're thinking.

Board Member Bodor stated and the next meeting is the 25th.

Chairman Olenius stated yes, we've got a lot of time.

Tim Curtiss stated yes.

Board Member Bodor stated yes.

Chairman Olenius stated it's late.

Tim Curtiss stated yes, the month comes in on a Thursday or something, I think.

Board Member Bodor stated right.

Chairman Olenius stated it's Easter week is the week before that.

Tim Curtiss stated yes.

Board Member Buzzutto stated the twenty what.

Board Member Bodor stated well that's... The 25th is the week of Easter.

Chairman Olenius stated no, that's not...

Board Member Bodor stated it's the day after.

Chairman Olenius stated no, you have the old...

Board Member Buzzutto stated the 11th.

Chairman Olenius stated I don't know. I have April 25th. Is that the first.

Board Member Bodor stated are you looking at the submission date or the meeting date.

Board Member Burdick stated the meeting...

Chairman Olenius stated the regular meeting says the 25th.

Board Member Burdick stated yes, it says that April 25th we have a meeting.

Chairman Olenius stated you did send...

The Secretary stated it is the 25th.

Chairman Olenius stated okay, yes. Because I remember there was two different schedules that came out.

Board Member Buzzutto stated mine does say the...

Chairman Olenius stated yes. You still have the first one that was corrected.

Board Member Buzzutto stated okay.

Board Member Bodor stated okay, where are we. We're still in March.

Board Member Buzzutto stated like I say, any day is...

Board Member Herbst stated are we looking in April or are we going to look in March.

Board Member Bodor stated whenever. What's best.

Board Member Buzzutto stated well, we've got time in March.

Board Member Bodor stated we have a lot of time.

Tim Curtiss stated yeah, I was going to say, if you want to do it like the first week in April, you're going to have a little more daylight if you want to do it during the...

Board Member Buzzutto stated yes.

Tim Curtiss stated during the week days and you still have plenty of time to see it before then.

Board Member Burdick stated if you want to schedule it earlier then a little after five, I will be working 8 to 4 on the 5th, if that matters to anybody.

Chairman Olenius stated is that a Monday, Tuesday or Wednesday.

Board Member Burdick stated that's a Tuesday.

Board Member Bodor stated Tuesday.

Board Member Burdick stated Tuesday, April 5th. That's up to you guys.

Tim Curtiss stated sounds like a winner.

[Laughter]

Chairman Olenius stated is that okay.

Board Member Bodor stated yes, that's fine with me.

Board Member Buzzutto stated April the 5th.

Chairman Olenius stated April 5th.

Tim Curtiss stated April 5th.

Board Member Bodor stated April 5th. Sounds good.

Chairman Olenius stated do we have a rain date just in case.

Board Member Herbst stated when is it going to be.

Board Member Buzzutto stated April the 5th.

Board Member Herbst stated April the 5th.

Chairman Olenius stated do we have a rain date just in case.

Board Member Burdick stated do you want to do the Monday before that. The 4th.

Chairman Olenius stated does the 4th work for a rain date.

Board Member Bodor stated no. We can't go backwards for a rain date.

Board Member Burdick stated we can't do it backwards. The 6th. Wednesday.

Tim Curtiss stated Wednesday the 6th, for a rain date. Wednesday the 6th for a rain date if the 5th gets rained out.

Board Member Herbst stated the 5th is a Tuesday and...

Tim Curtiss stated the 6th is a Wednesday.

Board Member Bodor stated I can't get there until 5 o'clock on the 6th.

Board Member Burdick stated I wouldn't be able to do until 5:15 that day.

Chairman Olenius stated so we can do 4:15 on the 5th.

Board Member Bodor stated yes.

Chairman Olenius stated and we'll do 5:15 on the 6th.

Tim Curtiss stated there we go.

Board Member Burdick stated is that okay.

Board Member Buzzutto stated and what day is the 5:15 and...

Chairman Olenius stated on the 6th.

Tim Curtiss stated on the 6th. 4:15 on the 5th, 5:15 on the 6th.

Board Member Herbst stated 4:15 on the 5th and 5:15 on the 6th.

Chairman Olenius stated yes.

Board Member Bodor stated is the rain date.

Chairman Olenius stated if necessary.

Tim Curtiss stated that's the rain date.

Board Member Burdick stated everybody knows where it is. We'll meet right there.

Chairman Olenius stated it looked like it was right across from the Fields Lane, just about. Wasn't it.

Board Member Bodor stated it is.

Board Member Burdick stated long driveway goes up. Buzzy, you know where it is.

Board Member Buzzutto stated yes, it will be on the left side going towards Carmel, right.

Board Member Burdick stated right side going towards Carmel.

Board Member Bodor stated your right side.

Tim Curtiss stated your right side going towards Carmel.

Board Member Buzzutto stated right side going towards...

Board Member Burdick stated right after Fields Lane.

Board Member Buzzutto stated okay. Yes. Oh, I know.

Tim Curtiss stated yes, it's a long driveway going up.

Board Member Buzzutto stated yes.

Chairman Olenius stated I'll probably...I'll try and get there early and leave my truck right up on kind of Fair Street.

Board Member Bodor stated Fair Street.

Chairman Olenius stated because everybody know what my truck looks like.

Board Member Bodor stated you're going to pull in the driveway, right.

Chairman Olenius stated well, you know. Visible from Fair Street.

Board Member Bodor stated okay.

b) Minutes

Board Member Bodor stated we have minutes from February 16th meeting. I make a motion to approve them.

Board Member Herbst stated second.

Board Member Bodor stated all in favor.

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

Chairman Olenius stated I didn't want to be involved in that since I wasn't...I read them, but I didn't know if it was appropriate or not.

Board Member Bodor stated anything else.

Board Member Buzzutto stated okay.

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

Board Member Buzzutto stated you've got that.

Chairman Olenius stated yes.

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

Chairman Olenius stated make a motion to adjourn the meeting.

Board Member Bodor stated I'll second it.

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

Meeting was adjourned at 8:33 p.m.