

TOWN OF PATTERSON
ZONING BOARD OF APPEALS

March 18, 2015

AGENDA & MINUTES

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1) Peter Ruisi Case #09-14	1 – 2	Public hearing remained opened; Applicant was not present – Application tabled pending owners of Thunder Ridge filing a Use Variance application.
2) Scott Carpenter Case #02-15	2 – 10	Public hearing opened & closed; Resolution – Area Variance for RYSB to legalize existing rear-entry deck granted .
3) Allan Rothman (Unicorn Contracting Corp.) Cases #03-15, 04-15, & 05-15	10 – 24	Public hearing opened & closed; Resolution – Area Variances for lot frontage on 3 lots of proposed 8-lot subdivision granted .
4) Chris Filangeri Case #06-15	24 – 32	Public hearing opened & closed; Resolution – Area Variance for SYSB to legalize existing pool deck granted .
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A) Minutes	41 – 42	Minutes from February 18, 2015 ZBA meeting approved .
B) Site Walk	42 – 44	Site Walk for Case #07-15 scheduled for <u>Tuesday, 4/7 at 5:15</u> ; snow/rain date scheduled for <u>Wednesday, 4/8 at 5:15</u> .

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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Mary Bodor, Vice Chairman
Marianne Burdick
Michael Carinha
Stephanie Fox

PLANNING BOARD

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**Zoning Board of Appeals
March 18, 2015 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 Michael Carinha, Board Member Stephanie Fox, Nancy Tagliafierro – Attorney with Town Attorney’s Office, and Rich Williams – Town Planner.

Chairman Olenius called the meeting to order at 7:00 p.m.

There were approximately 7 members of the audience.

Mary Schartau was the secretary for this meeting and transcribed the following minutes.

Chairman Olenius led the salute to the flag.

Roll Call:

Board Member Bodor	-	Here
Board Member Burdick	-	Here
Board Member Carinha	-	Here
Board Member Fox	-	Here
Chairman Olenius	-	Here

1) Peter Ruisi (Liberty Paintball) Case #09-14

No one was present to represent the application.

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 18, 2015 at 7:00 p.m. at the Patterson Town

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

Peter Ruisi (Liberty Paintball Games) Case #09-14 – Area Variance: Held over from the April 16, 2014, May 21, 2014, June 18, 2014, July 16, 2014, August 20, 2014, September 17, 2014, October 15, 2014, November 18, 2014, December 16, 2014, January 21, 2015, and February 18, 2015 meetings

Chairman Olenius: I understand we're holding this over one more time, while the, um, landowner and his tenant try and iron everything out.

The Secretary: We're going to skip to number three.

2) Scott Carpenter Case #02-15

Two people were present to represent the application.

The Secretary read the following legal notice:

Scott Carpenter Case #02-15 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize an existing deck. Patterson Town Code requires a minimum rear yard setback of 50 ft.; Applicant has 21 ft.; Variance requested is for 29 ft. This property is located at 12 Orchard Street (R-1 Zoning District).

Chairman Olenius: Mr. Carpenter?

Mr. Carpenter: Yes, sir.

Chairman Olenius: Come on up, please. Could you just state your name and address for the record, please?

Mr. Carpenter: Scott Carpenter. 12 Orchard Street.

Chairman Olenius: Do you swear the testimony you give tonight will be the truth and the whole truth?

Mr. Carpenter: Yes, sir.

Chairman Olenius: Thank you. So, explain to us your situation, please.

Mr. Carpenter: Uh, the house is, uh, on 12 Orchard Street, right in the shadow of this building. It's been in my family for 70 years. It has always had a deck in the back – basically, enough deck to allow you to use the back door and get out into the backyard. Uh, the deck was the full length of the house. Uh, the deck that is in existence now is slightly bigger – I mean, it's actually slightly smaller – just a little wider to make some more room to be able to get out of the back door. I have the, uh, total video presentation if you want it. The old...

Chairman Olenius: These were the pictures included in the packet...

Mrs. Carpenter: Yeah.

Chairman Olenius: Yeah.

Mr. Carpenter: Yes.

Chairman Olenius: Okay.

Mrs. Carpenter: They're there.

Mr. Carpenter: And it's right, as I said, it's right here. It's, uh, not an extravagant deck. It's... it's, uh, basically, a functional deck to allow one to use the back doors of the facility. There has never been, any, uh... I guess, they've never met the variance from the hundred years that it's been standing there. It's backing the, uh, strip of property for Verizon. They have a strip of property behind their property. That's what it's butting up against – not against any residential property. It is not any nearer to any of the houses on the left or the right hand side. In fact, it's further away from those houses, an, and...

Mrs. Carpenter: The house itself is not even 50 feet to the property line.

Mr. Carpenter: Right.

Chairman Olenius: Could you just state your name for the record?

Mrs. Carpenter: Barbara Carpenter.

Chairman Olenius: Thank you.

Mr. Carpenter: So, the... the... I guess, the required amount has never, ever been there, and it's, uh... I say the deck had to be replaced because the old deck was probably the deck that I can remember from when I came here when I was two – 60 years ago. So, it needed to be replaced, and it's, uh... I'd say it's a functional deck. It's, uh... it's not intended to take advantage of... of any kind of guidelines that are required.

Chairman Olenius: It's more for egress.

Mr. Carpenter: Yes it is.

Chairman Olenius: In and out.

Mr. Carpenter: Yes. I don't know if you have any visuals on this, but as I said, I could...

Mrs. Carpenter: They have the photos, too.

Mr. Carpenter: I could run this through if you'd like to see it here.

Chairman Olenius: I looked through your – I think it looks like all the same pictures that I saw already...

Board Member Bodor: Mm hmm. Yeah.

Chairman Olenius: Yeah.

Mr. Carpenter: It probably is. I just didn't know how clearly those came out on it.

Chairman Olenius: No, we appreciate the opportunity for color, too. So, you said the old deck that you replaced ran the... the whole width of the...

Mr. Carpenter: The full length of the house by 4 feet, and the double steps coming down. This only has the single steps. It's only 8 feet by 8 feet, and the steps coming down are single... single, uh, wood steps. It's, uh... as I say, it's basically functional. Not recreational, you know. So, it's, uh...

Chairman Olenius: The last group of pictures that you included here appear to show a 6 foot privacy fence on one side of the backyard and some shrubbery to the rear, too. Is that how well-screened the...

Mrs. Carpenter: Yes.

Mr. Carpenter: That is the neighbors on – if you are facing the back of the house – that's the neighbors on one side. That's their fence, yes.

Chairman Olenius: So, there's a lot of screening...

Mr. Carpenter: And that's actually a lot further away from the – from that fence...

Mrs. Carpenter: Yeah.

Mr. Carpenter: Than it ever was. It was – used to be – about 8 feet closer...

Mrs. Carpenter: Right.

Mr. Carpenter: When it – when it ran the full width of the house.

[Inaudible discussion between Mr. and Mrs. Carpenter – speaking away from microphone.]

The Secretary: I have all of those pictures in color, too...

Chairman Olenius: No, it's okay.

The Secretary: If anyone wants them.

Chairman Olenius: I was just kind of looking to see how...

The Secretary: Okay.

Chairman Olenius: Get an idea of the screening.

Mr. Carpenter: Where's the...

Mrs. Carpenter: Okay,

Mr. Carpenter: This here is pictures if you want to just run through. It might make it a little...

Chairman Olenius: Okay.

Mr. Carpenter: A little more clear.

Chairman Olenius: Did you build the deck yourself?

Mr. Carpenter: No. It was built by a home improvement, uh...

Chairman Olenius: It looks like a nice job. That's why I was...

Mr. Carpenter: Oh, okay [laughter].

Chairman Olenius: [To Board Member Bodor] That's what I was kind of just trying to get an idea of the...

Board Member Bodor: Yeah.

Chairman Olenius: Screening.

Board Member Bodor: That Verizon strip that's behind you...

Mr. Carpenter: Yes.

Board Member Bodor: Is there anything on that?

Mr. Carpenter: Nothing at all. In fact, it's – [to Mrs. Carpenter] wait, is it...

Mrs. Carpenter: Just woods.

Mr. Carpenter: It's probably about 20 feet wide and then there's the parking lot of, the... I think the daycare...

Mrs. Carpenter: Daycare.

Mr. Carpenter: Center on the other side of that.

Chairman Olenius: Oh, it's like a right-of-way or something?

Mr. Carpenter: Yeah, it's just – it's just a strip of property that's always been back there for as long as I can remember.

Chairman Olenius: Oh, okay.

Mr. Carpenter: It's, uh... nothing is on there at all.

Board Member Bodor: And you'll still be able to get down – are you... you are still able to get down into the basement, um...

Mr. Carpenter: Oh yes. Absolutely. That's...

Board Member Bodor: Steps is what – it looks like it's right next door...

Mr. Carpenter: It's right next to it...

Mrs. Carpenter: Right.

Board Member Bodor: Yeah.

Mr. Carpenter: In fact, the deck used to cover it...

Board Member Bodor: Cover...

Mr. Carpenter: And go across the whole thing...

Board Member Bodor: It would. Yeah.

Mr. Carpenter: I put it to the – it's... it's put to the side so you wouldn't have to duck underneath the deck.

Board Member Bodor: Okay.

Board Member Carinha: You put all new footings in when you did it, too?

Mr. Carpenter: Yes.

Board Member Carinha: Okay.

Mr. Carpenter: It's all footings. It's – the original deck when it was there was literally – wood into... into the dirt, which, of course, all started wobbling. These were all footed with 3 foot cement foundations and all of that to make sure they... it was done properly this time, and...

Board Member Carinha: Okay.

Mr. Carpenter: The house has been in my family for 70 years. It was mostly my grandmother and my aunt living there. The last 20 years, I've... in charge of the finances of the house, and – while they were still alive and living there – so, it's, uh...

[Inaudible discussion between Chairman Olenius and Board Member Bodor – speaking away from microphones.]

Chairman Olenius: Does anybody in the audience have any input on this case? Hearing none.

[Inaudible discussion between Board Members Carinha and Fox – speaking away from microphones.]

Chairman Olenius: So, I'm guessing because you replaced an older deck you were under the assumption that...

Mr. Carpenter: You could put...

Chairman Olenius: You could just do that?

Mr. Carpenter: And since it was smaller...

Chairman Olenius: Right.

Mr. Carpenter: That was not, uh... I didn't think I was taking advantage of any... any situation. They have to be able to get out of there somehow. It's, uh...

Mrs. Carpenter: I think they used the same piece of wood that was attached to the house.

Mr. Carpenter: Right. In fact, the same header board or whatever that is, I... it runs the full length of the house. It was – only a piece of that was actually needed to be used because the rest of it is... is covered. It's, uh... so, the original header board that goes against the house was used. So, it's basically in the footprint of a small portion of what the original deck was.

Board Member Fox: Thank you.

Mr. Carpenter: Sure.

Chairman Olenius: [To the Board Members] You guys have anything else?

Board Member Bodor: No.

Board Member Fox: Mm mm.

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

Board Member Burdick: Second.

Board Member Carinha: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.

Chairman Olenius: Okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Scott Carpenter, Tax Map #3.20-1-27
For an Area Variance to Legalize an Existing Deck**

WHEREAS, Scott Carpenter is the owner of real property located at 12 Orchard Street (R-1 Zoning District), also identified as **Tax Map Parcel #3.20-1-27**, and

WHEREAS, Scott Carpenter has made an application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize an existing deck, and

WHEREAS, §154-7 of the Patterson Town Code requires there to be a rear yard setback of 50 feet in the R-1 Zoning District; Applicant's deck is 21 feet from the rear property line; **Variance requested is for 29 feet**, and

WHEREAS, the proposed action constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under 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 18, 2015**, to consider the application; and

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

1. the proposed application **will not** produce an undesirable change in the character of the neighborhood **due to the fact that the new-replaced deck is actually smaller in size than the one that had been there for many, many years prior and the backyard is well-screened.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **due to the fact that the deck institutes a means of egress into the rear door of the home.**
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 the actual impervious coverage has been shrunk due to the smaller deck size from what had been there for many, many years prior.**

5. the alleged difficulty necessitating the variance *was self-created*, but *is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Scott Carpenter* for *an area variance of 29 feet* pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to legalize the existing deck.

Board Member Bodor: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: Okay, sir.

Mr. Carpenter: Thank you very much.

Board Member Fox: Enjoy your new deck.

[Laughter.]

Mr. Carpenter: Okay.

Chairman Olenius: Good luck.

Mr. Carpenter: Thank you very much. [To the Secretary] You... my record then [inaudible – speaking away from microphone]...?

The Secretary: I have everything on there, and I will, uh... once the resolution is finalized and filed with the Town Clerk, I'll mail you a copy of it.

Mr. Carpenter: Okay. Great.

The Secretary: Okay?

Mr. Carpenter: Thank you very much.

Mrs. Carpenter: Thank you.

Mr. Carpenter: I appreciate it.

The Secretary: You're welcome.

Chairman Olenius: [To the Secretary] Fire away.

The Secretary: Alright. Number four.

3) Allan Rothman (Unicorn Contracting Corp.) Case #03-15, 04-15 & 05-15

One person was present to represent the application.

The Secretary read the following legal notice:

**Allan Rothman (Unicorn Contracting Corp.) Case #03-15, #04-15, #05-15 –
Area Variances**

Applicant is requesting three area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, due to insufficient lot frontage for three lots of a proposed 8-lot subdivision. Patterson Town Code requires a lot to meet a minimum road frontage of 225 ft.; Lot #2 will have 25.2 ft.; Variance requested in for 199.8 ft. Lot #3 will have 74.5 ft.; Variance requested is for 150.5 ft. Lot #5 will have 131.1 ft.; Variance requested is for 93.9 ft. The proposed subdivision is located at the corner of Fair Street and Fields Corner Road (R-4 Zoning District).

Chairman Olenius: Mr. Rothman.

Mr. Rothman: Hi. Yes. For the record, my name is Allan Rothman. I work for Unicorn Contracting Corp.

Chairman Olenius: Thank you. And you swear the testimony you provide tonight will be the truth and the whole truth?

Mr. Rothman: I do.

Chairman Olenius: Thank you.

Mr. Rothman: Yes.

Chairman Olenius: Thank you very much. Explain to us your... dilemma.

Mr. Rothman: Okay. We are a contract vendee, so, we have a contract to purchase this 50 acres at the corner of Fair Street and Fields Corner Road, and, um... and we've gone before the Planning Commission several times, and, um...uh, looked at a couple iter—you know, many reiterations, and, um, the... after we've discussed this with the Planning Board – we were able to show the Planning Board we were able to do all the lots with driveways to all the lots. However, they felt – and, we... we agree – that a small little road – let me show you that *[on submitted plans]*... a small little road here – would, um, make...be much cleaner, and it would also, um, allow for fewer driveways and fewer shared driveways onto Fields Corner, um... but, when they small little road, there's three lots that do not meet the frontage requirement – these three lots. Um... so, the... this comes out of, um – this plan or design comes out of – the Planning Commission's recommendation and our agreement to that recommendation.

Chairman Olenius: Okay. So you have – I see you have one lot coming in off of Fair Street with its own driveway....

Mr. Rothman: We actually – this is an existing, property, uh, house right here.

Chairman Olenius: Mm hmm.

Mr. Rothman: So, there's one here. There's one off – coming off – of Fair Street here.

Chairman Olenius: Okay.

Mr. Rothman: Then this road would be for a residence here, a residence here, and three more...

Chairman Olenius: Okay.

Mr. Rothman: And these, of course, have enough frontage on Fields Corner.

Board Member Carinha: Now, with the front two that you said have the frontage on, uh, Fields Corner, are the driveways going to be on the new proposed road?

Mr. Rothman: Yes.

Board Member Carinha: Okay.

Mr. Rothman: There's one driveway....

Board Member Carinha: Okay.

Mr. Rothman: And here's the other driveway.

Chairman Olenius: So, the flag lot there in the back – Lot 2 – is, um... that's not a rite-of-way. That's actually that same lot. It's just narrow frontage.

Mr. Rothman: Correct.

Chairman Olenius: That's the one with the biggest...

Mr. Rothman: This would be a long driveway. Right.

Chairman Olenius: That's the one with the biggest request in here, I think. That's the one that...

Board Member Bodor: That's their own frontage. They're – it's not an easement or anything else. They own that.

Mr. Rothman: It – correct.

Board Member Fox: I'm just... oh...

Chairman Olenius: That's okay.

Board Member Fox: I'm going to give you a paper...

Chairman Olenius: I'm just trying to give you room.

Board Member Fox: I'm going to give you a paper cut... ah, watch it.

Board Member Carinha: That's Lot 2. They're requesting 99.8 feet.

Board Member Fox: Sorry. The mic.

[Laughter.]

Board Member Fox: 25.2 feet.

Chairman Olenius: That was the one. I knew one was...

Board Member Carinha: But this lot is the biggest...

Chairman Olenius: Much more extreme than the rest...

Board Member Carinha: It's 199...

Board Member Bodor: Mm hmm.

Chairman Olenius: And that's what I was.

Board Member Bodor: That's the one.

Board Member Fox: Oh. It's 25.

Board Member Carinha: Yeah.

Chairman Olenius: I did more reading than looking at your print prior to the meeting, because we had a lot of prints this time, and I started unfolding some of them, at least. I figured you were going to do a display like this – I was hoping you were. Would it – that lot down in the corner of Fair Street and [inaudible] Fields Corner Road – that's just open? That's an open space?

Mr. Roth: Yes. It's open. And that was part of our... you might say "deal" with the Planning Commission.

Chairman Olenius: Okay.

Mr. Rothman: They – uh, the Planning Board – they wanted to... originally we had a house on there, but we gave that up and made that open space.

Chairman Olenius: Okay. And Lot 1 is a very large lot... it looks like it.

Mr. Rothman: Yes.

Chairman Olenius: The one that enters off Fair Street.

Mr. Rothman: It is. But, there is, um, and easement across here, and there is wetlands.

Chairman Olenius: Okay.

Board Member Carinha: Is that the big field? It's like a big field there, if I remember correctly.

Mr. Rothman: Um... that could be.

Board Member Carinha: Okay.

Mr. Rothman: Um...

Board Member Carinha: Okay.

Mr. Rothman: I – I can't really answer that.

Board Member Carinha: Alright, no problem. I believe it's a big field. That's why.

Chairman Olenius: I like the cul-de-sac...

Board Member Bodor: I do, too.

Chairman Olenius: The idea of that.

Board Member Fox: Mm hmm.

Board Member Bodor: Yeah.

Mr. Rothman: It sure is better than having all these driveways.

Board Member Bodor: Yes.

Chairman Olenius: Yeah.

Board Member Bodor: Definitely.

Chairman Olenius: Yeah, it's a much nicer look.

Board Member Bodor: And that long driveway – as long as it's part of that property...

Board Member Carinha: Right...

- Chairman Olenius: That's why I asked that question.
- Board Member Carinha: There's no easement.
- Board Member Bodor: Yeah.
- Board Member Burdick: Mm hmm.
- Chairman Olenius: That I like.
- Board Member Fox: It's better than an easement.
- Board Member Carinha: Yeah.
- Board Member Bodor: Yes.
- Board Member Carinha: Absolutely.
- Chairman Olenius: Right.
- Board Member Bodor: And it's not shared. It's theirs.
- Board Member Fox: Have you done anything with the Health Department yet, or...
- Mr. Rothman: Um. No, we have not. This...
- Board Member Fox: The only reason why I ask – not that I think it will be a problem – but, you're overlapping wells and things like that. I didn't know if that would change or... the radius... I don't...
- Mr. Rothman: We have – I mean, it has gone to an engineer – our engineer – so, I don't expect that to change...
- Board Member Fox: Yeah, I don't think that that's a big deal.
- Mr. Rothman: And they're very familiar.
- Board Member Fox: Mm hmm. I don't think there will be a hard time anyway.
- Board Member Carinha: The one question I have is, with the elevation when you go back towards that Lot 2, is it going to be a problem with run-off going in. Like from the driveway into the other two lots.
- Mr. Rothman: Let me, um... I have a site plan.
- Board Member Carinha: Alright.... Do you want it over there?
- Mr. Rothman: Uh, sure.

Board Member Carinha: The easel.

Mr. Rothman: It still is pretty wide here, um... you're worried about this lot into this one, uh... right here, it's very flat. That's what it looks like from this drawing.

Board Member Carinha: But, I mean, where, uh... I guess Lot 3 and Lot 5 meet. The driveway's kind of in between. Is it – it's not going to be built up... like, the driveway's not going to be elevated in between the lots, is it? Like damming, in a sense...

Mr. Rothman: Oh, no. No.

Board Member Carinha: It's going to be all level through, that's what I'm asking.

Mr. Rothman: Yes.

Board Member Carinha: Okay.

Mr. Rothman: Yes.

Chairman Olenius: Does anyone in the audience have a comment on this case? Come up to the microphone, please, and state your name.

Ms. Gray: So, my name is Connie Gray. We've met. So, this is my house here [*referencing submitted plans*]...

Chairman Olenius: Okay.

Board Member Fox: Okay.

Ms. Gray: And all of this front – all of this property – is mine here. So... I like the cul-de-sac design much better, as well... much better than having...

Board Member Bodor: Can you go over to the microphone please?

Ms. Gray: I like the cul-de-sac design much better than many roads going off, and especially one right across from my driveway, which was, I think, the original plan, um... I guess, I'm a little concerned about the road itself because it's a very difficult-to-maintain road.... Difficult, and a lot of drainage issues along the side that fronts, the, uh... the subdivision. Along this side. So they've, you know, the Town has already put a lot of, um... work into making that so that the water doesn't wash the road out.

Chairman Olenius: Is it still a dirt road?

Ms. Gray: It's still a dirt road...

Chairman Olenius: It is.

Ms. Gray: So, I'm a little concerned about – with the additional traffic – what's... how that road is going to be managed. I mean, really every Spring after Winter and after all that melting and run-off, they have to come out and do a lot of work on that road – on both sides, but particularly on the side that affronts the sub – the new subdivision.

Chairman Olenius: Was that discussed with the...

Board Member Fox: Planning...

Chairman Olenius: Planning Board?

Mr. Rothman: I don't know if it was.

Chairman Olenius: Okay.

Mr. Rothman: Um... Rich Williams – I wasn't at those meetings...

Chairman Olenius: Okay.

Mr. Rothman: But, Rich Williams was, so, um, I don't know if he's available...

Chairman Olenius: We'll try and get him before...

Nancy Tagliafierro: Yeah.

The Secretary: Okay. Do want me to find him?

Board Member Carinha: He's sit – he's in your office. When I went back in, he was sitting down talking to someone.

Chairman Olenius: Okay. Can you see if you can get him?

Ms. Gray: And I'm not too sophisticated to know what else could happen over there that would impact my property. I don't think too much would get over there, um... We're a little elevated where the house is, so we haven't had any problems with... with flooding or... or anything like that, so I'd be...

Board Member Fox: Well, the new driveways and the new roads you're proposing are to – going to be paved, correct?

Mr. Rothman: Correct.

Board Member Fox: Okay.

Mr. Rothman: Paved and brought up to town standards.

Ms. Gray: Yeah, so, I just wonder about the road. I mean, it hardly...

Board Member Fox: Right.

Ms. Gray: Manages us three houses that sit back there already.

Mr. Rothman: We have the proper drainage, also.

Board Member Carinha: Yeah. They're putting storm drains there.

Rich Williams: Sir. *[To Ms. Gray]* Hi.

Ms. Gray: Hi, how are you?

Rich Williams: Good. How are you?

Chairman Olenius: We were just curious...

Ms. Gray: So, those are the concerns that I have primarily...

Chairman Olenius: No, thank you. *[To Rich Williams]* Um... when the Planning Board review this, did they take into consideration the existing condition of Fields Corner Road and drainage issues that might be there from...

Rich Williams: Yes, absolutely. I don't know if you're aware, but, Fields Corner Road is one of the, uh, MS4 Retrofit pro – uh, projects – that we did as part of the East of Hudson Corporation, so, on that side of the road, we put in this fairly extensive swale running right up.

Ms. Gray: Yeah. Yeah.

Rich Williams: Yeah.

Ms. Gray: I live – I live, as you know....

Rich Williams: Yep.

Ms. Gray: That's my house there...

Rich Williams: Right across the street.

Ms. Gray: Yeah. They did a lot of work last... last year...

Rich Williams: Sure.

Ms. Gray: Because it's... it's a hard to maintain road...

Rich Williams: Yes.

Ms. Gray: With the traffic that we have there for three houses.

Rich Williams: Yes.

- Ms. Gray: Yeah.
- Rich Williams: And – and actually, one of the driving factors in... in, uh, this design was the original plan had two driveways coming out...
- Ms. Gray: Right.
- Rich Williams: On Fields Corner Road...
- Ms. Gray: Right.
- Rich Williams: One of them, right across from your house.
- Ms. Gray: Right across from my house! Yes.
- Rich Williams: We wanted to get rid of that...
- Ms. Gray: Yeah. Thank you.
- Rich Williams: So that you didn't have the lights coming out.
- Ms. Gray: Yeah.
- Chairman Olenius: Okay.
- Ms. Gray: Yeah. Thank you.
- Chairman Olenius: Is the... is Fields Corner going to remain a dirt road?
- Rich Williams: Uh, for the...
- Chairman Olenius: It's split between two towns, right?
- Rich Williams: For the – yes it is – for the foreseeable future. Nothing is going to remain dirt forever, because they're just... they're very hard to, uh, maintain.
- Chairman Olenius: Right.
- Rich Williams: Um... but, we're not anxious to do substantial improvements out there because we're not going to encourage the traffic – you've got a lot of commercial traffic, especially with the Crossroads projects down in Southeast – and we certainly don't want to, you know, encourage it coming through Patterson.
- Chairman Olenius: Right. Right.
- Ms. Gray: Yeah. Okay... I think that's my main concern.
- Chairman Olenius: You see that's – I, uh, it's...

- Ms. Gray: It's a – it's a hard road. I, you know...
- Chairman Olenius: Yeah.
- Ms. Gray: With... with a good amount of more traffic, it's...
- Chairman Olenius: That's more under the purview...
- Ms. Gray: I'm a little worried.
- Chairman Olenius: Of the Planning Board. That's why I wanted....
- Ms. Gray: Yeah, yeah, yeah...
- Chairman Olenius: Rich – Rich's input.
- Ms. Gray: Yeah.
- Chairman Olenius: Okay. I don't think I have anything else.
- Board Member Bodor: I don't.
- Chairman Olenius: *[To Board Members Carinha and Fox]* Do you have anything else?
- Board Member Carinha: No.
- Chairman Olenius: I make a motion to close the public hearing.
- Board Member Fox: Second.
- Chairman Olenius: All in favor?
- Motion carried by a vote of 5 – 0.*
- Chairman Olenius: Okay.
- Board Member Fox: Can I fold this up before you speak?
- Chairman Olenius: Absolutely. Just making sure we're in order here.
- Board Member Fox: Okay.
- Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Allan Rothman (Unicorn Contracting Corp.), Case #03-15
For an Area Variance for Lot #2 of a Proposed 8-Lot Subdivision**

WHEREAS, Alice Gottwald is the owner of real property located at the corner of Fair

Street and Fields Corner Rd (R-4 Zoning District), also identified as **Tax Map Parcel #45.-4-1**, and

WHEREAS, Allan Rothman has made an application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, due to insufficient lot frontage for Lot #2 of a proposed 8-lot subdivision, and

WHEREAS, §154-7 of the Patterson Town Code states that lots in R-4 zoning districts require a minimum road frontage of 225 feet; Lot #2 will have 25.2 feet; **Variance requested is for 199.8 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 **March 18, 2015**, to consider the application; and

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

1. the proposed application **will not** produce an undesirable change in the character of the neighborhood **due to the fact that the property in question is a flag lot off of a newly cul-de-sac road.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **due to the reality that this property is a flag lot.**
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 lots are all of the proper size for that zoning area in R-4.**
5. the alleged difficulty necessitating the variance **was not self-created**, and **is not sufficient** so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby **grants** the application of **Allan Rothman** for **an area variance of 199.8 feet** pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to allow Lot #2 of a proposed 8-lot subdivision to have 25.2 feet of road frontage.

Board Member Bodor: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes

Chairman Olenius - Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Allan Rothman (Unicorn Contracting Corp.), Case #04-15
For an Area Variance for Lot #3 of a Proposed 8-Lot Subdivision**

WHEREAS, Alice Gottwald is the owner of real property located at the corner of Fair Street and Fields Corner Rd (R-4 Zoning District), also identified as **Tax Map Parcel #45.-4-1**, and

WHEREAS, Allan Rothman has made an application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, due to insufficient lot frontage for Lot #3 of a proposed 8-lot subdivision, and

WHEREAS, §154-7 of the Patterson Town Code states that lots in R-4 zoning districts require a minimum road frontage of 225 feet; Lot #3 will have 74.5 feet; **Variance requested is for 150.5 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 **March 18, 2015**, to consider the application; and

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

1. the proposed application **will not** produce an undesirable change in the character of the neighborhood **due to the fact that the applicant worked with the town Planning Board to come up with this most recent proposal.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **due to the coordination of a cul-de-sac, single road entrance, instead of multi driveway entrances to the lots.**
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 **due to the fact that it was well-engineered, and the lots are all of sufficient size for the zoning district.**
5. the alleged difficulty necessitating the variance **was not self-created, and is not**

sufficient so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of **Allan Rothman (Unicorn Contracting Corp.)** for *an area variance of 150.5 feet* pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to allow Lot #3 of a proposed 8-lot subdivision to have 74.5 feet of road frontage.

Board Member Burdick: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: Last one.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Allan Rothman (Unicorn Contracting Corp.), Case #05-15
For an Area Variance for Lot #5 of a Proposed 8-Lot Subdivision**

WHEREAS, *Alice Gottwald* is the owner of real property located at the corner of Fair Street and Fields Corner Rd (R-4 Zoning District), also identified as **Tax Map Parcel #45.-4-1**, and

WHEREAS, *Allan Rothman* has made an application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, due to insufficient lot frontage for Lot #5 of a proposed 8-lot subdivision, and

WHEREAS, §154-7 of the Patterson Town Code states that lots in R-4 zoning districts require a minimum road frontage of 225 feet; Lot #5 will have 131.1 feet; **Variance requested is for 93.9 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 **March 18, 2015**, to consider the application; and

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

1. the proposed application **will not** produce an undesirable change in the character of the neighborhood **due to the coordinated effort between the Planning Board**

and the applicant to come up with the best solution.

2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **due to the fact that the entrances to the properties are from a cul-de-sac single road.**
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 it was engineered and designed and the property sizes meet the criteria for that zoning district.**
5. the alleged difficulty necessitating the variance **was not self-created**, and **is not sufficient** so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby **grants** the application of **Allan Rothman (Unicorn Contracting Corp.)** for **an area variance of 93.9 feet** pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to allow Lot #5 of a proposed 8-lot subdivision to have 131.1 feet of road frontage.

Board Member Carinha: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: Okay, sir.

Mr. Rothman: Thank you very much.

Chairman Olenius: Well, good luck with your new subdivision.

The Secretary: *[To Mr. Rothman]* Can I hang on to these *[plans referenced in the meeting]* for the file?

Mr. Rothman: This – this drawing?

Audience Member: *Hey!*

The Secretary: Well, did we – I don't think we have this one...

Mr. Rothman: Okay.

The Secretary: In the Zoning Board file.

Mr. Rothman: Sure.

The Secretary: And if you want to leave that one with me, you can, but, this is the same one that you submitted, right?

[Inaudible discussion occurring in audience.]

Mr. Rothman: Correct. It was just... the only thing is, we highlighted it, so, do you....

The Secretary: Okay.

Mr. Rothman: Want this?

The Secretary: Um, I'm... if you don't mind leaving it, I can hold on to it...

[Inaudible discussion occurring in audience.]

Mr. Rothman: Sure. I can leave it.

The Secretary: Okay. Thank you. Thank you very much.

Mr. Rothman: You're very welcome.

[Inaudible discussion occurring in audience.]

Chairman Olenius: *[To the Secretary]* Whenever you're ready.

4) Chris Filangeri Case #06-15

Two people were present to represent the application.

The Secretary read the following legal notice:

Chris Filangeri Case #06-15 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize an existing deck. Applicant's property exists on a corner lot; §154-12 of the Patterson Town Code states that corner lots shall be deemed to have two front yards, two side yards, and no rear yard. §154-7 of the Patterson Town Code requires a minimum side yard setback of 40 ft.; Applicant has 19 ft.; Variance requested is for 29 ft. This property is located at 81 Somerset Drive (R-4 Zoning District).

Mr. Filangeri: Okay.

- Chairman Olenius: Good evening.
- Mr. Filangeri: Good evening. How are you?
- Chairman Olenius: Good. How are you doing?
- Mr. Filangeri: Good.
- Chairman Olenius: State your name and address for the...
- Mr. Filangeri: Sure. Chris Filangeri, 81 Somerset Drive in Patterson, and my wife Janet.
- Mrs. Filangeri: Janet Filangeri *[laughter]*.
- Chairman Olenius: Do you swear the testimony you provide tonight will be the truth and the whole truth?
- [Inaudible discussion among audience members.]*
- Mr. Filangeri: Yes.
- Chairman Olenius: Thank you very much. Explain your situation to us.
- Mr. Filangeri: Well, last summer we had the opportunity to build a... an above-ground swimming pool, and originally we were going to put it to... attach it to the existing 10' x 12' deck, but, as four boys will tell you, as the pool goes up, the deck needs to be larger, and.... We just continued to build on and on and on, and push came to shove and the deck got to be bigger than we thought it was going to end up being, uh... After it was already built, I spoke with, uh, Cheryl Smith [Building Department Secretary] and Bob McCarthy [Building Inspector] and they said, "You need to get down here and take care of some stuff." So that's it in a nutshell.
- Chairman Olenius: I just want to state for the record, before I just miss it, the legal notice said the variance requested is for 29'. It's actually for 21'.
- Mr. Filangeri: Sure. I was looking at that, too.
- The Secretary: Yep.
- Mr. Filangeri: I thought that it made sense.
- Chairman Olenius: It's another...
- Mr. Filangeri: Yeah. If my math was right. *[Laughter.]*
- The Secretary: Yeah, they, uh... the Building Department went back and, uh, "whited it out" on the, uh...
- Chairman Olenius: Okay.

The Secretary: Yeah. But, it's less than, uh, what was noticed, so...

Chairman Olenius: Right.

The Secretary: We should be...

Chairman Olenius: No, no...

The Secretary: Okay.

Chairman Olenius: It's fine that way. I just wanted to make sure it was clear for the record. Okay, so you have two front yards.

Mr. Filangeri: Mm hmm.

Chairman Olenius: Let me get my pictures out here.

Mr. Filangeri: And one's adjacent to Somerset *[Drive]* and one's adjacent to Devon *[Road]*.

Chairman Olenius: So, the property when you bought it came with a deck...

Mr. Filangeri: A deck.

Board Member Bodor: Mm hmm.

Chairman Olenius: And your intention was to...

[Inaudible conversation occurring between audience members.]

Chairman Olenius: Adjoin the pool to that, but once... *[inaudible – too many speaking]* is there elevation differences, too?

Mr. Filangeri: There is. Yeah. So...

Board Member Fox: Right here.

Mr. Filangeri: It kind of goes up the hill. So, after we... where we originally had – well, where we have the swimming pool – as we were building the deck, we realized we needed to cut into the hill, build a retaining wall for runoff... it was just – it was one of those things where as the project was going on, and on, and on, we realized we, uh, bit off more than we could chew. We started running before we were crawling, so...

Chairman Olenius: I just noticed the step on the one drawing...

Mr. Filangeri: Yeah.

Chairman Olenius: So, I just assumed there was some... is the property – oh, yes. It does have some serious elevation changes in there.

Board Member Carinha: Mm hmm.

Chairman Olenius: So, how were you able to come up with the fact that you're 19' from the property line?

Mr. Filangeri: When I came and spoke with Bob McCarthy and Cheryl Smith, we went through the survey and kind of figured out where our neighbor's property line was, and Bob and Cheryl and I used their interesting rulers and drew... *[Laughter]* and drew on the plans, and Bob said – based on what he had – it was 19' and that it needed to be 40, so...

Chairman Olenius: So the Building Inspector came up with the number?

Mr. Filangeri: Yeah. Yeah.

Chairman Olenius: That's really what I was...

Mr. Filangeri: Yeah.

Chairman Olenius: Is there a residence on that lot behind – I don't want to say behind you guys...

Mr. Filangeri: Yeah. I guess you could say behind us. Yeah, so...

Mrs. Filangeri: Face...

Mr. Filangeri: If, uh...

Mrs. Filangeri: Facing Devon *[Road]*.

Mr. Filangeri: It faces the...

Mrs. Filangeri: They face Devon *[Road]*.

Mr. Filangeri: They face Devon *[Road]*, right. They're address – their driveway's on Devon *[Road]*.

Chairman Olenius: Okay.

Mr. Filangeri: Yeah. They're driveway's on Devon *[Road]*, so they're on the, uh...

Board Member Fox: Up the hill, I guess.

Mrs. Filangeri: They're...

Mr. Filangeri: Up the hill. Correct.

- Mrs. Filangeri: Here.
- Mr. Filangeri: They're east of our property.
- Mrs. Filangeri: So, their driveway's here.
- Mr. Filangeri: So, it would be behind our house.
- Chairman Olenius: And, how close from the property line is their residence?
- Mr. Filangeri: Uh...
- Mrs. Filangeri: They're – the actual residence?
- Mr. Filangeri: The actual home itself...
- Mrs. Filangeri: Yeah.
- Mr. Filangeri: Is probably 75 feet.
- Chairman Olenius: So, it's not, like, right on this...
- Mrs. Filangeri: No, no, no, no, no....
- Chairman Olenius: *[Inaudible – too many speaking at once.]*
- Mr. Filangeri: Oh, no, no, no, no, no, no. No. It's literally a – where the bushes are – that separate his property and our property.
- Chairman Olenius: Oh, so there's some wooded...
- Mr. Filangeri: Oh, yeah, yeah, yeah, yeah, yeah...
- Chairman Olenius: Screening there?
- Mrs. Filangeri: Mm hmm.
- Mr. Filangeri: Yeah.
- Board Member Carinha: The way that your neighbor's house is positioned, is it like a side of the house faces your house – the backyard...
- Mr. Filangeri: We – if we were looking at – if we're looking at the back of our house, if we're looking – if we're sitting on the deck of the pool...
- Board Member Carinha: Yep.
- Mr. Filangeri: And looking at his house, we're looking at the back...

Mrs. Filangeri: Backyard.

Mr. Filangeri: Of his house.

Board Member Carinha: The back. Oh.

Mr. Filangeri: His backyard...

Board Member Carinha: So back-to-back. Okay.

Mrs. Filangeri: Mm hmm.

Mr. Filangeri: To his swimming pool.

Board Member Carinha: Okay.

Mr. Filangeri: So, yeah...

Mrs. Filangeri: Past the swimming pool, yeah.

Mr. Filangeri: Past the swimming pool, yeah. So, we... we can see each other's...

Mrs. Filangeri: Backyards.

Mr. Filangeri: Backyards.

Chairman Olenius: Okay.

Mr. Filangeri: Yeah... wave from the pool.

Board Member Bodor: But, there is screening between the two backyards, no?

Mrs. Filangeri: Partial.

Board Member Bodor: Bushes?

Mr. Filangeri: Yeah.

Board Member Bodor: Partial.

Mr. Filangeri: Partial bushes, yeah. Uh, what are those called?

[Inaudible discussion occurring between audience members.]

Mr. Filangeri: They're yellow in the Spring...

Mrs. Filangeri: Green leaves and...

Mr. Filangeri: And they turn green in...

Mrs. Filangeri: Oh, forsythia!

Board Member Bodor: Forsythia?

Board Member Burdick: Forsythia.

Nancy Tagliafierro: Forsythia.

Mr. Filangeri: Yeah, yeah, forsyth – those.

[Laughter.]

Mrs. Filangeri: It's the only reason I'm up here. I know...

Mr. Filangeri: Yeah. She knows.

Board Member Fox: And this came from your... the people *[inaudible – turned away from microphone]*?

Mr. Filangeri: Correct.

Board Member Carinha: And it's two steps up from the pool up to the...

Mr. Filangeri: Two steps up.

Board Member Carinha: Primary deck. Okay.

Chairman Olenius: Does anyone in the audience have a comment on this case? I'm hearing none.

Board Member Fox: I have one question. It might just be an error.

Mr. Filangeri: Mm hmm.

Board Member Fox: *[Referring to the application]* It says here, "Does the property meet the requirements? Is the property within 500 feet of a municipal boundary?" No. Okay. Oh. It says no. Sorry. I thought it said yes.

Mr. Filangeri: Yeah.

Board Member Fox: Sorry...because sometimes it says yes. I thought that would be strange.

[Inaudible discussion occurring in audience.]

Chairman Olenius: Did you stated that your neighbor's house that you face the back yard of from your backyard was – in elevation – above you or below?

Mr. Filangeri: Above us.

Chairman Olenius: It's above you?

Mr. Filangeri: Mm hmm.

[Inaudible discussion occurring in audience.]

Board Member Bodor: Okay.

Chairman Olenius: *[To Board Members Carinha and Fox]* You're okay?

Board Member Carinha: Mm hmm.

Chairman Olenius: I'll make a motion to close the public hearing?

Board Member Burdick: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.

Chairman Olenius: Okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Chris Filangeri, Case #06-15
For an Area Variance to Legalize an Existing Deck**

WHEREAS, *Chris Filangeri* is the owner of real property located at 81 Somerset Drive (R-4 Zoning District), also identified as **Tax Map Parcel #23.-1-45**, and

WHEREAS, *Chris Filangeri* has made an application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize an existing deck, and

WHEREAS, §154-12 of the Patterson Town Code states that corner lots shall be deemed to have two front yards, two side yards, and no rear yard, and

WHEREAS, §154-7 of the Patterson Town Code requires there to be a side yard setback of 40 feet in the R-4 Zoning District; Applicant's deck is attached to an above ground pool and exists 19 feet from the side property line; ***Variance requested is for 21 feet***, and

WHEREAS, the proposed action constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under 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 18, 2015**, to consider the application; and

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

1. the proposed application **will not** produce an undesirable change in the character of the neighborhood **due to the fact of the lot sizes in the subdivision and special parameters that are in place.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **due to the topography of the existing lot on which they reside**
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 **due to the existing lot sizes in said subdivision.**
5. the alleged difficulty necessitating the variance **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 **Chris Filangeri** for **an area variance of 21 feet** pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to legalize the existing deck attached to an above-ground swimming pool.

Board Member Bodor: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: Good luck. I hope you get to enjoy your pool this summer.

Mr. Filangeri: Great. Thank you.

Chairman Olenius: If Summer ever comes.

Mr. Filangeri: Uh, yeah. Absolutely.

Mrs. Filangeri: Thank you very much.

Mr. Filangeri: Thank you.

Chairman Olenius: You're welcome. *[To the Secretary]* Go right ahead.

5) South Patterson Business Park West, Inc. #07-15

Two people were present to represent the application.

The Secretary read the following legal notice:

South Patterson Business Park West, Inc. Case #07-15 – Special Use Permit

Applicant is requesting a special use permit pursuant to §154-113 of the Patterson Town Code; Warehouses. Property is located at 2067 Route 22 (C-1 & R-4 Zoning Districts).

Mr. Cameron: They just need you to be 8 inches taller.

Chairman Olenius: Good evening. Could I just have you step up to the mic and give your name for the record please.

Mr. Cameron: Robert Cameron, Putnam Engineering. Representing the applicant, South Patterson Business Park West. The Applicant is also here with me. Uh... we have come before the board tonight to request a special use permit to allow a warehouse on this particular property, which is located in the C-1 Zone. *[Referring to the microphone]* Does this come off?

Chairman Olenius: You can take that right out if you want.

Mr. Cameron: I would like to. I would like to take this off. *[Referring to submitted plans]* This is the – the parcel. It's 39 acres in size. The C-Zone is in the... in the front, and this is where all out development is taking place. Uh...

Board Member Bodor: The front being facing *[Route]* 22?

Mr. Cameron: Yes.

Board Member Bodor: Okay. I wanted to get oriented.

Mr. Cameron: I... I just wanted to show you this because I'm only showing the front portion on the... on the subsequent plans. You know, I should have remembered that you had a board here and not an easel.

[Laughter.]

Mr. Cameron: Uh, this is the proposed site plan. We had been before the Planning Board, uh, back in... 2007 up to about 2009 or [20]10. Uh... as you're probably all well-aware, the economy has not been gentle, uh, to developers, architects, and the like, uh... so, we kind of slowed down. Uh, back in 2009 or [20]10, I believe, uh, the Planning Board did SEQR, uh... you were also listed on the SEQR form. Uh, they did a negative dec[laration], uh, and they also recommended us to come over to the Zoning Board of Appeals for a special permit. Uh, obviously, we still have to go back to the Planning Board, uh, if you grant our special permit,

because we have, uh, necessary changes to do for stormwater and so-on and so-forth that would need to be done. The reason that it's important to come here now before we do stormwater, because that would affect whether or not we get the... the permit. We have the warehouse area in the back, and, with that, I would also like to explain that. We have, uh, some office space in the front, and the warehouse in basically in the back behind the building on the lower level, because that gives us the ample warehouse height, the ability to back trucks and move trucks – get trucks in and out – without any visual impact to any neighbors, because there's not neighbors back here, and...

Chairman Olenius: Oh, so the property is sloping that much...

Mr. Cameron: Yes.

Chairman Olenius: That you... okay.

Mr. Cameron: Yes it sloped down this way. That's why we're able to get the... the front – this is actually on the second level up here, and the warehouse is on the lower level, and the back keeps on sloping down. So, that basically hides all the... the warehouse activities. Now, the Code permits us to have 35% warehouse. But, the... the reality of the situation – and I do have a letter here from, um, a real estate agent that is handling this property – is that there's lots of space available for office/research development, and the like of that. But, the real need is more warehouse and less of the office/research, and so that is the driving force behind our application coming here. We just can't market it as, uh, 60... I think it's 65, 30 – 65% office and research development, and only having 35% warehouse. Nobody wants all this. There's a glut of office space and research development space available, but, that's not what's being looked for. And it is – it is permitted, because, under, uh, the Zoning Code...where is it... yeah, 154-35(F), it does allow us warehouse by the special permit. So, it's not like it's not a permitted use. It's just that we're not permitted to have as much as I'd – as we would – like to have.

Chairman Olenius: You're trying to fill a niche in the market.

Mr. Cameron: Yes.

Mr. Nilsen: Absolutely. Yeah, absolutely. Otherwise, it don't make sense.

Chairman Olenius: Could you just state your name for the record, too? I'm sorry, I didn't have *[inaudible – turned away from microphone]*...

Mr. Nilsen: Sure. My name is Glen Nilsen, and our family has had this since the [19]80's, and we're just looking to do something with it, and, uh... you know, my mom owns a piece of it and then there's one other partner, but... we just need to do something. We're just paying taxes and it's... we want to do something that is good for everybody, you know.

Chairman Olenius: Thank you.

Mr. Cameron: *[Referring to submitted letter]* There it is. Sorry... *[inaudible – speaking away from microphone]* It's just a letter from the real estate agent that's handing this, and he's basically reinforcing what I have just indicated to you, and it's not just Mr. Ravetto that has indicated this. Other clients have come to me and they have indicated that they're looking for

space, uh... some contractors – I say, “Well, you can’t have a contractor’s yard in this particular zone, but...” Yeah. There is a need for warehouse. The... the dynamic in Lower Westchester, New York City is they’re just losing warehouse. Okay, so all of those big old warehouses are just going away, and people need to... we’re consuming...

Mr. Nilsen: Yeah.

Mr. Cameron: Probably much more than we should, and that stuff needs to be stored someplace.

Board Member Fox: Does the portion of, um, the C-1 section of the site meet the Zoning criteria? Like, um, is it 2 acres, and all that...

Mr. Cameron: Yes.

Board Member Fox: Good stuff? Okay.

Mr. Cameron: Yes, I meet all that criteria. I mean, that... that – if I didn’t meet that criteria, I would have been before the Zoning Board long, long ago.

Board Member Fox: I wasn’t here in 2009. *[Laughter.]*

Board Member Carinha: How far back is the building off of, uh, [Route] 22?

Mr. Cameron: Uh, our setback is 125 feet from the property line, and [Route]22 is actually probably another 25 feet away from that.

Board Member Carinha: Okay.

Mr. Cameron: So, you know, it... it is set back, and it does start to slope down significantly here, so it’s not – it’s not like it’s going to be a giant thing sitting up on [Route] 22. This – this land... let me see if I can flip this page without, uh...

Board Member Carinha: No, I know exactly where it is.

Mr. Cameron: Okay.

Board Member Carinha: I – I live fairly close to it. So, I pass by it all the time.

[Inaudible – papers shuffling.]

Mr. Cameron: You can kind of see that it’s – that it’s all sloping towards the back, and we have grade going down here, so, you... this is much higher. I mean, this guy looks right over the top.

Chairman Olenius: I’d kind of like to take a ride out there...

Board Member Burdick: Mm hmm.

Chairman Olenius: And look at the site. Not that I'm opposed, I just – I want a visual for myself about the topography and everything...

Mr. Cameron: Mm hmm.

Chairman Olenius: I think I'd like to do a site walk on this. [To the Board] You guys very much – you guys are opposed to it?

Board Member Carinha: It's fine.

Chairman Olenius: Alright.

Board Member Bodor: Fine.

Chairman Olenius: Okay with that?

Board Member Bodor: Mm hmm. As long as there's no snow on the ground.

[Laughter.]

Chairman Olenius: Yeah, we'd be going downhill.

Mr. Cameron: I don't know, is there still snow out there on the...?

Board Member Carinha: Yes.

Mr. Nilsen: I think that's – yeah. It's fine. It's fine.

Mr. Cameron: I think that there probably is. You might want to bring your, uh, snowshoes and a sled. You'll get a good – you'll start here and in probably about, uh, maybe 30 seconds, you'll have a whole view...

Chairman Olenius: View of the bottom?

Mr. Cameron: Of the site. Just hope you can stop at the bottom.

[Laughter.]

Chairman Olenius: Well, I'll tell you that – well, we'll.... Our next meeting is...
[inaudible – papers shuffling]...

Board Member Fox: It's this one... *[inaudible – papers shuffling]...*

The Secretary: It's going to be April 23rd.

Chairman Olenius: April 23rd?

Board Member Carinha: *[Inaudible – too many speaking at once]*

Chairman Olenius: We'll probably try and do the site walk like the week or so be – right before that...

Mr. Nilsen: Okay.

Chairman Olenius: I mean, so it's fresh in our minds and whatnot. Would – would somebody be able to meet us there just to kind of...

Mr. Nilsen: Yeah. I can, uh... I can meet you, or I've got my brother. But, uh, um... if you tell me when, I can probably meet you.

Chairman Olenius: We'll set up and a date and the secretary will be in touch with you. It's usually...

Mr. Nilsen: Okay.

Chairman Olenius: In the evening during the week. Like 5:15 or 5:30 or so.

Mr. Nilsen: Alright. No – I'll come early. No, that's not a problem.

Chairman Olenius: Okay. Um, and we'll be in touch. We'll give it a couple – we'll figure out a couple of dates and go through – just so you can kind of point out to... this is where the building's going to be...

Mr. Nilsen: Right.

Chairman Olenius: You know, this is where the driveway's going to be. Just so we can kind of get a look at the surrounding...

Mr. Nilsen: Okay.

Chairman Olenius: Area, too.

Mr. Cameron: Yeah. I think that was staked a long time ago, but, I'm sure those are buried by snow or gone at this point in time.

Chairman Olenius: As long as somebody's out there that's somewhat familiar. I'm not looking for exact.

Mr. Nilsen: This is the garage doors.

Mr. Cameron: Yeah.

Mr. Nilsen: Right in line with it.

Chairman Olenius: I'm not looking for exact. I just kind of want to get an idea...

Mr. Nilsen: Yeah, no, I...

Chairman Olenius: Of what the lay of the land is.

Mr. Nilsen: I can give you a good idea.

Chairman Olenius: Okay.

Mr. Cameron: Is – is there any other concerns regarding the... the special permit. I mean, my biggest concern is, you know, the... to... the warehouse issue, I mean. To have a special permit for the warehouse. Obviously, that...

Chairman Olenius: That's part of the reason I want to go look at it, too, because I want to see what the traffic flow is like around there. If it's a warehouse and there's more trucks going in and out regularly, then... you know...

Mr. Cameron: Well, there – there's nothing here right now, so you wouldn't have any idea about... about the truck traffic. But, I do have good sight distance and... I am going to have to go to the DOT. Now, the DOT could ask me to put, you know, a widened turn lane here, which, you know...

Chairman Olenius: Mm hmm.

Mr. Cameron: They may very well. And, you know, we have the space to do that. We have more than enough room and it's a very wide shoulder there, so we can do that if that's what they want us to do.

Chairman Olenius: Okay. I'm just kind of looking, also, at the impacts on the neighborhood. You know, that's why I really just want to...

Mr. Cameron: Okay.

Chairman Olenius: See it. It's not...

Mr. Cameron: I don't think you're going to find much neighborhood right there.

Chairman Olenius: Well, that's perfect.

[Laughter.]

Mr. Nilsen: Yeah, there's no – there's not much.

Mr. Cameron: Okay, so...

Chairman Olenius: Alright, so we'll table this application just until next month, pending a site walk...

Mr. Cameron: Okay.

Chairman Olenius: And, um... you can come back next month. I'm sure we'll have a decision next month. I don't anticipate...

Mr. Cameron: Okay.

Chairman Olenius: We just... a lot of times, we do site walks, like I said, just to... as familiar as Mr. Carinha is with the property, I am equally unfamiliar with it, so...

Mr. Cameron: Okay.

Chairman Olenius: Those ones I just like to get an idea.

Mr. Nilsen: It's probably easier to part across the street, because there's not much parking because we have no access.

Chairman Olenius: Okay. What's a...

Board Member Carinha: Yeah, and there's a, uh... a guardrail on that side, too, right?

Mr. Nilsen: Oh, like the old barbershop. Maybe somewhere like there.

Chairman Olenius: Okay.

Board Member Bodor: We park in his...

Mr. Nilsen: Or there's – I mean, I could call the guy and see if we can park next door, you know, but... it's probably easier just to go across the street.

Chairman Olenius: No that's fine.

Mr. Cameron: Yeah. *[To Mr. Nilsen]* Where is the barbershop? Right... right about here? Something like that. Or is it...?

Mr. Nilsen: The barbershop is probably a little bit down here.

Mr. Cameron: Oh, so it's farther down. Okay.

Mr. Nilsen: Farther down. Yeah.

Board Member Carinha: What about if we park in the old piano place next to it? That's empty, too, isn't it?

Mr. Nilsen: What was that? Wellington?

Board Member Carinha: Well – yeah, Wellington?

Mr. Nilsen: Yeah. Wellington. Yeah. That's a little further. I mean, you can go there. That's the next piece of property.

Board Member Carinha: Yeah.

Mr. Nilsen: Actually, there's one vacant lot that, uh... but, it's not far. But, that's probably fine, too.

Board Member Carinha: Yeah.

Mr. Nilsen: But, I think, uh, across the street's probably easier, unless you don't like crossing the... the road. But, whatever. We can – you can think about it.

Mr. Cameron: You picked a great time. Like 5:15 on Route 22.

[Laughter.]

Mr. Nilsen: Oh, yeah. Better be limber.

[Laughter.]

Board Member Carinha: Yeah.

Mr. Cameron: Thank you very much.

Board Member Carinha: You got it.

Chairman Olenius: Thank you very much.

Mr. Nilsen: Thank you.

Chairman Olenius: We appreciate it.

Board Member Carinha: I was driving down over there.

Board Member Fox: Oh, right there.

The Secretary: *[Inaudible – papers shuffling][To Mr. Nilsen]* So, can you give me your phone number, too...?

Mr. Nilsen: Yeah, I can give you my phone number,

The Secretary: I can call – I can call you directly? Okay.

[Board Members Carinha & Fox conversing away from microphone.]

Mr. Nilsen: 917...

The Secretary: Yep.

Mr. Nilsen: 642...

The Secretary: Mm hmm.

Mr. Nilsen: *****.

The Secretary: Okay. Alrighty, so I'll give you a call to set it up.

Mr. Nilsen: Alright, sounds good.

The Secretary: Okay?

Mr. Nilsen: Yep,

[Board Members Carinha & Fox continue conversing away from microphone.]

Chairman Olenius: No Mr. Moriarty? Rich, did you happen to see Mr. Moriarty tonight?

Rich Williams: Did not show.

Chairman Olenius: Did not? Okay. I'll... I'm going to table him then until next month. Until he receives his other notices and whatnot...

The Secretary: Sure.

Chairman Olenius: Give him the opportunity...

[Rich Williams, Glen Nilsen, and Robert Cameron conversing in audience.]

Chairman Olenius: *[To the Secretary]* Actually, maybe you could reach out to him sometime before the next meeting, and just make him aware of the date of it, and...

The Secretary: Sure.

Chairman Olenius: You know...

The Secretary: Sure.

Chairman Olenius: That we'd really like to have him present, unless...

Board Member Fox: Did he...

Chairman Olenius: With this newest violation he needs to have more time. That's fine, too.

The Secretary: Okay.

Board Member Fox: Does he need to clear up his other things before...

Chairman Olenius: You don't want to – we've got to give him the opportunity to come and discuss if his case is in front of us.

6) Minutes

Chairman Olenius: Um, I did read through the minutes. I didn't see anything glaring.

Board Member Fox: Correct.

Chairman Olenius: So I would make it a motion to approve the February meeting minutes.

Board Member Burdick: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.

7) Site Walk

Chairman Olenius: Okay. So, now all we need is a site walk date, huh? Oh this is the – this month it's the Thursday, that's right.

The Secretary: Right. This is the one we pushed back.

Chairman Olenius: Okay. And we pushed it back because somebody's traveling, is that correct?

[Laughter.]

Board Member Burdick: The week before.

Chairman Olenius: You were traveling the week before?

Board Member Burdick: Yes.

Chairman Olenius: Okay. How about the week before that then?

Board Member Burdick: The 6th?

Chairman Olenius: The week of the 6th?

Board Member Burdick: Mm hmm.

Chairman Olenius: Is anything bad for anybody during that week?

Board Member Carinha: The 6th is probably not going to be good for me.

Chairman Olenius: Okay.

Board Member Carinha: Just the 6th.

Board Member Fox: May 6th.

Chairman Olenius: Anybody else have any dates that are bad?

Board Member Fox: May 6th?

Board Member Carinha: Oh that's May – oh...

Chairman Olenius: April.

Board Member Carinha: April. Yeah.

Board Member Fox: April. Oh, sorry. Woo. Getting a little ahead of myself.

Board Member Carinha: Yeah. You threw me off for a second.

Board Member Fox: Sorry.

[Laughter.]

Board Member Fox: Eh, I'm in May. I'm not even in the right month. Okay. Oh, that's the week of Easter, um... I concur. But, the 6th is no good. 7th is good.

Chairman Olenius: Is the 7th good for everybody?

Board Member Burdick: Mm hmm.

Board Member Bodor: Yeah. It's doable.

Chairman Olenius: Okay. So let's – do you want to target the 7th and then... what would be the backup day? Which is good for everybody?

Board Member Carinha: Do we just do the day after again? I don't...

Chairman Olenius: It's fine with me. I'm...

Board Member Fox: That's fine, too.

Chairman Olenius: And 5:15 is still good, Marianne?

Board Member Burdick: Mm hmm.

Board Member Fox: What's the address?

Chairman Olenius: Uh...

Board Member Fox: Near hear.

Board Member Burdick: 2067...

Board Member Carinha: It's opposite...

Chairman Olenius: 2067.

Board Member Carinha: Opposite Al's Barbershop. Because there's nothing there. You can't...

Board Member Fox: 67... *[Laughter.]*

Board Member Carinha: No, there's no....

Board Member Fox: Okay.

Board Member Carinha: No mailbox or nothing.

Board Member Burdick: Is that where he said we can park? It's in the barbershop?

Board Member Carinha: Yeah. That's what he's saying. He's going to try to park on that side – park on that side of the road and cross over.

Board Member Bodor: And run across *[Route]* 22?

[Laughter.]

Board Member Fox: That's funny. It comes up as Brewster.

[Rich Williams, Glen Nilsen, and Robert Cameron conversing in audience.]

Chairman Olenius: Alright... *[To the Secretary]* Did Rich have anything that you're aware of?

The Secretary: Nothing I am aware of.

Board Member Fox: What are we going to talk – oh, no. I guess we should wait until *[inaudible – paper's shuffling]* is here.

Chairman Olenius: Okay. I'll make the motion to adjourn.

Board Member Bodor: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.