

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
April 17, 2013**

APPROVED

AGENDA & MINUTES

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|--------------------------------------|---------|---|
| 1) Mary Smith Case #04-13 | 1 – 11 | Public hearing opened & closed;
Area variances for a play set and an existing shed granted in front yard granted |
| 2) Jamie Nardini Case #05-13 | 11 – 18 | Public hearing opened & closed;
Area variance for front yard setback for existing 10' x 16' deck granted |
| 3) Other Business | | |
| a) Kathleen Pettey Discussion | 18 – 22 | Rehearing of Case #01-11 Scheduled for May 15, 2013 meeting |
| b) Minutes | 22 – 23 | March 20, 2013 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
Gerald Herbst

PLANNING BOARD

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

**Zoning Board of Appeals
April 17, 2013 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 Gerald Herbst, Nancy Tagliaferro, Attorney with Town Attorney’s Office and Richard Williams Sr., Town Planner.

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

There were approximately 4 members of the audience.

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

Chairman Olenius led the salute to the flag.

Roll Call:

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

1) MARY SMITH CASE #04-13

Ms. Mary Smith 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, April 17, 2013 at 7:00 p.m. at the Patterson Town

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

Mary Smith Case #04-13

Applicant is requesting area variances pursuant to §154-27 A.(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing shed and also erect a play set. §154-27 A.(12)(a) states that accessory structures shall not be located in the front yard. Applicant has two front yards. This property is located at 10 Somerset Drive (R-4 Zoning District).

Chairman Olenius stated I'm going to recuse myself from this case as I am familiar with the Applicant. Defer it to my...

Board Member Buzzutto stated is Mary Smith here.

Chairman Olenius stated chair here.

Ms. Mary Smith stated right here.

Board Member Buzzutto stated you want to come up and...Okay. You want to state your name and address.

Ms. Smith stated Mary D. Smith. 10 Somerset Drive, Patterson, New York, 12563.

Board Member Buzzutto stated do you solemnly swear the testimony you are about to give tonight is the truth and the whole truth.

Ms. Smith stated yes I do.

Board Member Buzzutto stated okay. You heard the case [referring to the legal notice]. Is everything in there, what you heard, is that the still the same.

Ms. Smith stated yes.

Board Member Buzzutto stated okay. You want to explain, the best you can, what you have and what you want to do.

Ms. Smith stated yes. I currently have a shed existing on the property. I...

Board Member Buzzutto stated you want to talk a little more into the mic.

Ms. Smith stated oh, sure. I have a shed. About 20 years ago, my ex-husband a shed on the property. I was unaware of the, I guess, the process of putting that there. I'm aware now and I would like to legalize it. And doing the same, I figured that, well, now that I have grandchildren, I would like to put a swing set out there for them.

Ms. Smith stated alright. And looking at the survey, you have two front yards.

Ms. Smith stated yes.

Board Member Buzzutto stated so it's got to be, basically, in the front yard. One of the front yards. Is that the way...Yes. One of the front yards.

Ms. Smith stated yes.

Board Member Buzzutto stated so...

Ms. Smith stated it actually is behind...in the front yard that is behind the house.

Board Member Buzzutto stated behind the...Behind the house.

Ms. Smith stated right.

Board Member Buzzutto stated okay. So the front of the house is on...What road would that be.

Ms. Smith stated Somerset Drive.

Board Member Buzzutto stated Somerset. Okay. That's where Ginny lives, isn't it [referring to the former Town Board Member Ginny Nacerino].

Ms. Smith stated yes.

Board Member Buzzutto stated yes, Ginny. Okay.

Ms. Smith stated the back of the house is on Devon Road.

Board Member Buzzutto stated so you've got a swing set and a play gym.

Ms. Smith stated it's not there yet.

Board Member Buzzutto stated oh, that's not there.

Ms. Smith stated that I haven't purchased yet.

Board Member Buzzutto stated and there's no place on the side of the house that you could put that so it's got to be...

Ms. Smith stated no. If it was on the...

Board Member Buzzutto stated right there.

Ms. Smith stated if it was on the side, it would actually...My driveway is to the left of my house and to the right there's not enough property to put anything like that.

Board Member Buzzutto stated and this is your survey here. Okay. So basically you don't need any other variances except that it's in the front yard.

Ms. Smith stated yes.

Board Member Buzzutto stated it falls within the sideline...

Ms. Smith stated yes, it does.

Board Member Buzzutto stated the rear. It's so many feet from the house. And how is old is the shed.

Ms. Smith stated I'm guessing it's...

Board Member Buzzutto stated what was it.

Ms. Smith stated probably, maybe, 18 years old. At least. Fifteen to eighteen years old, maybe.

Board Member Buzzutto stated yes, and basically it used for storage of lawn equipment.

Ms. Smith stated tractor.

Board Member Buzzutto stated tractor.

Ms. Smith stated yes.

Board Member Buzzutto stated okay. So you would basically need it, really.

Ms. Smith stated yes, I do.

Board Member Bodor stated looking at one of the photographs you gave us, view from the back of the house, am I right in observing that behind the shed is not cleared; it's all grown up...

Ms. Smith stated correct.

Board Member Bodor stated back there.

Ms. Smith stated yes.

Board Member Bodor stated so it's well screened from Devon [Road] then.

Ms. Smith stated oh, yes. Actually, the property runs...Behind the shed, it actually goes to the left down to Devon, because Devon's to the left of the shed.

Board Member Bodor stated okay.

Ms. Smith stated and all of that's still...

Board Member Bodor stated it's all grown up still.

Ms. Smith stated it's all...Yes.

Board Member Bodor stated you're saying down, is there a...

Ms. Smith stated yes. Close to..

Board Member Bodor stated change in the topography there.

Ms. Smith stated yes.

Board Member Bodor stated oh, okay.

Ms. Smith stated yes. It goes down. I didn't...I actually didn't take a picture from Devon Road because you would see nothing but trees.

Board Member Bodor stated but trees.

Ms. Smith stated yes.

Board Member Bodor stated okay. That's what it appears, I just wanted to clarify that.

Board Member Buzzutto stated does the shed fall into the Code's...for the size, or the...It looks bigger than 12' by...what, 10' by 12', though.

Ms. Smith stated Mr. Lamberti came out and measured everything and said it was the size and the footage away from the property line was all legal.

Board Member Buzzutto stated do you have any figure on how big the shed is.

Board Member Bodor stated it's in here [referring to the application] 12' x 20.

Board Member Burdick stated 12' x 20'

Board Member Buzzutto stated 12' x 20'. That's when it's supposed to be...

Ms. Smith stated yes, I think so. It might be, actually, 12' x 18'. But I wasn't sure so I said 20'. I think it's 12' by...It's either 18 or 20 [feet]. So I just put the larger one.

Board Member Buzzutto stated well, wouldn't she need a permit to put a larger shed there.

Ms. Smith stated the permit...

Board Member Buzzutto stated then a 10' by 12'.

Ms. Smith stated was...I did...I started with a permit, because that's what Nick told me to do. But then he had to deny the permit because...

Board Member Buzzutto stated right.

Ms. Smith stated it needed the variance. But I gave him all of the building specs on the shed.

Board Member Buzzutto stated but I still think the shed is above size. It's 10' by 12' I think.

The Secretary stated she's applied for a building permit.

Board Member Buzzutto stated oh, you...

Board Member Burdick stated there's a copy of it in here where...

Ms. Smith stated yes.

Board Member Burdick stated he denied it.

Board Member Buzzutto stated oh, there is. Okay.

Board Member Burdick stated yes.

Ms. Smith stated right.

Board Member Buzzutto stated okay. So that's in process of getting. Alright, very good then.

Board Member Bodor stated well, at least a variance before she can have it.

Ms. Smith stated right.

Board Member Burdick stated he wouldn't approve it until we give her the variance.

Board Member Buzzutto stated yes, okay. I get it. Do we have any input from the audience on this particular...No, I guess not. Well, it seems like everything else is in order on it. Okay. You have any more to say on that, Mary.

Board Member Bodor stated nope.

Board Member Buzzutto stated Mary, will you do a reso on that for me.

Board Member Bodor stated okay.

Board Member Buzzutto stated okay.

Board Member Bodor stated I'll have to wing it.

Board Member Buzzutto stated okay.

Board Member Bodor stated I didn't write it out.

Board Member Buzzutto stated alright. Since there's no more input, I'd like to make a motion to close the public hearing. All in favor.

Board Member Bodor stated I'll second it.

Board Member Buzzutto stated okay.

Board Member Bodor stated all in favor. Motion carried by a vote of 4 to 0.

Board Member Buzzutto stated okay. So be it.

Board Member Bodor stated okay. I'll do the resos.

Ms. Smith stated so I'm done.

Nancy Tagliafierro stated not quite yet. Almost.

Board Member Buzzutto stated alright, where is that. Okay. Got it right here.

Board Member Bodor stated okay.

Board Member Buzzutto stated got it.

Board Member Bodor read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Mary Smith, Case #04-13
For an Area Variance for an Existing Shed in the Front Yard

WHEREAS, *Mary Smith* is the owner of real property located at 10 Somerset Drive (R-4 Zoning District), also identified as **Tax Map Parcel #23-1-25, and**

WHEREAS, *Mary Smith* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to legalize the existing 12' x 20' shed in the front yard as shown on the survey submitted, and

WHEREAS, the Applicant has two front yards, and

WHEREAS, §154-27(12)(a) of the Patterson Town Code states that a shed shall not be located in the front yard, 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 ***April 17, 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 it is existing in that location for a number of years.***

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *due to the fact that the property has two front yards.*
3. the variance requested *is not* substantial *due to the fact there are two front yards and the side yards would not be large enough to contain the shed without another variance.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the shed already does exist.*
5. the alleged difficulty necessitating the variance *was self-created but is not 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 *Mary Smith* for *an area variance* pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses, *in order to legalize the 12' x 20' shed which is located in the front yard*

Board Member Burdick stated second.

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

Resolution carried by a vote of 4 to 0.

Board Member Buzzutto stated okay. Good luck.

Ms. Smith stated thank you.

Board Member Bodor stated nope. There's another one.

Nancy Tagliafierro stated you have one more.

Board Member Bodor stated another one.

Board Member Buzzutto stated oh, you got..

Board Bodor stated another one.

Board Member Buzzutto stated oh, okay.

Nancy Tagliafierro stated the play set. The play set.

Ms. Smith stated oh, the play set.

Board Member Bodor stated we have to do the play set.

Ms. Smith stated that's right. Sorry.

Board Member Herbst stated that's right. We do have another one.

Board Member Buzzutto stated yeah, we do.

Ms. Smith stated I need that.

Board Member Bodor read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Mary Smith, Case #04-13
For an Area Variance for placing a Play Set in the Front Yard

WHEREAS, *Mary Smith* is the owner of real property located at 10 Somerset Drive (R-4 Zoning District), also identified as **Tax Map Parcel #23.-1-25, and**

WHEREAS, *Mary Smith* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to place a 14' x 27' play set in the front yard as shown on the survey submitted, and

WHEREAS, the Applicant has two front yards, and

WHEREAS, §154-27(12)(a) of the Patterson Town Code states that play sets shall not be located in the front yard, 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 ***April 17, 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 placement of the play set is behind the house which is also a front yard, but, the property going down to Devon Road has not been cleared and provides a very dense buffer.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible

means *due to the fact that the Applicant does have, in fact, two front yards.*

3. the variance requested *is not* substantial *because although the play set will be placed in a front yard, the side yards are not sufficient to contain such a structure without further variances.*
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 play set will be well screened from Devon Road and placed behind the house which is facing Somerset Drive.*
5. the alleged difficulty necessitating the variance *was not self-created and is not sufficient* 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 *Mary Smith* for *an area variance* pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses, *in order to place a 14' x 27' play set in the front yard.*

Board Member Burdick stated second.

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

Resolution carried by a vote of 4 to 0.

Nancy Tagliafierro stated now you're done.

Board Member Bodor stated now you're finished.

[laughter]

Board Member Burdick stated good luck.

Board Member Buzzutto stated okay. Good luck.

Ms. Smith stated thank you.

Board Member Buzzutto stated is the play set considered a structure.

Board Member Bodor stated accessory structure.

Board Member Buzzutto stated accessory structure. Good luck.

Ms. Smith stated thank you.

Board Member Buzzutto stated welcome back, Kotter [referring to Chairman Olenius returning to the dais].

2) **JAMIE NARDINI CASE #05-13**

Ms. Jamie Nardini was present.

The Secretary read the following legal notice:

Jamie Nardini Case #05-13

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize an existing front deck. The Code requires there to be a 15' front yard setback; Applicant has 7'; Variance requested for is 8'. This property is located at 58 Taylor Road (RPL-10 Zoning District).

Chairman Olenius stated Ms. Nardini.

Ms. Jamie Nardini stated good evening.

Chairman Olenius stated good evening. Just state your name and address for the record, please.

Ms. Nardini stated Jamie Nardini. 58 Taylor Road, in Patterson, New York, 12563.

Chairman Olenius stated I admire your packet input here.

Board Member Bodor stated packet is amazing.

Ms. Nardini stated thank you.

Board Member Buzzutto stated yes.

Chairman Olenius stated thorough. Can you tell us a little about your...

Ms. Nardini stated the property.

Chairman Olenius stated situation.

Ms. Nardini stated yes. I purchased the home in foreclosure in October of 2009. The deck was existing. It was in bad shape. Over the course of the next three years or so, I fixed up the house that was utterly disgusting when I purchased it and the deck was the last thing that needed to be replaced. Last year, I go three appraisals; picked the middle one. All three appraisals told me, because I was not expanding streetwise, I would not have to get a permit which I later found out was bad information. So I received a letter of notice in the mail in February of this year that

there was indeed a permit needed for the deck. I went and spoke to Mr. Lamberti, and he informed me through his investigation that the deck was illegal. Which then required a variance because it was indeed 8 or 7 feet over what it needed to be for Town Code. And I'm here.

Chairman Olenius stated and here you are before us.

Ms. Nardini stated yes. Also, the house is now in contract; I was supposed to sell it last month. Unfortunately this delayed it until this month. So, I do have a tentative closing date once I find out what the outcome of this is.

Ms. Nardini stated I'm//I think it becomes pretty obvious in looking through your packet here, but I just want you to explain to me the reason you don't have the 15' separation you require is because, I'm assuming, it's the Town property. The Town road...

Ms. Nardini stated yes.

Chairman Olenius stated right-of-way that...

Ms. Nardini stated yes.

Chairman Olenius stated is encroaching.

Ms. Nardini stated there is a yellow...

Chairman Olenius stated that you're encroaching on.

Ms. Nardini stated there is a yellow "Do Not Cross" tape; I marked it off with the two poles and yellow tape.

Board Member Bodor stated that's actually where the Town...

Ms. Nardini stated yes.

Board Member Bodor stated line is. Where that tape is.

Chairman Olenius stated like pretty much right in the middle of your front yard.

Ms. Nardini stated yes. It's a very small street. I think it measures only 16' across.

Chairman Olenius stated okay. Is this off Warren [Drive], like before Seward [Drive].

Ms. Nardini stated yes.

Chairman Olenius stated okay.

Ms. Nardini stated it's the first street. It's the first right off of Warren Drive.

Chairman Olenius stated and I admire you too for the second submittal is the, I'm assuming is for you to be compliant, you've put a post 15 feet from the Town right-of-way.

Ms. Nardini stated I did.

Chairman Olenius stated which allows you what appears to be about an 18 inch...

Ms. Nardini stated yes.

Chairman Olenius stated front porch.

Ms. Nardini stated yes.

Chairman Olenius stated is that road fully developed right now. I know you submitted a lot of pictures from adjoining properties and stuff. Is there any vacant properties on that road.

Ms. Nardini stated no there's not.

Chairman Olenius stated there's none.

Ms. Nardini stated no.

Chairman Olenius stated there's all...So in my estimation, I would doubt if it's fully built up or if the Town would be considering any expansion of that road.

Board Member Bodor stated I don't think they're going to.

Chairman Olenius stated yes.

Ms. Nardini stated the houses sit pretty close to the street. They would have to move houses.

Chairman Olenius stated it's pretty steep, as I recall too.

Ms. Nardini stated it goes...

Chairman Olenius stated that road that...

Ms. Nardini stated it slopes down. Correct.

Nancy Tagliafierro stated yes.

Chairman Olenius stated yes. And as you stated, I think, already, you replaced what was an existing deck...

Ms. Nardini stated correct.

Chairman Olenius stated to the same size.

Ms. Nardini stated I expanded it along the house by 6'.

Chairman Olenius stated that's...I did notice that in the photo.

Ms. Nardini stated correct.

Chairman Olenius stated because you were kind enough to include the old...

Ms. Nardini stated but I did not push it streetwise.

Board Member Bodor stated you didn't come to the street any further.

Ms. Nardini stated not at all.

Chairman Olenius stated you just made it wider. That's right. You went to the corner.

Ms. Nardini stated wider along the house. Yes.

Chairman Olenius stated I like the fact that you were able to find that old picture.

Ms. Nardini stated I keep everything.

[Laughter]

Chairman Olenius stated I wish every applicant could be so...

Board Member Buzzutto stated you get spoiled awful easy, don't you.

Chairman Olenius stated I do. I'll tell you, I like a well... You know, when everything's right there.

Board Member Buzzutto stated you're not going to get anything better than this, I'll tell you that.

Chairman Olenius stated I'm going to sound foolish, but anybody in the audience have a comment [referring to the fact that there was no one in the audience].

[Laughter]

Chairman Olenius stated hearing none.

[Laughter]

Board Member Bodor stated you just did a terrific job with this.

Ms. Nardini stated thank you.

Chairman Olenius stated you make our lives very easy.

Ms. Nardini stated I wanted to. That was the plan.

[Laughter].

Board Member Buzzutto stated you said the house was in contract to be sold now.

Ms. Nardini stated yes. It was...I was supposed to actually move out the last week in March. It's now been postponed until the outcome of this.

Chairman Olenius stated I don't think we'd have to have site walks if everybody submitted a packet like this, with all the different views and...

Board Member Buzzutto stated did Nick say anything that you should do or just to go for the variance for the...Just...

Ms. Nardini stated he came over and he inspected the deck. It passed his aspect of it. But then there was the issue with the variance.

Board Member Buzzutto stated but he didn't say it had to be modified in any way. Just...

Ms. Nardini stated no.

Board Member Buzzutto stated just go for that.

Ms. Nardini stated yes.

Board Member Buzzutto stated clears it all for us.

Chairman Olenius stated yeah, I'm reading his denial here. It doesn't state anything else.

Board Member Buzzutto stated yes. I guess so.

Chairman Olenius stated I just got a copy of the building permit here, too, that he signed. Just waiting for it to be legalized.

Board Member Buzzutto stated you say it's too close to part of the Town road there.

Chairman Olenius stated it's the right-of-way for the Town.

Board Member Bodor stated right-of-way.

Board Member Buzzutto stated the right-of-way for the Town. In case you want to...

Chairman Olenius stated there's no more property to build on in there. So I don't think the Town would ever go through the expense of trying to...It's not a main thoroughfare.

Board Member Buzzutto stated I don't think the Town would try to widen the road either, so forget that.

Chairman Olenius stated Mr. Williams.

Rich Williams stated Sir.

Chairman Olenius stated is there anything we should be aware of with regards to Taylor Road. Any future plans the Town might have for widening it.

Rich Williams stated oh, we have no plans whatsoever.

Chairman Olenius stated I wouldn't think so because I think the blasting fees alone would be astronomical for current budget cycles. I don't have anything else on this.

Board Member Buzzutto stated I 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 read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Jamie Nardini, Case #05-13
For an Area Variance for a Front Yard Setback for a front deck

WHEREAS, *Jamie Nardini* is the owner of real property located at 58 Taylor Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.71-1-7, and**

WHEREAS, *Jamie Nardini* 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 the 10' x 16' front deck with stairs to the front of her dwelling, and

WHEREAS, §154-7 of the Patterson Town Code requires a 15' front yard setback; Applicant has 7'; ***Variance requested is for 8'***, 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 ***April 17, 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 deck is a replacement of what was previously there but is of brand new construction, making the property that much more attractive.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because of the way the Town right-of-way runs through her property. She has to have access out her front door, and to meet limitations that would allow her an 18' wide deck which would be not feasible for other Code reasons.***

3. the variance requested *is* substantial *however not so much 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 as previously stated, it was a direct replacement with a slight enlargement, however the impervious coverage is not over Code limits.*
5. the alleged difficulty necessitating the variance *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 *Jamie Nardini* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 8' from the 15' required for a front yard setback in the RPL-10 Zoning District in order to legalize the construction of the existing 10' x 16' front deck with stairs.*

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 stated good luck.

Ms. Nardini stated thank you very much. Have a good evening.

Chairman Olenius stated good luck with your closing. You, too.

Board Member Bodor stated would you want another one of these packets back, Jamie [referring to the application packet]. Would you like to have one of these packets back.

Ms. Nardini stated yes, actually. I could give it to the buyer. That would be excellent.

Board Member Bodor stated okay.

Ms. Nardini stated if someone doesn't mind. Thank you very much.

Board Member Burdick stated you need more than one.

Ms. Nardini stated no.

Board Member Burdick stated you sure.

Ms. Nardini stated yes. Thank you.

Board Member Bodor stated you put so much work into it.

[Laughter].

Ms. Nardini stated it's my job. Like, you know...I'm a police officer and when I walk into court I have stacks, like everything organized. I'm able to...I just don't want to get up there and make a fool out of myself. It's better to know, right.

Chairman Olenius stated better to be prepared.

Board Member Bodor stated there you go.

Chairman Olenius stated absolutely.

Ms. Nardini stated okay, kiddo, ready [talking to her young daughter]. You did excellent. Ready.

3) OTHER BUSINESS

a) Kathleen Pettey Discussion

Chairman Olenius stated okay, Mrs. Other Business. Who's going to enlighten us.

Nancy Tagliaferro stated I'll do it.

Chairman Olenius stated go ahead, Counsel.

Nancy Tagliaferro stated okay. Well, we received a decision last week in a motion that we had pending before the Supreme Court in Putnam County on the Pettey mater. You will probably recall that about a year ago, Ms. Pettey came in seeking a determination from the Board that her property on South Street was a legal three family residence. The Board determined that it was not, so she commenced an Article 78 proceeding. At that level, Supreme Court annulled the ZBA's determination and we appealed. And that appeal was pending until late last year when Rich Williams found a very important document that we submitted back to the Supreme Court Putnam County and asked the Court to renew the Article 78 proceeding on the basis of this new evidence which was, I believe you all have it in your packet, it was the building permit application from the Applicant's father who built what we thought was an extension and she claims was a new residence in the house. Based on the new evidence, the Court vacated its prior determination and is sending the case back to you to reopen the hearing in order to afford Ms.

Pettey and opportunity to make a record about the building permit or object to it. So, I believe we have her scheduled for next month's ZBA meeting and the hearing should be limited to that purpose. We're just talking about this one particular document. Unless she comes in with some new evidence.

Chairman Olenius stated do you think this document is sufficient. I mean, it looks...To support our previous decision. I mean, it...

Nancy Tagliafierro stated I think you're...

Chairman Olenius stated reaffirms it, right.

Nancy Tagliafierro stated I believe your previous decision was based on reasonable evidence in the record as it was and this will support it that much more. So it's an opportunity for you to strengthen your...the record and for her to come in and, you know, object to it if she has any reasonable basis to do so.

Board Member Buzzutto stated is there any way we can hear what this new found evidence is; the difference between the new one and the old one.

Nancy Tagliafierro stated this is just an addition to what was presented to the Board previously. This is part of the Town's records which we were not able to locate when...

Board Member Buzzutto stated right.

Nancy Tagliafierro stated the Applicant first came before us.

Chairman Olenius stated we didn't have this the first time.

Board Member Buzzutto stated yes.

Nancy Tagliafierro stated what this is, is a building permit application that specifically says that...

Board Member Buzzutto stated that's what I want to hear.

Nancy Tagliafierro stated he was seeking permission for a two room extension.

Board Member Buzzutto stated right. Not an apartment.

Nancy Tagliafierro stated not a separate dwelling unit.

Board Member Buzzutto stated okay. That's what I wanted to hear.

Nancy Tagliafierro stated a two room extension.

Board Member Buzzutto stated okay.

Nancy Tagliafierro stated and he estimated that the cost to construct it would be \$500.00. Who builds a whole living unit, even in 1961, for \$500.00.

Rich Williams stated and if I could just interject, if it was going to be for an apartment, she should have checked that box.

Chairman Olenius stated that's what I was going to ask, too.

Nancy Tagliafierro stated yes.

Chairman Olenius stated that box would have been checked, right.

Nancy Tagliafierro stated yes.

Chairman Olenius stated because it seems like every other relevant box is checked. So I don't know why you would, well...

Nancy Tagliafierro stated well, she didn't have the benefit of this either, at the last hearing, so...

Chairman Olenius stated right.

Board Member Buzzutto stated does she know about this new evidence as of now.

Nancy Tagliafierro stated she's...No, this was part of the motion that we made to the Supreme Court and asked them to renew the Article 78 petition in light of this new evidence. So the Court granted our motion but said now we have to give Ms. Pettey an opportunity to refute this new evidence. So you're going to go back and open up the hearing for that limited purpose.

Board Member Buzzutto stated so she's aware of this new evidence.

Nancy Tagliafierro stated she's had this since...

Board Member Buzzutto stated okay.

Nancy Tagliafierro stated late last year.

Chairman Olenius stated I signed a letter to...

Board Member Buzzutto stated yes, okay. So she's...

Chairman Olenius stated mail it to her to notify her that she's on the agenda.

Nancy Tagliafierro stated yes. And her...And by the way, her attorney...through her attorney she did put in an opposition to our motion to renew, so she's had this, examined it, or made legal arguments about it already, so.

Board Member Buzzutto stated she's on the agenda for next month.

The Secretary stated yes.

Board Member Buzzutto stated Rich, you were not aware that she had already built the garage at that time.

Rich Williams stated no. I really wasn't aware that she had built the garage.

Board Member Buzzutto stated yes. It was all there.

Rich Williams stated yes. It's all up. I didn't know that.

Board Member Buzzutto stated that's why she's financially in trouble.

Rich Williams stated well, I don't know how much financial trouble she's in. I can't speculate on that.

Board Member Buzzutto stated no. No you can't. Okay.

Rich Williams stated but Buzzy, that's not really relevant to this.

Board Member Buzzutto stated no, I know. But...Okay.

Chairman Olenius stated thank you, Counsel.

Nancy Tagliafierro stated you're welcome.

Chairman Olenius stated and thank you Mr. Williams.

Rich Williams stated actually, Mrs....

Chairman Olenius stated for your continued...

Rich Williams stated Smith, who brought to my attention that she was holding a box of old building permits that...didn't know what to do with them.

Chairman Olenius stated I'm glad she didn't just decide to shred them.

Rich Williams stated yes. There it was.

Board Member Buzzutto stated and how far back do they go.

Rich Williams stated they were...There were some building permits, most of them were septic construction permits because back in that time the Town was issuing those permits. And they were from the 50s and the 60s; early 60s.

Board Member Buzzutto stated oh.

Board Member Burdick stated what did you do with those. Did they get destroyed or did you hold on to them.

Rich Williams stated we are scanning every one of them in because most of the times they have bedroom counts.

Board Member Burdick stated awesome.

Rich Williams stated so they're all being scanned in so we will have searchable database.

Board Member Burdick stated awesome.

Chairman Olenius stated with bedroom counts from the 50s and 60s.

Rich Williams stated yes.

Chairman Olenius stated nice. It will make life a little easier. A few less Article 78s. Alright.

b) Minutes

Board Member Burdick stated minutes.

Board Member Bodor stated we have minutes.

Board Member Buzzutto stated make a motion to adjourn.

Chairman Olenius stated oh, I'll make a motion to approve the minutes from...they were from April.

The Secretary stated March.

Board Member Bodor stated March.

Chairman Olenius stated March.

Board Member Buzzutto stated March.

Chairman Olenius stated I'm sorry. It is April.

Board Member Buzzutto stated I didn't bring those with me.

Board Member Burdick stated second.

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

Chairman Olenius stated Madam Secretary, can I make one final request. Can you send me, I don't know what I did with this year's meeting schedule.

The Secretary stated yes.

Chairman Olenius stated I'm still writing...I'm marking up 2012's for some reason.

Rich Williams stated if you loss it again, it should be online.

Chairman Olenius stated oh, is it. Oh. Well, that would have been easy. Then don't bother. I can search it.

The Secretary stated I'll give it to you.

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

Board Member Bodor stated second.

Board Member Herbst stated second.

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

Meeting was adjourned at 7:35 p.m.