

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
March 20, 2013**



AGENDA & MINUTES

- | | Page | |
|-------------------------------------|---------|---|
| 1) Joseph Farese Case #02-13 | 1 – 11 | Public hearing opened & closed;
Area variances for existing two-story detached garage
granted |
| 2) Other Business | | |
| a) Minutes | 11 – 12 | January 23, 2013 & February 20, 2013 minutes approved |

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

Michelle Lailer
Sarah Mayes
Secretary

Richard Williams
Town Planner

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



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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

PLANNING BOARD

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

**Zoning Board of Appeals
March 20, 2013 Meeting Minutes**
Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

APPROVED

Present were: Chairman Olenius, Board Member Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Gerald Herbst, Nancy Tagliaferro, Attorney with Town Attorney's Office and Richard Williams Sr., Town Planner.

Chairman Olenius called the meeting to order at 7:05 p.m.

There were approximately 1 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.

Mr. Joseph Farese stated I haven't done that in a long time. That feels good.

Roll Call:

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

1) JOSEPH FARESE CASE #02-13

Mr. Joseph Farese was present.

Chairman Olenius stated go right ahead.

The Secretary stated okay.

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 20, 2013 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Joseph Farese Case #02-13 – Area Variances

The Secretary stated I didn't read it [referring to the legal notice]...

Chairman Olenius stated I don't think we've ever read it in yet.

The Secretary stated okay.

The Secretary continued to read the following legal notice:

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town; Schedule of regulations and §154-27(B)(4) of the Patterson Town Code; Permitted accessory uses. Applicant has an existing garage which is 28.89' from the front yard property line and is also forward of the principal dwelling. The Code allows for a 40' front yard setback; Variance requested is for 11.11'. §154-27(B)(4) states that accessory structures shall not be forward of the principal dwelling. This property is located at 32 Sylvia Barlow Way (R-4 Zoning District).

Chairman Olenius stated Mr. Farese.

Mr. Joseph Farese stated yes.

Chairman Olenius stated just stand up just so we can get your testimony into the mic there.

Mr. Farese stated okay.

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

Mr. Farese stated whole truth.

Chairman Olenius stated thank you, Sir. Can you state your name and address for the...His name and address or the address of the property for record. We usually have him...

Nancy Tagliaferro stated his name and address.

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

Mr. Farese stated Joseph A. Farese. 12 Brimstone Road, Patterson, New York, 12563.

Chairman Olenius stated thank you very much. So we had a nice visit out to your subdivision, basically, out there.

Mr. Farese stated yes, Sir.

Chairman Olenius stated from the site walk, it was determined that there were several reasons as to why you placed the garage where you did. Could you state those reasons for us.

Mr. Farese stated oh, well it's, you know, it's an environmentally type of project with a lot of rock outcroppings and the whole thing was a mountain and by the time I set the house with the fill septic system and all the goings on in the backyard pool going in and stuff, I had to leave enough distance from the house to the garage, so...And it's my fault because I thought it was 45 feet so it's basically a mistake and the owner pushing me for the access and the way it falls on the lot and the driveway coming in two ways. It was just...I made a mistake. But it's...And I just opened it up a little too far. I should have put it closer. But all his master bedroom windows and all, like I told you, the windows on this side, closer would have just...It's a spectacular property and I want to just give him a great house.

Chairman Olenius stated I think Town Code also requires a certain separation between the main principal structure and the accessory structure anyway, and I think you had said you had maintained...It was 15'.

Mr. Farese stated yes. Well, I'm...And if I pull it in two more feet, it's fifteen feet, right. I'm 17 [feet].

Chairman Olenius stated okay.

Mr. Farese stated so, I could have got two more feet but it's...

Chairman Olenius stated and the...To the best of my knowledge, upon viewing it, it appeared that the septic system was pretty much right up to the rear of...

Mr. Farese stated of...

Chairman Olenius stated it didn't leave a lot of leeway that way, either.

Mr. Farese stated it's so tight. The hardest part of the project is when I had do it with Rich to get an easement on my Lot 5 because I had to move the well all the way down the hill because all those wells were right on the road. So I can back the well truck at no expense. But it crams the project so much by moving this one well it loosened everything up now. So, I even killed myself getting the well all the way down out of the easement, down way in the corner. Moved it way down there and now I've got an easement on Lot 5, just access for the maintenance of the well which is, you know, not good for me but it's...I'm just trying to make it all perfect.

Chairman Olenius stated the conservation easement at the rear of the property...

Mr. Farese stated yes.

Chairman Olenius stated is that just something you did or was that required. Is there wetlands...

Mr. Farese stated there's no wetlands. What it is, is it's a buffer for...I don't know. Rich did it. At the beginning it was done. They just wanted a 75' easement because there's a wall and a drop and there's...Basically, like Rich just said, my subdivision is the dead end. The other...the guy in back of me where there's a paper road that goes down there and I then I can donate it, 50' at the end of the...for an access to the backyard. So I guess he said you can go around and they'd use that road and maybe they want 75' to be able to widen the road. But it's just an easement for the Town because there's no wetlands and the wetlands isn't until way, way down the hill on the big piece of property, where it really comes to a wetlands. Mine is just all rock right down to that road. And that's just a paper road. It's a driveway to, what's it. O'Connor; That guy O'Connor that lives back there, right.

Chairman Olenius stated yes.

Mr. Farese stated and then I gave them the 50' access at that point. What I want to do with Rich is I was going to go down that paper road and then come in with the access for the well. But he didn't like it. It was too close to the conservation easement, so I put the, you know, I went in on Lot 5 being that I owned the lot and just make it easier for everybody. Then Rich came back and we moved it closer and we tightened it up, made it perfect. Now the rest of the lots are loose now. You can...You have a little room. But it was just...It was within a foot and a half and it's so hard doing a fill system with a foot and a half leeway. It's just...It's near...I can do it, but it's too much. It's better for me to spend all the money moving the well and doing it that way.

Chairman Olenius stated how many more undeveloped lots are...

Mr. Farese stated three.

Chairman Olenius stated three more undeveloped.

Mr. Farese stated yes. Three more.

Board Member Buzzutto stated Lot 5 is still buildable. I mean...

Mr. Farese stated oh, yeah. They're perfect. All it is, is an easement for the well guy to repair the pump. So it's a maintenance easement. So it's not one of those, you know, driveway easements or...

Board Member Buzzutto stated yeah.

Mr. Farese stated it's a maintenance. And I made a paper road down there and the way the road came in, it's a little too much. So we moved it up real tight. It really tightened it up and made it nice. Rich did a good job. Rich made it perfect. And then Lot 5. You know, lot...It's not good for me because then people come in and see an easement on their lot. You know they don't like it.

Board Member Buzzutto stated is that...Your property, is that ledge rock or outcroppings, or both.

Mr. Farese stated oh, my god. It's ledge. In my...In that house, if you see....It was, where the

house is, was 8' of rock coming out of the ground.

Board Member Buzzutto stated oh, where that (inaudible) where you showed me up there. Yes.

Mr. Farese stated and that was an outcropping come there. Dropped off, there's about 3' of dirt only there, and then the rock just starts. I mean, I blasted from the top 8' above to 16'. And then I took that all and that's how I created the backyard and where his pool's going to go. And it was hard. It was my hardest lot. And it was just so tight. It was, you know, it's hard to do those (inaudible) lots that tight. And then the well. I just said, eh. I'll move the well and make it easier.

Chairman Olenius stated did the remaining lots give you a little more leeway so you don't have to come see us again.

Mr. Farese stated they're perfect. All four bedrooms. That was my only three bedroom. I wanted it done. I wanted that lot done because that's the hardest lot and I've got a single guy, that's, you know, on a his second marriage. He's going to live there forever and he only wants three bedrooms. Every family wants four bedrooms. Oh, the other ones are perfect. That's why I had to worry about Lot 5. I wanted that easement tight and...So me and Rich got together and did that.

Board Member Buzzutto stated the fill you've got in the back of the deck...in the back of the house.

Mr. Farese stated yes.

Board Member Buzzutto stated what was the depth of that.

Mr. Farese stated that fill, I bet you it was... I bet you there's nine, ten feet of fill there.

Board Member Buzzutto stated yes.

Mr. Farese stated but that fill is solid...

Board Member Buzzutto stated I was going to say, is it secure...

Mr. Farese stated ledge.

Board Member Buzzutto stated now. The whole...

Mr. Farese stated yes. Secured and secure. And what I did is I took the large, large rocks, and put them at the bottom because I'm going to have to dig that out for the pool.

Board Member Buzzutto stated right.

Mr. Farese stated so I kept it...It's all nice. You know, I put the real big stuff down that I couldn't move with the machine. I mean, there's just some gigantic stuff when you blast. And then I just scraped it up and kept the big stuff as low...It's perfect.

Board Member Buzzutto stated so it's never going to cave...

Mr. Farese stated no erosion. It's been there perfectly. It's all rock. There's...All I'm going to do is throw a pool in and put some top soil and you see that nice rock on the side. It's all so stable. It's...

Board Member Buzzutto stated yes.

Mr. Farese stated you know, it's all ledge. It's just a very stable site.

Board Member Buzzutto stated well in between that and the rock, the outcropping, you say you're going to put a path down there for people to walk down there.

Mr. Farese stated yes, well it's...If you see, it's a naturally...I'm not going to do nothing. I'm going to bring two walls into nothing and then they can walk just around the side on a natural grade right, like that.

Board Member Buzzutto stated just to walk in the woods there.

Mr. Farese stated walk in the woods. But you've got a conservation easement. You've got his big property in the back; everybody goes walking back there. The guy that bought all the acres and put up the fences. The racetrack guy. We all heard about him.

Board Member Buzzutto stated I've said my piece. That's it.

Mr. Farese stated I mean, and you can see, it's a really, you know, I'm really careful with trees and I really want to keep it perfect. Natural and...All these people love rock. And that was the rock lot. When you see it.

Chairman Olenius stated I've got to say, the way you designed the home, it's very accepting to the environment.

Mr. Farese stated perfect.

Chairman Olenius stated and kind of...

Mr. Farese stated and if you go down to the cul-de-sac and you look up now, with the yellow and the round, as I'm going down the hill, I'm trying to...the last one, I'm going to try to do one of those linal house, which is a one story. So those house will just go down to nothing. No one will look into anybody's yards; the other two you face out the back. It's all about privacy.

Board Member Buzzutto stated well, that's good thinking ahead, really.

Mr. Farese stated you have to. I mean, if you sell lots, you don't think. You know, they just...You see how the developments come out. I don't sell my lots. I'm a builder. You know, if it takes me 10 years to build it, I'm going to build it because I want to...It's my grandmother's name and it's a signature for me. It's my...It's the end of my career. You know, I'm not doing roads. I might buy a lot and build, but that's it. And that road is...

Board Member Buzzutto stated that one you're building there is a beautiful home. I mean, that's gorgeous.

Mr. Farese stated I mean, the yellow house is still the record in the Town; a million twenty-five. It's still our record for speculation. But I can't do speculation. I'm (inaudible). I get killed. So you just got to wait it out. In a couple...I have a pretty famous guy going in on Lot 5 so, you know, I already showed him the map with the easement. He doesn't even realize what an easement is, so...You know, it's just easements worry people. People don't like to see them. But it's fine. It will come out perfect and I'm all set. Once this lot's done, we're home free.

Board Member Buzzutto stated is there anything in the figures on the...these here. Are there any changes on those. No.

Chairman Olenius stated not to my knowledge.

Board Member Buzzutto stated okay.

Chairman Olenius stated it's all on the survey.

Board Member Buzzutto stated oh, it's on the survey.

Mr. Farese stated and that's pretty much your final. Yeah, that's your final you guys got with an easement and everything, right. Yes.

Nancy Tagliafierro stated yes.

Mr. Farese stated yours are...See, we had...This was the paper road but now we tightened it up perfect. And that's actually getting filed. (Inaudible). You see, this is where I came in to get to that well. It's really hard. And the rock comes back up there. Rock comes everywhere in this thing. And I come down here, and all my wells are 285'. I go, maybe fifty feet...100' down the hill, 800' I almost didn't hit water. You believe that's how lucky you are with water. But I got down and I hit 10 gallons at the last 20'. We're going to pull it and move it. That's how hard that well was. It took a lot of effort, that well. But it's...Like I say, it just...In the long run it's easier for me. That's why I went over a year in building it because the foundation was such a trauma, I did the well and the foundation and I live in Vietnam for 6 months a year, so I went and came back this year and finished it; finished the house.

Board Member Buzzutto stated well, each lot requires its own well though, doesn't it.

Mr. Farese stated oh, yes. Own well. And this is a fill system, too. So the access for that, I mean, there's sixty trucks of fill had to come in there. I mean, it was a nightmare. It's a very, very hard lot. If you're not a builder and do that yourself, you can never do these kind of lots. It's what's around now, you know. It's all rock now. It's harder, but you've got to have that knowledge. Rocs are art in itself.

Chairman Olenius stated you have anything.

Board Member Buzzutto stated anybody in the audience have...

Chairman Olenius stated seeing none.

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

Board Member Herbst stated second.

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

Chairman Olenius stated do you pronounce your last name Fa-race.

Mr. Farese stated Farese.

Chairman Olenius stated Farese.

Mr. Farese stated yes.

Chairman Olenius stated okay.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Joseph Farese Case #02-13
For an Area Variance to Allow for the Detached Garage

WHEREAS, *Barlow Corporation* is the owner of real property located at 32 Sylvia Barlow Way (R-4 Zoning District), also identified as **Tax Map Parcel #35.-5-38.6, and**

WHEREAS, *Joseph Farese* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27(B)(4) of the Patterson Town Code; Permitted accessory uses, in order to allow for the detached garage to remain forward of the principal dwelling as shown on the submitted survey prepared by Terry Bergendorff Collins last revised on January 22, 2013, and

WHEREAS, §154-27(B)(4) of the Patterson Town Code states that an accessory structure shall not extend forward of the principal structure, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***February 20, 2013 and March 20, 2013, and a site walk was conducted on March 13, 2013*** to consider the application; and

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

1. the proposed application *will not* produce an undesirable change in the character of the neighborhood *because the garage is in keeping with the upscale nature of the subdivision.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *in order to maintain the needed separation between the principal structure and said garage and also allow for a septic and expansion area to the rear of said garage.*
3. the variance requested *is not* substantial *due to the radial setup of the buildings. The bulk area of the garage is actually further back from the road.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because of the large lot sizes in the subdivision.*
5. the alleged difficulty necessitating the variance *was self-created but is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Joseph Farese* for *an area variance* pursuant to §154-27(B)(4) of the Patterson Town Code; Permitted accessory uses in order to allow the detached garage to remain forward of the principal dwelling.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Joseph Farese, Case #02-13
For an Area Variance for a Front Yard Setback for a Detached Garage

WHEREAS, *Barlow Corporation* is the owner of real property located at 32 Sylvia Barlow Way (R-4 Zoning District), also identified as **Tax Map Parcel #35.-5-38.6, and**

WHEREAS, *Joseph Farese* 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 legalize the construction of a detached two-story garage as shown on the submitted survey prepared by Terry Bergendorff Collins last revised on January 22, 2013, and

WHEREAS, §154-7 of the Patterson Town Code requires a 40' front yard setback; Applicant has 28.89'; *Variance requested is for 11.11'*, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *February 20, 2013 and March 20, 2013, and a site walk was conducted on March 13, 2013* to consider the application; and

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

1. the proposed application *will not* produce an undesirable change in the character of the neighborhood *because the garage is in keeping with the upscale design of the subdivision.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the septic and expansion area directly behind the garage as it stands.*
3. the variance requested *is not* substantial *because the bulk area of the garage is further back; it's only the corner nearest the street that is really in question.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because of the large lot sizes in the subdivision.*
5. the alleged difficulty necessitating the variance *was self-created, but, is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Joseph Farese* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 11.11' from the 40' required for a front yard setback in the R-4 Zoning District in order to legalize the construction of a two-story detached garage 28.89' from the front property line.*

Board Member Bodor stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated alright, Sir. All set.

Mr. Farese stated now who didn't...Who did I buy the land off of. Is it your aunt, Mrs. Burdick. Jean. I bought it from Jean.

Board Member Burdick stated I don't know who that is.

Mr. Farese stated okay. Greatest lady. We were best friends. I think she just thought (inaudible). Okay guys. I'm going to get you another one; get us more tax money. I'm trying. It's just...You can't...You got to have the money first.

[Laughter]

Mr. Farese stated I go broke and then we don't get our taxes paid. Thanks everybody.

Board Member Burdick stated take care.

Chairman Olenius stated thank you.

Board Member Buzzutto stated take care.

Board Member Herbst stated bye now.

Board Member Buzzutto stated thank s for the assistance.

Mr. Farese stated no problem. Anytime. Hey Rich, did Al call you.

2) OTHER BUSINESS

a) Minutes

Chairman Olenius stated the minutes. I couldn't do the January 23rd. That's up to you guys because I wasn't here.

Board Member Bodor stated I'll make a motion to accept the January 23rd...

Board Member Buzzutto stated yeah, okay.

Board Member Bodor stated and the February 20th minutes as presented.

Board Member Burdick stated second.

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

Chairman Olenius stated the February ones were fine.

The Secretary stated good.

Board Member Bodor stated any other business.

The Secretary stated no.

Chairman Olenius stated how many cases next month. You have two so far.

The Secretary stated so far two.

Board Member Buzzutto stated for next meeting.

The Secretary stated yes.

Chairman Olenius stated decks and sheds or...

The Secretary stated yes.

Chairman Olenius stated difficult. No cell towers.

The Secretary stated no. No cell towers. Haven't heard about cell towers or anything crazy like that. So...

Chairman Olenius stated that's what we like to hear.

The Secretary stated yes.

Chairman Olenius stated so I'll make a motion to adjourn.

Board Member Bodor stated yes. I'll second it.

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

Meeting was adjourned at 7:25 p.m.