

PLANNING DEPARTMENT
P.O. Box 470
1142 Route 311
Patterson, NY 12563

Sarah Mayes
Mary Schartau
Secretary

Telephone (845) 878-6500
FAX (845) 878-2019



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Lars Olenius, Chairman
Mary Bodor, Vice Chair
Marianne Burdick
Michael Carinha
Stephanie Fox

PLANNING BOARD

Thomas E. McNulty, Vice Chairman
Ron Taylor, Vice Chair
Michael Montesano
Edward J. Brady, Jr.
Robert F. Ladau

**Zoning Board of Appeals
March 16, 2016 Meeting Minutes**

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

Present were: Chairman Olenius, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Michael Carinha, Board Member Stephanie Fox, and Nancy Tagliafierro, Town Attorney.

Chairman Olenius called the meeting to order at 7:04 p.m.

There were approximately 4 members of the audience.

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

Chairman Olenius led the salute to the flag.

Roll Call:

Board Member Bodor	-	<i>Here</i>
Board Member Burdick	-	<i>Here</i>
Board Member Carinha	-	<i>Here</i>
Board Member Fox	-	<i>Here</i>
Chairman Olenius	-	<i>Here</i>

**1. Luis Illescas – Case #02-16 – Area Variances – Held over from the February 17, 2016 Meeting
629 East Brach Road
Tax Map No. 35.-5-25**

Mr. Curt Johnson, Zarecki & Associates, was present to represent the application.

A site walk was conducted on the property on March 7, 2016.

Chairman Olenius stated that majority of the property is wetlands, and that the house is located in the existing area, which is not in the wetlands or the wetlands buffer, due to this hardship (Property is 1-acre of useable land and 5.92 acres of wetlands and/or buffers).

According to the Assessor's card, the home was built in 1935. The porch which is being proposed to be reduced in size from 15' x 20' to 4' x 8' was first shown on the Assessor's card as a carport on November 23, 1964. The section of the house which is requested to be legalized (the 8' x 13' addition) was not shown as being built in 1964 on the Assessor's card.

There was no audience input.

- Board Member Burdick made a motion to close the public hearing; Board Member Carinha seconded the motion. *Motion was carried by a vote of 5 to 0.*
- Chairman Olenius made a motion to approve the resolution which grants a side yard setback of 20' for a 4' x 8' side porch; Variance requested was for 20'. Board Member Burdick seconded the motion. *Resolution was granted by a vote of 5 to 0.*
- Chairman Olenius made a motion to approve the resolution for enlarging of a nonconforming structure by legalizing the 8' x 13' addition 15' from the side property line. Board Member Burdick seconded the motion. *Resolution was granted by a vote of 5 to 0.*

**2. Anthony & Elissa Mulee – Case #04-16 – Area Variances
3 Westgate Terrace
Tax Map No. 34.-2-18**

Applicant is requesting an area variance pursuant to §154-27A(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing 18' x 33' above-ground swimming pool with a 20' x 46.5' attached deck located in the front yard. Applicant's property boundaries are adjacent to a street on three sides; §154-12 of the Patterson Town Code states that wherever a property boundary is adjacent to a street, such property boundary shall not be considered a side or rear yard. §154-27A(12)(a) of the Patterson Town Code states that accessory structures cannot be located in the front yard; *Applicant is requesting a variance to allow the above-ground swimming pool with attached deck to remain in the front yard.* This property is located at 3 Westgate Terrace (R-4 Zoning District).

Mr. and Mrs. Anthony & Elissa Mulee were both present to represent the application.

Applicant's submitted a packet of pictures.

In 1996, the pool went up. Applicants were unaware that the location of the pool and deck were considered to be in the front yard (Applicant has three front yards) which Patterson zoning does not permit.

The septic system and fields are located on the other side of the house that the pool and deck are currently located (Westgate Terrace and Dover Lane side) which makes it impossible to place the pool on that side. Behind the house, there is a lot of rock ledge which would hinder the placement of the pool in that location.

Audience Input:

- Mr. Andrew Kolesar, neighbor across the street, spoke opposing the pool and deck. Mr.

Kolesar stated that he feels the pool and deck downgrades the integrity of the neighborhood and that it is the first thing people see when entering into the neighborhood. Mr. Kolesar also claims that the pool and deck can be seen from every window of his house as well as from his front porch.

Letter of support from a neighbor:

To Whom It May Concern:

We live in back of 3 Westgate Terrace, Carmel, New York. Our backyard faces the shed and pool deck belonging to Mr. and Mrs. Mulee. The pool deck and shed pose no problem for us, nor is it bothersome in any manner.

The Mulee's keep the shed and pool deck in neat, clean and orderly fashion at all times, and they have our full support in keeping it there.

Lansing Hinrichs
8 Dover Lane

Board held over application pending a site walk.

3. Other Business

a) Minutes

- Chairman Olenius made a motion to accept the February 17, 2016 minutes; Board Member Fox seconded the motion. *Motion was carried by a vote of 5 to 0.*

b) Site Walk

A site walk was scheduled for Mr. and Mrs. Anthony and Elissa Mulee, Case #04-16, 3 Westgate Terrace for on April 4, 2016 at 5:15 p.m., with a rain date of April 6, 2016 at 5:15 p.m.

- Board Member Bodor made a motion to adjourn the meeting; Board Member Carinha seconded the motion. *Motion was carried by a vote of 5 to 0.*

Meeting was adjourned at 8:00 p.m.