

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
April 21, 2010**

APPROVED

AGENDA & MINUTES

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**ZONING BOARD OF
APPEALS**

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

PLANNING BOARD

Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Maria DiSalvo
Thomas E. McNulty

**Zoning Board of Appeals
April 21, 2010 Meeting Minutes**
Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563



Present were: Chairman Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Gerald Herbst, Board Member Lars Olenius, Carl Lodes, Attorney with Town Attorney's Office Curtiss & Leibell and Rich Williams, Town Planner.

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

There were approximately 6 members of the audience.

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

Chairman Buzzutto stated Sarah, roll call.

Roll Call:

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

1) MARVIN SAGASTUME CASE #03-10

Mr. Marvin Sagastume 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 21, 2010 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Marvin Sagastume Case #03-10 – Area Variance; Held over from the March 17, 2010 meeting

Applicant is requesting an area variance pursuant to §154-62 C. of the Patterson Town Code; Buildings on nonconforming lots, in order to construct a 2nd story master bedroom and bathroom. The Code states that the livable floor area not exceed 1,333 square feet; Applicant will have 2,550 square feet; Variance requested is for 1,217 square feet. This property is located at 24 Inwood Place (RPL-10 Zoning District).

Chairman Buzzutto stated Okay. Marvin. How do you say that, Sagastum.

Board Member Bodor stated Sagastume.

Mr. Marvin Sagastume stated good evening.

Chairman Buzzutto stated good evening. You're here to get the variances on your property. We did take a site walk on that and we were pleased with what...Have you made any changes in anything. Nothing at all.

Mr. Sagastume stated no. The only thing I'm doing is I'm going to be doing new fields because the Health Department wants me to fix up the...They came over and did a dye test, and that came back positive. So I have to put new fields. That's the only change. But we're working on it so it should be done next week.

Chairman Buzzutto stated alright.

Board Member Bodor stated well, that's a condition.

Chairman Buzzutto stated that's a condition, yes.

Mr. Sagastume stated that was one of the complaints I had about, last meeting so...from one of my neighbors. Then, I guess he called up and they came over and...They came a few times from the Health Department now, so...

Chairman Buzzutto stated were the fields leeching out or were they...

Mr. Sagastume stated I mean, every time it rains, it's kind of leaking, so I have to take of it so...

Chairman Buzzutto stated was that septic water or rain water.

Mr. Sagastume stated it's going right under the fields so it's kind of mixed.

Board Member Bodor stated when we were out there I did notice that it was very wet back in that area.

Mr. Sagastume stated yes.

Board Member Bodor stated yes.

Mr. Sagastume stated so they...I got to fix it anyways, so...

Board Member Bodor stated are you doing that work yourself or...

Mr. Sagastume stated no. I...

Board Member Bodor stated are you having that done.

Mr. Sagastume stated go a contractor that's doing it.

Board Member Bodor stated okay.

Mr. Sagastume stated as a matter of fact, they probably have the application by now. So now it's up to them how long it's going to take for the permit to be approved.

Board Member Bodor stated alright.

Mr. Sagastume stated and I hope that they approve it soon so next week I can get it fixed.

Board Member Bodor stated okay.

Chairman Buzzutto stated okay. Does the Board have any further questions for...No further.

Board Member Bodor stated I have nothing else, no.

Chairman Buzzutto stated entertain a motion to close the public hearing. Oh wait, does anybody in the audience have any question on this piece of property. No. Alright, then I'd like to close the public hearing.

Board Member Bodor stated second.

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

Chairman Buzzutto stated okay. You going to read that one...

Board Member Olenius stated I have one ready.

Chairman Buzzutto stated okay.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Marvin Sagastume, Case #03-10
*Buildings on a Nonconforming Lot***

WHEREAS, *Marvin Sagastume* is the owner of real property located at 24 Inwood Place (RPL-10 Zoning District), also identified as **Tax Map Parcel # 25.78-1-3, and**

WHEREAS, *Marvin Sagastume* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-62 C. of the Patterson Town Code; Buildings on nonconforming lots, for the construction of a second story addition consisting of master bedroom and a bathroom, and

WHEREAS, §154-62 C. of the Patterson Town Code requires that where a lot with an area equal or less than 19,500 square feet is owned separately from any adjacent or adjoining lot, the minimum lot area

required to erect, move, alter, add to or enlarge a principal structure shall be equal to the areas as shown in the schedule, and

WHEREAS, the Applicant's property is 15,562 square feet ±; the Code requires no more than 1,333 square feet of living space; Applicant currently has 2,038 square feet; Applicant will have 2,550 square feet, and

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

WHEREAS, a public hearing was held on the application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *March 17, 2010 and April 21, 2010, and a site walk conducted on April 5, 2010*, 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 most of the existing structures in the neighborhood are currently two-story*.
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because any enlargement of the existing first floor would create an excess impervious coverage*.
3. the variance requested *is* substantial *however the existing square footage already exceeds the current limits, and the additional is not overly excessive*.
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 expansion is not increasing the existing footprint of the home*.
5. the alleged difficulty necessitating the variance *was 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 *Marvin Sagastume* for an *area variance* pursuant to §154-62 C. of the Patterson Town Code; Buildings on nonconforming lots, in order to construct a second story addition consisting of master bedroom and a bathroom, and

BE IT FURTHER RESOLVED, that this resolution has emplaced the following conditions:

1. That all Health Department recommendations for septic field replacement are completed prior to construction.

Board Member Herbst stated second.

Board Member Bodor	-	yes
Board Member Burdick	-	yes
Board Member Herbst	-	yes

Board Member Olenius	-	yes
Chairman Buzzutto	-	yes

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay.

Board Member Bodor stated let me just say that the improvements that you have made to the property and the existing structure are very positive and we expect the proposed addition to turn out just as well.

Chairman Buzzutto stated very nice piece of property. Okay.

Mr. Sagastume stated thank you.

Board Member Olenius stated good luck.

Mr. Sagastume stated so what do I have to do now. Get the drawings made by an architect. Or is this approved or...

Board Member Olenius stated your variance is approved. Now you have to take it up with the Building Department.

Mr. Sagastume stated okay. Yes. But I mean...

Board Member Olenius stated for the building permit.

Mr. Sagastume stated do I have to make a real...Because this just...I make these plans. So now do I need to get an architect.

Board Member Olenius stated that's up to the building inspector.

Mr. Sagastume stated okay.

Board Member Olenius stated what he requires.

Chairman Buzzutto stated the stipulation of the thing does not say anything about changing what you're going to build on the house. It's just a septic system.

Mr. Sagastume stated yes.

Board Member Olenius stated just make sure that you get the septic fields first prior to construction.

Mr. Sagastume stated yes. That's going to be done probably, you know, anytime soon. As soon as they approve...

Chairman Buzzutto stated does the septic have to be completed first or...

Board Member Olenius stated that's how I read the condition.

Carl Lodes stated yes, you made a condition.

Board Member Bodor stated that's a condition.

Board Member Burdick stated that's a condition that's there.

Board Member Bodor stated yes.

Chairman Buzzutto stated but he can start building though.

Board Member Olenius stated the Building Department will see it on the resolution.

Board Member Bodor stated that's up to the Building Department.

Chairman Buzzutto stated okay, fine.

Mr. Sagastume stated no, but on this case, I have to get that done first...

Board Member Bodor stated go speak to the Building Department...

Chairman Buzzutto stated yes.

Board Member Bodor stated okay. And find out how they want you to proceed. We've given you the variance so you are able to do that.

Mr. Sagastume stated okay.

Board Member Bodor stated now, go to them because they have to issue the building permit.

Mr. Sagastume stated yes.

Board Member Bodor stated so that's the next place you need to knock on their door.

Mr. Sagastume stated okay.

Board Member Bodor stated okay.

Mr. Sagastume stated thank you so much.

Chairman Buzzutto stated okay, good luck to you.

Board Member Olenius stated good luck.

2) AL STEGER CASE #05-10

No one was present for Al Steger.

Chairman Buzzutto stated okay. Next on the...

The Secretary read the following legal notice:

Al Steger Case #05-10 – Special Use Permit; Held over from the March 17, 2010 meeting

Applicant is requesting a Special Use Permit as required by §154-115.1 of the Patterson Town Code; Apartments in order to have an apartment in the GB Zoning District. Applicant wishes to use the vacant portion of his structure as an apartment, where the first floor will consist of a living room and kitchen, and the second floor will be three bedrooms. This property is located at 5/19 Center Street (GB Zoning District).

Chairman Buzzutto stated is someone here representing Steger.

Board Member Bodor stated we can put it off in case...

Chairman Buzzutto stated yes.

Board Member Bodor stated he shows up. We'll just continue and put him at the end of the agenda then.

Chairman Buzzutto stated yes.

Board Member Bodor stated and we can act upon it without his being present. And we'll see what happens.

Chairman Buzzutto stated that's fine. Two meetings in a row.

Board Member Bodor stated well, we can (inaudible).

Chairman Buzzutto stated yes.

Board Member Bodor stated it will give him an opportunity to get here.

Chairman Buzzutto stated okay.

3) LISA MESSINA CASE #06-10

Mrs. Lisa Messina was present.

The Secretary read the following legal notice:

Lisa Messina Case #06-10 – Area Variance

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings in order to attach a 16' x 16' screened-in porch to the existing wrap-around porch at the rear of the dwelling. The Code requires a 40' side yard setback and an 80' rear yard setback. The Applicant can provide 20' from the side yard and 21' from the rear yard. This property is located at 25 Isabella Court (R-4 Zoning District).

Chairman Buzzutto stated okay. You are Lisa.

Mrs. Lisa Messina stated yes I am.

Chairman Buzzutto stated you want to raise your right hand please. Do you swear the testimony you provide tonight will be the truth, the whole truth.

Mrs. Messina stated I do.

Chairman Buzzutto stated okay. Okay.

Board Member Bodor stated where is Isabella Court.

Mrs. Messina stated if you were to...Do you know Tommy Thurber...Ice Pond Road.

Board Member Bodor stated yes.

Mrs. Messina stated and Tommy Thurber is kind of that bumpy dirt road.

Board Member Bodor stated okay.

Mrs. Messina stated and the development is just off of Tommy Thurber.

Board Member Bodor stated down there somewhere.

Mrs. Messina stated right. Right.

Board Member Bodor stated okay.

Chairman Buzzutto stated is it off of Ice Pond Road.

Mrs. Messina stated it's not directly off of Ice Pond [Road]. You have to turn from Ice Pond on Tommy Thurber. Or if you come up Zimmer Road, from [Route] 312, it wraps you around that way as well.

Chairman Buzzutto stated is that a new road or...

Mrs. Messina stated I believe it was a road that was created when the development was approved.

Chairman Buzzutto stated oh, okay.

Board Member Bodor stated you already have a wrap-around porch on the...

Mrs. Messina stated we do. It's a Victorian style home with a six foot wide wrap-around porch.

Board Member Bodor stated on the front going around the side.

Mrs. Messina stated right. It doesn't go completely around the house, but it starts at the front and continues to go around the back.

Board Member Olenius stated is this assessor file photo correct [referring to a picture of the house].

Mrs. Messina stated yes it is.

Board Member Olenius stated okay. A lot of times we get the wrong house on the wrong property.

Mrs. Messina stated oh.

Board Member Olenius stated that's the only reason I wanted to make sure.

Board Member Bodor stated you said it doesn't go all the way around.

Mrs. Messina stated meaning that it doesn't go all the way around the circumference of the house.

Board Member Bodor stated oh no. Just...

Mrs. Messina stated right.

Board Member Bodor stated front around the side to the back.

Mrs. Messina stated correct.

Board Member Bodor stated okay.

Chairman Buzzutto stated your reasoning for wanting to do that is for what reason.

Mrs. Messina stated well, we originally were looking to put a free standing gazebo behind the house and we realized that we had very little room from which to step off the porch to have a gazebo that we could use; a sizeable gazebo that we could use. We've attempted to have temporary structures back there; tent like gazebo structures. And we get a lot of wind up there. We have a lot of mosquitoes. So we've really been trying to get the best use out of the home during the summertime, and this is what we've finally come up with.

Chairman Buzzutto stated an increase in the porch is not going to increase the footprint of the house itself.

Mrs. Messina stated correct.

Board Member Bodor stated yes, it is.

Mrs. Messina stated well...

Board Member Bodor stated it is.

Chairman Buzzutto stated it is.

Mrs. Messina stated from the foundation it wouldn't. But it would be attached to the existing porch.

Board Member Olenius stated so when you say a 16' x 16' screen room, you're taking into account the 6' that exists already. So the...

Mrs. Messina stated yes.

Board Member Olenius stated extension will just be an additional 10'.

Mrs. Messina stated correct.

Board Member Olenius stated 10 feet by...

Mrs. Messina stated 10 feet and...

Board Member Olenius stated 16 [feet].

Mrs. Messina stated correct.

Board Member Olenius stated okay.

Board Member Bodor stated what's on the adjoining properties back there.

Mrs. Messina stated there's nothing on the adjoining property. I have kind of the builder's diagram, if it helps. But it...I can provide it to you. But there are immediately adjacent between our lot, which is lot number 15, and lot number 16, is an open space. And lot 14 currently doesn't have a home on it.

Board Member Bodor stated but it is a buildable lot.

Mrs. Messina stated but it is a buildable lot.

Board Member Bodor stated and behind you, over 80 acres of open space.

Mrs. Messina stated correct.

Board Member Bodor stated not developed at all. Plans to develop.

Mrs. Messina stated no plans for development.

Board Member Olenius stated oh, it's right here. I didn't see it.

Chairman Buzzutto stated oh. Okay.

Board Member Bodor stated did you take a look at this [referring to the builder's diagram]. She is lot 15, which is up here.

Chairman Buzzutto stated don't want to mark on it. This one right here.

Board Member Bodor stated yes. There's nothing on [lot] 14 yet, but it could be developed. Behind them is all open space; it's a common area, that whole green path going through there [referring to the diagram].

Board Member Olenius stated that green path is just access to the open space...

Mrs. Messina stated yes.

Board Member Olenius stated for like the other neighbors...

Mrs. Messina stated yes.

Board Member Olenius stated to go back and enjoy it.

Chairman Buzzutto stated and 80 acres is designated as open space.

Mrs. Messina stated yes it is.

Chairman Buzzutto stated indefinitely.

Mrs. Messina stated yes.

Board Member Burdick stated this is a cluster subdivision, correct.

Mrs. Messina stated it is.

Chairman Buzzutto stated I'm going to ask a question: What's up against that lot, the other lot.

Board Member Bodor stated the lot right next door.

Chairman Buzzutto stated this one right here.

Board Member Bodor stated number 14. Is a built...This is 14.

Chairman Buzzutto stated this is 14 here.

Board Member Bodor stated it's a buildable lot, but there is nothing on it.

Chairman Buzzutto stated there is nothing on it, okay.

Board Member Olenius stated did that plan that you just submitted to us, did that show where the house is sited on lot 14 yet. Or it doesn't have sitings on it.

Mrs. Messina stated it doesn't. My understanding is that it would have to be located very close to the road given the shape of the lot. I don't know if you'd like to see it again but...

Board Member Olenius stated no. I did notice...

Mrs. Messina stated it would be on Alexander Drive, would be the driveway as opposed to Isabella Court.

Board Member Olenius stated and the roofline for this proposed screened-in room would not exceed the existing roofline.

Mrs. Messina stated the existing roofline would be extended the 10'...

Board Member Olenius stated at the same height, though.

Mrs. Messina stated at the same...I believe that the architect felt that it should peak, just for stability, and then come down and be at the equal level of the existing roofline.

Board Member Olenius stated finish it at the (inaudible).

Mrs. Messina stated yes. Yes.

Chairman Buzzutto stated this addition will be a gazebo you said.

Mrs. Messina stated I'm sorry.

Chairman Buzzutto stated the addition will be a gazebo.

Mrs. Messina stated it...I believe on the...We were calling it a gazebo. I think you can...

Chairman Buzzutto stated gazebo, whatever.

Mrs. Messina stated just to not confuse the fact that there's already wrap-around porch.

Board Member Bodor stated but it's going to be a screened-in porch.

Mrs. Messina stated correct.

Board Member Bodor stated it looks like half way up it's solid and then the screens are above.

Mrs. Messina stated right. We haven't quite finalized the plans. We're thinking that will be all screen.

Board Member Bodor stated oh, all screen all the way down.

Mrs. Messina stated yes.

Board Member Bodor stated no kids or animals to run through it.

(Laughter)

Mrs. Messina stated no.

(Laughter)

Mr. Dino Messina stated not yet.

Board Member Bodor stated that would be dangerous to put screens down there if you have little ones and, you know, even a dog trying...

Mrs. Messina stated they have really strong screens now. It's amazing how much it's changed.

Board Member Bodor stated I think my daughter got some dog proof screen put in their sliding...

Mrs. Messina stated right.

Board Member Bodor stated screen door. Yes.

Chairman Buzzutto stated alright.

Board Member Olenius stated that's the front of the house.

Chairman Buzzutto stated (inaudible). Okay.

Board Member Olenius stated you were looking at this one here.

Chairman Buzzutto stated this is the opposite side. Yes, this is the yard.

Board Member Bodor stated this is what we see on the picture from the Assessor's.

Chairman Buzzutto stated right. This one here.

Board Member Bodor stated yes. And the porch goes now all the way around. They want to put this little 10 foot out, extension. 16' x 10' extension out the back, and screen that in. The rest of the porch will be all left open...

Mrs. Messina stated yes.

Board Member Bodor stated from the screening.

Mrs. Messina stated right.

Chairman Buzzutto stated okay.

Board Member Olenius stated from these photographs that you've submitted, it seems like you're very well secluded.

Board Member Bodor stated yes. That's a, you know, it does look wooded around there.

Mrs. Messina stated it is. And it's actually... We thought it would be the location that would be least disruptive.

Chairman Buzzutto stated do I have any input from the audience on this particular application. The builder will be yourselves.

Mrs. Messina stated no. I did put his name on the application. But I...

Board Member Olenius stated I thought I saw it somewhere.

Mrs. Messina stated Jim...

Board Member Burdick stated Huobel.

Mrs. Messina stated yes. Huobel.

Board Member Olenius stated really big guy with red hair.

Mrs. Messina stated yes.

Board Member Olenius stated he's very good. I used to work...

Mrs. Messina stated that's good to hear. Thanks.

Chairman Buzzutto stated okay, anymore input.

Board Member Olenius stated I'm just writing the differences.

Chairman Buzzutto stated Jerry, you have anything on this here.

Board Member Herbst stated no, I'm pretty familiar with the area, so...

Chairman Buzzutto stated you are familiar.

Board Member Herbst stated yes, I used to campaign over there.

(Laughter)

Board Member Herbst stated so I know it pretty well.

Chairman Buzzutto stated competition.

Board Member Bodor stated if there's nothing further, I'll make a motion to close the public hearing.

Board Member Herbst stated I'll second that.

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

Board Member Bodor stated are you working on something there, Lars.

Board Member Olenius stated I think I can figure something out.

Board Member Bodor stated okay.

Board Member Olenius stated bear with me on this one.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Lisa Messina, Case #06-10
*Enlargement of a Nonconforming Building***

WHEREAS, *Lisa Messina* is the owner of real property located at 25 Isabella Court (R-4 Zoning District), also identified as **Tax Map Parcel 34.-4-71**, and

WHEREAS, *Lisa Messina* 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 attach a 16' x 16' screened-in-porch to the existing wrap-around porch at the rear of the dwelling, 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 40' side yard setback; Applicant currently has 23'; Applicant will have 20'; and

WHEREAS, §154-7 of the Patterson Town Code requires an 80' rear yard setback; Applicant currently has 25.8'; Applicant will have 21', 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 21, 2010*** 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 well screened to the rear of the home.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the small size of the existing lot which exists in a cluster subdivision.***
3. the variance requested ***is*** substantial ***however given the property is in a cluster subdivision and as previously ruled by this Board, common land is to be shared by all within the cluster and the infringements are against the common land within the 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 portions of said addition are part of an existing structure and the increased space does not affect any impervious requirements.***

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 *Lisa Messina* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order attach a 16' x 16' screened-in-porch to the existing wrap-around porch...Excuse me.

In order to attach a 10' x 16' screened-in porch to the existing wrap-around porch at the rear of the dwelling.

Board Member Herbst stated second.

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

Resolution carried by a vote of 5 to 0.

Mrs. Messina stated thank you very much.

Board Member Olenius stated off to the Building Department.

Chairman Buzzutto stated okay.

4) **O'MARA REALTY CORP. CASE #07-10**

No one was present for O'Mara.

The Secretary read the following legal notice:

O'Mara Realty Corp. Case #07-10 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations. The Code there to be at least 225' of road frontage; Applicant has 150.59 feet; Variance requested is for 74.41'. The Code also requires a minimum lot size of 174,240 sq. ft. and a minimum lot width of 250'. The Applicant can provide 73,120 sq. ft. for lot size and 151.63' for lot width. Variances requested are for 101,120 sq. ft. and 98.37', respectively. This property is located at Old Road (R-4 Zoning District).

Chairman Buzzutto stated is the applicant here, O'Mara.

Board Member Herbst stated guess not.

Chairman Buzzutto stated we'll just hold it.

Board Member Bodor stated put it off till...

Chairman Buzzutto stated till the end.

Board Member Bodor stated the end and see what happens. This one is our first time we've seen it. So we really need...

Chairman Buzzutto stated yes.

Board Member Bodor stated the applicant here to talk to us about it. That's my feeling.

Board Member Burdick stated I agree.

Chairman Buzzutto stated okay. So what's the next. Oh, we have to go back up to Steger.

5) AL STEGER CASE #05-10

Mr. Al Steger and Mr. Michael Liguori, Hogan & Rossi, were present.

Mr. Michael Liguori stated good evening Members of the Board...

Chairman Buzzutto stated wait, wait, wait. Do you want to read that in.

Mr. Liguori stated oh, I'm sorry.

The Secretary stated do it again.

Chairman Buzzutto stated Steger.

The Secretary stated do you want me to read it again.

Chairman Buzzutto stated oh, you read it originally. Yes. Okay. I'm sorry, go ahead.

Board Member Bodor stated we put you off because nobody was here...

Chairman Buzzutto stated yes.

Board Member Bodor stated sequentially.

Mr. Liguori stated yes. Yes. I...

Board Member Bodor stated so that's why you're looking at it...Yes. Alright. You're last because you didn't show up first.

Mr. Liguori stated yes. No, I...First let me...My name is Michael Liguori, from Hogan & Rossi. Let's start with an apology for not being here last month. Last month was St. Patrick's Day, March 17th, and I had a meeting down in North Salem. And I figured with the Wireless [Edge] application on for the cell tower, I would have enough time to go from the first meeting to the second one. And I got up here around 8:15 [p.m.], I guess, and that application had been carried over as well as everything else. And I was out in the parking lot, and you guys were long gone.

[Laughter]

Board Member Bodor stated apology accepted.

Mr. Liguori stated thanks.

Board Member Herbst stated you came close to that again tonight.

Mr. Liguori stated you know, I have to say, I thought your meetings began at 7:30 [p.m.] and...Which is what I thought last month as well. So I figured by 8...When I left the other meeting, got here at 8:15, I thought, wow, 45 minutes, I can't believe with the items on the agenda that you guys would be out of here, but...Anyway, we had left off over a year ago in connection with Al's property over on 5 Center Street...Or it's, I'm sorry, 5 Front Street, 19 Center Street, which is located on the corner of Front [Street] and Center [Street]. Al's property's improved by two buildings; One building which is a grocery store, which is connected to a...It's partial commercial use and the rest is vacant. There's a second half of the first floor that's empty, and then the upstairs which is empty. And a second building, which is the current location of the post office. And that's Al's property. We had made application for a use variance to permit a residential use in the vacant portion of the structure with the grocery store. That use variance was denied. We went to the Town Board, and we asked the Town Board if they would consider amending the zoning for the GB district to permit the residential use of the...of properties in the GB District, which would be a 100% use of the second floor for residential purposes. We asked, actually, for residences to be permitted in the GB, as a whole, the zoning amendment that was adopted permitted 100% residential use for the second floor, and 45% of the first floor to be used for residential purposes. So they...the Town Board had adopted that zoning text amendment, and we made application to the Zoning Board of Appeals because it requires a special permit from the Zoning Board. And the way the...My understanding of the zoning text amendment is that you can have the apartment on the second floor as of right, but you need to meet certain criteria in order to extend that down to the first floor or to have an apartment on the first floor only. In this case, we can't have an apartment on the first floor only because of the design of the structure. According to the Building Inspector, we wouldn't be able to get a building permit to have a kitchen on the upstairs. So our bedrooms would be on the upstairs, which would be three bedrooms, and then our kitchen and living room would be on the first floor in the currently vacant portion of that building, which is separated. They have two separate uses. And when the zoning text revision was being written, certainly I know our property was in mind, and that area of our first floor is exactly 45%. So we're not asking for anything, you know, in addition to the...to what's there. It's just the top floor for the bedrooms, the bottom floor for the living room and kitchen.

Chairman Buzzutto stated basically that whole building, except for the store, will be...

Mr. Liguori stated residential.

Chairman Buzzutto stated residential for one apartment.

Mr. Liguori stated for one...

Chairman Buzzutto stated for one apartment in there.

Mr. Liguori stated that's right.

Chairman Buzzutto stated up and down.

Mr. Liguori stated up and down.

Chairman Buzzutto stated okay. And you say that you have some kind of a leeway to put a kitchen upstairs if you...

Mr. Liguori stated no, no. We...

Chairman Buzzutto stated I didn't quite get that.

Mr. Liguori stated the Building Inspector had advised us that after his review of the interior of the structure that it wasn't permitted for us to...I don't want to say that it wasn't permitted, but that the building wasn't built or designed to be capable to have a kitchen on the second floor. And that was based on the fact that the building was designed as a single-family residence. And the way the walls are constructed and the hallway and the entryways it would...He felt that he wouldn't be comfortable issuing a permit to just an apartment on the second floor.

Chairman Buzzutto stated okay.

Mr. Liguori stated I believe that's actually on the record from one of the prior variance applications. And I think it was the use variance...the first or second meeting of the use variance application. I came in after, I think, the third meeting and he had already been here and submitted testimony to the Board about the design of the building.

Chairman Buzzutto stated that statement by the Building Inspector was previous to all of this. Or was this just recent.

Mr. Liguori stated no. That...The statement by the Building Inspector was in connection with the use variance application which...

Chairman Buzzutto stated originally.

Mr. Liguori stated originally.

Chairman Buzzutto stated yes.

Mr. Liguori stated and that's right. And I'm just restating what the Building Inspector had said previously.

Chairman Buzzutto stated okay. How many bedrooms is that going to be upstairs there.

Mr. Liguori stated a total of 3.

Chairman Buzzutto stated three bedrooms.

Mr. Liguori stated the zoning asked that the Board analyze four criteria, which is that there's a special condition that exists that's unique to the property. The use of the first floor will not alter the commercial character of the neighborhood. That no suitable commercial use exists for the first floor. And that use of the first floor for an apartment shall not result in an overall increase in the number of apartments that would otherwise be permitted in the structure. And many of these criteria, at least two or three of them, I had discussed in length in support of the use variance application. But we believe there is a special condition that does exist in connection with the structure. Number one, it was originally designed as a single-family residence and that certainly impacts how the use of the building can be operated. Sometimes difficult to convert single-family residences entirely to commercial uses. It happens, but Al's certainly had some difficulty marketing this property for entirely as commercial. It's our opinion that the use of the first floor, particular to the location of the first floor, the entrance is on Center Street, towards the rear. It's not going to be on Front Street, which is really the commercial drive; that that's not going to alter the character of the neighborhood, and we think it's actually in keeping with the character because the boundary line between commercial and residential is right there. It's right after that piece of property. So when you come out the back, you're looking at residences and not stores. The second...The third is that no suitable commercial use exists for the first floor. And obviously we have a portion of the first floor that is used for a suitable commercial use. However, Al has had difficulty over the years in keeping a commercial tenant. And that was the basis for the use variance application, and is certainly the basis for this one.

Board Member Bodor stated is there a full bath upstairs and downstairs, so you have two full baths planned.

Mr. Al Steger stated there will be.

Board Member Bodor stated there will be. Yes, the planning...the plan is for a full bath up and a full bath down.

Mr. Steger stated right.

Board Member Bodor stated and there will be no access to the back of the bodega from this apartment. That's all going to be walled off, or is there going to be a doorway accessing.

Mr. Steger stated there is a doorway right now.

Board Member Bodor stated is it going to be sealed off.

Mr. Steger stated I hadn't planned to.

Board Member Bodor stated well that would make me a little uncomfortable because I think, you know, then you've got commercial access through a residential location. If someone's renting that apartment and there's a doorway going into a commercial business that's not related to them...I don't know. It doesn't set well with me, actually.

Mr. Liguori stated I guess we have to talk to the Building Inspector...

Board Member Bodor stated yes.

Mr. Liguori stated if there's some...some...

Board Member Bodor stated I'm just wondering what the plan is.

Mr. Liguori stated you know, code...if it's a code issue. Otherwise, the way the Code...The Code requires that access to the second floor be from the first, not the...

Board Member Bodor stated right.

Mr. Liguori stated external. So it almost implies that you would get access from the commercial to get to the residential. I don't know if that's just an anomaly...

Board Member Bodor stated no, because you can...You're entering from the parking area in the back and there's a stairway right there that goes upstairs.

Mr. Liguori stated that's right. That's right. I'm sorry. I wasn't talking about us specifically. If...I was just saying how the way the Code reads, with the requirement...

Board Member Bodor stated okay.

Mr. Liguori stated for access to the second floor to be inside of the building...

Board Member Bodor stated alright.

Mr. Liguori stated it's, you know, no...

Board Member Bodor stated but I don't think there should be a, you know, common...

Mr. Liguori stated yes, and I get...

Board Member Bodor stated doorway that allows...

Mr. Liguori stated right. Something to go back and...something to...

Board Member Bodor stated yes.

Mr. Liguori stated go back and forth.

Board Member Bodor stated right. Right.

Mr. Liguori stated and I guess it would make more sense...Let's say I lived there.

Board Member Bodor stated yes.

Mr. Liguori stated and I owned the commercial business.

Board Member Bodor stated right.

Mr. Liguori stated then it probably wouldn't make too much of a difference.

Board Member Bodor stated right.

Mr. Liguori stated but if I didn't, you know, if I didn't own the commercial business and I lived there, then certainly it would be awkward.

Board Member Bodor stated I think so.

Mr. Liguori stated you know. I guess we'll...I don't know if there's any technical requirements that require...

Board Member Bodor stated I don't know either. I'm just asking, you know. To me, I would not be comfortable with that...

Mr. Liguori stated okay.

Board Member Bodor stated door inside there.

Mr. Liguori stated okay.

Board Member Bodor stated just throwing that out.

Mr. Liguori stated yes.

Chairman Buzzutto stated wasn't that there suppose to be blocked off originally.

Board Member Bodor stated I thought so but I don't know.

Chairman Buzzutto stated yes. It's just an attached building to the residential. But I've never heard of...

Mr. Liguori stated you know, it...My understanding of the construction of the building was that the Center Street portion of the building was probably constructed first as a single-family residence and then there was an add-on, which is where the grocery store is. And I think based on the shape of looking at it, it looks like it was not constructed at the same time. At some point connected and made to be one whole space. And obviously it's just never gone back.

Chairman Buzzutto stated well, does the store have the number...the street number the same as the residential unit. The store is what number.

Mr. Liguori stated you know, I'm not exactly sure of this.

Mr. Steger stated the store is...Well, I don't know.

Chairman Buzzutto stated is that a Front Street address or is that a...

Mr. Steger stated it has a Front Street address.

Chairman Buzzutto stated alright. And the other one has a Center Street.

Mr. Steger stated and the building...the house, is a Center Street address, yes.

Mr. Liguori stated the only thing I'm confused about is, is the post office number 5, or is the grocery store number 5, you know. They both say...

Board Member Olenius stated that's right. Yes. Because they're both the same parcel.

Mr. Liguori stated yes, they certainly could be. It's entirely possible that you have a number of structures on one piece of property. But it would make sense that the apartment would be the Center Street address because that's where the access is, it's on Center Street.

Chairman Buzzutto stated I think we have to find out more about that door though.

Board Member Bodor stated well, I think that's, you know, that's something for the Building...

Chairman Buzzutto stated yes.

Board Member Bodor stated with the building permit. Unless there's something that spells it out. I don't know.

Board Member Burdick stated I haven't seen anything.

Board Member Olenius stated I didn't see anything that opposes or states anything in regards to that.

Board Member Bodor stated yes.

Board Member Olenius stated I don't think that weighs on our decision.

Board Member Burdick stated no, I don't think so either.

Chairman Buzzutto stated alright, do I have any input from the audience on this particular...Okay. Come up, Sir. Give your name and address.

Tom McNulty stated hi. My name's Tom McNulty. 78 South Street, in the hamlet. I just want to say you brought up some good points about the wall and the door between the space. I have some contracting experience and usually commercial from residential needs fire demising wall, and proper egress. So the store would need secondary egress. The apartments would need a secondary egress. I'm not familiar with the floor plan. And I'd also like to know in this, I guess this is a special use permit...zoning that you're going to make on this, is that we really restrict it to a single apartment with no way of having additional people move in with the problems we already have in the hamlet, with people overloading the houses. And I'd like you to take that into consideration. But the Building Department should take up, also the multiple meters on the building should be somehow...

Chairman Buzzutto stated there are 5 meters there. I...

Tom McNulty stated I don't know the number, but there's several. And, you know, they should be consolidated as well, to reflect single-family...or single apartment. So if you could take those into consideration.

Chairman Buzzutto stated and has the applicant decided anything on those extra meters.

Mr. Liguori stated well, if we can take them out of service...

Board Member Herbst stated are you talking about...

Mr. Liguori stated without a significant cost to AI, I don't think...

Chairman Buzzutto stated you want to talk into the mic please.

Mr. Liguori stated oh, sure. And AI, if you have input, too.

Mr. Steger stated well, I've...

Chairman Buzzutto stated you have to talk into the mic so she can get it on the tape. Sorry.

Mr. Steger stated I have a contract with an electrician that was in the middle of doing all of that; taking out the meters and putting one meter in, and all of that. And then this whole thing blew up. So, yes, the meter will be gone. We'll be down to three meters when we're done.

Board Member Bodor stated three meters.

Mr. Steger stated one for me, one for the building and one for the post office.

Chairman Buzzutto stated (inaudible) oil burners and stuff like that.

Mr. Steger stated yes. Yes.

Board Member Bodor stated oh, alright.

Chairman Buzzutto stated and the door is the bigger problem there. But you said that is for the Building Department.

Board Member Bodor stated that's really an issue for them, yes.

Chairman Buzzutto stated okay.

Board Member Bodor stated it was just something I was concerned with. And actually there are two entrances, exists, to each one of those spaces. Correct me if I'm wrong, but there's one for the residents facing the back...I call it the back. I guess you're going to call it the front of the apartment. And one faces the post office. And the bodega has one facing Front Street, and one on Center Street, too. Is that correct.

Mr. Steger stated that's right.

Board Member Bodor stated yes. So the two...

Tom McNulty stated they have their egress.

Board Member Bodor stated yes.

Tom McNulty stated just need a firewall. And then, just any consideration on parking. What happens with parking. You start to get a family in there, and if there're multiple cars, have that be addressed.

Board Member Bodor stated I think, you know, there would have to be adequate parking space on the premise, you know.

Mr. Steger stated actually we have, what...One, two, three, four, five, seven, eight...Ten parking spaces already.

Tom McNulty stated there is parking onsite.

Mr. Steger stated with only three people in the post office anymore, there's adequate parking.

Board Member Bodor stated so on the property...

Mr. Steger stated yes.

Board Member Bodor stated you would have onsite parking available.

Mr. Steger stated right.

Board Member Bodor stated yes. You were saying.

Mr. Liguori stated I just want to clarify that the Code doesn't require when you're on Front Street...

Board Member Bodor stated yes.

Mr. Liguori stated to have parking on the property.

Board Member Bodor stated right.

Mr. Liguori stated and that's...I just wanted to point that out. There is parking on the property. But because of the Front Street area and the general business district...

Board Member Bodor stated right.

Mr. Liguori stated you're credited spots by being able to have some public parking. And most of the properties on Front Street, don't have any parking whatsoever.

Board Member Bodor stated what do they do with their cars when there's a snow problem and they have to get off the street.

Mr. Liguori stated probably same thing every, you know, people do other places where they move along or they get snowed in. You know.

Chairman Buzzutto stated yes, but from November, what, 15th ...

Board Member Bodor stated to April.

Chairman Buzzutto stated April.

Board Member Bodor stated yes.

Chairman Buzzutto stated you're not supposed to have...I don't know about Front Street down there. That's different there.

Mr. Liguori stated the presumption is if you're on Front Street and you own on Front Street, and you cannot park on your property, then you really don't have an option other than to park in the street. You can park in your public parking. I think the snow restriction is only applicable to the residential neighborhoods. In the commercial districts, there is town parking, that's your only parking. So you should be able to park there.

Board Member Olenius stated yes. It's a parking spot.

Mr. Liguori stated right.

Board Member Olenius stated it's not the side of the street.

Mr. Liguori stated that's right.

Board Member Olenius stated like, you know.

Tom McNulty stated but you're looking to put residential now, in a general business district.

Mr. Liguori stated I...

Tom McNulty stated that's why it should be addressed.

Mr. Liguori stated but the Code contemplates that. It specifically addresses that.

Chairman Buzzutto stated you have to talk into the microphone.

Mr. Liguori stated I'm sorry.

Chairman Buzzutto stated one at a time. I'm sorry.

Mr. Liguori stated the Zoning Board is really just following the Code that the Town Board adopted, and that specifically contemplates that if there is a residential use, that you are permitted to park on Front Street.

Chairman Buzzutto stated but the grocery store, the mailing address to that would be Front Street, and the mailing address to the apartment would be Center Street.

Mr. Liguori stated more likely than not.

Chairman Buzzutto stated well, that creates a difference in...

Mr. Steger stated there is a mailing address in affect because the rules of the post office say you have to have a box if you're within 500', or whatever it is, so they don't deliver to the houses, you know.

Chairman Buzzutto stated yes, but a 911 area...911...

Board Member Bodor stated 911 address would be...

Chairman Buzzutto stated would be...

Board Member Bodor stated whatever.

Chairman Buzzutto stated yes, whatever.

Board Member Bodor stated it's assigned by emergency services.

Mr. Liguori stated I mean, the tax card reads 5 Front (Street), 19 Center (Street). It doesn't...

Board Member Bodor stated it doesn't...

Mr. Liguori stated distinguish. But it would make sense if your access was on Center that that would be the...

Chairman Buzzutto stated but what I'm saying, people living in the residence would have the same privileges as a business on Front Street to park.

Mr. Liguori stated yes.

Chairman Buzzutto stated this is confusing me now. You know what I mean.

Board Member Olenius stated it's because the property's on the corner.

Chairman Buzzutto stated yes.

Board Member Olenius stated it has frontage on both, so...It's one property.

Mr. Liguori stated I suspect that because of the amount of property that's already on site, and the business hours, most people go to work while stores are open, there'll be enough to make it happen. But I understand that, you know, that the neighbor's concern is that if this thing is overcrowded, then there's going to be parking all over the place and it's going to be a very serious problem. And to address that, obviously the documentation that's going to come from you guys, would limit what we're permitted to do to a single-family...you know, a single-family residence, essentially. Or just, the other way to put it is a three bedroom apartment that's on the first and second floor.

Board Member Bodor stated part of the new Code...recently adopted Code, number 5 says: The applicant shall demonstrate that adequate parking has been provided on the parcel on which the apartment or apartments are located, or that sufficient parking otherwise exists within the immediate neighborhood, and is available for use by the future tenants. All parking shall be in accordance with Article 14 of this Chapter, unless otherwise decided by the Planning Board. So they have taken into consideration the parking situation in a situation like this.

Chairman Buzzutto stated our application's only for a special use...

Board Member Bodor stated yes. But it was a question and...

Chairman Buzzutto stated that will have to be addressed by the...

Board Member Bodor state it's taken care of right here, and...

Chairman Buzzutto stated yes. It's in the law. Yes.

Board Member Bodor stated unless the Planning Board decides something different, that's the way it is. And then that's enforcement...

Chairman Buzzutto stated right.

Board Member Bodor stated issue, beyond all that.

Chairman Buzzutto stated alright. Are there any more questions that you'd like to...

Tom McNulty stated no. I'm done.

Chairman Buzzutto stated okay. This is strictly a one-family with a bodega over there, or whatever...Post office. Is there anything else on this. Any other questions, no. Okay. You have anything, Jerry.

Board Member Herbst stated no. I'm very familiar with Mr. Steger, so I know the house.

Chairman Buzzutto stated alright. If there are no more questions, then I'm going to close the public hearing on this.

Board Member Bodor stated I'll second.

Chairman Buzzutto stated okay. All in favor. Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated opposed. Public hearing is now closed. Who has the reso on that one.

Board Member Bodor stated yes, no.

Board Member Olenius stated I'm cross-referencing. I think I can do this. Okay.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Al Steger, Case #05-10
*For a Special Use Permit for Apartments***

WHEREAS, *Al Steger* is the owner of real property located at 5/19 Center Street/Front Street (GB Zoning District), also identified as *Tax Map Parcel #3.20-1-49*, and

WHEREAS, *Al Steger* has made application to the Patterson Zoning Board of Appeals for Special Use Permit as set forth in §154-115.1 of the Patterson Town Code; Apartments, and

WHEREAS, §154-115.1 states that a special permit may be granted by the Zoning Board of Appeals to allow a portion of a principal building located in the GB zoning district to be used for one or more apartments, subject to the standards and conditions of §154-115.1, and

WHEREAS, the proposed action constitutes an unlisted action under 6 NYCRR Part 617, and

WHEREAS, that the Patterson Zoning Board of Appeals has reviewed the environmental assessment form and other documentation and finds the proposed action *will not* have significant effects on the environment for the following reasons:

1. There *will not* be substantial change in existing air quality, ground or surface water quality or quantity, traffic or noise levels.
2. There *will not* be substantial increase in potential for erosion, flooding, leaching or drainage problems.
3. There *will not* be removal or destruction of large quantities of vegetation or fauna.
4. There *will not* be substantial increase in traffic or the use of existing infrastructure.
5. There *will not* be significant impairment of the character or quality of architectural or aesthetic resources of the existing neighborhood character.

WHEREAS, a public hearing was held at the Patterson Town Hall, 1142 Route 311, Patterson, New York on...

Board Member Olenius stated do I have to announce that date.

The Secretary stated I think so.

Carl Lodes stated it was on the calendar. Yes.

Board Member Olenius stated okay.

Board Member Olenius continued to read the following resolution:

On *March 17, 2010 and again on April 21, 2010*, to consider the application; and

WHEREAS, the Applicant has requested to use a portion of the first floor of the building for residential occupancy, and

WHEREAS, the Zoning Board of Appeals finds that it is appropriate to use a portion of the first floor not to exceed 642 square feet, or 47% of the total first floor area for the following reasons;

- (1) a special condition exists that is unique to the property or building, *in that the structure was*

constructed as a single-family residence.

- (2) use of the first floor area for apartments shall not alter or affect the commercial character of either the neighborhood or streetscape, ***because the entry for the proposed residential use is located on Center Street and the commercial use entrance is located on Front Street.***
- (3) no suitable commercial use exists for the first floor area, ***as previously submitted by Mr. Steger through financial records and past experience trying to rent said property.***
- (4) use of the first floor for an apartment, shall not result in an overall increase in the number of apartments that would otherwise be permitted within the structure. ***The structure is limited to one apartment due to its physical characteristics.***

WHEREAS, the Zoning Board of Appeals finds that the architecture of the building, as it currently exists meets the requirements of Section 154-115.1(B) in that;

- (1) The architecture of the building compliments the architecture of the surrounding buildings.
- (2) The entrance to the apartment is from Center Street, is not being overt, and blends with the overall architecture of the building.
- (3) The Stairways providing principal access to the second floor is located within the walls of the building.

WHEREAS, the Zoning Board of Appeals finds that use of property for a single residential unit meets the requirements of Section 154-115.1(C) to create a safe and harmonious environment for the future tenants, and

WHEREAS, the Zoning Board of Appeals finds that the Application as presented *meets* the Standards and guidelines of...

TAPE ENDED

Board Member Olenius continued to read the following resolution:

Guidelines of §154-93 in so far as;

- (1) The use *is* of a size and character that, in general, it will be in harmony with and conform to the appropriate and orderly general development of the town and, in particular, the district in which it is located.
- (2) The use ***will not*** increase congestion in the streets; create unsafe conditions; cause an overcrowding of land.
- (3) The proposed use *is* suitable for the character of, and will conserve the values of buildings and property the district in which it is located.
- (4) The location, nature, and size of the building ***will not*** adversely affect the use of property in

the general neighborhood.

- (5) There *does* exist sufficient capacity within the area for the proposed use.

WHEREAS, the Zoning Board of Appeals finds that a single apartment on the second floor of the building, and which extends to a portion of the first floor of the building as heretofore set forth is a reasonable use of the property, and

WHEREAS, The Patterson Zoning Board of Appeals finds that the Applicant has met the requirements for the issuance of a Special Use Permit in accordance with §154-115.1 of the Patterson Zoning Code, subject to any conditions contained herein.

NOW THEREFORE BE IT RESOLVED that the Patterson Zoning Board of Appeals and issues a negative SEQRA declaration, and

BE IT FURTHER RESOLVED, the Patterson Zoning Board of Appeals wishes to *grant* the request of *Al Steger* for a Special Use Permit *to allow for an apartment in the GB District as set forth in §154-115.1* of the Patterson Zoning Code; Apartments, and

BE IT FURTHER RESOLVED, that the special use permit granted herein is subject to the following special conditions:

1. The Applicant shall post as required by the section appropriate e-911 identification numbers for the apartment.
2. Prior to occupancy of the apartment, the Applicant shall comply with Chapter 129 of the Patterson Town Code.

Board Member Herbst stated second.

UPON ROLL CALL:

Board Member Bodor -

Board Member Bodor stated before we vote, I have a question. Way back in the very beginning, one, two, three, four, five whereas', it said we reviewed the environmental assessment form. Is that an error. I mean, I don't recall seeing one. Is it a requirement.

Carl Lodes stated you should have done that.

Board Member Bodor stated do we have one.

Rich Williams stated there should have been an environmental assessment form submitted with the Special Use Permit.

Board Member Bodor stated I haven't seen one.

Chairman Buzzutto stated you're talking about the original application, Rich, or...

Board Member Bodor stated it should be with this application, because this is a special permit.

Mr. Liguori stated I thought I submitted the short form. Sarah, do you have it. I don't know if I have a copy of what I submitted. I was wondering if you might.

The Secretary stated I don't see anything. This is what you submitted, but...

Board Member Bodor stated it's not in here is it.

Board Member Olenius stated I don't have one.

Board Member Bodor stated I've been going through the papers.

Rich Williams stated why don't you table the motion.

Mr. Liguori stated can I just print one off.

Rich Williams stated I don't know. Can you. Do you have a computer in front of you.

Mr. Liguori stated yeah.

[Laughter]

Rich Williams stated we'll be right back.

Board Member Olenius stated we'll table this and move on to the next case.

Rich Williams stated yes. Why don't you table this, move on, give him a few minutes to fill it out, and we'll get it back to you. You can take a look at it.

Board Member Bodor stated okay.

Rich Williams stated it's just one page, two pages.

Board Member Bodor stated but it belongs here right.

The Secretary stated yes.

Board Member Bodor stated thank you.

Carl Lodes stated I thought it was in the package.

Chairman Buzzutto stated yes.

Board Member Bodor stated alright. We'll table this application until the rest of the materials are submitted to us this evening, and go on. Yes.

Chairman Buzzutto stated yes. All in favor of that. Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated did you on the whereas' there was a meeting held on March the 17th.

Board Member Olenius stated well, it was a public hearing.

Board Member Burdick stated it was...

Chairman Buzzutto stated it was a public hearing.

Board Member Burdick stated it was published, yes.

Board Member Olenius stated it was published in the paper.

Chairman Buzzutto stated okay. We didn't do anything.

Board Member Olenius stated we held it over.

Board Member Bodor stated no one from O'Mara's here tonight, are they. No. They still didn't come.

Board Member Olenius stated Hudson Valley Trust.

Board Member Herbst stated O'Mara's not here. Should we move on to other business then.

Board Member Olenius stated Hudson Valley Trust.

Board Member Bodor stated we have Hudson Valley Trust.

Board Member Herbst stated oh, yes. There it is. Other Business and then Hudson Valley.

6) HUDSON VALLEY TRUST, INC. CASE #08-10

Mrs. Theresa Ryan, Insite Engineering, was present.

The Secretary read the following legal notice:

The Hudson Valley Trust, Inc. Case #08-10 – Initial Application

Applicant is requesting an amendment to a previously issued Special Use Permit under §154-95 of the Patterson Town Code; Clubs, in order to include the existing barn and surrounding property. The Applicant is also requesting three area variances: One pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings and two pursuant to §154-95 C.; Clubs. The proposal includes improvements associated with the reconstruction and rehabilitation of the existing barn structure and parking and access improvements. §154-95 C. requires that no structures be any closer than 100 feet to any road or property line.

Applicant has 14' from the front yard and 10' from the side yard; Variances requested are for 86' and 90', respectively. This property is located at 2 Route 164 (R-4 Zoning District).

Chairman Buzzutto stated okay.

Mrs. Theresa Ryan stated would you like me to put a plan up.

Chairman Buzzutto stated yes. 2 Route 164.

Board Member Bodor stated that's the old Town Hall.

Chairman Buzzutto stated is that what that is.

Board Member Bodor stated it's up behind.

Board Member Herbst stated across the street.

Board Member Bodor stated a little bridge to cross over to the field, and the barn is up behind the Cann property.

Chairman Buzzutto stated yes. Right. Okay. Okay. You want to...You're the attorney [referring to Theresa Ryan].

Board Member Bodor stated no. She's not an attorney. Planner.

Chairman Buzzutto stated oh, yes. Do you swear the testimony you provide tonight will be the truth, the whole truth.

Mrs. Ryan stated I do.

Board Member Bodor stated your name for the record, please.

Mrs. Ryan stated Theresa Ryan from Insite Engineering, Surveying, and Landscape Architecture, P.C.

Chairman Buzzutto stated okay.

Mrs. Ryan stated I eat my Wheaties. The property consists of about 19 acres. You're probably all familiar with it, you used to hold your meetings here; the old Lawlor building on the corner of [Route] 164 and Route 311. The orange boundary is one part of the property that Hudson Valley Trust owns. They also own on the other side of the railroad tracks, a slightly larger piece. But this piece is the subject of the application [referring to the plans]. As you know, they used the Lawlor building for non-for-profit organizations to hold meetings. And they own a barn, which can be accessed off of the end of Cann Lane. There's also a trail that there's a new bridge that was put in a few...a couple of years ago. There's a trail that crosses that bridge that can access the back part of the barn. The main part of the barn is three stories. When you're looking at it from Cann Lane, you're looking at two stories of it. When you go around to the back of it, you can see the full three stories of this...the existing main structure. There's also a smaller structure that makes it an L shape, and this is a one story...What Hudson Valley Trust is proposing to do it to refurbish and renovate the existing three story barn. It will still look the same on the outside. And then take down the old one story structure and rebuild it slightly larger. And then they're also going to add a

silo type structure on the southern end of the existing barn. And what they're proposing to do with this structure is use it the same way that they used the Lawlor building, only one or two people there on a day-to-day basis, and then if there are events, they will have a jitney bus pick the attendees up at the Lawlor building parking lot. The jitney bus will drop the attendees off at the upper level of the existing barn structure, or the attendees will walk across the bridge using the existing trail. The silo structure will also be three stories. The reason why we need the variances is because even though the barn is an existing...pre-existing nonconforming structure, is because we want to convert it to a club. That brings us to the second reason that we're here, is that...Is the existing Lawlor building has a special permit that was issued in November of 2003 for a club, and we would just like to amend that to include the barn structure. And it's my understanding that a club use, if there's going to be more than 25 people at any given time, that structure has to be 100 feet from a front yard property line. This property is unique because it has three front yards. It has frontage on Route 164, on Route 311, and also on Cann Lane. The Cann Lane frontage is where we need a variance. I didn't see anything about the side yard requiring a variance because that's pre-existing, nonconforming. It's required to be 40'. But the club use does not have a side yard restriction that I'm aware of. I have to confirm that. So it would be the front yard variance, maybe the side yard variance, a variance, I think, from 154-58 you mentioned for the expansion of a pre-existing, nonconforming, because we are going to expand this barn and add the silo. And I understand that the notices were not sent so, we don't officially have a public hearing yet, but we would like the Board to schedule a public hearing for May and do your site walk. It think some of the things are already staked out, if the stakes are still there.

Chairman Buzzutto stated okay. Let's schedule a public hearing for that. It will be in May, at the May meeting. You want to take a site walk on this before that, right.

Board Member Olenius stated May 19th.

Mrs. Ryan stated May 19th.

Board Member Olenius stated May 19th is the meeting.

Chairman Buzzutto stated okay. So we setup the meeting for...

Board Member Olenius stated would somebody from your firm be able to meet us at the site walk just to...

Mrs. Ryan stated yes.

Board Member Olenius stated I know you said something was staked already. But, so we get the...

Mrs. Ryan stated the access. Part of the improvements would be, there is an old access that existed in this area. You've probably seen the stonewall there. There's a break in the stonewall. There was an access there that came to the back of the barn. We're going to make improvements to that. So we had that center line of that access staked, so you can follow that all the way to the back of the barn.

Chairman Buzzutto stated for parking, we can park in the old Town Hall.

Mrs. Ryan stated you can park in the Lawlor building, yes. Parking lot.

Chairman Buzzutto stated that would be...

Board Member Bodor stated that would be the best place, yes.

Chairman Buzzutto stated best place, okay.

Mrs. Ryan stated and you can go over that nice bridge.

Board Member Bodor stated walk across the bridge.

Chairman Buzzutto stated the little bridge. Okay.

Board Member Olenius stated are you available during the week or someone from your firm.

Mrs. Ryan stated yes.

Board Member Olenius stated like after...It could be later.

Mrs. Ryan stated yes. Anytime you say.

Board Member Olenius stated probably like 5 p.m. or something.

Mrs. Ryan stated yes.

Board Member Olenius stated we'll figure out a date and we'll get...

Mrs. Ryan stated okay.

Board Member Olenius stated or Sarah will get a hold of you and let you know.

Mrs. Ryan stated okay.

Board Member Olenius stated okay.

Mrs. Ryan stated thank you.

Board Member Olenius stated I'll save all my questions for the...

Board Member Burdick stated thanks Theresa.

Board Member Olenius stated walk through.

Mrs. Ryan stated okay. Good.

Chairman Buzzutto stated okay. Going back to...We'll send you notice of when we're going to take a site walk.

Mrs. Ryan stated okay.

Chairman Buzzutto stated it will probably be an evening site walk, right. Yes.

Board Member Bodor stated probably.

Board Member Olenius stated it's daylight out right now.

Chairman Buzzutto stated yes.

Mrs. Ryan stated okay. Thank you.

Board Member Burdick stated thanks, Theresa.

Board Member Olenius stated thank you, Theresa.

Board Member Bodor stated you're welcome. Thank you.

AL STEGER CASE #05-10 – Continued

Chairman Buzzutto stated did you get that...Oh, we got it right here.

Board Member Herbst stated oh, Mr. Steger. What is this [referring to the environmental assessment form for Mr. Steger].

Board Member Burdick stated pass it [referring to the environmental assessment form].

Board Member Olenius stated keep one.

Board Member Herbst stated I thought that was all one.

[Laughter]

Chairman Buzzutto stated it's a packet of information.

Board Member Herbst stated that's what happens when I get here too early.

Board Member Bodor stated would you like to see one.

Board Member Herbst stated Sarah, that particular thing, you said it was across the road.

The Secretary stated remember when you came in...

Board Member Herbst stated but it's not.

The Secretary stated tonight, and I said it wasn't.

Board Member Herbst stated it's behind the building on the other side.

The Secretary stated that's what I said tonight when you came in. I said I was wrong and that's behind it.

Board Member Herbst stated because there is a barn across the road. That's not it.

The Secretary stated no.

Board Member Herbst stated okay. Now we're both squared away.

Chairman Buzzutto stated all set. Everyone on this...

Board Member Bodor stated question. Number 10, does the action involve a permit approval or funding or...now, or ultimately from any other governmental agency. Don't we need a building permit. Yes, no.

Mr. Liguori stated yes. I don't think that...

Board Member Bodor stated that's not...

Rich Williams stated for purposes of SEQRA, building permit's a type II action and that's not relevant to that particular question.

Board Member Bodor stated okay. Alright. Thank you.

Chairman Buzzutto stated okay.

Board Member Bodor stated that's it.

Chairman Buzzutto stated that was it.

Board Member Bodor stated and we had a second (inaudible) finished reading. Yes.

Chairman Buzzutto stated yes.

Board Member Bodor stated we had a second on the motion, so we can just go on.

Board Member Herbst stated (inaudible) I second it.

Board Member Bodor stated we had discussion now, so now we can go forward with the vote, right.

Carl Lodes stated correct.

UPON ROLL CALL:

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

Resolution carried by a vote of 5 to 0.

Mr. Liguori stated thank you very much. And thanks for accommodating us, we really appreciate it.

Chairman Buzzutto stated good luck.

Board Member Olenius stated good luck. You can finally get something there.

(Laughter)

Board Member Bodor stated okay.

Board Member Olenius stated three years for the permit renewal. That's it.

Board Member Bodor stated okay.

Board Member Herbst stated do you think he's going to do what he did the last time.

Board Member Olenius stated I doubt it.

Board Member Herbst stated I'm talking about going back 15 years or something like that.

Board Member Olenius stated I doubt it. I doubt it.

Board Member Herbst stated Marianne might remember that.

Board Member Burdick stated yes, I do remember it, Jerry.

Board Member Herbst stated he wanted the one family and he made two out of it.

Board Member Burdick stated yes.

Board Member Olenius stated I heard the stories.

Board Member Bodor stated oh, yes.

O'MARA REALTY CORP. CASE #07-10 – continued

Board Member Bodor stated on the O'Mara Realty Corporation Case #07-10 has not appeared tonight, so we'll move them to the May meeting. If they could be notified that they're on the May agenda, would be good.

The Secretary stated okay.

Board Member Bodor stated thank you.

Chairman Buzzutto stated alright, so that would be two cases for May.

7) OTHER BUSINESS

Board Member Bodor stated other business.

Chairman Buzzutto stated site walk.

a) Minutes

Board Member Burdick stated we also have minutes, right.

Board Member Bodor stated yes. We have two sets of minutes to approve, however, I did not get the...

Chairman Buzzutto stated well, it was on the email.

Board Member Bodor stated one set until today, and I didn't get a chance to read them.

Chairman Buzzutto stated yes.

Board Member Bodor stated so I have March 17th here, and I'll make a motion to approve them.

Board Member Burdick stated second.

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

Chairman Buzzutto stated opposed, no.

Board Member Bodor stated and if we can, you know, hold March 22nd off until the next meeting for approval, if that's okay with everyone.

Board Member Burdick stated yes, because I didn't get a chance to read those.

Chairman Buzzutto stated what else is on there.

b) Site Walk

Board Member Burdick stated site walk.

Board Member Bodor stated site walk.

Chairman Buzzutto stated you said the meeting was on the...

Board Member Burdick stated 19th. Unless...Does anybody have any reason that that needs to be rescheduled.

Board Member Bodor stated I don't think so.

Board Member Burdick stated the 19th.

Chairman Buzzutto stated that would be for Hudson Valley.

Board Member Olenius stated I'm just going to throw out that virtually every Monday in May is bad for me.

Chairman Buzzutto stated okay.

Board Member Olenius stated so I think...I don't know. Go from there.

Board Member Herbst stated right now I've got a pretty clear schedule except the 26th of May and the...

Board Member Olenius stated it's got to be before the 19th.

Board Member Herbst stated yes, well I'm fine. I'm all the way through, I'm fine. So whatever date you set is fine with me.

Chairman Buzzutto stated any particular dates.

Board Member Burdick stated May 6th, May 11th. Those are the first dates that are okay for me, in May.

Board Member Olenius stated what day of the week is the 6th.

Board Member Burdick stated the 6th is a Thursday. The 11th is a Tuesday.

Board Member Olenius stated the 6th sounds fine for me.

Board Member Herbst stated 6th is good.

Board Member Bodor stated May 6th. First choice.

Board Member Herbst stated do I make it 6, then.

Board Member Olenius stated we're going to have a second...

Board Member Bodor stated go with it.

Board Member Olenius stated rain date anyway, so...

Board Member Burdick stated yes. 5:15 okay...

Board Member Bodor stated 5:15.

Board Member Burdick stated with everybody.

Board Member Olenius stated 5:15.

Board Member Herbst stated 5:15. Alright.

Board Member Bodor and let's use...How about the 11th as a rain date.

Board Member Herbst stated okay.

Board Member Bodor stated or is that going...if somebody's not available to go...Insite. Yes.

Board Member Olenius stated is the 11th a...

Board Member Bodor stated a Tuesday.

Board Member Burdick stated the 11th is a Tuesday.

Board Member Olenius stated a Tuesday.

Board Member Bodor stated yes. It's the following Tuesday. So that will be our second choice.

Board Member Herbst stated alright, wait a minute now.

Chairman Buzzutto stated it's at the site, right. Right there.

Board Member Burdick stated yes.

Board Member Bodor stated yes, at the Lawlor Building.

Board Member Herbst stated Tuesday is the rain date, the 11th.

Board Member Olenius stated yes.

Board Member Bodor stated yes.

Board Member Herbst stated alright. And the 6th is...

Board Member Olenius stated what we're set for right now, 5:15.

Board Member Herbst stated and that's what, a Monday.

Board Member Olenius stated that's a Thursday.

Board Member Burdick stated the 6th is a Thursday.

Board Member Herbst stated a Thursday, okay.

Chairman Buzzutto stated all agree to that.

Board Member Bodor stated yes.

Chairman Buzzutto stated it seems okay.

Board Member Herbst stated we'll meet at the...

Chairman Buzzutto stated at the Lawlor Building.

Board Member Bodor stated the Lawlor Building in the parking lot.

Board Member Herbst stated okay.

Board Member Bodor stated put your hiking shoes on to walk down through the woods and...

Chairman Buzzutto stated Rich, have any input.

Board Member Bodor stated and through the valley.

Rich Williams stated very nice bridge over there.

Board Member Bodor stated it looks nice. I've never seen...I've never been on it.

Chairman Buzzutto stated will it hold my weight.

Rich Williams stated and then some.

Chairman Buzzutto stated okay.

Rich Williams stated (inaudible – too distant) how that thing is built.

Board Member Bodor stated anything else. I make a motion to adjourn.

Board Member Olenius stated second.

Board Member Burdick stated second.

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

Meeting was adjourned at 8:21 p.m.