

**PLANNING DEPARTMENT**

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**ZONING BOARD OF APPEALS**

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Mary Bodor, Vice Chair  
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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**Zoning Board of Appeals  
April 20, 2016 Meeting Minutes**

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

Present were: Chairman Lars Olenius, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Michael Carinha, Board Member Stephanie Fox, and Nancy Tagliafierro, Attorney with the Town Attorney's Office

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

There were 14 audience members present.

Chairman Olenius called the meeting to order at 7:03 p.m.

**1. Anthony & Elissa Mulee Case #04-16 – Area Variance (Held over March 16, 2016)  
3 Westgate Terrace  
Tax Map #34.-2-18**

Anthony and Elissa Mulee were present to represent the application.

The Secretary read the following legal notice:

**Anthony & Elissa Mulee Case #04-16 – Area Variance**

Applicant is requesting an area variance pursuant to §154-27A(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing 18' x 33' above-ground swimming pool with a 20' x 46.5' attached deck located in the front yard. Applicant's property boundaries are adjacent to a street on three sides; §154-12 of the Patterson Town Code states that wherever a property boundary is adjacent to a street, such property boundary shall not be considered a side or rear yard. §154-27A(12)(a) of the Patterson Town Code states that accessory structures cannot be located in the front yard; *Applicant is requesting a*

*variance to allow the above-ground swimming pool with attached deck to remain in the front yard.* This property is located at 3 Westgate Terrace (R-4 Zoning District).

Chairman Olenius acknowledged that a site walk had been conducted on April 6, 2016, and confirmed that the shed that was in violation on the property had been removed. He also noted that on the opposite side of the property, which appeared to be the only other feasible location for the pool, exists the septic system; additionally, the topography of other areas of the property included slopes and rock ledge. It was also noted that additional letters of support of the applicants were received from several neighbors.

- Chairman Olenius made a motion to close the public hearing. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance pursuant to §154-27A(12)(a) of the Patterson Town Code. Board Member Bodor seconded the motion. *Motion passed by a vote of 5 – 0.*

**2. James Nesheiwat Case #05-16  
342 Fair Street  
Tax Map #44.-3-3.1**

James and Anna Nesheiwat were present to represent application.

The Secretary read the following legal notice:

**James Nesheiwat: Case #05-16 – Area Variances**

Applicant is requesting area variances pursuant to §154-27A(12)(a) of the Patterson Town Code; Permitted accessory uses, and §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize an existing 18' x 33' above-ground swimming pool with a wrap-around deck (for a total structure size of 25' x 47') located in the front yard. Patterson Town Code requires accessory structures to meet a minimum front yard setback of 40'; Applicant will have 29'; *Variance requested is for 11'*. Patterson Town Code also requires accessory structures to meet a minimum side yard setback of 20'; Applicant will have 10'; *Variance requested is for 10'*. §154-27A(12)(a) of the Patterson Town Code states that accessory structures cannot be located in the front yard; *Applicant is requesting a variance to allow the above-ground swimming pool with attached deck to remain in the front yard.* This property is located at 342 Fair Street (R-4 Zoning District).

James Nesheiwat stated that the area where the pool is functions as the property's side yard, which he confirmed is the only area of the property suitable for the construction of the pool, as the open space down behind the house and driveway is where the septic system is located. He also noted that though the pool is located in a NYSEG easement, NYSEG had issued a letter consenting to the construction in that location.

Board Member Bodor noted that though the applicant marked "No" on the section of the application asking whether the property had previously received relief from the Zoning Board of Appeals, a variance had, in fact, been granted when the house was constructed allowing it to meet a lesser front yard setback. Anna Nesheiwat explained that upon purchasing the pool, they were

under the impression that the pool company was aware of the local zoning laws and would apply for any necessary permits.

The Board was in agreement that they would like to conduct a site walk on the property. The case was carried over and the public hearing remained open.

**3. Lynn & Leif Billings Case #06-16**  
**35 North Street**  
**Tax Map #3.15-1-4**

Lynn and Leif Billings were present to represent the application.

The Secretary read the following legal notice:

**Lynn & Leif Billings: Case #06-16 – Area Variance**

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct a second story addition to relocate two existing bedrooms to the second floor. Patterson Town Code states that no conforming portion of any building may be extended, nor any nonconforming use extended into any other area of a building or lot; dwelling exists 25' from the front property and 19.5' from the side property line and is, therefore, nonconforming; *Applicant is requesting a variance to enlarge a nonconforming structure.* This property is located at 35 North Street (R-1 Zoning District).

Lynn Billings confirmed that she would like to reconfigure the living space within the dwelling by moving the two existing bedrooms upstairs, and that the existing footprint would not be expanded on, nor would the bedroom count change. She also stated that she was already in receipt of approval for the project from the Putnam County Department of Health.

Chairman Olenius remarked on the number of larger, two-story homes in existence on the street and stated that the house would still “fit in” in the neighborhood after the addition of a second floor.

- Chairman Olenius made a motion to close the public hearing. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance pursuant to §154-58 of the Patterson Town Code. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*

**4. Michael Tomassi Case #07-16**  
**120 Bullet Hole Road**  
**Tax Map #34.-3-11**

Michael and Christine Tomassi were present to represent the application.

The Secretary read the following legal notice:

**Michael Tomassi: Case #07-16 – Area Variances**

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, and §154-27A(7) of the Patterson Town Code; Permitted accessory uses, in order to construct an addition consisting of a 15.5' x 10.5' master bedroom and 6.5' x 15.5' master bath, a new 7' x 15.5' attached deck, and to remove and replace the existing 1-story, 2-car garage (26' x 28') with a 2-story, 2-car garage (26' x 28'). This property is located at 120 Bullet Hole Road (R-4 Zoning District).

- Addition: Patterson Town Code requires primary structures to meet a minimum front yard setback of 40'; Applicant will have 2.4'; *Variance requested is for 37.6'*. Patterson Town Code also requires accessory structures to meet a minimum side yard setback of 40'; Applicant will have 7'; *Variance requested is for 33'*.
- Garage: Patterson Town Code requires accessory structures to meet a rear yard setback of 25'; Applicant will have 9.5'; *Variance requested is for 15.5'*. §154-4 of the Patterson Town Code states that a private garage may not exceed in size a bulk area ratio of 50% of the principal dwelling; Applicant's proposed garage will be 51.3% of the bulk area ratio of the principal dwelling; *Variance requested is for 1.3% over the bulk area allowed.*

Michael Tomassi confirmed that the house will remain a three-bedroom home and that the one existing bathroom will be relocated; he also stated that the garage is in very bad shape, which is why they want to tear it down and construct a new one.

Chairman Olenius observed that the existing conditions necessitating the requested variances are in large part due to the siting of the property. Michael Tomassi confirmed that the property had been subdivided in the past, and that his home was at one time a one-bedroom cabin; Christine Tomassi confirmed that Putnam County owns the parcel in front of the property consisting of a pond and wetlands, and that the lot next door is vacant. The Secretary noted that a 239M had been submitted to the Putnam County Planning Department and was approved.

Michael Tomassi stated that the size of the garage was determined by the size of their vehicles (a pick-up truck and a large SUV); he also confirmed that the concrete pad on which the existing garage is constructed will not be useable once the garage is demolished, and a new one will have to be poured.

The Board was in agreement that they would like to conduct a site walk on the property. The case was carried over and the public hearing remained open.

**5. Arefeh Riezi & Saeed Nassirpour  
41 Taylor Road  
Tax Map #25.71-1-51**

Arefeh Riezi and Seed Nassirpour were present to represent the application.

The Secretary read the following legal notice:

**Arefeh Riezi & Saeed Nassirpour: Case #08-16 – Area Variance**

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to raise the roof line of the dwelling to accommodate a loft area to house a possible additional bedroom. Patterson Town Code states that no conforming portion of any building may be extended, nor any nonconforming use extended into any other area of a building or lot; dwelling exists 13.3' from the side property line and is, therefore, nonconforming; *Applicant is requesting a variance to enlarge a nonconforming structure.* This property is located at 41 Taylor Road (RPL-10 Zoning District).

Arefeh Riezi confirmed that she would like to raise the roofline a full story to add a second-story loft to be used as a bedroom, and stated that the house had been approved by the Putnam County Department of Health as a two-bedroom dwelling and that it would remain as such. Their intentions for the property are to eventually use the dwelling as their retirement home, though they will only use it as a vacation home in the immediate future.

Chairman Olenius noted that the property is a through lot, and Board Member Fox noted that the addition of “bump out” to incorporate a stairwell to access the loft will not encroach on the setbacks. Chairman Olenius also informed the applicants that if the bedroom count is going to increase, the approval of the Putnam County Department of Health must be approved.

- Chairman Olenius made a motion to close the public hearing. Board Member Bodor seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance pursuant to §154-58 of the Patterson Town Code. Board Member Fox seconded the motion. *Motion passed by a vote of 5 – 0.*

## **6. Other Business**

### **A. Minutes**

- Chairman Olenius made a motion to approve the minutes from the March 16, 2016 meeting. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*

### **B. Site Walk**

- A site walk was scheduled for Monday, May 9, 2016; James Nesheiwat Case #05-16 will be at 5:15 and Michael Tomassi Case #07-16 will be at 5:45. The rain date will be Wednesday, May 11, 2016 at the same times.
- Chairman Olenius made a motion to adjourn. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*

Meeting adjourned at 8:05 p.m.