

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS  
March 19, 2014**

**AGENDA & MINUTES**

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<b>3) Patterson Library Case #04-14</b>	23 – 29	Public hearing opened & closed; Area Variance for a 48 kW generator granted.
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<b>8) Other Business</b>		
<b>a) Site Walks</b>	55 – 59	Site walks scheduled for 4/7/14
<b>b) Minutes</b>	59 – 60	January 22, 2014 and February 19, 2014 minutes approved.

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

Lars Olenius, Chairman  
Howard Buzzutto, Vice Chairman  
Mary Bodor  
Marianne Burdick  
Michael Carinha

**PLANNING BOARD**

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

**Zoning Board of Appeals  
March 19, 2014 Meeting Minutes**

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

Present were: Chairman Olenius, Board Member Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Michael Carinha, Nancy Tagliaferro, Attorney with Town Attorney’s Office, Richard Williams Sr., Town Planner and Nicholas Lamberti, Building Inspector.

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

There were approximately 12 members of the audience.

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

Chairman Olenius led the salute to the flag.

Roll Call:

Board Member Bodor	-	here
Board Member Burdick	-	here
Board Member Buzzutto	-	here
Board Member Carinha	-	here
Chairman Olenius	-	here

**1) DESIGN CONCEPTS ENGINEERING, PC CASE #14-13**

Ms. Eleanor Smith, Patterson Fire Department President, was present.

The Secretary read the following legal notice:

**NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS** of a public hearing to be held on Wednesday, March 19, 2014 at 7:00 p.m. at the Patterson Town

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

**Design Concepts Engineering, PC Case #14-13**

Chairman Olenius stated I see members of the [Patterson] Fire Department here again. Did...

Mrs. Eleanor Smith stated how are you.

Chairman Olenius stated good. How are you. You want to come up and fill us in. Have you had any...

Mrs. Smith stated absolutely.

Chairman Olenius stated because...

Mrs. Smith stated the bullet on the questions. Is that what you're talking about.

Chairman Olenius stated we haven't received anything from the Town Board. We've been waiting on direction from them. So if you have something, we'd love to hear some new information.

[Loud bang sound].

Mrs. Smith stated sorry. It's actually addressed to John Kalin, Design Concepts. And when I did call him...

Chairman Olenius stated could you state your name for the record.

Mrs. Smith stated Eleanor Smith, President of Patterson Fire Department.

Chairman Olenius stated thank you. Welcome back.

Mrs. Smith stated when I did call him to discuss this, he was not available because he's on vacation in Florida and he was not informed, also, of any of this...of...that we were on the agenda for tonight.

Chairman Olenius stated okay.

Mrs. Smith stated so I do have some an...I can start a discussion...

Chairman Olenius state okay.

Mrs. Smith stated and then maybe we can have further questions or comments to ask him and then go to the Town Board. They did not...We did not have a discussion either. This was given to us a while ago but I've called a few times to schedule a discussion, a meeting, and this hasn't happened. Mike [Griffin] has not been available.

Chairman Olenius stated so maybe...We haven't seen anything...

Mrs. Smith stated so we could start...

Chairman Olenius stated so if you could just give us an update...

Mrs. Smith stated oh, absolutely.

Chairman Olenius stated because we've been keeping you on the agenda...

Mrs. Smith stated thank you.

Chairman Olenius stated it's just there's been no...

Mrs. Smith stated I appreciate that.

Chairman Olenius stated more information, so...

Mrs. Smith stated thank you.

Chairman Olenius stated maybe you can give us something.

Mrs. Smith stated well, these questions... You have this list of questions.

Board Member Bodor stated at this moment I have to recuse myself from this case.

Mrs. Smith stated absolutely. Okay.

Board Member Bodor stated okay.

Mrs. Smith stated thank you. So do you have this list of questions.

Chairman Olenius stated no, we don't.

Mrs. Smith stated let me get a copy for you. I think this is... This is from... what I was given from Mike. These are your concerns, I guess, from the last meeting. Or comments, that were stated.

Chairman Olenius stated this is actually from the Town Board.

Mrs. Smith stated yes.

Chairman Olenius state um...

Mrs. Smith stated and I think it was the last Planning Board meeting that all the questions that arose, I think they just put them in a question format.

Chairman Olenius state okay.

Mrs. Smith stated that...for a discussion.

Chairman Olenius stated sorry. I'm just breezing through it [referring to the list of questions].

Mrs. Smith stated I know...I don't know if you want to go down the list and see if you can answer some of them.

Chairman Olenius stated why don't you just so we have a basis for next month when hopefully...

Mrs. Smith stated okay.

Chairman Olenius stated everything will be done.

Mrs. Smith stated absolutely.

Chairman Olenius stated and we could speed the process for next month.

Mrs. Smith stated I think the first four questions...the first three questions....Actually, two: a, b and c, pertain to community bulletin board. And our initial concept was for a disaster or a community information board for a disaster or emergency response. So, I don't...We did not have a community bulletin board in mind at all. And we don't want to make it into a community bulletin board. We want to make it solely for the [Patterson] Fire Department to disseminate information and also to any activities that go, not-for-profit, you know, activities that happen at the firehouse, be publicized without a banner. That was our initial reaction. I don't want to get into a public...community bulletin board. I think that's for Comcast. So, three: Commercial advertising. No. No commercial advertising. Emergency management/control messages: I spoke to Adam Stiebeling who is a commissioner of Emergency Services and he stated that we can do some type of a format that we can fill out...Fill out some kind of a form and then fax it over to each department. It would...The Chief is also here. Matt Szpindor is the Chief. And the Supervisor would get together in the Emergency Management Plan, they are the initial responders of the Town who receives the information.

Chairman Olenius stated okay.

Mrs. Smith stated so I think it would be between Mike and Matt, right now, to get that form from Adam and then Matt will go to the firehouse and put out the sign according to what the Commissioner is stating.

Chairman Olenius stated okay.

Mrs. Smith stated that was our plan. You know...

Chairman Olenius stated okay.

Mrs. Smith stated just to inform...to inform the community. We don't want the Town to have direct access. It's the Fire Department's sign. So, when we get down to number six, the operation and maintenance of the sign, it would be 100% the Fire Department. We're not asking anyone to maintain it, to oversee it. We will be in control and also maintain it. EMS have direct access. That's also through the Town and through Emergency Management...I mean...Through the Town, I'm sorry. Through the Chief, the Fire Department and through Emergency

management.

Chairman Olenius stated so...

Mrs. Smith stated I just can't see fifteen different...or so many people having access and trying to put information out. I think it's going to make for more of confusion.

Chairman Olenius stated but what you were stating before, County EMS will deliver a message. The Chief and the Supervisor will figure out how to...

Mrs. Smith stated absolutely. And...

Chairman Olenius stated disseminate it and consolidate it, or whatever...

Mrs. Smith stated yes. When and how and what...

Chairman stated and what pieces.

Mrs. Smith stated to put on the sign. Absolutely.

Chairman Olenius stated okay.

Mrs. Smith stated through Emergency Management. And like I said, so that 4(a) will also be covered under the Town...I mean the Chief and the Supervisor.

Chairman Olenius stated yes.

Mrs. Smith stated failure to comply: I don't understand...I don't understand five and six. I mean 5(a)...Five and 5(a)...I mean...

Chairman Olenius stated I think what they were saying is whatever is decided upon, if they caught you doing commercial advertising on it after you said you wouldn't...

Mrs. Smith stated okay.

Chairman Olenius stated I'm just saying...

Mrs. Smith stated okay.

Chairman Olenius stated you'd be subject to the permit being revoked.

Mrs. Smith stated okay.

Chairman Olenius stated is what...

Mrs. Smith stated that makes sense.

Chairman Olenius stated they're trying to say. I'm not speaking for them...

Mrs. Smith stated I don't think that would ever happen...

Chairman Olenius stated because this is the first time I've seen this, but...

Mrs. Smith stated but I understand him putting that down, I guess, for safety reason or for whatever he needs to do it. But I can't see that being a problem at all.

Chairman Olenius stated yes. And will the sign operate 24/7. I didn't hear you...

Mrs. Smith stated well, we're thinking... We're not sure yet. I mean, in an emergency situation, yes.

Chairman Olenius stated okay.

Mrs. Smith stated it would have to be. But it's also a not... a commercial piece of property where there's not residential houses there so I can't see it interfering with anyone if it was 24/7. But that could be discussed later on. But I'm saying yes to an emergency situation.

Chairman Olenius stated okay. And I'm going back because I'm looking at their little notes on the bottom: Color and intensity of light. Didn't you say that that was changeable...

Mrs. Smith stated it was.

Chairman Olenius stated by...

Mrs. Smith stated yes. We could adjust that and that's... yes.

Chairman Olenius stated so if it was providing glare in the evening...

Mrs. Smith stated absolutely.

Chairman Olenius stated and people are driving, you could...

Mrs. Smith stated yes.

Chairman Olenius stated go to a more subtle color or something.

Mrs. Smith stated right. Absolutely we could do that.

Chairman Olenius stated I mean, you pretty much have control over all that...

Mrs. Smith stated yes.

Chairman Olenius stated scroll and rates. The colors.

Mrs. Smith stated yes.

Chairman Olenius stated because it was LED. If I...

Mrs. Smith stated LED, yes.

Chairman Olenius stated remember correctly.

Mrs. Smith stated manufacturer has different program...It's programmable so we can change it to our needs of what we want it to be.

Chairman Olenius stated okay.

Mrs. Smith stated the speed and all that, I'm sure, is something that can be changed.

Chairman Olenius stated okay. Just breezing through this again [referring to the list of questions]. As I said, we didn't have any time to review this. This is the first I'm seeing of it. I just kind of wanted to...

Mrs. Smith stated okay.

Chairman Olenius stated keep this discussion...

Mrs. Smith stated okay. Thank you.

Chairman Olenius stated alive because it's been kind of sitting dormant for a while.

Mrs. Smith stated thank you.

Chairman Olenius stated so now that we know that you're still serious about...

Mrs. Smith stated absolutely.

Chairman Olenius stated the application, hopefully by next month we'll have something official from the...

Mrs. Smith stated yes.

Chairman Olenius stated you know, after you...

Mrs. Smith stated we just don't want to detour from the purpose of us initially having this for emergency...to provide information to the Town, residents, if in the event of an emergency or disaster.

Chairman Olenius stated do you think by next month Mr. Kalin will have had a chance to review this...

Mrs. Smith stated absolutely.

Chairman Olenius stated for next month's...

Mrs. Smith stated there's really not too much for him to work on except for the last part of it. I mean, I think that's a discussion between the Chief and the Supervisor.

Chairman Olenius state our next meeting's April 16<sup>th</sup>, so...

Mrs. Smith stated April 16<sup>th</sup>.

Chairman Olenius stated yes.

Mrs. Smith stated okay. So can you put us down for that.

Chairman Olenius stated you...you're going to remain...

Mrs. Smith stated okay.

Chairman Olenius stated I'm going to leave it...

Mrs. Smith stated oh, thank you.

Chairman Olenius stated I'm going to leave it open...

Mrs. Smith stated okay.

Chairman Olenius stated right now. As I said, I just wanted to bring it back to life a little bit.

Mrs. Smith stated thank you.

Chairman Olenius stated to kind of refresh our minds.

Mrs. Smith stated we really appreciate it from...that you're taking us up again and having a discussion with us.

Chairman Olenius stated oh, we haven't let it go.

Mrs. Smith stated yes. Thank you.

Chairman Olenius stated I'll give this back to you [referring to the list of questions].

Mrs. Smith stated okay.

Chairman Olenius stated because I'm sure we'll get something...

Mrs. Smith stated thank you.

Chairman Olenius stated more official. So I'm going to make a motion just to table it for one more month waiting for more input from...

Nancy Tagliafierro stated Town board.

Chairman Olenius stated Town Board.

Nancy Tagliafierro stated right.

Mrs. Smith stated yes. And the engineer.

Chairman Olenius stated and your responses to their requests right now.

Mrs. Smith stated okay.

Chairman Olenius stated but at least we know the fire's still lit.

Mrs. Smith stated yes. Thank you.

Chairman Olenius stated we're going to keep going.

[Laughter].

Mrs. Smith stated hopefully we could put it out soon.

[Laughter].

Chairman Olenius stated okay. Sounds good. We'll see you next month.

Mrs. Smith stated thank you so much.

Chairman Olenius stated thank you for coming in.

Mrs. Smith stated thank you.

Nancy Tagliafierro stated fire's still lit.

Chairman Olenius stated you like that. Go ahead.

## **2) DOMINICK ACCURSO CASE #03-14**

Mr. Dominick Accurso was present.

The Secretary read the following legal notice:

### **Dominick Accurso Case #03-14 – Area Variances**

Applicant is requesting area variances pursuant to §154- 7 of the Patterson Town Code; Schedule of regulations and 154-67 B(2)(b)[1] of the Patterson Town Code; Signs in business districts, in order to legalize an existing patio in the front yard and have a 28 square foot freestanding sign. The Patterson Town Code requires a minimum front yard setback of 65'; Applicant has 54.2'; Variance requested is for 10.8'. The Code allows for

the maximum size of a freestanding sign be 25 square feet; Currently exists is 15 sq. ft.; Proposed is 28 sq. ft.; Variance requested is for 3 sq. ft. This property is located at 2180 Route 22 (C-1 Zoning District).

Chairman Olenius stated Mr. Accurso.

Mr. Dominick Accurso stated how you doing.

Chairman Olenius stated good. How are you. Could you just state your name address for the record, please.

Mr. Accurso stated Dominick Accurso. My business address is 2180 Route 22 Patterson, New York.

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

Mr. Accurso stated yes I do.

Chairman Olenius stated thank you very much. Explain to us a little bit further what you're...What's going on here.

Mr. Accurso stated basically I wanted...The sign that we have for the property it meets the 25 square feet but Boniello's would like to keep their sign that goes above that says Boniello Plaza which I was told after the fact, after we had the whole sign designed and printed. So I just told him that I would try and go for the variance for it. I didn't really want to sustain another \$1,000.00 for...to have a whole new sign reprinted. The front patio was there before I started renting the place. So I was going for the variance so that I could utilize that, that I could actually use it.

Chairman Olenius stated so you're a tenant of that...

Mr. Accurso stated I'm a tenant...

Chairman Olenius stated what used to be Empire Power Tools.

Mr. Accurso stated right.

Chairman Olenius stated like that showroom part.

Mr. Accurso stated yes.

Chairman Olenius stated okay.

Mr. Accurso stated that's correct. I have...I had gotten the approval to do the Accurso Construction in the front office and then use the Empire Power Tools in the back.

Chairman Olenius stated yes.

Mr. Accurso stated and I acquired that space as well. And when I moved in, they had the stone wall and the patio already pre-existing. But it was beyond the setback.

Chairman Olenius stated okay.

Mr. Accurso stated so that's why I was trying, so that I didn't have to take it down. I was trying to get so I could utilize it. Also, it makes a clear walkway to get to the...If you look at the building, there's my section and then there's a vacant section on the left side. It gives a clear walkway to those stairs, so the setback would actually land right at the base of the stairs. So they would...A new tenant would need some kind of walkway installed to get to their stairs. Otherwise, they would be walking through mud or grass or, you know, all the time.

Chairman Olenius stated when you refer to the stairs, as I'm looking at the picture from the Assessor's Office...

Mr. Accurso stated yes.

Chairman Olenius stated are you referring to this set of stairs on the right...

Mr. Accurso stated nope.

Chairman Olenius stated hand side.

Mr. Accurso stated directly on the other side, right here, there's another set of steps going to that door [referring to the Property Description Picture].

Chairman Olenius stated on the left side.

Mr. Accurso stated on the left side.

Chairman Olenius stated okay.

Mr. Accurso stated right. So that patio creates access to that doorway without having to walk through...

Chairman Olenius stated so that's a separate...

Mr. Accurso stated grass and everything.

Chairman Olenius stated rental unit.

Mr. Accurso stated that's a separate rental unit which I'm planning on taking over as long as I can get everything approved.

Chairman Olenius stated but it would be a separate office or a separate...

Mr. Accurso stated yes. Yes.

Chairman Olenius stated situation. Do you have a picture of this sign in question because I did

not see one in the packet.

Mr. Accurso stated yes, I had turned one in. Actually, I believe she just had one here; I just saw it [referring to the Secretary].

Board Member Buzzutto stated that one.

Board Member Bodor stated is this what's here now.

Mr. Accurso stated no.

Board Member Bodor stated this is what you plan.

Mr. Accurso stated that's what I plan to do, yes. The one that's there now is just a...the one that was already approved that's 15 square feet. It was for just my construction company. But now that I took over everything, these are all my companies that I have, so I wanted to put them all on there so that people know that I'm there.

Chairman Olenius stated is any portion of this current right now that's...

Mr. Accurso stated there's...None of that is up. That's just a...

Chairman Olenius stated isn't the sign similar, though, in design, what's there right now.

Mr. Accurso stated it's exactly those towers.

Chairman Olenius stated yes.

Mr. Accurso stated the "Boniello Plaza" is there...

Chairman Olenius stated okay.

Mr. Accurso stated but the bottom is just imaged.

Chairman Olenius stated okay.

Mr. Accurso stated the company imaged it so that you could see exactly what it would look when it's up.

Chairman Olenius stated okay.

Mr. Accurso stated but that sign is not existing right now. Just the towers are there.

Chairman Olenius stated okay.

Mr. Accurso stated my sign that was approved last year for my construction business is up and the "Boniello Plaza" is there which is the additional 3 square feet.

Chairman Olenius stated so when you had this designed, you had it designed to the maximum

allowable by Town Code...

Mr. Accurso stated right.

Chairman Olenius stated and then came to find out that they wanted to...

Mr. Accurso stated keep the top.

Chairman Olenius stated keep their...

Mr. Accurso stated right.

Chairman Olenius stated alright.

Board Member Buzzutto stated what is the general purpose of this unit the way it's setup here.

Mr. Accurso stated of the office.

Board Member Buzzutto stated yes. What is it used for.

Mr. Accurso stated the front section I have my construction business; that's a show a room. That shows my kitchen designs and my displays for our tile and flooring. The back section is my...is going to be my retail area where I will be able to, you know, sell my stuff for...like my product. Like the synthetics, the finishes, the glues, all the tools, like the Kohler products that we sell.

Board Member Buzzutto stated yes.

Mr. Accurso stated and then on the other side if it works out, where the vacant section is where I said the other steps go to, I'm also an affiliate of Campanella Fence and I would sell fence parts like Matthew's used to do there. You know, not full line sections, just the pieces. You know, if you needed a...hinges or a capping or a post or something like that.

Board Member Buzzutto stated is this building that was used for a food take out like hot dogs, stuff like that.

Mr. Accurso stated it used to be, yes.

Board Member Buzzutto stated that's no longer there.

Mr. Accurso stated no, that's no longer there.

Board Member Buzzutto stated that's all gone.

Board Member Bodor stated you're...All these businesses that you're speaking to, are they...they're all in this building, too.

Mr. Accurso stated yes.

Board Member Bodor stated is that what I'm understanding.

Mr. Accurso stated yes. It's all in one spot.

Board Member Bodor stated is this part of that parcel. There's a...

Mr. Accurso stated the house and the garage on the right hand side are not part of it. This is...

Board Member Bodor stated they're not part of it.

Mr. Accurso stated this is a residential home and the garage for it right there [referring to the partial site plan].

Board Member Bodor stated okay.

Mr. Accurso stated this is the old Empire Power Took repair shop and this is just a storage building that I use.

Board Member Buzzutto stated this the one there.

Board Member Carinha stated no, that's something (inaudible).

Board Member Buzzutto stated oh.

Board Member Carinha stated it's very similar but it's something else. Is the height going to be the same or...

Mr. Accurso stated it's actually going to be...

Board Member Carinha stated as the existing sign.

Mr. Accurso stated 18" lower.

Board Member Carinha stated than the existing sign right now.

Mr. Accurso stated than the existing. It's going to be 18" lower.

Board Member Carinha stated and that's including with the "Boniello Plaza".

Mr. Accurso stated yes. The whole thing will be...From the top of the existing to the top of the new will be 18" lower.

Board Member Carinha stated okay.

Mr. Accurso stated same exact width.

Board Member Carinha stated same width.

Mr. Accurso stated yes. And I'm going to put all new plants and everything in the...Because the plants that were there pretty much all are dead now. So I'm going to rip it out and put a whole

new planting area in the spot.

Board Member Buzzutto stated is the fence...Is the Campanella Fence, does that have anything to do with the building that's just down from the dinner, fencing and stuff like that. It's a little building that sits on the right hand side.

Mr. Accurso stated no. No, that's different. Campanella Fence is out of Mahopac.

Board Member Buzzutto stated oh.

Board Member Carinha stated they're up on [Route] 6. I know where that is.

Mr. Accurso stated they're on Route 6 in Mahopac, yes. Tony Campanella's a good friend of mine, so that's why...We've been doing a lot of work together...

Board Member Buzzutto stated okay.

Mr. Accurso stated for years.

Board Member Buzzutto stated but it has nothing to do with that.

Mr. Accurso stated no. That's, I want to say...I believe that's Fraiser Fence over there. I'm not 100% sure though.

Board Member Buzzutto stated well, it's just...

Mr. Accurso stated the one that's right on the wetlands there. Is that the one you're talking about.

Board Member Buzzutto stated yes.

Mr. Accurso stated yes. No, I think that's Fraiser Fence.

Board Member Bodor stated where is this fence...this sign located on this property. I don't see it where it's indicated.

Mr. Accurso stated it's right...

Board Member Bodor stated where's it going to be.

Mr. Accurso stated it's right here [referring to the partial site plan].

Board Member Bodor stated okay.

Mr. Accurso stated it's close to the roadway.

Board Member Bodor stated like directly in front of Building #2. Kind of in the middle there.

Mr. Accurso stated yes. The main building...

Board Member Bodor stated yes.

Mr. Accurso stated it would be directly in-line with the center of the building.

Board Member Bodor stated okay.

Mr. Accurso stated it's about 15' back to the first post off the road. About 15, 20 feet back to the existing poles.

Chairman Olenius stated what type of lighting do you propose on this.

Mr. Accurso stated it's got already ground landscape lighting that points up. It's not on right now just because I know that you guys require to have some kind of shrubbery to block the lighting and, like I said, every...all the shrubbery that you see in the photo is dead. So, they're off right now. But those are preexisting. Those will just remain. It's just two small 3" spotlights that show up. That's it.

Board Member Buzzutto stated this is in back of it, like lawn mower and stuff like that, way in the back of that building there.

Mr. Accurso stated Anthony Boniello used to be there with Empire Tools.

Board Member Buzzutto stated oh, used to be. Everything is...

Mr. Accurso stated yes.

Board Member Buzzutto stated everything is past tense on that. They're not open.

Mr. Accurso stated yes. He's...Empire Power Tools is no longer there.

Board Member Buzzutto stated okay. That's gone.

Board Member Carinha stated are you going to be utilizing both garages in there in the back.

Mr. Accurso stated the repair shop, no. Just the...

Board Member Carinha stated okay.

Mr. Accurso stated one on the right side on that plane.

Board Member Carinha stated okay, yes.

Mr. Accurso stated that's my storage unit.

Board Member Carinha stated okay.

Mr. Accurso stated you know, just for my own stuff I keep in...Right now I have my truck parked there.

Chairman Olenius stated there's a pond display noted on this survey that you submitted.

Mr. Accurso stated yes, that's not there though.

Chairman Olenius stated does that come into play with the setback also, or is that...

Mr. Accurso stated no that's...

Chairman Olenius stated that's far enough back.

Mr. Accurso stated that's far enough back. It's only about two feet big off the building.

Chairman Olenius stated okay.

Mr. Accurso stated but that's not existing right now.

Board Member Buzzutto stated are you offering retail sales at that particular location there that if I want to go in and buy something there for equipment I can do it.

Mr. Accurso stated you could, yes.

Board Member Buzzutto stated yes. You're going to have parts and stuff there.

Mr. Accurso stated right. Yes.

Board Member Buzzutto stated okay. So it's over the counter you can buy it.

Mr. Accurso stated right. Yes, exactly.

Board Member Carinha stated what do you sell, like masonry supply stuff.

Mr. Accurso stated right. Exactly.

Board Member Carinha stated okay.

Mr. Accurso stated like if you needed trowels or bag of cement or glues or like a blade or something like that, I would have that there.

Board Member Carinha stated right.

Mr. Accurso stated and then the front section is just if you needed fence parts. I would have that, too, because we do that as well.

Board Member Carinha stated yes. No, I remember when Matthew's was there.

Mr. Accurso stated right. Yes. It's the same thing just on a much smaller scale because we don't do like big installation or nothing like that. So it wouldn't be like...He used to have the big trucks with the drills and everything.

Board Member Carinha stated yes.

Mr. Accurso stated it wouldn't be anything like that there.

Chairman Olenius stated how long's that patio been there. Do you know. I know you're just a tenant.

Mr. Accurso stated Anthony said that they put that patio in I think he said three of four years ago. But I'm not a hundred...

Chairman Olenius stated well, this picture is from 2011 and it shows it, so...

Mr. Accurso stated okay. Yeah, I'm not 100% sure on it, but I think today he was telling me three years.

Chairman Olenius stated is he still the property owner.

Mr. Accurso stated yes. Him and his family. Yes, they still own the property.

Chairman Olenius stated okay.

Board Member Bodor stated in 2010 the patio was installed for outdoor seating.

Chairman Olenius stated oh, that's from when it was the hot dog...

Board Member Burdick stated from when the hot dog place was there.

Board Member Bodor stated yes. Right.

Chairman Olenius stated (inaudible – too distant) Boniello sign right there. Representation for us.

Board Member Bodor stated yes.

Board Member Buzzutto stated it looks a little more complicated than the pictures.

Chairman Olenius stated what was the problem.

Board Member Buzzutto stated I said it looks a little more complicated. It probably is, by looking at this photographs in here. I don't know.

Chairman Olenius stated you want to take a look at it.

Board Member Buzzutto stated I'm not too familiar with what's on the side there. Is this building that says unilock...New unilock, patio. Yes, I'd like to take a look at it.

Board Member Bodor stated I wouldn't mind taking...May I please see a picture of that sign again.

The Secretary stated do you want...This has the top piece [referring to the picture of the proposed sign].

Board Member Carinha stated that's the correct one. This is just something that was drawn.

Board Member Bodor stated now this has Accurso Construction Development.

Mr. Accurso stated yes.

Board Member Bodor stated Route 22 Stone, Mason and lumber...and Landscape Supply, Campanella Fencing, Patterson Equipment and Rental. These are all you.

Mr. Accurso stated the only one that's not me is the Patterson Equipment and Rental. That's what Anthony proposes at some point to be able to put back into where his repair shop is. That's why I'm not utilizing that building.

Board Member Bodor stated okay. Well, those other three company names...

Mr. Accurso stated right.

Board Member Bodor stated are all you.

Mr. Accurso stated I...The two...The mason supply and Accurso Construction, I'm the sole owner. And then the Campanella Fence is where me and Tony Campanella partnered up but I run it.

Board Member Bodor stated oaky.

Mr. Accurso stated that's that little store front in the front side where you'd be able to buy parts out of: fencing parts, posts, caps, hinges, that kind of stuff.

Board Member Bodor stated you can't have just one name for all of these.

[Laughter]

Mr. Accurso stated I wish I could but my accountant told me no.

[Laughter].

Mr. Accurso stated he said if one doesn't work out you don't want to shut them all done. You know, my Accurso Construction I've had for...I started it when I was in high school. I've had it since I was 18.

Board Member Bodor stated looking at that though, somebody going by, me, you know, knowing no differently...

Mr. Accurso stated yes.

Board Member Bodor stated I'd say, oh, there's four companies in there.

[Laughter].

Mr. Accurso stated right. Yes.

Board Member Bodor stated but your name is behind all of them.

Mr. Accurso stated right. Exactly.

Board Member Bodor stated okay. Thank you.

Mr. Accurso stated no problem.

Board Member Bodor stated yes, I think we could go out and take a look at the property there.

Mr. Accurso stated yes, it's fairly dried up now from all the snow melting.

Chairman Olenius stated yes, I'm not...I mean, this is pretty good rendition of the thing here, I just kind of really want to be on that patio and look and see what that setback looks like.

Mr. Accurso stated okay.

Chairman Olenius stated is really where I'm going with that, so...

Mr. Accurso stated yes. I mean, I think the most important thing is you'll be able to see, if you come and look, how you can access where the store would be for the fence parts without having to...Because even if we had to cut it out, I got to put something...I'd have to get something else approved to make a walkway. To make it safe for people to get to there. So regardless, something would have to go in. So either you leave the patio or we have to pay to take it out and then come back for another variance to put something back in. Something's got to be there.

Chairman Olenius stated okay.

Mr. Accurso stated you know.

Chairman Olenius stated and the...The sign posts are there where this new sign is intended to go.

Mr. Accurso stated right.

Chairman Olenius stated so we'll have a good visual as to...

Mr. Accurso stated yes.

Chairman Olenius stated where it's got to go.

Mr. Accurso stated yes, you'll be able to see where exactly where it will be.

Board Member Carinha stated the old sign's still up, right.

Mr. Accurso stated my existing sign is still up, yes.

Board Member Carinha stated yes.

Mr. Accurso stated because I have an approval for that.

Board Member Carinha stated yes.

Mr. Accurso stated I haven't taken it down just because people won't know I'm...They'll think...

Board Member Carinha stated that's right.

Mr. Accurso stated I'm gone already, so...But that will come down. The old wooden posts will come down. The new posts are all vinyl.

Board Member Carinha stated right.

Mr. Accurso stated so, you know, they'll be...But you'll be able to see exactly where it's going. You'll be able to see the height difference because the existing's there and the new one...the new posts are there, so you'll be able to see it.

Chairman Olenius stated would you be able to meet us or...

Mr. Accurso stated yes.

Chairman Olenius stated somebody to...

Mr. Accurso stated yes. Any time.

Chairman Olenius stated show us. We usually come after work.

Mr. Accurso stated okay.

Chairman Olenius stated it's getting a little lighter out now.

Mr. Accurso stated okay.

Chairman Olenius stated 5:30ish, I'm going to say. Is that...Does that work for you.

Mr. Accurso stated yes. No, that's fine because I'm there till 5:30 every day.

Chairman Olenius stated okay. The Secretary will be in touch with you once we set a date.

Mr. Accurso stated okay.

Chairman Olenius stated but it will be well before the next meeting, we'll be able to, hopefully, be able to make a decision at the next meeting.

Mr. Accurso stated okay.

Chairman Olenius stated you know, all our questions will be answered at that point.

Mr. Accurso stated alright. Perfect.

Chairman Olenius stated so I'm going to make a motion to hold this over...

Board Member Buzzutto stated second.

Chairman Olenius stated till we have a site walk. All in favor. Motion carried by a vote of 5 to 0.

Chairman Olenius stated I'll give this back to you.

Mr. Accurso stated oh.

Chairman Olenius stated and we'll be in touch.

Mr. Accurso stated okay.

Chairman Olenius stated see you in the next couple of weeks and then April 16<sup>th</sup> is our next official meeting, so...

Mr. Accurso stated okay.

Chairman Olenius stated you'll be on the agenda for that...

Mr. Accurso stated so it will be before that though...

Chairman Olenius stated to make a decision.

Mr. Accurso stated you'll do the walk through.

Chairman Olenius stated the site walk will be before that.

Mr. Accurso stated alright. Perfect.

Chairman Olenius stated usually we try to do it a little closer to the meeting date just so...

Mr. Accurso stated okay.

Chairman Olenius stated it's fresh in our minds.

Mr. Accurso stated okay.

Chairman Olenius stated you know.

Mr. Accurso stated yes. And then I have my engineer working on putting every single thing because I guess there was a couple other questions about where the septic was and where the well pump was, and stuff like that, for it. So he's working on getting that done. And I told Rich [Williams] I would have it into him by Friday afternoon.

Chairman Olenius stated oh, great.

Mr. Accurso stated okay.

Chairman Olenius stated great.

Mr. Accurso stated so you'll have that to go off as well.

Chairman Olenius stated excellent. Thank you very much.

Mr. Accurso stated no problem.

Board Member Buzzutto stated thank you.

Mr. Accurso stated thank you.

Board Member Carinha stated thanks.

Mr. Accurso stated have a good evening.

Chairman Olenius stated you, too.

Board Member Bodor stated you, too.

### **3) PATTERSON LIBRARY CASE# 04-14**

Mr. Donald Ferrara was present to represent the library.

Chairman Olenius stated go ahead, Sarah.

The Secretary read the following legal notice:

#### **Patterson Library Case #04-14 – Area Variance**

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town; Schedule of regulations, in order to place a 48 kW generator 1' from the side property line. The Code requires a minimum side yard setback of 10'; Variance requested is for 9'. This property is located at 1167 Route 311 (GB Zoning District).

Chairman Olenius stated good evening, Sir.

Mr. Donald Ferrara stated good evening. I'm Donald Ferrara. I'm the President of Patterson Board of Trustees.

Chairman Olenius stated oh. Thank you very much.

Board Member Buzzutto stated you heard the reading [referring to the legal notice], is there anything different then what she read back from the agenda.

Mr. Ferrara stated uh...

Board Member Buzzutto stated oh, you probably weren't listening to it.

Mr. Ferrara stated I didn't...I was walking up. I didn't hear exactly...

Board Member Buzzutto stated alright.

Mr. Ferrara stated what she said, but I think so.

Board Member Buzzutto stated okay.

Chairman Olenius stated 48kW generator.

Mr. Ferrara stated yes.

Chairman Olenius stated looking to put it 1 foot from the...

Mr. Ferrara stated right.

Chairman Olenius stated side property line.

Mr. Ferrara stated yes.

Chairman Olenius stated so, explain to us. You want to be on emergency power.

Mr. Ferrara stated yes. We...Why we want to do this, the last couple of years there were extensive power outages in town and the library, in one occasion, did not go out. And then in another occasion we restored very quickly. And we found that the residents of the town flocked to the library so they could charge their electronic equipment. They could look at t.v. if we had the Comcast. They could use the internet. And it's...Both times, it was very effective in easing some of the burdens of extended outages. Then what we did...We felt there was a need, and then what we did, we had some focus groups, three focus groups, and that issue was brought up and was supported by the community and then we put out questionnaires to the residents of Patterson. Again, it was supported. Finally, what we did in our latest budget request in November, that was one of our main issues, was to...an increase in our budget so we could purchase the generator.

Chairman Olenius stated will this generator be suitable to run the entire building.

Mr. Ferrara stated it will run the...Yes. It will run the entire building.

Chairman Olenius stated and is there a reason that it had to be sited where it was.

Mr. Ferrara stated we have...Our gas meter is directly across from where we want to put it. We have to...We're going to have to dig up the driveway, extend the gas line to the generator. We wanted to locate it kind of in the middle of our two entrances. The main...We didn't want the generator too close to the main entrance, so we sited it there. We need a 4' pad and then we need 3' off the four...off the concrete pad for ballards. And then we need another 3' to the parking space. So we wanted to put it as close as we could. I have a letter in there from Jerry Cartwright who was agreeable to that. And I also spoke to Mr. and Mrs. Petersen yesterday: they came on site and looked at it and they were fine with it.

Chairman Olenius stated in reference to the aforementioned letter, there's a, for the record, there's a note from Gerard Cartwright.

Dear Zoning Board Members,

It is my understanding that the Patterson Library would like to locate a backup generator within one foot of my property line. For the benefit of our community I have no objection to the Town of Patterson Zoning Board granting this variance request.

Chairman Olenius stated it's dated March 10, 2014. So that answered that question. It's going to be...So standing [Route] 311, it's going to be the right side of the library.

Mr. Ferrara stated yes.

Chairman Olenius stated between yourself and...

Mr. Ferrara stated that strip between us and Cartwright.

Chairman Olenius stated is there an exercise run on this generator. Like, weekly, monthly.

Mr. Ferrara stated I think there's going to be a weekly run. I don't...I'm not sure. I think it was like 10 or 15 minutes. There will be maintenance, regular maintenance on it. But this automatically turns on and...

Chairman Olenius stated is it programmable so it...

Mr. Ferrara stated yes.

Chairman Olenius stated wouldn't be like two in the morning or...

Mr. Ferrara stated no.

Chairman Olenius stated you know, if you...

Mr. Ferrara stated well, I'm not sure when we'll do it. We might even do it, you know, on an off...when the library is...probably when the library is closed. I'm not sure.

Chairman Olenius stated okay.

Mr. Ferrara stated but there is...Yes. It's programmable. We'll be able to do that.

Chairman Olenius stated I mean, if you put it on a train schedule nobody would even know.

[Laughter].

Mr. Ferrara stated yes. I'll try to work that out.

Chairman Olenius stated not that they're always on time either. So the fuel is natural gas; we've established that.

Mr. Ferrara stated right.

Chairman Olenius stated so you don't have to have any fuel tanks or anything.

Mr. Ferrara stated no.

Chairman Olenius stated there's no other additional, it's just the actual...

Mr. Ferrara stated yes.

Chairman Olenius stated generator unit.

Mr. Ferrara stated right. And that's relatively small. It fits on a 4' x 6' pad.

Board Member Carinha stated are you going to do...Are any shrubs or anything going to be around it.

Mr. Ferrara stated yes. We plan on...

Board Member Carinha stated just to hide it a little bit.

Mr. Ferrara stated once we get it in there and getting it sited we're going to put some shrubs around it. I guess we'll have to leave some room for...we have to maintain it.

Board Member Carinha stated yes.

Mr. Ferrara stated but yes. We plan on doing that.

Board Member Carinha stated okay.

Board Member Buzzutto stated was this particular unit referred to you by somebody who already has a unit like this or...

Mr. Ferrara stated what we did...

Board Member Buzzutto stated was it picked at random.

Mr. Ferrara stated no. We had four...It went out to bid, we had four companies come in.

Board Member Buzzutto stated oh, I see. It was up for bid.

Mr. Ferrara stated and they came in and they made presentations and we're going with Generac Company...

Board Member Buzzutto stated good. Okay, fine. That's good. So it's just not something you've seen in t.v. or something.

Mr. Ferrara stated oh no. It all was very professionally done with companies that came in.

Board Member Buzzutto stated well, Generac is a number one (inaudible) you know, anyway.

Chairman Olenius stated for the record, I'm looking back on a previous submission we had regarding decibel loudness: You're unit's rated at 68 dBA at full operating loud. And according to our conversion chart, that's normal conversation at 3 to 5 feet. So it's an exceptionally quiet unit. Actually, it's much quieter than some of the other ones we've seen.

Board Member Burdick stated yes.

Board Member Bodor stated yes.

Mr. Ferrara stated we tried to find that. That was something that we did intentionally.

Chairman Olenius stated the train whistles at 90 decibels. Anyone from the audience have any input on this case. Hearing none.

Board Member Bodor stated we close the public hearing. You ready. I make a motion to close the public hearing.

Board Member Burdick stated second.

Board Member Carinha stated second.

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

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Patterson Library, Case #04-14***  
***For an Area Variance for a Side Yard Setback for a 48 kW Generator***

**WHEREAS, the *Patterson Library* is the owner of real property located at 1167 Route 311 (GB Zoning District), also identified as **Tax Map Parcel #3.-1-83, and****

**WHEREAS, the Patterson Library** has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to install a 48 kW natural gas generator, and

**WHEREAS, §154-7 of the Patterson Town Code** requires a 10' side yard setback; Applicant will have 1'; **Variance requested is for 9'**, 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 19, 2014** 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 of the sound suppressors installed on such a unit: there will be no measureable difference in noise.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **due to the current location of their main natural gas supply and existing parking and other facilities that are already in place.**
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 sits on a relatively small pad off a parking area and the adjacent property, it's off their parking area as well.**
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 the **Patterson Library** for **an area variance** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, **of 9' from the 10' required for a side yard setback in the GB Zoning District in order to place a 48 kW generator 1' from the side property line.**

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated good luck with that.

Mr. Ferrara stated thank you very much.

Chairman Olenius stated what's your install time on that. Is it a quick turnaround or

Mr. Ferrara stated we hopefully will have it in by May.

Chairman Olenius stated great.

Mr. Ferrara stated okay. Thank you.

Chairman Olenius stated before thunderstorm season.

[Laughter].

Mr. Ferrara stated yes. Hopefully. Thanks.

Chairman Olenius stated thank you.

#### **4) RAYMOND MERLOTTO CASE #05-14**

Mr. Raymond Merlotto was present.

Chairman Olenius stated go ahead, Sarah.

The Secretary read the following legal notice:

##### **Raymond Merlotto Case #05-14 – Area Variance**

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to allow for the second floor of the principal structure to remain as attic space. The Patterson Town Code requires a minimum side yard setback of 15'; Applicant has 7.22' from the left side of the house and 8.44' from the right side of the house. This property is located at 29 Interlaken Road (RPL-10 Zoning District).

Chairman Olenius stated good evening, Mr. Merlotto.

Mr. Raymond Merlotto stated hello.

Chairman Olenius stated could you state your name and address for the record please.

Mr. Merlotto stated Raymond Merlotto, 6 Caldwell Road in Patterson.

Chairman Olenius stated thank you. So we had seen you many years ago.

Mr. Merlotto stated yes.

Chairman Olenius stated 2005 it looks like. And you're back here to do...have some new discussions with the Building Department.

Mr. Merlotto stated yes, I spoke to the Building Inspector with regards to the upstairs and he said that the ceiling joists had to be lowered down in the attic space to meet the requirement of attic space.

Chairman Olenius stated and you understand that it's not livable space at that point. Once you come below 7'.

Mr. Merlotto stated I understand. We had a long discussion about it in his office over here.

Chairman Olenius stated I'm going to ask, is Mr. Lamberti here.

Nick Lamberti stated yes.

Chairman Olenius stated you want to come and...

Mr. Merlotto stated I gave...

Chairman Olenius stated your two cents here.

Mr. Merlotto stated him a note about the talking to put down the ceiling, lower. I came next door.

Chairman Olenius stated okay.

Nick Lamberti stated good evening. Yes, he came and we had discussed about curing the problem with the attic space.

Board Member Buzzutto stated is that going into the mic.

Nick Lamberti stated and what we proposed is he pull a permit, he would lower the ceiling height to less than 7'...

The Secretary stated Nick, can you talk into the mic.

Nick Lamberti stated we suggested 6.5' which would make the space essentially nonhabitable space. Once that happens, I think it would be a good compromise in terms allowing them then to use the building as the Zoning Board had intended back seven years ago.

Chairman Olenius stated and that would meet that resolution that was passed several years ago

about the total livable floor space because that would be...

Nick Lamberti stated yes.

Chairman Olenius stated that wouldn't come into question anymore.

Nick Lamberti stated no, he...

Chairman Olenius stated the total livable space would be the first floor and that portion of the basement.

Nick Lamberti stated and whatever portion of the basement that you have allowed. Exactly. So, my opinion would be that it would meet yours. But I guess that's for you to decide, not me.

Chairman Olenius stated that's...I'm sorry. That's really what I was asking for your opinion on that.

Nick Lamberti stated yes.

Chairman Olenius stated that's what I was assuming from what I was reading through the packet.

Board Member Buzzutto stated well, is that the only obstacle that stood in the...that was standing in the way of the delay on the not being issued a CO. Just the height.

Nick Lamberti stated well, they would have to get a permit.

Board Member Buzzutto stated yes, but...

Nick Lamberti stated they would have to do all the work, inspect it and then we could issue a CO.

Board Member Buzzutto stated oh, you're saying all the work. I'm talking about just the height. That's the only thing that has to be corrected.

Nick Lamberti stated well, the presumption is that there won't be any heat up in the attic. There was a question and...There's a staircase that leads up there and if the Board wanted to go a little bit further, we could actually ask them to remove that staircase and put a dropdown staircase. I didn't feel that that was essentially required but, once again, that's an option you could consider.

Board Member Bodor stated how finished is that upstairs currently. Was it...Is it just rafters or did you put...

Mr. Merlotto stated there is only the raft...Nothing else has been done at the building since [20]05 with [Paul] Piazza. We started in '02, '03. It was built; everything I need. Did the plumbing then we had said we can move the bedroom to the upstairs actually talking to him [referring to Paul Piazza]. And then the staircase was...He said you were making it better so he was like okay as opposed to getting a ladder and crawl through a hole. By having the stairs you went like above the requirement to get into a attic.

Board Member Carinha stated so right now, there's no sheetrock upstairs; there's just there's some insulation, possibly, and that's it.

Mr. Merlotto stated there's nothing.

Board Member Carinha stated yes.

Mr. Merlotto stated there's all wood.

Board Member Carinha stated oh, okay.

Mr. Merlotto stated upstairs and downstairs. There's...The things in the basement for the heat and the plumbing.

Board Member Carinha stated yes. Oh, so the entire house has no sheetrock in it yet. You haven't gone that far. Okay.

Mr. Merlotto stated no, we did not do anything.

Board Member Carinha stated okay.

Board Member Bodor stated was the plumbing extended to the attic area. Because there was a plan to...a hope to have a bedroom up there. That's why I'm asking. Was the plumbing extended to that area.

Mr. Merlotto stated no.

Board Member Bodor stated no.

Mr. Merlotto stated there is no...No. Even before when we asked to put the bedroom, there was nothing for plumbing upstairs.

Board Member Bodor stated okay. Alright.

Mr. Merlotto stated there was...there was only to be for like a bigger bedroom and two nice closets, originally. Now it is empty. The whole house is still empty.

Board Member Bodor stated the whole house is still not complete. Nothing...

Mr. Merlotto stated nothing has...Nothing has done anything since you were there the last time. It is the same.

Board Member Bodor stated okay.

Board Member Buzzutto stated there is a staircase. It starts from where to...

Mr. Merlotto stated it comes from the first floor to the attic.

Board Member Buzzutto stated yes. The first floor, what room is that in down there. Like a

living room or kitchen or what.

Mr. Merlotto stated in like the hallway or living room, yes.

Board Member Buzzutto stated yes. So having the staircase you'd be better off than a pull down.

Mr. Merlotto stated yes.

Board Member Buzzutto stated and the staircase is already there.

Mr. Merlotto stated the staircase is there, yes.

Board Member Buzzutto stated so that (inaudible).

Mr. Merlotto stated it has been there since 2003.

Board Member Buzzutto stated I would agree with that, you know.

Board Member Carinha stated yes.

Chairman Olenius stated would you guys like to go...Mike [Board Member Carinha] has never seen the property. Would you like to go out and take a look at it just so you're familiar with...

Board Member Buzzutto stated yes.

Chairman Olenius stated what we're talking about.

Board Member Cairnha stated sure. That's fine.

Chairman Olenius stated and then we could just physically see what they're proposing about lowering the...

Board Member Carinha stated yes.

Chairman Olenius stated ceiling heights and everything. I mean, I think it's a very good idea...

Board Member Carinha stated I mean, I have a concept but it would be nice to see it. Yes. A walk up attic is always beautiful.

Mr. Merlotto stated it is no problem...

Board Member Carinha stated okay.

Mr. Merlotto stated to come to the house.

Chairman Olenius stated just to kind of refresh our...

Board Member Bodor stated yes. It's been a...It's been a number of years since we were there and...

Mr. Merlotto stated yes. That is not a problem.

Board Member Bodor stated yes. Good. Good. We'll set something...

Mr. Merlotto stated when do you want to come.

Board Member Bodor stated we'll set something up with you. Okay.

The Secretary stated I'll be in touch with you.

Mr. Merlotto stated yes, okay.

Chairman Olenius stated is any time better for you. It's usually in the evening on a weekday.

Mr. Merlotto stated that is fine. You tell me that day.

Chairman Olenius stated okay.

Mr. Merlotto stated I can meet there.

Chairman Olenius stated perfect.

Board Member Bodor stated sounds good.

Chairman Olenius stated that's great.

Mr. Merlotto stated there's no problem.

Chairman Olenius stated great. Alright.

Mr. Merlotto stated alright, thank you.

Chairman Olenius stated no, thank you.

Board Member Bodor stated thank you.

Board Member Carinha stated thank you.

Board Member Buzzutto stated okay. Good luck with that.

Board Member Carinha stated she'll be getting ahold of you in regards to the date. Sarah.

The Secretary stated I'll give you a call.

Mr. Merlotto stated you'll call me.

The Secretary stated yes. I have your number.

Chairman Olenius stated okay. So I'll make...

Mr. Merlotto stated thank you.

Chairman Olenius stated a motion to table this pending a site walk.

Board Member Bodor stated second.

Board Member Burdick stated second.

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

Chairman Olenius stated okay

Mr. Merlotto stated I am all set.

Chairman Olenius stated you're all set. We'll be in touch...

Board Member Bodor stated all set for tonight.

Chairman Olenius stated with you.

Mr. Merlotto stated thank you.

**5) FABIO LUCAS CASE #06-14**

Mr. John (Jack) Karell, Jr., engineer, and Mr. Fabio Lucas were both present.

The Secretary read the following legal notice:

**Fabio Lucas Case #06-14 – Area Variances**

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations and §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to replace and enlarge the existing deck to 12' x 24' deck with stairs. The Patterson Town Code requires a minimum side yard setback of 15'; Applicant will have 8.5'; Variance requested is for 6.5'. The deck will also be 4' from side line which is parallel to the side of the house; Applicant is requesting to enlarge a pre-existing nonconforming structure. This property is located at 111 Haviland Drive (RPL-10 Zoning District).

Chairman Olenius stated Mr. Lucas.

Mr. John Karell stated no. My name is John Karell. I'm Mr. Lucas' engineer.

Chairman Olenius stated oh, okay. So what are we...

Board Member Buzzutto stated he's heard the reading. Is there...

Chairman Olenius stated you agree with what the legal notice said, by the way.

Mr. Karell stated yes I do.

Chairman Olenius stated the measurements and whatnot. So we...Sorry. You are proposing...It's...Is it a direct replacement or are we enlarging or...

Mr. Karell stated if you look at the...Do you want me to put the plan up. [Put plans on board].

Chairman Olenius stated that would be great.

Mr. Karell stated there's an existing...

Board Member Burdick stated Jack, can you speak into the microphone please. Thanks.

Mr. Karell stated there's an existing wood deck in the back corner.

Board Member Burdick stated you can take it out if it's easier.

Mr. Karell stated oh.

Board Member Burdick stated there you go.

Mr. Karell stated there's an existing wood deck right here and we're proposing the deck to the back of the house: 12' towards the back and 24' wide. No closer to this property line than the house is and the staircase coming down.

Chairman Olenius stated so what, is the existing deck is detached from the house.

Mr. Karell stated yes, it's on the ground.

Chairman Olenius stated oh.

Board Member Carinha stated oh, alright.

Chairman Olenius stated okay.

Board Member Carinha stated yes, I didn't get that either.

Chairman Olenius stated because when I looked at it the first time I didn't know if there was like a finished section of house that was being removed because I saw that there was a gap there. But I thought it was the other piece was...

Nancy Tagliafierro stated I think there used to be a pool there years go.

Chairman Olenius stated oh, there was. It did used to be a pool.

Nancy Tagliafierro stated yes.

Chairman Olenius stated I know this property, too. Okay. And those back lots. This has those crazy lot lines if I recall, right.

Nancy Tagliafierro stated yes.

Chairman Olenius stated that jog in and out and...

Mr. Karell stated right.

Chairman Olenius stated because there's access from both roads, isn't there.

Mr. Karell stated yes.

Chairman Olenius stated okay.

Mr. Karell stated yes, there's a little...he has a gravel drive.

Board Member Buzzutto stated is the deck was deep...

**Tony Ferrara stated** can I interrupt. Sorry. I'm...This is Fabio Lucas...

Board Member Buzzutto stated you want to come up to the mic.

**Tony Ferrara stated** I'm going to talk...oh. I'm sorry.

Chairman Olenius stated you just got to...Yes, you just got to have your name...

**Tony Ferrara stated** I just wanted to clarify some things that were done there.

Board Member Bodor stated alright. Come up and speak into the mic. Give us your name please, too.

**Tony Ferrara stated** I'm Tony Ferrara. I'm just speaking for Fabio because he has difficulty speaking.

Chairman Olenius stated okay.

**Tony Ferrara stated** as far as the pool, it's no longer there. It was filled in and then we installed...There's a new septic system in the same area of where the pool was believe it or not.

Chairman Olenius stated okay.

**Tony Ferrara stated** that's the improvement that was...That's what...As far as the pool is concerned, there's no pool there. That deck was part of a pool...a deck that was close to the

pool.

Board Member Carinha stated that's why it sat low to the ground.

Chairman Olenius stated oh.

**Tony Ferrara stated** that's why it's sitting on the ground.

Chairman Olenius stated thank you. Okay.

**Tony Ferrara stated** that's the only reason.

Board Member Carinha stated okay. Yes.

**Tony Ferrara stated** but the pool...the pool is no longer there.

Board Member Buzzutto stated are you a neighbor or a different...

**Tony Ferrara stated** he works for me.

Board Member Buzzutto stated oh.

**Tony Ferrara stated** I'm just here to help him out.

Board Member Buzzutto stated okay. Fine.

Chairman Olenius stated so we're completely removing the deck that's ground level and replacing it with an elevated deck attached to the existing home...

Mr. Karell stated right.

Chairman Olenius stated but not overhanging...

Mr. Karell stated correct.

Chairman Olenius stated same dimensions as the existing home.

Mr. Karell stated yes.

Chairman Olenius stated width. I...

Mr. Karell stated width wise.

Chairman Olenius stated yes. Because you had nothing with the rear setback. It was just the side yards, right.

Mr. Karell stated well, it's a side...The Building Inspector considered this line here a side...

Chairman Olenius stated okay.

Mr. Karell stated so we have 8.5' to that and then we have this side.

Chairman Olenius stated okay. Oh, that's why there was two. It's not actually the other side.

Mr. Karell stated right.

Board Member Carinha stated yes.

Chairman Olenius stated I got you.

Board Member Carinha stated alright. In the back of the house now, what is there stairs walking down or out or a slider or something. Since this deck is going to be elevated, is there...

**Tony Ferrara stated** it's a slider.

Board Member Carinha stated there's a slider there.

**Tony Ferrara stated** yes.

Board Member Carinha stated so what is it...

**Tony Ferrara stated** there's a window now. He's going to put a slider in.

Board Member Carinha stated okay.

Chairman Olenius stated is this covered at all or...

Mr. Karell stated the deck.

Chairman Olenius stated no roof.

Mr. Karell stated no. There's no roof.

Board Member Carinha stated how far is...I'm sorry. How far again is it going to come away from the house.

Mr. Karell stated 12'.

Board Member Carinha stated 12 feet. Okay. And it's going to be 24' wide.

Mr. Karell stated yes.

Board Member Carinha stated it's going to be the length of the house.

Mr. Karell stated right.

Board Member Carinha stated okay.

Chairman Olenius stated oh, it's only 4' off the ground, is that correct.

Mr. Karell stated yes. Four and change.

Chairman Olenius stated just about. Yes, 4'2". I thought there was more height back there...

**Tony Ferrara stated** no.

Chairman Olenius stated I was thinking it was...

**Tony Ferrara stated** it's going to be more than that. We'll need more than 4'2". It's going to be probably about 6'. The top of the deck to the ground below you mean. Because he does have a basement door that kind of steps out a foot maybe.

Board Member Carinha stated is the property...it's all level in the back.

**Tony Ferrara stated** level.

Board Member Carinha stated it's not at all...okay. And where is that basement door. Is it towards...

**Tony Ferrara stated** right...

Rich Williams stated timeout here. We're not going to get him on the minutes.

Board Member Carinha stated oh.

Rich Williams stated okay, we're not going to be able to pick him up on the mic.

**Tony Ferrara stated** oh, alright.

Rich Williams stated you got to go up front.

**Tony Ferrara stated** the door...The door is probably...The base of the door.

Board Member Carinha stated yes.

**Tony Ferrara stated** probably a little towards the right.

Board Member Carinha stated alright.

**Tony Ferrara stated** almost in the middle.

Board Member Carinha stated okay.

**Tony Ferrara stated** the existing basement door.

Board Member Carinha stated and 6' going to be enough to...for the clearance to get in and out.

**Tony Ferrara stated** well, I don't know. I mean, it's going to have to be above the door...

Mr. Karell stated I think we...I think we're going to cutout the grade...cut the grade a little bit for the basement door.

Board Member Carinha stated okay.

Chairman Olenius stated just replace the bay window on this house. Is this the house I'm thinking of.

**Tony Ferrara stated** the front.

Chairman Olenius stated yes. Recently.

**Tony Ferrara stated** yes.

Chairman Olenius stated it looks nice with the new stucco around it and whatnot.

**Tony Ferrara stated** yes. Fixing it up little by little.

Chairman Olenius stated yes.

Board Member Buzzutto stated Haviland Drive, is that the one go up past the church. Is that...

Chairman Olenius stated yes.

Board Member Buzzutto stated that's Haviland Drive there.

Chairman Olenius stated this is closer to like the deli; towards that end.

Board Member Buzzutto stated oh, okay. Alright.

Chairman Olenius stated towards the firehouse.

Board Member Buzzutto stated yes.

Board Member Carinha stated goes to the bank.

Board Member Buzzutto stated got it.

Chairman Olenius stated if I'm standing on Haviland Drive staring at the house, it's 4' to that right hand side line and it's 8.5' you're looking for to that, what I would consider, a rear.

Mr. Karell stated right. Four feet right here [referring to plans].

Chairman Olenius stated okay.

Mr. Karell stated 8.5' here.

Chairman Olenius stated okay. And that's 8.5' is because that is the way the staircase is coming down.

Mr. Karell stated yes.

Chairman Olenius stated okay. Is that a developed lot that that staircase is facing or is that like grass or lawn or...

Mr. Karell stated this [referring to the plans].

Chairman Olenius stated the one...the adjacent...Yes. That one.

**Tony Ferrara stated** this is like lawn.

Chairman Olenius stated okay.

**Tony Ferrara stated** there's a house...

Mr. Karell stated a house here. The house is here.

**Tony Ferrara stated** there's a house here but there's also a house I think...Fabio, is there a house here [referring to the plans].

Mr. Fabio Lucas stated no.

**Tony Ferrara stated** there's a house further on this side, right. I think there's a house out here somewhere, right. In this back...

Mr. Lucas stated no.

**Tony Ferrara stated** no.

Mr. Lucas stated nothing there.

**Tony Ferrara stated** nothing there.

Mr. Karell stated you know, both of those lots go all the way through.

**Tony Ferrara stated** so this is...

Mr. Karell stated this part of that.

Board Member Carinha stated oh, okay.

**Tony Ferrara stated** oh, it's part of that.

Mr. Karell stated yes.

Mr. Lucas stated yes.

Mr. Karell stated this piece is part of that. This house is here...

**Tony Ferrara stated** oh, yes. That's where his septic...

Mr. Karell stated and the shed...

**Tony Ferrara stated** yes. This is all his back yard.

Chairman Olenius stated so that staircase isn't walking down into somebody else's rear.

**Tony Ferrara stated** no.

Mr. Karell stated no.

Chairman Olenius stated that's really all I was looking for.

**Tony Ferrara stated** there's a fence all the way around.

Board Member Carinha stated oh, there is. There's a fence.

**Tony Ferrara stated** yes. There's like a 6' fence. Is it 6' fence.

Mr. Lucas stated yes (inaudible).

**Tony Ferrara stated** yes. It does this job and everything.

Board Member Carinha stated oh, okay.

Chairman Olenius stated anybody else in the audience have comment on this case. Hearing none.

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

Board Member Burdick stated second.

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

Chairman Olenius stated okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF  
*Fabio Lucas, Case #06-14*  
*Enlargement of a Nonconforming Building***

**WHEREAS, *Fabio Lucas* is the owner of real property located at 111 Haviland Drive (RPL-10 Zoning District), also identified as **Tax Map Parcel #36.23-1-40, and****

**WHEREAS, *Fabio 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 replace and enlarge his existing rear deck to 12' x 24' with stairs as shown on the submitted plans prepared by Jack Karell, Jr. P.E. dated January 10, 2014, 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 will have 4' from sideline parallel to the southern side of the house, 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 19, 2014***, to consider the application; and

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

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because the new deck will in effect enhance the existing structure.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the narrowness of the existing lot and the proximity of the existing home to the side line.***
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 property is of such size that impervious coverage is not affected.***
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 ***Fabio Lucas*** for ***an area variance*** pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to replace and enlarge his existing rear deck to 12' x 24' with stairs.

Board Member Bodor stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated one more guys. Just give me a second.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Fabio Lucas, Case #06-14***  
***For an Area Variance for a Side Yard Setback for a Rear Deck***

**WHEREAS, *Fabio Lucas*** is the owner of real property located at 111 Haviland Drive (RPL-10 Zoning District), also identified as **Tax Map Parcel #36.23-1-40, and**

**WHEREAS, *Fabio Lucas*** has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to replace and enlarge his rear deck to 12' x 24' with stairs as shown on the submitted plans prepared by Jack Karell, Jr. P.E. dated January 10, 2014, and

**WHEREAS, §154-7** of the Patterson Town Code requires a 15' side yard setback; Applicant will have 8.5'; ***Variance requested is for 6.5'***, 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 19, 2014*** 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 said improvement will only enhance the property.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the way the lot line jogs in at the rear portion of the house.***
3. the variance requested ***is not*** substantial ***due to the fact that it is facing the rear of the house where there is adequate property: just a slight lot line jog.***
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 lot is of sufficient size where as imperious coverage doesn't come into play.***

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 *Fabio Lucas* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 6.5' from the 15' required for a side yard setback in the RPL-10 Zoning District in order to replace and enlarge his rear deck to 12' x 24' with stairs 8.5' from the side yard property line as shown on the submitted plans.*

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated good luck.

Mr. Karell stated thank you very much.

Mr. Lucas stated thank you.

Chairman Olenius stated good luck.

Board Member Carinha stated good luck.

**6) LINDA COWAN CASE #07-14**

Ms. Linda Cowan was not present.

Chairman Olenius stated go ahead, Sarah.

The Secretary read the following legal notice:

**Linda Cowan Case #07-14 – Special Use Permit Renewal**

Applicant is requesting a renewal of her Special Use Permit for an accessory apartment pursuant to §154-105 of the Patterson Town Code;

Accessory Apartments. This property is located at 85 Deacon Smith Hill Road (R-4 Zoning District).

The Secretary stated I just want to let you know the Building Department notified me that she got in contact with them and she is not going to be able to make it to the meeting because she was in the hospital for a few days and was just released. So, she requested to be tabled.

Chairman Olenius stated oh. She requested to be tabled. Okay. Because I'd rather hear of some input from her. So, alright.

The Secretary stated yes.

Chairman Olenius stated I'll make a motion to table this till next month then.

Board Member Bodor stated second.

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

Chairman Olenius stated thank you.

The Secretary stated yes.

**7) PAUL DADDIO CASE #08-14**

Mr. Paul Daddio was present.

Chairman Olenius stated go ahead, Sarah.

The Secretary stated alright.

The Secretary read the following legal notice:

**Paul Daddio Case #08-14 – Area Variance**

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code; Enlarging nonconforming buildings, in order to replace and enlarge his rear deck. The Patterson Town Code states the minimum side yard setback be 30'; Applicant's dwelling has a side yard setback of 22' and proposed deck will have a setback of 24'. This property is located at 75 Panorama Drive (R-1 Zoning District).

Chairman Olenius stated Mr. Daddio.

Mr. Paul Daddio stated hi. How are you.

Chairman Olenius stated good. Could you state your name and address for the record please.

Mr. Daddio stated Paul Daddio. 75 Panorama Drive.

Chairman Olenius stated and do you swear that the testimony you provide tonight will be the truth and the whole truth.

Mr. Daddio stated yes.

Chairman Olenius stated thank you very much. So, did you agree with the legal notice there regarding the distances. States you have a side yard setback of 22' and your proposed deck will have a setback of 24'. Is that correct.

Mr. Daddio stated yes. I wasn't even aware of the fact that...They told me that the reason why I needed the variance is because property wasn't at least, I guess, 30' from the sideline, which I...

Chairman Olenius stated similar to the last case.

Mr. Daddio stated I find a little funny but...since it was built in '68, but, yes. They told me all of that.

Chairman Olenius stated the Codes change all the time.

Mr. Daddio stated yes.

Chairman Olenius stated side yard setbacks change and all of that.

Mr. Daddio stated okay.

Chairman Olenius stated so being that you're doing improvements to an already nonconforming thing, you have to come and see us.

Mr. Daddio stated I understand.

Board Member Bodor stated he's up in Alpine.

Chairman Olenius stated oh, Alpine.

Board Member Bodor stated he's up in Alpine.

Chairman Olenius stated oh, okay. Those are bigger lots up there.

Board Member Bodor stated yes.

Chairman Olenius stated it's nice to hear. Putnam Lake we have to look a little closer because everything's kind of right on top of each other anyway. So your old deck is just beyond life.

Mr. Daddio stated well, it's beyond the life...Yes.

Chairman Olenius stated yes.

Mr. Daddio stated according to my wife.

[Laughter].

Mr. Daddio stated I...

Chairman Olenius stated and you are...

Mr. Daddio stated okay.

Chairman Olenius stated oh sorry.

Mr. Daddio stated go ahead.

Chairman Olenius stated you're not enlarging it actually toward the sideline from your...the plans...

Mr. Daddio stated no.

Chairman Olenius stated you submitted. You're enlarging it towards the backyard.

Mr. Daddio stated it's enlarging this way by two feet...

Chairman Olenius stated okay.

Mr. Daddio stated and it's going along the side of the house, on my property obviously, another 8'. So it's twenty...

Chairman Olenius stated on the rear of the house...

Mr. Daddio stated yes.

Chairman Olenius stated like...right.

Mr. Daddio stated 24' x 16'.

Chairman Olenius stated okay.

Board Member Carinha stated so by enlarging it, it basically now it's going to restrict...it's going to bring you back from the sideline of the property. That's what the...That's why you're here.

Mr. Daddio stated in the sense that like...They told me when I went for the permit was that just based on the fact that the Code that buildings today are built, whatever it is, 30 yards from the, you know, from the sideline. Whereas back in '68, obviously, they were whatever they are now, you know. That's the reason why.

Nancy Tagliafierro stated because it's being extended in the back, it's increasing the

nonconformity in the side yard.

Board Member Carinha stated yes, exactly. That's...yes.

Nancy Tagliafierro stated that's why he's here.

Mr. Daddio stated okay.

Board Member Carinha stated yes. No, no. I understand that.

Nancy Tagliafierro stated okay.

Board Member Carinha stated he's saying the building. It's not the building, it's the deck.

Mr. Daddio stated deck, yes.

Board Member Carinha stated yes, okay. That's...alright. I thought you were confused, that's why.

Mr. Daddio stated okay.

Chairman Olenius stated what's the size of your existing deck.

Mr. Daddio stated existing deck is 14' x 16'.

Chairman Olenius stated okay.

Mr. Daddio stated 14' going out towards the yard. Sixteen [feet] going along the side of the house.

Board Member Carinha stated so you're going to keep the new deck 16', but you're going to go to 24', correct.

Mr. Daddio stated well, it's going to be 16' going out this way...

Board Member Carinha stated yes.

Mr. Daddio stated which is now...no.

Chairman Olenius stated it's currently 14 [feet] going to 16.

Mr. Daddio stated fourteen to 16'.

Board Member Carinha stated it's 14. Alright. I did it opposite.

Mr. Daddio stated yes.

Board Member Carinha stated I'm sorry. Okay.

Mr. Daddio stated yes. So it's 16', two feet more this way, and where it's going was 16' now it's going 24'.

Board Member Carinha stated okay.

Chairman Olenius stated but not into the sideline. It's going into his property more.

Board Member Carinha stated yes.

Chairman Olenius stated so basically if I'm standing on Panorama Drive looking down the side of your house...

Mr. Daddio stated yes.

Chairman Olenius stated where the existing deck is, you're not going over that anymore. You're remaining...

Mr. Daddio stated no.

Chairman Olenius stated on that line where it is...

Mr. Daddio stated yes.

Chairman Olenius stated and going...

Mr. Daddio stated it's going to be exactly where it is no except it's going to be a little bit bigger.

Chairman Olenius stated right.

Board Member Bodor stated you're going further across the back of the house...

Mr. Daddio stated yes.

Chairman Olenius stated and deeper into the property.

Board Member Burdick stated deeper into the property.

Board Member Bodor stated and further into the property.

Mr. Daddio stated yes. Correct.

Chairman Olenius stated and the existing deck was put up in 1968, did you say.

Mr. Daddio stated no, '88.

Chairman Olenius stated '88. Okay.

Mr. Daddio stated yes. I still think it has some life in it, but like I said...

[Laughter].

Board Member Carinha stated but your wife doesn't.

Mr. Daddio stated no.

[Laughter].

Mr. Daddio stated well, we've been up here 35 years. I...Reality is that, yes, I guess after 25 years since '88, I guess it makes sense to build it. But it's not falling down, I can tell you that, you know. But it will be. After we take it down.

Boar Carinha stated you're not going to change the height of it, right. It's going to stay the same height.

Mr. Daddio stated no.

Board Member Carinha stated okay.

Mr. Daddio stated the height comes off of the sliding doors, you know, up on...I have a high ranch so it will be exactly the same...

Board Member Carinha stated okay.

Mr. Daddio stated as far as the height is concerned.

Board Member Buzzutto stated sliding doors are dining room.

Mr. Daddio stated yes.

Board Member Carinha stated and you're going to keep the steps in the same spot...

Mr. Daddio stated yes.

Board Member Carinha stated in the center on to the side...

Mr. Daddio stated yes. The stairs are exactly the same way...

Board Member Carinha stated okay.

Mr. Daddio stated except obviously a little further because...

Board Member Carinha stated okay.

Mr. Daddio stated the size of the deck. Not that it would matter or not matter to the Board, but we're having our first grandchild so my wife said well, you know, there are safety...there are no safety issues but, you know, she said, it's probably time to replace the deck. That's essentially what we're doing.

Chairman Olenius stated you just want a really big playpen, don't you.

[Laughter].

Mr. Daddio stated something like that.

Board Member Buzzutto stated it's bringing back memories.

Chairman Olenius stated I would ask the audience if anybody had any input but...

Rich Williams stated they've all gone home.

Mr. Daddio stated there is no audience.

Chairman Olenius stated okay. Hearing none.

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

Chairman Olenius stated I'll second it. All in favor. Motion carried by a vote of 5 to 0.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Paul Daddio, Case #08-14***  
***Enlargement of a Nonconforming Building***

**WHEREAS, *Paul Daddio*** is the owner of real property located at 75 Panorama Drive (R-1 Zoning District), also identified as **Tax Map Parcel #4.18-1-15, and**

**WHEREAS, *Paul Daddio*** 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 replace and enlarge his existing rear deck to 16' x 24', 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 30' side yard setback; Applicant's dwelling has a side yard setback of 22'; Deck has a side yard setback of 24'; 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 19, 2014***, 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 existing deck has been in place for better than 25 years.*
2. the benefit sought by the applicant *or cannot* be achieved by any other feasible means *due to the siting on the property of the existing home and the existing deck.*
3. the variance requested *is not* substantial *due to the lot sizes in this subdivision.*
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 lot sizes are sufficient so as they don't affect impervious coverage.*
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 *Paul Daddio* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to replace and enlarge his existing rear deck to 16' x 24'.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated good luck.

Mr. Daddio stated thank you.

Chairman Olenius stated both being a grandpa and with your new deck.

[Laughter].

Mr. Daddio stated thank you, on both things. So the next step will be going back for the building permit. Is that basically what it is.

Chairman Olenius stated yes. The Secretary will forward the resolution to them. I don't know if

they'll be ready tomorrow or not, will they.

The Secretary stated at the end of the week it should be to them.

Mr. Daddio stated okay. That's alright.

The Secretary stated and then, yes, you'll get in touch with Cheryl.

Mr. Daddio stated no problem.

The Secretary stated alright.

Mr. Daddio stated thank you.

Chairman Olenius stated you're welcome.

Board Member Carinha stated you're welcome.

## **8) OTHER BUSINESS**

### **a) Site Walk**

Chairman Olenius stated oh. Calendars. We haven't done site walks in a long time.

Board Member Bodor stated it's true.

Rich Williams stated Mr. Daddio [speaking to Mr. Daddio in the back of the room].

Chairman Olenius stated Marianne, what time do you get out...

Board Member Burdick stated 5 [o'clock].

Chairman Olenius stated this time of year. Five. What time's it light out until now.

Board Member Carinha stated 7 [o'clock] now.

Nancy Tagliafierro stated about 7.

The Secretary stated quarter to 7 or...

Chairman Olenius stated and we're going to probably...Can we try and push it closer to the next meeting. Like, at least into April. Because that would give us even more daylight.

Board Member Burdick stated and I could always try to flex my day if it works better for everyone.

Board Member Carinha stated just, I think, April 6<sup>th</sup>, Thursday, I got an evening doctor appointment. That's the only day I have a problem with. I have it at 6:30, so...

Chairman Olenius stated okay. April 16<sup>th</sup>....How about...Let's...Can we look at that week of the 7<sup>th</sup>. Which day did you say was no good for you during that week.

Board Member Carinha stated is Thursday the 6<sup>th</sup>. Is that right.

Chairman Olenius stated Thursday's the 10<sup>th</sup>.

Board Member Burdick stated Thursday...

Board Member Carinha stated then maybe that's it. It's the 10<sup>th</sup>.

Chairman Olenius stated okay. Monday's the 7<sup>th</sup>, Friday's the 11<sup>th</sup>. Avoiding Thursday, does anybody have any preference. Can we start with Monday.

Board Member Bodor stated yes. We can.

Chairman Olenius stated yes or not...

Board Member Bodor stated yes.

Chairman Olenius stated and how about a rain date.

Board Member Bodor stated that Tuesday.

Chairman Olenius stated that's fine with me.

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

Board Member Carinha stated yes, that's fine.

Chairman Olenius stated okay. So we'll do...I'm going to say we should probably go to Putnam Lake first only because there's no power in that house and everything, to take the most advantage of the daylight because the commercial property on [Route] 22 I think will be relatively...We should be able to see much better there is my assumption because the house we're going into is...if he doesn't have power or anything it might get a little...it might be a little dark in there so we'd probably hit that one first.

Board Member Burdick stated do you want me to flex my day and get out at 4:30 and be over there by...

Chairman Olenius stated I mean, it's plenty...

Board Member Burdick stated okay.

Chairman Olenius stated bright out. I don't...

Board Member Bodor stated so five...

Board Member Buzzutto stated when do we...

Board Member Bodor stated 5:30 in Put[nam] Lake.

Board Member Buzzutto stated 5:30.

Chairman Olenius stated 5:30 okay, Mare. Can you get there by then.

Board Member Burdick stated yes.

Board Member Bodor stated in Put Lake.

Chairman Olenius stated 5:30, Putnam Lake.

Board Member Bodor stated that's Monday the 7<sup>th</sup> and we'll use Tuesday...

Board Member Buzzutto stated Monday's the 7<sup>th</sup>, right.

Chairman Olenius stated yes.

Board Member Bodor stated Tuesday the 8<sup>th</sup> for a rain date.

Chairman Olenius stated yes.

Board Member Buzzutto stated it should be warmer weather, too, by then.

Chairman Olenius stated yes, I hope so.

Board Member Buzzutto stated hopefully.

Board Member Carinha stated we're just going to be... We'll go to the other one right after.

Chairman Olenius stated immediately following...

Board Member Carinha stated okay.

Chairman Olenius stated I would probably tell him six...

The Secretary stated 30ish.

Chairman Olenius stated fifteen.

The Secretary stated okay.

Chairman Olenius stated ish.

The Secretary stated between 6:15 and 6:30.

Chairman Olenius stated yes. Right.

Board Member Bodor stated 6:15. 6:30 more.

The Secretary stated yes.

Board Member Bodor stated you've got to get out from Put Lake; a good fifteen minutes to drive. I don't know how long it's going to take us in this other place.

Board Member Carinha stated that's...Boniello's place is right passed where I live. It's not far.

Chairman Olenius stated yes.

Board Member Bodor stated I don't know how to find Merlotto's anymore.

Chairman Olenius stated think ball field.

Board Member Bodor stated yes.

Chairman Olenius stated isn't it behind the ball field. What road is it on, Interlake.

The Secretary stated Interlaken [Road].

Board Member Bodor stated it's back and around.

Rich Williams stated Interlaken.

Board Member Bodor stated Interlaken.

Rich Williams stated going by the ball field...

Chairman Olenius stated and loop around the back, right.

Rich Williams stated as soon as you go around the first loop it's going to be on your left hand side. It's...

Chairman Olenius stated we can meet at the ball field. I'll park at the ball field parking lot. We'll go and...It's on that road.

Board Member Bodor stated okay.

Rich Williams stated the ball field on Haviland [Drive].

Board Member Bodor stated alright.

Board Member Buzzutto stated sounds good to me.

Board Member Bodor stated okay. I'm just not...

Chairman Olenius stated I'll wait right there for you.

Board Member Bodor stated I don't remember.

Chairman Olenius stated I remember it was straight. Yes, you make the turn and...

Board Member Bodor stated it was down and around somehow.

Chairman Olenius stated it's not too bad though.

Board Member Bodor stated okay. Alright. I'll meet you at the ball field.

Chairman Olenius stated I'll be there.

Board Member Bodor stated okay.

Chairman Olenius stated so 4/7. 4/8 rain date. Same times. Okay, Sarah.

The Secretary stated alright. I will let them know.

Chairman Olenius stated okay. So 5:30's Merlotto and 6:15ish is Accurso.

Board Member Buzzutto stated okay.

**b) Minutes**

Chairman Olenius stated I did have an opportunity to read through the minutes. And I'll make a motion to approve what is submitted. I didn't see any issues with them.

Board Member Bodor stated for both dates: January and February.

Chairman Olenius stated for both, yes. Thank you. For January and February, yes.

Board Member Bodor stated I'll second.

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

Chairman Olenius stated okay. Anybody have anything else.

Board Member Carinha stated no.

Chairman Olenius stated Counselor, you're good.

Nancy Tagliafierro stated we're good.

Chairman Olenius stated I make a motion to adjourn.

Board Member Carinha stated second.

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

Meeting was adjourned at 8:22p.m.