

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
March 17, 2010**

AGENDA & MINUTES

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1) Joey McKneely Case #02-10	1 – 10	Public hearing closed; Area variances granted for enlargement of a nonconforming building and building on
2) Marvin Sagastume Case #03-10	10 – 25	Public hearing opened; Tabled for site walk
3) Barbara Lucas Case #04-10	25 – 37	Public hearing opened and closed; Area variance granted for an 11' x 14' rear deck
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5) Other Business		
a) Site walk	43 – 46	Site walk scheduled for 4/5/10
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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**ZONING BOARD OF
APPEALS**

Howard Buzzutto, Chairman
Mary Bodor, Vice Chairwoman
Marianne Burdick
Lars Olenius
Gerald Herbst

PLANNING BOARD

Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Maria DiSalvo
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**Zoning Board of Appeals
March 17, 2010 Meeting Minutes**

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

Present were: Chairman Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Lars Olenius, Carl Lodes, Attorney with Town Attorney's Office Curtiss & Leibell and Rich Williams, Town Planner.

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

There were approximately 4 members of the audience.

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

Chairman Buzzutto stated roll call.

The Secretary stated okay.

Roll Call:

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

1) JOEY MCKNEELY CASE #02-10

Mr. Joey McKneely was present.

Chairman Buzzutto stated read the...

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 17, 2010 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

The Secretary stated do you want me to just go right to McKneely.

Chairman Buzzutto stated yes.

The Secretary stated okay.

The Secretary continued to read the following legal notice:

Joey McKneely Case #02-10 – Area Variances; Held over from February 17, 2010 meeting

Applicant is requesting area variances pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings and §154-62 C. of the Patterson Town Code; Buildings on nonconforming lots. Applicant owns two adjoining lots, each with a small single-family dwelling. Applicant wishes to combine both dwellings to create one single-family dwelling and combine both parcels to create one parcel. The Code requires there to be a 20' rear yard setback; Applicant can provide 0'. §154-62 C. requires that on a 12,000 square foot parcel of property that the livable floor area does not exceed 1,000 square feet; Applicant is proposing 2,072 square feet; Variance requested is for 1,072 square feet. These properties are located at 70 and 74 South Lake Drive (RPL-10 Zoning District).

Chairman Buzzutto stated you want to come to the mic please.

Board Member Bodor stated actually...

Mr. Joey McKneely stated hello again.

Board Member Bodor stated just...

Mr. McKneely stated oh.

Board Member Bodor stated one moment. For the public's information, the first case on the agenda, Wireless Edge, requested to be put off till next month. That's why we skipped over that.

Mr. McKneely stated hello everybody again.

Board Member Bodor stated good evening.

Chairman Buzzutto stated good evening. You heard the...reading it in.

Mr. McKneely stated yes.

Chairman Buzzutto stated was there any changes in what you heard then and...

Mr. McKneely stated no, that's exactly how it stands.

Chairman Buzzutto stated alright. We did take a site walk on that.

Mr. McKneely stated yes.

Chairman Buzzutto stated that property. And your plans seem very well documented and stuff like that.

Mr. McKneely stated yes.

Chairman Buzzutto stated and the reason for combining the two buildings into one is...

Mr. McKneely stated is to create a single-family home because right now each one is a one bedroom property and there's just not enough living space. It's very cramped, so it's to create, basically, just one-family home so I have a lot of space.

Chairman Buzzutto stated okay.

Mr. McKneely stated which would turn into a two-bedroom family home.

Chairman Buzzutto stated two bedrooms.

Mr. McKneely stated yes.

Chairman Buzzutto stated and you have all the approvals from the Health Department and so forth.

Mr. McKneely stated yes. I submitted the approval from the Health Department. They have that stamped Ground Plan, stating that, you know, that they accept the proposal without changing any of the septic tanks and everything, so that's been submitted. Yes.

Chairman Buzzutto stated fine. You're going to eliminate one septic system.

Mr. McKneely stated I...The Health Department has not requested that I eliminate any of it, just as long as nothing has changed in the septic thing. You know, because if I have to change it then I have to...It's not necessary to change it because I have a 1,000 square foot tank and then I have a 750 square foot tank. So what I'm doing is putting all the bathrooms in the septic tank, the larger one, and creating the other one as a dry well for all the kitchen and all that other stuff. So the water will be dispersed evenly throughout the house.

Chairman Buzzutto stated and there are two wells; one for each...

Mr. McKneely stated there's two wells per...right now, for each house. I'm going to eliminate one well because it's unnecessary. I only really need one well to draw the drinking water. And that would be at the 74 [South Lake Drive] house.

Chairman Buzzutto stated okay.

Board Member Burdick stated when you say eliminate, are you going to officially abandon it or are you just not going to use it.

Mr. McKneely stated I think probably to be prudent that I probably should remove whatever pump that's in there, you know, so the pump's just not sitting there for eternity. I don't think that's going to be much of a problem because usually you just go in and just pull it right out. They're going to eliminate the pump and the inside, underneath the basement, and remove all of that machinery or whatever that is, you know.

Chairman Buzzutto stated I see. And the electrical system coming into the house is going to be...one, it's going to be abandoned...taken off.

Mr. McKneely stated absolutely. Right now there are two...

Chairman Buzzutto stated what...there will be just the one...

Mr. McKneely stated yes. There are two lines coming in; one to each house. And so I will keep the one that exists with 74 [South Lake Drive] because it's closest to the pole, where the outlet...The other one actually has stretch along the wire and then cross...I spoke to my contractor and he's going to call the Con Ed and arrange to have that removed before they even start any sort of demolition or anything like that. And same thing with the propane tanks; I have two propane tanks. Leary's will be coming out. I've spoken to them and they can come out and remove everything. So that's all in the plans. And I'll only have one propane tank, but I haven't figured out where to put that yet in terms of so I don't have to look at it. But we'll figure that...It will not be on the lakeside. It will not be on the...because I know I'm really close on the property. So it will either be on one of the sides of houses in trying to make sure that...I'm sure I need to stay within that variance. Whatever that 15 yards on each side so that I would not put it passed any sort of setback on the side. I would make sure it stays within that side, whatever. And if so, then I would have to put on the front. Well figure that out.

Chairman Buzzutto stated okay.

Board Member Bodor stated that can be screened.

Mr. McKneely stated yes. That can be screened.

Board Member Bodor stated not a problem.

Mr. McKneely stated yes. I'm not worried about that. That's a minor thing.

Board Member Bodor stated yes.

Chairman Buzzutto stated let's see. You...I forgot.

Mr. McKneely stated so is, I mean, in terms of...Any other questions from the Board in terms of my plans or...

Board Member Bodor stated I don't have any questions.

Chairman Buzzutto stated no.

Board Member Bodor stated I will say that your plans have been well thought out.

Mr. McKneely stated thank you.

Board Member Bodor stated and from personal standpoint, your property is a wonderful piece of property. And doing what you wish to do with these two structures that are there now...

Mr. McKneely stated yes.

Board Member Bodor stated certainly are going to enhance your property and the neighbor's.

Mr. McKneely stated and the neighborhood. Yes.

Board Member Bodor stated it really looks good.

Mr. McKneely stated yes. The neighbors will be happy. They keep telling me that.

Board Member Burdick stated and by combining the houses, you're not making a structure that's out of conformity with the neighborhood.

Mr. McKneely stated absolutely.

Board Member Burdick stated and that's...

Mr. McKneely stated I've tried to be very conscious about that, you know.

Board Member Burdick stated your next...the house next to you is a newer house. It's a larger house, so it's going to meet...

Mr. McKneely stated it's a...Yes.

Board Member Burdick stated with conformity.

Mr. McKneely stated exactly. Plus down the block, there's some other...excuse me [referring to clearing his throat]. Newer structures and additions. So I'm trying to...And also the look of the house, I'm trying to stay within the feel of the neighborhood. More like Connecticut sort of look, as opposed to a modern or anything like that.

Board Member Burdick stated and other than the small increase in the roof just to match everything up, you're staying at the same, basic footprint of what you have there...

Mr. McKneely stated absolutely. Absolutely.

Board Member Burdick stated you're not going up.

Mr. McKneely stated just trying to continue the line straight across so it's not encroaching on either structure.

Chairman Buzzutto stated and the outside finish will be...

Mr. McKneely stated it will be fiber cement shingles. So it will look like...What do I want to say...cedar shingles, but without the problems of cedar. So they will be like these small...They'll look like cedar shingles, that I won't have to replace.

Chairman Buzzutto stated is there any input from the audience on this particular matter.

Mr. McKneely stated no. I believe these are other cases.

Chairman Buzzutto stated other cases. Okay, fine. I have to ask. Okay. Do you have any more questions.

Board Member Bodor stated no more.

Chairman Buzzutto stated like I said, we did see it on the site walk, and what you're going to do is going to be 100% improvement, visually and everything.

Board Member Bodor stated I'd like to make a motion to close the public hearing.

Board Member Burdick stated second.

Chairman Buzzutto stated take a roll call on that.

The Secretary did roll call:

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

Motion carried by a vote of 4 to 0.

Chairman Buzzutto stated do you have anything on that. Okay.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Joey McKneely, Case #02-10
Enlargement of a Nonconforming Building

WHEREAS, *Joey McKneely* is the owner of real properties located at 70 and 74 South Lake Drive (RPL-10 Zoning District), also identified as **Tax Map Parcels 36.32-1-9 and 36.32-1-10**, and

WHEREAS, *Joey McKneely* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of a nonconforming building, in order to combine both parcels into one parcel and combine two existing dwellings to create one dwelling, and

WHEREAS, §154-58 of the Patterson Town Code requires any building which does not conform to the requirements of these regulations regarding building height limit, area and width of lot, percentage of lot coverage and required yards and parking facilities shall not be enlarged unless such enlarged portion

conforms to all of the provisions of this chapter applying to the district in which such a building is located. No non-conforming portion of any building may be extended, nor any non-conforming use extended into any other area of a building or lot, and

WHEREAS, §154-7 of the Patterson Town Code requires an 20' rear yard setback; Applicant currently has 0'; Applicant will have 0', 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 *February 17, 2010 and March 17, 2010*, and a site walk was conducted on *March 11, 2010* to consider the application; and

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

1. the proposed application *will not* produce an undesirable change in the character of the neighborhood *because it's simply merging the current two existing homes which are extremely close in proximity already.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the existing buildings are already on the rear line and they are not extending any further into it with the combining.*
3. the variance requested *is* substantial *however it's due to the preexisting conditions of the two homes being built directly on the parkland boundary surrounding the lake.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because as previously stated, the houses are extremely close already, and consolidation of the two will not create too much more impervious surface then what is there currently.*
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 *Joey McKneely* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to combine both parcels into one parcel and combine two existing dwellings to create one dwelling .

Board Member Burdick stated second.

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

Resolution carried by a vote of 4 to 0.

Chairman Buzzutto stated okay.

Mr. McKneely stated excellent. I just want to thank you so much for...

Board Member Bodor stated one more.

Board Member Olenius stated we've got one more.

Board Member Bodor stated one more to go.

[Laughter]

Board Member Bodor stated put the cart before the horse here.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Joey McKneely, Case #02-10
Buildings on Nonconforming Lots

WHEREAS, *Joey McKneely* is the owner of real properties located at 70 and 74 South Lake Drive (RPL-10 Zoning District), also identified as **Tax Map Parcels 36.32-1-9 and 36.32-1-10**, and

WHEREAS, *Joey McKneely* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-62 C. of the Patterson Town Code; Buildings on nonconforming lots, in order to combine both parcels into a 12,000 square foot parcel and combine the two existing dwellings in order to create one 2,072 square foot dwelling, and

WHEREAS, §154-62 C. of the Patterson Town Code requires that a lot, owned separately from any adjacent or adjoining lot, with an area of 12,000 square feet, can have a principal structure of no more than 1,000 square feet of livable floor area, and

WHEREAS, §154-62 C. of the Patterson Town Code requires that the livable floor area does not exceed 1,000 square feet; Applicant will have 2,072 square feet; ***Variance requested is for 1,072 square feet***, 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 ***February 17, 2010 and March 17, 2010***, and a site walk was conducted on ***March 11, 2010***, to consider the application; and

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

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because the combination of the two homes will give a much better architectural feel and add to the essence of the existing community creating one larger home, which will be similar to the adjacent homes around it.***

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because enlargement of either one of the homes separately would bulk an already small lot. By merging the two lots together and merging the two homes, the space will be spread out much more pleasingly.*
3. the variance requested *is* substantial *however with the merging of the two lots, as previously stated, it will not have as much of a substantial feel because the roofline is not increasing much more than is currently there on either one of the homes.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because there will be consolidation of one home from two existing on the water and sewer aspects.*
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 *Joey McKneely for an area variance of 1,072 square feet* from the requirements set forth by §154-62 C. of the Patterson Town Code; Buildings on nonconforming lots, in order to combine both parcels into one 12,000 square foot parcel and combine the two existing dwellings in order to create one 2,072 square foot dwelling.

Board Member Burdick stated second.

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

Resolution carried by a vote of 4 to 0.

Chairman Buzzutto stated okay.

Mr. McKneely stated now.

Board Member Bodor stated now.

[Laughter]

Chairman Buzzutto stated I think the next step would be the combining the two lots.

Mr. McKneely stated yes.

Board Member Olenius stated the Assessor's Office.

Mr. McKneely stated yes, I have...I also have to go through the wetlands Planning Board. So that's my next step with that. But I just wanted to thank the Board for your attention to this matter, and I greatly appreciate you helping me to achieve this. Thank you.

Board Member Bodor stated you're more than welcome.

Chairman Buzzutto stated yes.

Board Member Bodor stated good luck. Go build a lovely home.

Mr. McKneely stated as soon as I get the next permit I can.

[Laughter]

Chairman Buzzutto stated good luck to you.

Mr. McKneely stated okay. Thank you very much.

Board Member Olenius stated good luck.

Mr. McKneely stated and happy Patty's Day.

Board Member Bodor stated same to you, Sir.

2) MARVIN SAGASTUME CASE #03-10

Mr. Marvin Sagastume was present.

Chairman Buzzutto stated okay. Next on the...

The Secretary read the following legal notice:

Marvin Sagastume Case #03-10 – Area Variance

Applicant is requesting an area variance pursuant to §154-62 C. of the Patterson Town Code; Buildings on nonconforming lots, in order to construct a 2nd story master bedroom and bathroom. The Code states that the livable floor area not exceed 1,333 square feet; Applicant will have 2,550 square feet; Variance requested is for 1,217 square feet. This property is located at 24 Inwood Place (RPL-10 Zoning District).

Chairman Buzzutto stated how do you pronounce the last name.

Mr. Marvin Sagastume stated Sagastume.

Chairman Buzzutto stated Sagastume, okay. Have you...

Mr. Sagastume stated S-A-G-A-S-T-U-M-E.

Chairman Buzzutto stated okay. You want to raise your right hand, Sir.

Mr. Sagastume stated what's that.

Chairman Buzzutto stated you want to raise your right hand.

Board Member Bodor stated raise your right hand please.

Chairman Buzzutto stated do you solemnly swear that the testimony you provide tonight will be the truth, the whole truth.

Mr. Sagastume stated yes.

Chairman Buzzutto stated okay. You heard what was read into the agenda. Is there anything different...what was read there than what you have in mind.

Mr. Sagastume stated yes.

Chairman Buzzutto stated yes.

Mr. Sagastume stated yes.

Chairman Buzzutto stated what is different then.

Mr. Sagastume stated a different (inaudible).

Chairman Buzzutto stated what. Let me rephrase. Sarah read the agenda in there.

Mr. Sagastume stated yes.

Chairman Buzzutto stated I repeat, is there anything different that you have in mind than what she had read or...

Mr. Sagastume stated no.

Chairman Buzzutto stated maybe you weren't...Okay, fine. Let's...

Board Member Bodor stated would you like to explain to us, in your own words, what it is that you want to do with your property.

Mr. Sagastume stated I just want to add the second floor addition which is going to become a third...I mean, the house is three bedrooms now. It will be three bedrooms when the second floor goes on. I already have the approval from the Health Department. Because one room become like a stairway going up. So the existing room right now is going to become the stairway. So the house will stay the same. And they said that I don't need to extend my septic system or nothing. So...

Board Member Bodor stated alright. You have a three bedroom, single-family...

Mr. Sagastume stated yes.

Board Member Bodor stated residence currently...

Mr. Sagastume stated yes.

Board Member Bodor stated and you want to go up so you have two stories but remaining with the three bedrooms.

Mr. Sagastume stated yes. Yes. And I already have the approvals from the Health Department...

Board Member Bodor stated yes.

Mr. Sagastume stated and they say I don't have to make the septic system bigger because...

Board Member Bodor stated no. Because you're not increasing ...

Mr. Sagastume stated yes.

Board Member Bodor stated the number of bedrooms. That's where the tie in is.

Mr. Sagastume stated yes.

Board Member Bodor stated yes.

Chairman Buzzutto stated okay. Did the second story...will be the full footprint of the house up.

Mr. Sagastume stated no, half. Half of the house.

Chairman Buzzutto stated half of the house.

Mr. Sagastume stated yes. The front half stays the same, with two...with the stairway going up, that half will go up.

Chairman Buzzutto stated oh, I see. Okay.

Mr. Sagastume stated yes. The cathedral ceilings stay the way it is because it's nice.

Board Member Olenius stated so from your drawing here, where this living room is, this would remain one-story.

Mr. Sagastume stated yes. That will remain in there.

Board Member Olenius stated okay. That's why I see skylights here.

Mr. Sagastume stated from that wall next to...From there up, it's going to go. Yes.

Board Member Olenius stated so it's this whole section...

Mr. Sagastume stated yes.

Board Member Olenius stated that's coming up.

Mr. Sagastume stated yes. And you...

Board Member Olenius stated this is going to stay one story.

Mr. Sagastume stated they have the second...

Chairman Buzzutto stated and this is the front of the house.

Board Member Olenius stated yes, because he's got skylights here [referring to the plans].

Mr. Sagastume stated yes. That section will remain because it's got cathedral ceilings.

Board Member Olenius stated this is what's existing. He's going to put the stairs into this, so this can't be...

Chairman Buzzutto stated oh, I see.

Board Member Olenius stated a bedroom again.

Chairman Buzzutto stated so that's the master bedroom.

Board Member Olenius stated yes. This is what he's doing: He's going to have a bedroom, bedroom, and then one upstairs [referring to the plans].

Chairman Buzzutto stated and then one upstairs.

Board Member Olenius stated or no.

Chairman Buzzutto stated two upstairs.

Board Member Olenius stated no, this is not a bedroom. This is a staircase. This is... Yes.

Chairman Buzzutto stated yes. Two upstairs and one down.

Board Member Olenius stated right.

Mr. Sagastume stated yes.

Chairman Buzzutto stated okay. The downstairs is going to stay the same: kitchen...

Mr. Sagastume stated everything stays the same. Just the second floor addition only. So, everything remains the same except the room where it's going to get the stairway going up.

Chairman Buzzutto stated oh...Okay. Yes.

Mr. Sagastume stated that first floor little room there.

Board Member Olenius stated and this is your survey that you submitted. You're on 8 lots.

Mr. Sagastume stated yes.

Board Member Olenius stated these 4 are yours also [referring to the survey].

Mr. Sagastume stated yes.

Board Member Olenius stated in the back here.

Mr. Sagastume stated yes.

Board Member Bodor stated alright, if you're taking two bedrooms upstairs, what's going...

Mr. Sagastume stated one bedroom's going upstairs.

Board Member Bodor stated only one is going up.

Mr. Sagastume stated yes. One bedroom upstairs with the master bathroom.

Chairman Buzzutto stated these are on the second floor.

Board Member Olenius stated these are the first floor. I was wrong. These two are staying.

Board Member Bodor stated the master bedroom and the master bath are what's going up and the other two are remaining down.

Mr. Sagastume stated yes. The two are remaining down, yes, on the first floor. And one where the new staircase is going up...

Board Member Bodor stated yes.

Mr. Sagastume stated that's going to become like a walkup.

Board Member Bodor stated so bedroom one and two are downstairs and three is upstairs.

Mr. Sagastume stated yes.

Board Member Bodor stated alright.

Mr. Sagastume stated yes.

Board Member Bodor stated you are going to have a master bedroom suite upstairs.

Mr. Sagastume stated that's it. Yes.

Board Member Bodor stated okay.

Mr. Sagastume stated that one. That's what we want to make.

Board Member Bodor stated alright.

Mr. Sagastume stated a master suite.

Board Member Bodor stated the master bedroom suite.

Mr. Sagastume stated yes.

Board Member Bodor stated okay.

Board Member Olenius stated so from your plans, this staircase goes down to the basement.

Mr. Sagastume stated down, yes.

Board Member Olenius stated okay.

Mr. Sagastume stated yes.

Board Member Olenius stated I got you. So you're not stacking the staircases.

Mr. Sagastume stated no.

Board Member Olenius stated you're...They're going to be in two different locations.

Mr. Sagastume stated yes. Yes, because if I do it on the top of our stairs, there's a little closet there. So I have to make too much demo...

Board Member Olenius stated okay.

Mr. Sagastume stated so I just decide to go up from here; from this little room [referring to the plans].

Chairman Buzzutto stated now...

Gary Fieback stated can I ask a question.

Chairman Buzzutto stated yes. I'll get you in one second, Sir. Alright, go ahead. Do you want to come up to the mic though first.

Gary Fieback stated I can go from here [referring to talking from his seat].

Chairman Buzzutto stated no...

Board Member Bodor stated no. You have to...

Board Member Olenius stated to get on the record.

Board Member Bodor stated you have to come up and give us your name and address, and use the microphone please.

Chairman Buzzutto stated come right up. You want to give your name, Sir.

Gary Fieback stated Gary Fieback.

Chairman Buzzutto stated and address.

Gary Fieback stated 28 Inwood Place.

Board Member Bodor stated would you spell your last name please.

Gary Fieback stated F-I-E-B-A-C-K.

Chairman Buzzutto stated neighbor.

Gary Fieback stated yes. He's adding a second bathroom. The septic system he has now is too small. The last two owners of that property have had running over septic system. His during the summer, certain times, runs over because you can smell it. And I think this has to be resolved first before we go any further.

Chairman Buzzutto stated well, he's already got approvals from the Health Department.

Gary Fieback stated yes, well I'd like to know the guy that did the approval because I'm getting tired of running through the overrun of the septic system with my lawnmower.

Chairman Buzzutto stated well, we can just go by what's in the documents, that's it. It has been approved by the Health Department.

Gary Fieback stated well, who do I sue when it runs over again in the summer.

Board Member Burdick stated wait. Sir, what you need to do is call the Health Department tomorrow and make a complaint that the septic is leaking, and they'll investigate it.

Chairman Buzzutto stated you disagree with their findings...

Gary Fieback stated well...

Board Member Burdick stated no. He doesn't even have to do that. If he's saying there's a problem with the septic, all he has to do is say that and they'll go out and investigate it.

Chairman Buzzutto stated okay, fine.

Gary Fieback stated well, the two previous owners...

Chairman Buzzutto stated okay.

Gary Fieback stated it ran over. The second owner added a little bit more field and it's still running over because it's a very...

Chairman Buzzutto stated how long have you owned the property, Sir.

Mr. Sagastume stated nine years. But what he's saying...

Chairman Buzzutto stated have you ever had a problem with the septic when you were there.

Mr. Sagastume stated that only happens like in the past year when we have too much rain because the water comes right down from my basement, and it's a drain pipe on my (inaudible) room that runs right over there and it comes right out where he's talking about, so...I mean, I don't see any, like, bad stuff from the septic. It's just water. So...

Gary Fieback stated right now it's diluted. And you and I both know, and Fuller knows, that it's been stinking periodically.

Chairman Buzzutto stated alright, it's like...

Gary Fieback stated because it's a very small septic tank.

Mr. Sagastume stated it's a 1,200 septic tank that I have there. \$1,200, so...

Chairman Buzzutto stated alright.

Gary Fieback stated who put that one in.

Mr. Sagastume stated that's what it says on my records there, I saw it. On the septic...

Gary Fieback stated that's no way a 1,200 septic. It's a cement septic tank.

Board Member Bodor stated okay, we...

Chairman Buzzutto stated well...

Gary Fieback stated I remember when they put it in because I lived there...

Chairman Buzzutto stated like Marianne said, with the Town Board...on the Zoning Board, notify the Health Department that you have a complaint...

Gary Fieback stated that's in Carmel.

Board Member Burdick stated Brewster.

Chairman Buzzutto stated Brewster.

Gary Fieback stated Brewster.

Chairman Buzzutto stated right by the DMV, yes. You know where the DMV is.

Gary Fieback stated I...

Board Member Burdick stated all you have to do is call. You don't need to go down.

Gary Fieback stated alright.

Chairman Buzzutto stated alright, no...(inaudible)

Gary Fieback stated well, as I said...

Chairman Buzzutto stated yes, well...

Board Member Burdick stated Sir, I'll give you the number [handed Mr. Fieback the number to the Health Department].

Gary Fieback stated I know if I move three or four people in my house and put a washing machine in and a washing machine, my septic system isn't going to be adequate. But I have never had it run over. I have it periodically emptied. And it's approximately...maybe a little smaller than his. But I don't believe his is 1,250 gallons.

Chairman Buzzutto stated alright, that you can find out from the Health Department.

Gary Fieback stated because it's a brick...a cement block septic tank.

Mr. Sagastume stated no, it's a full...I mean, I can see it any time they clean it, it's a full septic system that they put in there, so...I mean, everything is in records, so you can check. They have (inaudible) plates...

Chairman Buzzutto stated are you picking it up on the [referring to the Dictaphone machine recording what Mr. Sagastume is saying]. You have to talk...

Board Member Bodor stated speak into the microphone please.

Mr. Sagastume stated yes, when I bought the house...I mean, this is the fourth time they cleaned it. And normally I clean it every, you know, every 15 months, every two years. Whatever they recommend when they're cleaning the septic system. So...And it's not a...What he's saying...I know what a drywell is. And that's not a drywell. That's a full septic system. I do construction and I know, you know, I know how they do those things, so...I mean, like you said, she can call the Health Department. They already checked everything, so, I mean...

Board Member Bodor stated give the Health Department a call...

Chairman Buzzutto stated yes.

Board Member Bodor stated and lodge your concern with them, and then they will come out and take a look at the situation if they need to.

Gary Fieback stated alright.

Board Member Burdick stated do you have the approvals with you from the Health Department.

Mr. Sagastume stated yes.

Board Member Burdick stated do we want a copy of this for the record.

Board Member Bodor stated we should.

Chairman Buzzutto stated yes.

Board Member Burdick stated can we get a copy of this for the record, Sarah. Do you have a letter there, too, from Gene. Sarah can...Thank you.

[Secretary went to make copies].

Board Member Bodor stated this survey that you submitted, it is very old. It's from 1993. And I'm wondering, are there any new sheds or anything else, concrete patios, that don't show on here that have been installed in the last...

Mr. Sagastume stated no. Everything stays the same.

Board Member Bodor stated 10...17 years.

Mr. Sagastume stated there's a little shed, but it's like a 12' x 12' shed by this concrete patio here [referring to the survey].

Board Member Bodor stated okay.

Mr. Sagastume stated that's probably not showing here, so...

Board Member Bodor stated alright...

Mr. Sagastume stated it's right below where...This property used to be two lots.

Board Member Bodor stated yes.

Mr. Sagastume stated and then I converted it into one lot.

Board Member Bodor stated you combined them.

Mr. Sagastume stated yes. So...

Board Member Bodor stated I for one would like to go out and take a look at this property and the neighborhood because I'm not familiar with it.

Board Member Burdick stated I agree.

Board Member Olenius stated I agree.

Chairman Buzzutto stated since there's a...

Mr. Sagastume stated did this property used to be...They used to call it Windsor Place.

Board Member Bodor stated yes.

Mr. Sagastume stated but I don't know how...When I bought the house, that's the address they give me; 24 Inwood Place. So I don't know how...

Board Member Bodor stated where is Inwood [Place].

Mr. Sagastume stated Inwood is right off of Empire [Drive].

Chairman Buzzutto stated Empire.

Mr. Sagastume stated Empire Drive, yes.

Board Member Bodor stated I'm looking at this though, and there's Windsor there and I see Hazel [Drive], and there's Warner [Place]. There's no...

Mr. Sagastume stated yes.

Board Member Bodor stated you know that.

Mr. Sagastume stated yes. This...Everybody does confuse them...

Board Member Bodor stated yes.

Mr. Sagastume stated but the map...But I don't know how...they changed it, you know what I mean. It's not on the survey anymore. So...

Board Member Bodor stated alright. We'll be setting this aside and we'll make an appointment with you to come out and take a look at everything.

Mr. Sagastume stated okay.

Board Member Olenius stated are you home in the evenings, typically.

Mr. Sagastume stated yes.

Board Member Olenius stated would you be there to explain it to us. Meet us when we come up with a date.

Mr. Sagastume stated it depends on which day. I mean, Tuesdays, I'm not there. I go to church on Tuesdays and Fridays. So if you come Monday, Wednesday and Thursday...Thursday I actually go out too. The best day is going to be Monday and Wednesday.

Board Member Olenius stated okay.

Board Member Bodor stated Monday and Wednesday.

Mr. Sagastume stated yes.

Board Member Olenius stated we'll try and accommodate you on that.

Chairman Buzzutto stated yes.

Mr. Sagastume stated or, I mean, you can come and as long as you let me know, I can come over and...

Chairman Buzzutto stated yes.

Board Member Olenius stated you'll be...She'll...Sarah will call you in advance...

Mr. Sagastume stated okay.

Board Member Olenius stated and setup a time and make sure it's okay, you know, with you.

Mr. Sagastume stated okay. Should I open that up when they come, if the Health Department comes because I can open that up and show them the septic system.

Chairman Buzzutto stated they'll tell...

Board Member Burdick stated they'll...What they're going to do is they're going to come and they're going to do a dye test.

Mr. Sagastume stated okay.

Board Member Burdick stated and they'll do a dye test to test if...

Mr. Sagastume stated yes, because every time they clean it, I see this, you know, big, full tank that they put there, so...

Board Member Burdick stated the issue that they'll be concerned with is whether or not the septic is failing right now.

Mr. Sagastume stated yes.

Board Member Burdick stated so they'll put dye into the system to see if it discharges any place. And it's a tracer dye, so if...Even if the gentleman said that it's diluted, it will show up because it looks like antifreeze.

Mr. Sagastume stated yes, because it happens...I mean, it's water that comes right through there, you know what I mean. But I never...Like he says every summer, but you know, I don't know. I mean, I hope you don't have any issue about me going up. But it's because of the rain. We all get...My property, his property, like right now it's soaking. You know, soaking wet with all of the water, so...

Board Member Bodor stated is there anyone else who has any input regarding this particular case.

Chairman Buzzutto stated if there's a...How does that work. If there's a complaint to the Health Department, do we have to table this until we get a reply back from the Health Department.

Board Member Burdick stated no.

Carl Lodes stated no.

Chairman Buzzutto stated before we can...

Carl Lodes stated no.

Board Member Burdick stated no. It doesn't have anything to do with this addition. They...The Health Department won't even make a comment on this approval...

Chairman Buzzutto stated okay.

Board Member Burdick stated you know, if this septic is leaking, he'll have to do a repair on it. He's not changing the bedroom count, so the fact that there's an increase in the bathroom doesn't have anything to do with...

Chairman Buzzutto stated okay.

Board Member Burdick stated concern of the Health Department. They only look at bedroom counts for potential increase in people.

Chairman Buzzutto stated well, we're just going to go by this first approval by the Health Department. They're the (inaudible) and everything like that. That's all we have to do.

Board Member Burdick stated that's why we have a copy for the record, yes.

Chairman Buzzutto stated okay, yes. Alright, so we're going to table this.

Mr. Sagastume stated so the...I have a question. So the only reason you're sending someone there is because you're not familiar with the property, or...

Board Member Burdick stated yes. Because of the second-story, we'd like to go out, especially in the Put Lake area to see if it conforms with the other houses in the neighborhood...

Mr. Sagastume stated okay.

Board Member Burdick stated to make sure that it's aesthetically pleasing to neighborhood.

Mr. Sagastume stated yes, because the reason, you know, I've been thinking it for a couple years already, and the reason I'm doing it is because two houses on the right, there's one house that's way bigger than my house. So I say, I should be able to do it because he's in maybe...probably not even 200'. He's probably right on ...He's actually, he's on Inwood Place, too. So...Because it's kind of funny because it even goes like a little corner and it comes into...and Empire [Drive] ends right on it. But Inwood starts like half way on Empire and it goes around, so that's the only reason I say...

Board Member Olenius stated oh, it comes right back to Empire.

Mr. Sagastume stated yes.

Board Member Olenius stated I know what road it is.

Mr. Sagastume stated it's a little...It's a little loop like it goes around. But everyone, you know, goes straight on Empire. Empire comes into Inwood.

Board Member Olenius stated right.

Mr. Sagastume stated Inwood on a little section that ends into Hazel [Drive] so...

Board Member Olenius stated Sir, we'd just like to come out to get a look at those surrounding properties and see...

Mr. Sagastume stated okay.

Board Member Olenius stated to see what it looks like.

Mr. Sagastume stated and after you look at the property, do I have to come back to another meeting. Okay.

Board Member Bodor stated yes.

Chairman Buzzutto stated yes. Next month it will be on the agenda again.

Mr. Sagastume stated okay.

Board Member Olenius stated the April 21st.

Mr. Sagastume stated I will get a letter again from you or should I write it down.

The Secretary stated write it down.

Mr. Sagastume stated okay. That's going to be April...

Board Member Olenius stated twenty...

Board Member Bodor stated twenty...

Board Member Olenius stated 21st.

Board Member Bodor stated 21.

Mr. Sagastume stated 21st, okay.

Board Member Bodor stated okay, so we'll be in contact with you.

Mr. Sagastume stated alright.

Board Member Bodor stated we'll have to decide when the five...the four...there's one more person on the Board. When the five of us can get together...

Mr. Sagastume stated okay.

Board Member Bodor stated and then we'll be...Sarah will contact you and let you know...

Mr. Sagastume stated okay.

Board Member Bodor stated so that we can meet you there. Because you're the landowner, we need you to show us...

Mr. Sagastume stated okay.

Chairman Buzzutto stated yes.

Mr. Sagastume stated alright.

Board Member Bodor stated the lay of the land, everything. Okay.

Mr. Sagastume stated alright. Thank you.

Chairman Buzzutto stated it's just a formality, that's all.

Board Member Olenius stated it will be before the next meeting, so...

Chairman Buzzutto stated yes.

Mr. Sagastume stated okay.

Board Member Olenius stated you know...

Mr. Sagastume stated alright.

Board Member Olenius stated we'll get a look at it.

Mr. Sagastume stated yes, yes, yes. I mean...

Board Member Olenius stated we won't try to hold you up too long.

Mr. Sagastume stated if you want to do it toward the day...

Chairman Buzzutto stated it will probably be in the afternoon probably.

Board Member Burdick stated well, now that we changed the time, we could probably go at like 5:15 p.m., right.

Chairman Buzzutto stated yes, 5:15 in the evening.

Board Member Bodor stated yes.

Mr. Sagastume stated okay. I should be there.

Chairman Buzzutto stated okay, fine.

Mr. Sagastume stated you know, as long as I know I should.

Chairman Buzzutto stated yes, we'll...

Board Member Olenius stated you'll know well in advance.

Board Member Bodor stated yes, no. We'll decide tonight.

Mr. Sagastume stated alright, thank you.

Chairman Buzzutto stated okay, thank you. Alright, next on the agenda would be...

Mr. Sagastume stated plans on the...

Board Member Burdick stated she gave them to you right there [referring to the plans that the Secretary made a copy of].

Mr. Sagastume stated okay, thank you.

3) BARBARA LUCAS CASE #04-10

Mrs. Barbara Lucas and Mr. Ronald Lucas were both present.

Chairman Buzzutto stated Lucas is it.

The Secretary stated Barbara Lucas...

Board Member Bodor stated Barbara Lucas.

The Secretary read the following legal notice:

Case #04-10 – Area Variance

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct an 11' x 14' rear deck. The Code requires a 15' side yard setback; Applicant can provide 13.2'. This property is located at 17 Rutland Drive (RPL-10 Zoning District).

Chairman Buzzutto stated okay. You're Mrs. Lucas.

Mrs. Barbara Lucas stated yes.

Mr. Ronald Lucas stated yes.

Mrs. Lucas stated and this is my husband, Ronald.

Chairman Buzzutto stated okay. Raise your right hand. Do you swear the testimony you provide tonight will be the truth.

Mr. Lucas stated yes.

Mrs. Lucas stated yes.

Mr. Lucas stated yes.

Mrs. Lucas stated okay.

Chairman Buzzutto stated okay, you heard what was read on the agenda.

Mrs. Lucas stated yes.

Chairman Buzzutto stated are you (inaudible) what have on the...

Mrs. Lucas stated no.

Chairman Buzzutto stated okay. And you can tell us, in your words, what you want to have done again.

Mrs. Lucas stated we have a small cement patio as you walk out our backdoor.

Chairman Buzzutto stated this is the house [referring to a picture that Chairman Buzzutto was holding up].

Mr. Lucas stated that's the front of the house.

Mrs. Lucas stated yes. That's the front of the house. It's on the back of the...Yes [referring to another picture that Chairman Buzzutto held up].

Mr. Lucas stated there it is.

Mrs. Lucas stated we have a small cement...

Mr. Lucas stated that little cement thing.

Mrs. Lucas stated patio on the back of the house that is not big enough for a normal sized table and chairs nor a barbeque grill. And it's also a health...a fire hazard to put a grill on there next to the house. So, we want to make it a little larger.

Board Member Bodor stated it's not a deck, it's a little porch.

[Laughter]

Mrs. Lucas stated you just can't do anything out there.

Board Member Olenius stated do you know the dimensions of the...

Mr. Lucas stated yes. It should be right on that [referring to the plans].

Mrs. Lucas stated I believe it's an 11' x 14' deck.

Board Member Olenius stated no, I mean the dimensions of the existing concrete.

Mrs. Lucas stated oh.

Mr. Lucas stated oh, yes. It's right here: 8 foot five by 5' wide.

Board Member Olenius stated okay.

Mr. Lucas stated you see it right there.

Mrs. Lucas stated it's on this. It's on...

Board Member Olenius stated I was on the wrong one.

Mr. Lucas stated yes. One's a top view and one's a side view.

Board Member Olenius stated got you. Okay, I got it now.

Mrs. Lucas stated from the door to the back of the railing is 8.5' and the side's only 5', which is nowhere near large enough to...

Mr. Lucas stated and we've got concrete steps going down from there.

Mrs. Lucas stated now what we want to do is we want to start the deck the bottom of the concrete steps, rather than like two steps down because it wouldn't give us enough.

Board Member Bodor stated so your deck is going to be at ground level.

Mr. Lucas stated it's going to be about the height...

Mrs. Lucas stated it's going to be even with the cement...the porch that's already there.

Board Member Bodor stated okay.

Mrs. Lucas stated the wood is going to come up, it's going to actually meet the edge of the cement so you could walk straight out and not go down or anything just...

Board Member Bodor stated oh, alright.

Mrs. Lucas stated continue straight out.

Board Member Bodor stated I thought you said something about two stairs down.

Mrs. Lucas stated oh no. On the side. You know, it has to conform with the 15 feet, it would be the side stairs coming down. We want to go at the bottom of the stairs.

Board Member Olenius stated oh, I see what you're saying. So what you're saying is from the bottom of your stairs now...

Mrs. Lucas stated to the property line...

Board Member Olenius stated you're under 15' now.

Mrs. Lucas stated right. It's like...Right.

Board Member Olenius stated 13'2". Got you.

Mrs. Lucas stated from the bottom sill it's 13'2", and we were told it needs to be 15'. So we're short a foot and...

Mr. Lucas stated but I figured going off the side of the house continue to the...the side of the house is even with the porch.

Board Member Olenius stated so this lot is not yours [referring to a survey].

Mrs. Lucas stated that, no.

Board Member Olenius stated these four are.

Mrs. Lucas stated the back three are, yes.

Mr. Lucas stated yes, those back three are ours.

Mrs. Lucas stated one side one is not. It belongs to our neighbor.

Board Member Olenius stated okay. So you're not perfectly rectangular.

Mrs. Lucas stated exactly.

Mr. Lucas stated yes.

Mrs. Lucas stated exactly.

Board Member Bodor stated those lots in the back are yours, too.

Mrs. Lucas stated yes they are.

Mr. Lucas stated yes, we own them.

Board Member Bodor stated so you're jutting towards your own property.

Mr. Lucas stated yes.

Mrs. Lucas stated right. The only problem is the side because we...

Board Member Bodor stated yes.

Mrs. Lucas stated don't have that...

Board Member Bodor stated yes. And Haviland... Your backline is right on Haviland [Drive].

Mrs. Lucas stated yes.

Mr. Lucas stated yes. We're right next to the park.

Mrs. Lucas stated we go right down through to Haviland Drive and back.

Board Member Bodor stated you're in Rutland to Haviland.

Mr. Lucas stated right.

Mrs. Lucas stated yes.

Chairman Buzzutto stated park; it's that little one.

Board Member Bodor stated and the park...

Mr. Lucas stated the park is right there.

Mrs. Lucas stated we're right next door.

Board Member Bodor stated you're here then.

Mrs. Lucas stated yes. We're right next door to Baumann Park.

Board Member Bodor stated okay. And this is Rutland going here [referring to the survey].

Chairman Buzzutto stated oh, Baumann. That's that little...

Mrs. Lucas stated yes.

Chairman Buzzutto stated for children.

Mrs. Lucas stated yes.

Chairman Buzzutto stated yes, okay.

Mrs. Lucas stated we live right next to the park.

Chairman Buzzutto stated oh, okay.

Board Member Bodor stated is there screening between your property...

Mrs. Lucas stated yes, there's a fence.

Mr. Lucas stated there's a fence.

Board Member Bodor stated there's a fence.

Mrs. Lucas stated there's a metal fence, yes.

Board Member Bodor stated and are there plantings along that line.

Mrs. Lucas stated no.

Board Member Bodor stated I mean, are you going to sit on your deck and have the kids playing on the jungle gym, you know...

Mr. Lucas stated (inaudible – too distant).

Board Member Bodor stated well, is it far enough away.

Mrs. Lucas stated it's...Oh, yes.

Mr. Lucas stated oh, we're down at the bottom near where you make the turn off of Haviland [Drive].

Board Member Bodor stated okay.

Board Member Olenius stated you have a distinct elevation.

Mr. Lucas stated yes. We're way above.

Mrs. Lucas stated yes. We're far enough away where...

Board Member Bodor stated okay.

Mrs. Lucas stated their swing sets and stuff are actually down on Club Court, and they have to go up a hill, and there are no swings or anything up on the hill.

Board Member Bodor stated it's not close enough so they're going to be coming up on your...

Mrs. Lucas stated oh no.

Board Member Bodor stated barbeque.

Mr. Lucas stated no.

Mrs. Lucas stated no, not at all.

Mr. Lucas stated they'd have to climb over a fence.

Board Member Bodor stated okay.

Chairman Buzzutto stated they can do that, you know.

Mr. Lucas stated I know.

[Laughter]

Mrs. Lucas stated they can, but little ones can't do that.

Chairman Buzzutto stated you have a hotdog for us.

[Laughter]

Board Member Bodor stated you have off street parking there, too.

Mr. Lucas stated we have a driveway.

Board Member Bodor stated a macadam driveway I see. Yes.

Mr. Lucas stated we have two cars to put in the driveway.

Board Member Bodor stated okay.

Mrs. Lucas stated yes.

Board Member Bodor stated that's a plus over there.

Mrs. Lucas stated yes, it is. It's a nice area. We like it.

Chairman Buzzutto stated there's a lot of trees there which is nice.

Mrs. Lucas stated well, that big, huge pine tree in front of the house is no longer there. We took that pine tree down last year.

Board Member Bodor stated I was going to say, you didn't lose it to the storm, did you.

Mrs. Lucas stated no. We took it down last year.

Board Member Bodor stated before it came down.

Mrs. Lucas stated before it came down, yes.

Mr. Lucas stated it was leaning towards the house.

Mrs. Lucas stated yes, we actually got all the information for it before the Town Board and took care off it.

Chairman Buzzutto stated what is under the...What will be under the deck there. Is that solid, or will be filled in. Or...

Mr. Lucas stated no, that's a concrete...

Mrs. Lucas stated that's a concrete slab.

Mr. Lucas stated porch.

Chairman Buzzutto stated slab.

Mrs. Lucas stated yes.

Mr. Lucas stated from there...Yes. That's...

Mrs. Lucas stated from there out we're just going to...

Chairman Buzzutto stated this no space underneath there.

Mr. Lucas stated no, no. Not to outside.

Chairman Buzzutto stated (inaudible) with dirt or whatever.

Mrs. Lucas stated I don't even know what's under there. I just...That's the way it was when...

Chairman Buzzutto stated you can't use it for storage or anything.

Mrs. Lucas stated oh no.

Mr. Lucas stated no, no. You can't go from the...

Chairman Buzzutto stated so that's a solid...

Mrs. Lucas stated yes, it's a solid...

Mr. Lucas stated it's solid.

Mrs. Lucas stated yes.

Mr. Lucas stated steps and the enclosure, I guess. Yes.

Mrs. Lucas stated yes, that's just a solid piece of concrete.

Chairman Buzzutto stated hollow it out, put a lawnmower in there.

Mr. Lucas stated I have the garage to put the lawnmower in. And the snow blower, and everything else that goes in there. What's the amount of area I can put a little shed back there. There's like...

Mrs. Lucas stated is there a certain...

Chairman Buzzutto stated the setback...

Mrs. Lucas stated what's the...

Mr. Lucas stated I'm not...the size.

Mrs. Lucas stated Cheryl has to take care of that. The Building Department I told you.

Chairman Buzzutto stated yes, you would have to go to them...

Mrs. Lucas stated you have to talk to the Building Department for that.

Board Member Olenius stated there's a square footage.

Mrs. Lucas stated yes...

Board Member Olenius stated I don't know if it's 10' x 10' or 10' x 12', or something like that.

Mr. Lucas stated yes.

Mrs. Lucas stated yes. That's what...

Board Member Olenius stated and same thing, you can't be too close to the sideline.

Mrs. Lucas stated right.

Mr. Lucas stated right, okay.

Mrs. Lucas stated right.

Board Member Olenius stated you have to be 15' from the sideline. Cheryl will know it.

Mrs. Lucas stated yes. I'll talk to Cheryl.

Chairman Buzzutto stated and if you can't put it 15' then you have to come here for the variance again.

Mrs. Lucas stated right.

Mr. Lucas stated right. That's why I wanted to find out.

Chairman Buzzutto stated you have to come for another variance. Okay.

Board Member Bodor stated and don't try to put it in the front yard either.

Mr. Lucas stated no.

Mrs. Lucas stated oh no, no, no, no, no.

Chairman Buzzutto stated yes, don't do that.

Mrs. Lucas stated no.

Board Member Olenius stated if it's...No. You know what it is, if it's under a certain size it doesn't require a building permit is what it is.

Mrs. Lucas stated yes. That's...

Board Member Olenius stated it still has to be within the...

Mrs. Lucas stated within the 15'...

Board Member Olenius stated yes.

Mrs. Lucas stated from the boundary line, but under a certain square footage, not permit.

Board Member Olenius stated correct. Right.

Chairman Buzzutto stated okay.

Board Member Olenius stated and there's a height limitation, too, she'll be able to tell you.

Mrs. Lucas stated okay.

Board Member Olenius stated because you get some people who try and do 10' x 10' x 20' tall...

Mrs. Lucas stated oh no, no, no, no.

Board Member Olenius stated because there's a maximum.

Mrs. Lucas stated no.

Chairman Buzzutto stated any problem with the deck.

Board Member Olenius stated you purchased this house after it was rehabbed.

Mr. Lucas stated renovated.

Board Member Olenius stated renovated.

Mrs. Lucas stated yes. We bought it from another contractor who had gutted it and redone the inside.

Board Member Olenius stated I remember they did a nice job. I drive by this everyday. I live above you.

Mrs. Lucas stated they did a beautiful job on the inside of the house.

Chairman Buzzutto stated that's the kitchen door there with the deck [referring to a picture].

Mrs. Lucas stated yes. That's coming through the living room.

Mr. Lucas stated living room.

Mrs. Lucas stated living room, kitchen area.

Mr. Lucas stated yes.

Chairman Buzzutto stated okay.

Board Member Bodor stated are there two bedrooms in it.

Mrs. Lucas stated yes.

Board Member Bodor stated yes.

Chairman Buzzutto stated okay. Nobody in the audience unless Rich has something to say back there. No. No input. Close the public hearing.

Board Member Bodor stated are you going to do this work yourself.

Mr. Lucas stated yes.

Board Member Bodor stated handy.

Mrs. Lucas stated he's very handy.

Mr. Lucas stated I've been doing it all my life.

Board Member Bodor stated okay.

Mrs. Lucas stated he's very handy.

Board Member Bodor stated good. Yes, I'll make a motion to close the public hearing.

Board Member Burdick stated second.

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

Chairman Buzzutto stated okay, public hearing closed.

Board Member Bodor stated Lars is working on the reso.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Barbara Lucas, Case #04-10
*Enlargement of a Nonconforming Building***

WHEREAS, Barbara Lucas is the owner of real property located at 17 Rutland Drive (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.63-2-32**, and

WHEREAS, Barbara Lucas has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of a nonconforming building, in order to construct an 11' x 14' rear deck, and

WHEREAS, §154-58 of the Patterson Town Code requires any building which does not conform to the requirements of these regulations regarding building height limit, area and width of lot, percentage of lot coverage and required yards and parking facilities shall not be enlarged unless such enlarged portion conforms to all of the provisions of this chapter applying to the district in which such a building is located. No non-conforming portion of any building may be extended, nor any non-conforming use extended into any other area of a building or lot, and

WHEREAS, §154-7 of the Patterson Town Code requires a 15' side yard setback; Applicant can provide 13.2'; and

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

WHEREAS, a public hearing was held on the application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on **March 17, 2010** to consider the application; and

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

1. the proposed application **will not** produce an undesirable change in the character of the neighborhood **because the deck is to the rear of the property; screened and private.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **because the existing edge of the home is already within the 15' side yard setback and the proposed deck does not infringe any further upon what's currently existing.**
3. the variance requested **is not** substantial **because it's 1.8'.**
4. the proposed variance **will not** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district **because property is sized on 6 lots and the impervious coverage is not being increased dramatically.**
5. the alleged difficulty necessitating the variance **was self-created** and **is not sufficient** so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby **grants** the application of **Barbara Lucas** for **an area variance** pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct an 11' x 14' rear deck.

Board Member Bodor stated second.

Board Member Bodor	-	yes
Board Member Burdick	-	yes
Board Member Herbst	-	absent
Board Member Olenius	-	yes

Chairman Buzzutto - yes

Resolution carried by a vote of 4 to 0.

Board Member Olenius stated you can go see Cheryl tomorrow.

Mrs. Lucas stated thank you very much. I really appreciate it.

Board Member Olenius stated good luck. Enjoy it.

Mrs. Lucas stated thank you.

Board Member Olenius stated get it in before the warm weather goes away again.

Mr. Lucas stated we'll have to (inaudible – too distant).

Mrs. Lucas stated thank you very much.

Board Member Bodor stated you're welcome.

Mrs. Lucas stated have a good evening.

Board Member Bodor stated good night.

Board Member Burdick stated you too.

Mr. Lucas stated thank you.

4) AL STEGER CASE #05-10

No one was present for Mr. Al Steger.

Chairman Buzzutto stated Steger.

Laura Roberts stated I'm with Carl.

Chairman Buzzutto stated you're with Carl. Who's here for Steger.

The Secretary stated Mike Liguori should be. You want me to read it into the record.

Chairman Buzzutto stated yes.

Board Member Bodor stated read it.

Chairman Buzzutto stated I guess you just have to read it.

The Secretary began to read the following legal notice:

Al Steger....

Carl Lodes stated you can read it, right. I'm sorry. Yes. You should read it.

Board Member Bodor stated yes.

The Secretary continued to read the following legal notice:

Al Steger Case #05-10 – Special Use Permit

Applicant is requesting a Special Use Permit as required by §154-115.1 of the Patterson Town Code; Apartments in order to have an apartment in the GB Zoning District. Applicant wishes to use the vacant portion of his structure as an apartment, where the first floor will consist of a living room and kitchen, and the second floor will be three bedrooms. This property is located at 5/19 Center Street (GB Zoning District).

Board Member Bodor stated there's no one that seems to be here representing the applicant, has there been any communication with anyone as to why no one's showing up.

The Secretary stated no.

Board Member Bodor stated then I..It's my suggestion we put this off until next month because I'd rather have the applicant or his representative here.

Chairman Buzzutto stated definitely.

Board Member Olenius stated I second that.

Chairman Buzzutto stated it will be tabled then.

Carl Lodes stated tabled.

Chairman Buzzutto stated tabled, yes.

Board Member Olenius stated I make a motion to table it until next month.

Chairman Buzzutto stated tabled to the fact that the applicant had nobody to represent him at this particular ZBA meeting.

Rich Williams stated let me throw something in the record.

Chairman Buzzutto stated okay.

Rich Williams stated I'm sure you provided notice. Because there's nobody here from the Hamlet either. So being as we're putting this off, do you want it renoticed. Normally if we just table something, you know, we'll notice...we'll advertise it in the paper, but we won't send notice out.

Board Member Bodor stated we're just... We're tabling it, so...

Rich Williams stated right.

Board Member Bodor stated so the protocol...

Rich Williams stated But... Correct. But nobody is here from the Hamlet either. That's curious because they've been adamantly opposed to there being an apartment in there. I'm just wondering if you want it renoticed as well as readvertised.

Board Member Burdick stated well, have you had anything returned.

The Secretary stated I believe I might have had one returned. I've only had one notice returned for Steger.

Board Member Bodor stated it wasn't to the applicant.

The Secretary stated no.

Board Member Bodor stated or anyone connected with him. Is this from a neighbor.

The Secretary stated yes. There's no mail receptacle so they didn't get it.

Chairman Buzzutto stated well, it was...

Board Member Bodor stated it was in the paper.

Chairman Buzzutto stated it was in the paper, yes.

The Secretary stated and it was sent to the neighbors.

Chairman Buzzutto stated yes, it was in the paper.

The Secretary stated and the applicant and the...

Board Member Burdick stated is there a problem with renoticing.

The Secretary stated attorney.

Carl Lodes stated no there's not.

Board Member Olenius stated we spent enough money already in my opinion.

Board Member Bodor stated well, that's it.

Board Member Olenius stated I'm not going to...

Board Member Bodor stated I'd hate to see us...

Board Member Olenius stated I'm not going to advocate spending more taxpayer dollars to do another mailing if they got it already.

[Inaudible – too many talking]

Board Member Burdick stated well, if we decide to renote this, I think that it's clear by the number of phone calls that you said that you guys have gotten and interest from the community that no one is here that it may be prudent in that regard that we renote it because of the lack of community members here, but the number of phone calls that you guys have been getting interest in the case.

Rich Williams stated we haven't been getting any.

Board Member Burdick stated you haven't been getting any phone calls.

Rich Williams stated no.

Board Member Burdick stated okay.

Board Member Bodor stated was there any...

Board Member Burdick stated I thought you just said that you...there's a lot of people that had concern about the apartment.

Rich Williams stated yes. Right along...

Board Member Bodor stated right.

Rich Williams stated when we were doing the local law, even back when he came in for the use variance, there were people that were, you know, from the Hamlet who were...

Board Member Burdick stated but not since the renote.

Rich Williams stated no.

Board Member Bodor stated when the public hearing was going on regarding the local law...

Rich Williams stated yes.

Board Member Bodor stated with the Town Board, were there people here that were speaking on it.

Rich Williams stated there were a couple, I believe. Yes. The same, you know...

Board Member Bodor stated the same ones.

Rich Williams stated individuals that have been concerned with this. Brian Callahan.

Board Member Bodor stated right. I wonder if the feeling is, you know, that things have changed as far as the zoning and they figure there is no sense in coming and make a big production about it anymore because this is it.

Rich Williams stated maybe.

Board Member Bodor stated they've had their say. What are they going to say anymore. So that's my thought. I don't know though.

Board Member Burdick stated no, I misunderstood. I misunderstood Rich, when he said that there were calls, I thought that there were people calling now and complaining, you know, interest about the current application. If you haven't been getting any feedback, I think we're okay to go, personally.

Chairman Buzzutto stated do you have to send another notice.

Board Member Bodor stated just table it but not to notice all of the neighbors, if that's the Board's pleasure.

Board Member Olenius stated it's my pleasure.

Chairman Buzzutto stated like a...

Board Member Olenius stated if you want to take a vote.

Chairman Buzzutto stated like I said, it's just an expense.

Board Member Burdick stated well, without anything changing, they've already been noticed. And unless, you know...If Sarah said that she had been getting a lot of them back other than just one, I would say renote it. But they obviously got it...

Chairman Buzzutto stated yes.

Board Member Burdick stated and if the procedure is to not normally renote on a tabled, I don't think that we should...

Board Member Bodor stated yes. I don't know why we would need to do it any differently than...

Board Member Burdick stated yes. No.

Board Member Bodor stated we have in the past. But...

Board Member Burdick stated I agree.

Rich Williams stated I guess I overreacted. I'm just sitting here...Mr. Steger's been asking for this forever.

Board Member Bodor stated I know.

Chairman Buzzutto stated yes.

Rich Williams stated he's got an attorney representing him. The community has not been supportive of the whole concept. And nobody shows up and I'm sitting here saying what happened.

Board Member Burdick stated yes, no. It's curious...

Board Member Olenius stated it's the beauty of having a meeting on Saint Patrick's Day.

[Laughter]

Rich Williams stated think they're all in the city.

Board Member Bodor stated I think.

Chairman Buzzutto stated well, who was the attorney on that there.

Board Member Bodor stated Liguori.

Chairman Buzzutto stated is there anyway we should get in touch with him to find out why.

Carl Lodes stated I wouldn't, unless you have a practice of doing that.

Board Member Bodor stated I wouldn't because if we call him up right now, he's going to say Oh, I'm on my way.

Board Member Burdick stated that's not our practice to do that.

Chairman Buzzutto stated okay.

Board Member Bodor stated no.

Board Member Burdick stated we would be handling this case differently than we have others.

Carl Lodes stated yes.

Board Member Bodor stated there's no reason to treat this case any differently.

Carl Lodes stated no.

Chairman Buzzutto stated alright. So it's going to be tabled due to the fact that there was nobody here to represent Mr. Steger.

Board Member Bodor stated well, Lars made a motion that we table it using the protocol that's been established in the past, and that is not to notice everyone within 500 feet of the property. I'll second that motion. We better do a roll call, though.

The Secretary did a roll call:

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

Motion carried by a vote of 4 to 0.

Board Member Bodor stated okay.

Chairman Buzzutto stated so let's table it. It will be on the agenda for next meeting.

Board Member Bodor stated yes.

Chairman Buzzutto stated so be it. You're right, though. It's been such a thing with him.

Rich Williams stated I was afraid everybody was going to get mobbed tonight.

Board Member Bodor stated we don't need that two meetings in a row.

[Laughter]

Board Member Olenius stated save the mob scene for Monday.

Board Member Bodor stated yeah, right.

Chairman Buzzutto stated yes.

Rich Williams stated maybe nobody will show up there. (Inaudible – too distant).

TAPE ENDED

The Secretary stated okay [referring to the tape recording].

Chairman Buzzutto stated Monday. I feel a fever coming on for Monday. Oh well, alright. What other business do we got here. Other business.

5) OTHER BUSINESS

a) Site walk

Board Member Bodor stated other business. What business.

Board Member Olenius stated we have to do the site walk; set a date.

Board Member Bodor stated yes we do. Before the 21st.

Board Member Burdick stated what did he say, Monday and Wednesday was best for him.

Board Member Bodor stated Monday and Wednesday was best he said.

Chairman Buzzutto stated was it two or one site walk.

Board Member Olenius stated just one.

Chairman Buzzutto stated one.

Board Member Olenius stated it was the second-story addition.

Chairman Buzzutto stated oh, the second-story addition. Yes. That would be this one here. Name a date.

Board Member Bodor stated well, next Monday's not possible.

Chairman Buzzutto stated no, next Monday's the meeting for the...

Board Member Burdick stated do we want to move it into April to give Jerry a chance to recuperate or do we...

Board Member Bodor stated that's a good idea.

Board Member Burdick stated want to just...

Chairman Buzzutto stated yes.

Board Member Bodor stated the day after Easter. Does that hit somebody badly.

Board Member Burdick stated what is that, the 5th.

Board Member Bodor stated the 5th.

Board Member Burdick stated I'm fine with any of those days.

Board Member Olenius stated I think the 5th is fine with me, too.

Board Member Bodor stated 5th.

Board Member Olenius stated the end of the week is bad, though.

Board Member Bodor stated what.

Board Member Olenius stated the end of that week is bad...

Board Member Bodor stated the end is bad.

Board Member Olenius stated but the beginning of the week is fine.

Board Member Bodor stated the 5th of April, which is the day after Easter, Buzzy. What do you think.

Chairman Buzzutto stated that's alright with me.

Board Member Bodor stated okay. Alright, we'll go with that.

Board Member Olenius stated 5:15 [p.m.].

Board Member Bodor stated yes, it makes sense.

Board Member Olenius stated can you get there Mar.

Board Member Burdick stated yes.

Board Member Olenius stated you guys want to meet at the deli that's closed right now.

Board Member Bodor stated where's that. By...

Board Member Olenius stated close to the firehouse.

Board Member Burdick stated passed the firehouse.

Board Member Olenius stated yes.

Board Member Bodor stated across from the firehouse.

Board Member Olenius stated close to the firehouse. Like...If you make a left at the monument by the firehouse...

Board Member Bodor stated okay.

Board Member Olenius stated the one just passed the bank on the right, it's...

Board Member Bodor stated so it's across the way.

Chairman Buzzutto stated oh, yes.

Board Member Olenius stated yes. It's been closed for a year or so now. Kind of on the corner by...

Board Member Burdick stated before you get to the turn.

Board Member Olenius stated McKneely's.

Board Member Burdick stated yes.

Board Member Bodor stated going down by the green nursery.

Board Member Olenius stated yes.

Board Member Bodor stated okay.

Board Member Olenius stated if you want to meet there it would be easier...

Board Member Bodor stated sure.

Board Member Olenius stated for me to bring you right up on...

Board Member Bodor stated oh, okay.

Board Member Olenius stated get you there.

Chairman Buzzutto stated at 5:15.

Board Member Bodor stated 5:15.

Board Member Olenius stated and is it April 5th.

Board Member Bodor stated April 5th.

Chairman Buzzutto stated yes. This was off Empire [Drive].

Board Member Olenius stated yes.

Chairman Buzzutto stated well, that's right across from Empire, isn't it.

Board Member Olenius stated exactly. Yes. So it's a parking lot we can...we'll fit our cars in and...

Board Member Bodor stated okay.

Board Member Olenius stated and then we can shoot across and go up.

Board Member Burdick stated but we're going to meet at the deli, Buzzy.

Chairman Buzzutto stated yes.

Board Member Burdick stated okay.

Chairman Buzzutto stated okay. Any other business.

Board Member Bodor stated well, I don't know. Is this a good place to discuss how we're going to run Monday's meeting.

Chairman Buzzutto stated it could be a place to...

Board Member Bodor stated can we do that here, under Other Business. How it's going to be...

Carl Lodes stated I think you can close the meeting. I don't...

b) Minutes

Board Member Bodor stated we have minutes to do, too.

Board Member Olenius stated I make a motion to approve the minutes from February 17th, 2010.

Board Member Bodor stated I'll second it. All in favor. Motion carried by a vote of 4 to 0.

Board Member Bodor stated okay. Is there any other business. Then I make a motion to adjourn the meeting.

Board Member Olenius stated second.

Board Member Bodor stated all in favor.

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

Meeting was adjourned at 8:03 p.m.