

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
April 22, 2008**

AGENDA & MINUTES

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1) Christian Olsen Case #03-08	1 – 32	Public hearing closed; Area variances and Special use permit granted for construction of a single-family dwelling
2) Other Business		
a) Discussion of cell tower meeting	32 – 35	No meeting scheduled; waiting to hear from Applicant
b) Discussion of Matera letter	35 – 37	Send Matera Tobin resolutions
c) Minutes	39 – 40	Approved 2/20/08, 2/26/08, and 3/19/08 minutes

PLANNING DEPARTMENT

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

Michelle Russo
Sarah Wagar
TOWN OF PATTERSON



ZONING BOARD OF APPEALS

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Mary Bodor, Vice Chairwoman
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Martin Posner

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PLANNING & ZONING OFFICE

**Zoning Board of Appeals
April 22, 2008 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 Burdick, Board Member Lars Olenius, Board Member Posner, Jennifer Herodes, Attorney with Town Attorney's Office Curtiss, Leibell, Herodes & Molé and Rich Williams, Town Planner.

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

Chairman Buzzutto led the salute to the flag.

Approximately 6 members in the audience.

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

Roll Call:

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

1) CHRISTIAN OLSEN CASE # 03-08

Mr. Christian Olsen 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 Tuesday, April 22, 2008 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Christian Olsen Case #03-08 – Special Use Permit and Area variances

Applicant is requesting a special use permit as set forth in §154-106; Accessory buildings. Applicant wishes to construct a new single-family dwelling on the nonconforming lot, and live in the existing (pre-existing) dwelling until the new dwelling is constructed and a C of O is issued. Applicant is also requesting area variances pursuant to §154-106; Accessory Buildings and §154-7 of the Patterson Town Code; Schedule of Regulations. §154-106 of the Patterson Town Code requires the property to be five or more acres; Applicant has .78 acres; Variance requested is for 4.22 acres. Applicant also has 103' of road frontage; Code requires 225'; Variance requested is for 122'. Applicant can provide 37' and 26' for his side yard setbacks; Code requires 40'; Variances requested are for 3' and 14' respectively. This property is located at 4 Cann Lane (R-4 Zoning District).

Chairman Buzzutto stated alright. Christian Olsen.

Mr. Christian Olsen stated yes.

Chairman Buzzutto stated you want to...you heard Sarah read the...what's on the agenda. Is this inline with what you want; everything she's read is...

Mr. Olsen stated exactly.

Chairman Buzzutto stated basically...Any changes on your mind or...

Mr. Olsen stated there's none.

Chairman Buzzutto stated none. So we're just going to read...dash this out there...The basic thing is that you want to leave the smaller bungalow on the property while the...the primary bungalow, while the primary house will be built.

Mr. Olsen stated right.

Chairman Buzzutto stated alright. Do we have any input on that. We did take a site walk on that.

Mr. Olsen stated right.

Chairman Buzzutto stated and it was quite a piece of property over there. Do you have anything on this other than the...Marty, do you have any questions on this piece...

Board Member Posner stated no. I'm just reading through. No, I looked through it.

Chairman Buzzutto stated and the house that you're going to build will be set down in that what was once a quarry or something there.

Mr. Olsen stated right. An old railroad quarry.

Chairman Buzzutto stated an old railroad quarry is going be back filled and everything up to...

Mr. Olsen stated right.

Board Member Olenius stated and you stated the existing dwelling would be demolished upon completion...

Mr. Olsen stated yeah.

Board Member Olenius stated of the other home. You have no intentions of creating a garage or any other type of...

Mr. Olsen stated no.

Board Member Olenius stated structure.

Chairman Buzzutto stated that's a stipulation. The driveway to approach this, where is this going to come in. Right where the yellow one...

Mr. Olsen stated right where the old house is.

Chairman Buzzutto stated right where the old house is. It's going to come in there. I didn't see a driveway there before.

Mr. Olsen stated well, I mean, the driveway is towards the back of the house.

Chairman Buzzutto stated oh, I see.

Mr. Olsen stated so, I mean, basically, I'd tear that old driveway out and just put a lane right in where the last house...

Chairman Buzzutto stated yeah. Okay. Let's see. Variance needed would be...

Board Member Bodor stated there's a shed on the property currently. I understand that's going to be removed too.

Mr. Olsen stated right.

Chairman Buzzutto stated yeah. Okay. And the well to feed this dwelling will be the well that feeds the yellow house.

Mr. Olsen stated yeah.

Chairman Buzzutto stated there's not going to be another well dug there or...

Mr. Olsen stated no.

Chairman Buzzutto stated no. Just...

Mr. Olsen stated just use the existing one.

Chairman Buzzutto stated okay. Does that meet...Marianne. Using the same well. Does that meet the standards, or would that have to be done with the Board of Health.

Board Member Burdick stated well, have you gotten approval from the Health Department yet for the...

Mr. Olsen stated I haven't gone anywhere near the Health Department.

Board Member Burdick stated that would all be looked at with the Health Department. As long as there is no problem and the setbacks can be met, then there wouldn't be a problem with using an existing well.

Chairman Buzzutto stated using the...there wouldn't be a problem using it. No, okay. As long as it meets the Health Department...

Board Member Burdick stated as long as he can meet the setbacks from the septic and all...

Chairman Buzzutto stated okay.

Board Member Burdick stated are you using the existing septic.

Mr. Olsen stated yeah.

Board Member Burdick stated so it's already pre-existing.

Chairman Buzzutto stated okay. What was the height of the newer dwelling.

Mr. Olsen stated I don't have the exact height.

Dave Raines stated 23.5' from grade.

Chairman Buzzutto stated 23'.

Dave Raines stated 23' and about 6".

Chairman Buzzutto stated so it's well within the height there. I didn't see that on the...

Dave Raines stated it might not. I have the plans.

Board Member Bodor stated we have these ones here.

Chairman Buzzutto stated I didn't bring my own set.

Board Member Bodor stated they're right here [referring to plans of the house].

Chairman Buzzutto stated okay.

Board Member Bodor stated this is the floor plan.

Chairman Buzzutto stated well, I don't know how much we should probe into this. We went over this quite thoroughly and...

Board Member Bodor stated that's right. And I do understand too that from the site visit that the number of bedrooms will remain...

Mr. Olsen stated yes. Two.

Board Member Bodor stated as they are now.

Mr. Olsen stated yes.

Chairman Buzzutto stated yeah. Okay. Do I have any input from the audience on this. You have...

Jean-Christophe Santalis stated we're the neighbors next door. We have a couple of things to say.

Chairman Buzzutto stated did you want to speak on this. Did you want to come up to the microphone and give your name. You're the neighbors next door, down...

Jean-Christophe Santalis stated we're the adjoining property.

Chairman Buzzutto stated it's down...

Jean-Christophe Santalis stated yeah.

Chairman Buzzutto stated okay. What is...

Jean-Christophe Santalis stated well, there's a...

Board Member Bodor stated excuse me. What is your name.

Jean-Christophe Santalis stated Jean-Christophe Santalis and this is Lisa Santalis.

Board Member Bodor stated okay. And your address there is.

Jean-Christophe Santalis stated 8 Cann Lane.

Board Member Bodor stated 8 Cann Lane.

Jean-Christophe Santalis stated yeah.

Board Member Bodor stated you're the new construction down behind...

Jean-Christophe Santalis stated yeah.

Lisa Santalis stated yes.

Board Member Bodor stated okay.

Jean-Christophe Santalis stated yeah. Well, we are strongly opposed to the location of the house. We don't have a problem with doing a house, but the location we have a few problems with. First of all, we moved from Manhattan for the country setting, for the openness of Patterson. The new house that Mr. Olsen wants to create would be hovering over our house, which would be very awkward. It would affect the value of our house. I mean, we certainly wouldn't have bought the property if there was a house hovering up over it. It blocks light, views, all kinds of things. That's the main thing; our privacy. And I did speak to Chris about that, and the proposed resolution of putting trees there is just not going to work for a number of reasons. First of all, it is a very awkward space. And there's no guarantee that any trees will grow there. You would need some very tall trees also. The height, I think you just mentioned, was 20 something feet. You would need mature trees. And I think Chris said that he had some that he could move there, but I don't know if moving a mature tree to that location... There's no soil there whatsoever. It's just bedrock. So you would have to truck in a huge amount of soil to plant these trees there, and, you know, there's no guarantee that even that would work; that they will live. So, that's the main thing about the privacy, but also if you were to truck in soil, etcetera. The runoff; we really don't know what's going to happen with that. I mean, basically everything is down below, so the runoff... I mean, even if you dug a French drain or something in the bedrock, I mean, there's no guarantee that that's going to work. I mean, French drains, they fail over time.

Lisa Santalis stated we already get some runoff down the driveway.

Jean-Christophe Santalis stated yeah.

Lisa Santalis stated so it just would be natural for the water to flow right down that hillside into our property and, you know, into our home even.

Jean-Christophe Santalis stated because if you're putting a new house there with gutters, it's going to direct the water. Right now it naturally gets dispersed over a large area. So if you're going to direct the water, I mean, where do you go. You can't go up unless you're using some kind of pumping system. The natural place would be for you to go to a far side, which just gradually takes it off to... or anywhere else. I don't know where you will be directing it and consolidating this water. Over time, you know, we don't know what's going to happen. You know.

Lisa Santalis stated also, I would assume, that that would be one of the main reasons why you would have a code for setbacks. Right, to create enough room between homes so that water and potential, I don't know, sewage or whatever, doesn't seep into the next yard.

Jean-Christophe Santalis stated actually, when I was... for the new house that we're doing, we had to put in a new well. And when they were looking for the location, the Board of Health, they didn't want it anywhere near the front of the house because they were concerned that the well up at the top of the rock pile could potentially leak into our well. So, I mean, that's definitely an issue that would really have to be looked at. By an engineer or something like that. I don't know if we can just say, yeah go ahead and do it. It's a very awkward space. I don't know how you could go on any precedent with, you know, a rock pile, etcetera. You know, it would be hard to just rush into this. But also, the main thing is also our privacy too. It really is a very awkward thing to have the house setup there, sort of looking down at our house.

Lisa Santalis stated I don't think there's any way of disguising it. Trees aren't going to work. Taking the existing rocks and piling them up to disguise it, it... I don't... Because, you know, we're trying to create a picture in our mind, I just don't see this... I don't see any solution in disguising it. So I don't think... That's why we're opposed to it.

Chairman Buzzutto stated the house that you're living in now, you had that...

Jean-Christophe Santalis stated we haven't moved in yet.

Chairman Buzzutto stated you haven't moved in yet.

Jean-Christophe Santalis stated no. We're still working on it.

Chairman Buzzutto stated well, I mean, you're having it built.

Jean-Christophe Santalis stated yeah.

Chairman Buzzutto stated right.

Jean-Christophe Santalis stated yeah.

Chairman Buzzutto stated so did you ever take into thought that there might be a house on a pretty nice piece of property right above you that might be...It was considered a building lot, and there might be a house put there.

Jean-Christophe Santalis stated well, no. There was a house there, and we were okay with the current location of the house that's there.

Lisa Santalis stated we're okay if he places...

Chairman Buzzutto stated the one that's there.

Jean-Christophe Santalis stated the one that's there, yeah.

Lisa Santalis stated the yellow house.

Jean-Christophe Santalis stated this is moving it closer to us.

Chairman Buzzutto stated but this is a piece of property in back of it is a pretty nice piece of property when it's...

Jean-Christophe Santalis stated well, when we first approached rebuilding our house there, I came by and spoke to Rich, the Planner...I think his name is Rich. Because we considered initially putting a new house at the top of the hill. And he said no, that you would have to get a variance. But I think at the time, it was 3 acres you needed, and we didn't have 3 acres, so we just abandoned that idea right away and just stuck where the house originally was there. So I never thought that anybody else would be able to build a house right over there.

Chairman Buzzutto stated well, it was feasible that that might be at that time, that there could be a house put there.

Lisa Santalis stated I don't know.

Jean-Christophe Santalis stated no.

Lisa Santalis stated it's such a small piece of property.

Jean-Christophe Santalis stated in such a...In the pit there. I don't think anybody would ever think that there would be a house in that pit. Yeah.

Chairman Buzzutto stated well, I don't know. That pit, it's actually all solid rock...

Jean-Christophe Santalis stated right.

Chairman Buzzutto stated when filled in, it's not going to collapse it or anything, you know, sink any further than what it is. I don't think the house will be that...The house itself is what. Twenty-three feet.

Board Member Bodor stated 23'.

Jean-Christophe Santalis stated yeah.

Chairman Buzzutto stated I don't think that it's going to sit...It's probably going to sit down probably a little bit below the ground level.

Board Member Bodor stated I think 23' is above grade.

Chairman Buzzutto stated is it above grade.

Board Member Bodor stated it's above grade.

Dave Raines stated (inaudible – too distant) above grade, yeah. From the front.

Board Member Bodor stated yeah. From the front.

Dave Raines stated from where the shed sits down. That grade.

Board Member Bodor stated which is really not a lot, 23'.

Chairman Buzzutto stated yeah.

Dave Raines stated it's a cape, so there's a 9-12 pitch. So that's...Most of the house is the second floor, the roof is a 9-12 pitch.

Lisa Santalis stated but where...From the pit to where the yellow house sits on now, I'm assuming that's dirt. What is that. Rock, concrete.

Chairman Buzzutto stated I don't know how far the rock...

Jean-Christophe Santalis stated what does the house sit on.

Lisa Santalis stated because that's a pretty big distance.

Jean-Christophe Santalis stated is it concrete blocks down to the...

Mr. Olsen stated I wouldn't know.

Jean-Christophe Santalis stated you know, you just don't want to say.

Board Member Bodor stated there's probably rock there too, when you think of the fact that there is a large quarry there that is not being used.

Jean-Christophe Santalis stated right.

Board Member Bodor stated but a lot of rock has been dug out of there. I'm sure that that short distance away from the pit is rock also, with some soil on top of it. But basically, I think it's pretty solid. That would be my...

Jean-Christophe Santalis stated you're talking about the bottom of the pit.

Board Member Bodor stated no. I'm talking about... You were asking about where his house is currently.

Jean-Christophe Santalis stated right, right, right.

Board Member Bodor stated what's under that.

Jean-Christophe Santalis stated yeah.

Board Member Bodor stated and my assumption, putting two and two together knowing a little bit about rock under the surface of the soil, that's probably pretty rocky there too. It's probably pretty solid, because it's not that far from where the quarrying actually was going on.

Lisa Santalis stated but what I'm saying is they're going to have... In order to set the house back where they want to put it...

Board Member Bodor stated yes.

Lisa Santalis stated they're going to have to fill in from the bottom of the pit...

Board Member Bodor stated yes.

Lisa Santalis stated up, and then build a house on top of that, correct.

Board Member Bodor stated I don't believe they're filling the whole pit in.

Board Member Burdick stated no.

Chairman Buzzutto stated no, that's why they're saying it will probably be...

Board Member Bodor stated it's still going to be sitting down into the pit.

Chairman Buzzutto stated Dave, could you...

Dave Raines stated (inaudible – too distant).

Chairman Buzzutto stated Dave you want to come up and explain that; the procedure on that.

Lisa Santalis stated and...

Dave Raines stated I'll tell you who I am in a second.

Lisa Santalis stated yeah.

Dave Raines stated don't get excited. It's getting personal already, and I'm not going to go there. David Raines. The acting Building Inspector for the Town of Patterson. I've been out there, as my letter dated April 14th...I've been out there numerous times. To answer some of the concerns that came up Mr. Santalis. The house is going to be built on a foundation. The finished grade of the front door will be the current finished grade where the shed is...if you picture where the shed is. The driveway would be where the existing house is now.

Chairman Buzzutto stated right.

Dave Raines stated coming off Cann Lane. The driveway will come in, basically to the front door, the driveway would come in. Away from the well, away from the septic. There was really no other place for the driveway, otherwise you go over the septic fields or in the well field. The footing drains are designed in this particular house and of the builder in the northwestern corner, or the rear left, which is the furthest point from Santalis' structure. So, the (inaudible) low point is the rear left. So all the footing drains, the leader drains would all discharge rear left; not to the right side, not to the Santalis'...

Chairman Buzzutto stated it's facing...

Dave Raines stated facing out. Facing...

Chairman Buzzutto stated that's on the church side.

Dave Raines stated yes.

Chairman Buzzutto stated on the church side you're talking about.

Board Member Bodor stated well, the [Route] 311 side.

Chairman Buzzutto stated [Route] 311, yeah. Okay.

Dave Raines stated the [Route] 311, yeah. One thing with the back, the south being the front of the house, west being the left side of the house, the...I'm sorry. Go ahead. I forgot what I was going to say.

Lisa Santalis stated are you talking towards the Guerra's. That's the other neighbors.

Dave Raines stated if I'm looking at...If I'm standing looking at the proposed new house and with my back to existing house, the discharge point from the footing drains and everything would be rear left, or southwest...Or northwest, I'm sorry. The grade, there would be soil brought in to create down...We don't know the finished elevation. It's impossible to predict based on where the foundation gets pinned. But there would be a grade, a sloping grade, in the rear that would not fill the pit up (inaudible) pouring. You would have a shear wall on two sides, like it is now. So on the rear left there would be a shear wall, and on the back there will be a shear. There will be several feet of fill though brought in, in the rear, and obviously planting grass at some point. The current house is 122' from that side; the adjoining property lines. So the

Santalís' house is 122' from the property line. And then if we took the 20 some odd feet that's proposed (inaudible) I just don't remember how many feet are on that side.

Board Member Olenius stated 26'.

Board Member Bodor stated 26'.

Dave Raines stated 26'. So that would be the setback between the two; the distance between the two houses.

Board Member Bodor stated 122' plus the 26'.

Dave Raines stated right. 122' plus the 26'. And it would be 37' on the opposite side from the shear wall.

Board Member Bodor stated right.

Dave Raines stated (inaudible) bringing the house, correct Mr. Olsen, all the way forward.

Mr. Olsen stated correct.

Dave Raines stated all the way forward. So it would be well forward of Santalis' house. They wouldn't be lined up. And that's one of the points I brought to Mr. Olsen when he first looked to bring the house in that quarry that it should be brought all the way forward. Not only from the standpoint of design so we're into the front wall, into the shear wall that's in the front as you walk behind the shed it drops down, the foundation would actually be built along that line. So that the house wouldn't be setback at the same point as the existing structure. Did you have any other questions.

Jean-Christophe Santalis stated I can't picture what you're saying. From our house, what would we see is what I'm trying to get at.

Dave Raines stated I have your survey.

Lisa Santalis stated can you just clarify one thing.

Dave Raines stated sure.

Lisa Santalis stated a shear wall, is that...What is that. A concrete wall.

Dave Raines stated do you have the pictures there. Here is...You have a shear wall in the back [referring to pictures of the property].

Lisa Santalis stated oh. You're talking about...

Dave Raines stated and on the side. Your house is over here.

Lisa Santalis stated right.

Dave Raines stated so it would be graded out to a point a couple of feet up here. And it would be graded down this way. And then we would grade it...I don't have a picture of the wall on the west side, but it would be graded into the wall. And the house is coming all the way forward. It would come all the way

forward in here. The house has to sit in here all the way forward. Your house is back this way. Here's your house here [referring to Santalis's plans].

Lisa Santalis stated where's our house.

Dave Raines stated your house is right here.

Lisa Santalis stated these are our plans.

Dave Raines stated yeah.

Lisa Santalis stated okay.

Dave Raines stated initially I cautioned him at putting the house...

Lisa Santalis stated yeah.

Dave Raines stated anywhere here because you don't want it inline because it's just open.

Lisa Santalis stated right.

Dave Raines stated and like you said, even if you put trees in, I mean, it's still open. So I recommended to him that, and his builder, that if you push it all the way forward against to right against where the shed is now. So that's where we...

Lisa Santalis stated so that's kind of up on top where the...on the same elevation where the house is now; the yellow one.

Dave Raines stated yes. Move it all the way forward.

Jean-Christophe Santalis stated where would the back of the house be.

Dave Raines stated how many feet deep is it. It's...

Board Member Bodor stated 27.5'.

Lisa Santalis stated so why doesn't he just put it where the house is now, the yellow house.

Dave Raines stated because he wants to, from a quality of life perspective, he wants to get off Cann Lane. He's got no yard at all. So, his whole intent is by getting rid of the shed and putting the house there, he's not going to have a garage or anything, but he'll have some frontage; some front property to help have a front yard. He won't be right on your access. I mean, I see the same argument with him saying well I don't want the cars for the rest of my life driving right past my deck. So he's pushing it...

Jean-Christophe Santalis stated well, he bought the house like that. It's not like...

Dave Raines stated I understand. So he's taking the opportunity to utilize his property. And I'm not for or against it, I'm just...I've gone out there and looked at it and I said no not here, not here, you know. You need to pull it forward and you need to, you know, not have a driveway here because you have a septic and there needs to be a setback from the well. This is, I don't want to say the only spot, but if he's going to

build in that quarry it has got to come all the way forward. I think you run into a lot of issues because then you're looking at either bringing in a ridiculous amount of fill and then bringing the house up on what would be truly overlooking you. By pulling it forward, you're still...it's not obstructing...Again in my opinion, and I've been to your house many, many times, it's not obstructing that view towards the church or towards [Route] 311. And he's...

Lisa Santalis stated so let me just clarify. The house are being pulled forward, is just...

Dave Raines stated pulling it forward of your...

Lisa Santalis stated right. No, I...

Dave Raines stated rather than having it here in the middle of the quarry...

Lisa Santalis stated right.

Dave Raines stated pulling it as far forward as...

Lisa Santalis stated up on top of the hillside, let's say, where that same level as the yellow house. So behind the house, he has to fill in the quarry a little bit. Is that...

Dave Raines stated a little bit; a couple of feet. It will be like soil so he has...

Jean-Christophe Santalis stated so if we went by this picture...

Dave Raines stated yes. I'm sorry. If we had an aerial picture, it would be real easy. But that's from your property, right here.

Jean-Christophe Santalis stated yeah.

Dave Raines stated that's from your property. So instead of putting the house here...

Jean-Christophe Santalis stated right.

Dave Raines stated the house is going up here. And this would be the middle of the quarry. And he's building a house here. Almost where if you could see where the shed would be.

Jean-Christophe Santalis stated yeah.

Dave Raines stated it would be here, which wouldn't disturb this view.

Jean-Christophe Santalis stated right.

Dave Raines stated which is what I was looking at. And that's why I went down there to see...

Jean-Christophe Santalis stated yeah.

Dave Raines stated yes you're going to see the back of his house when you look westerly; you will see the back of his house.

Jean-Christophe Santalis stated okay.

Dave Raines stated you won't be looking at the side of his house from the, you know, (inaudible – too many talking).

Jean-Christophe Santalis stated right.

Dave Raines stated and it's a very small house. It's twenty...What was it. Twenty...

Board Member Bodor stated 27' by 40'.

Dave Raines stated 27' by 40'.

Chairman Buzzutto stated in your line of sight though, when you look out that way, what do you see there now.

Jean-Christophe Santalis stated the stones.

Chairman Buzzutto stated I'm sorry.

Jean-Christophe Santalis stated the stones; bedrocks.

Chairman Buzzutto stated just a big pile of rocks.

Jean-Christophe Santalis stated yeah, but the rocks to us are something special. We're going to actually make it into a garden, etcetera. I mean, it's not just like a pile of rocks, you know. It's very, very important. Also a big reason we choose the property. We're looking to make something nice out of those rocks. We're both actually artists, so it's, you know, this is unique for us.

Lisa Santalis stated is it a two-story home or a one-story home.

Dave Raines stated well, it's two stories. It's got a peak...there's a pretty (inaudible – too distant) right here.

Board Member Bodor stated yeah, we have it right here [referring to plans of the proposed house].

Dave Raines stated I have it. What it is, it's probably the exact same house (inaudible – papers shuffling).

Lisa Santalis stated (inaudible – too distant). No one's shown us.

Dave Raines stated it's a cape. And it's not being built as yours is being built. The house is coming in (inaudible – papers shuffling).

Lisa Santalis stated yeah.

Dave Raines stated it's coming in four pieces and it will be sat on a foundation (inaudible – papers shuffling).

Lisa Santalis stated our (inaudible – too distant).

Jean-Christophe Santalis stated this would be...This is the end of that fence I guess. (Inaudible – too distant) back here.

Dave Raines stated yes. All the way forward.

Lisa Santalis stated so the house is here.

Jean-Christophe Santalis stated no. This is the current...the current house is here.

Lisa Santalis stated the driveway's here. Like here the house would be.

Jean-Christophe Santalis stated you got to move...this is the street.

Lisa Santalis stated to move it all the way forward, doesn't it meet here...

Jean-Christophe Santalis stated no. Forward from...It was initially back here.

Dave Raines stated right.

Jean-Christophe Santalis stated and then pulled it forward...

Dave Raines stated all the way...

Jean-Christophe Santalis stated not all the way to the front, but basically towards the front of...

Dave Raines stated so forward of the quarry. Which would again, put it at...versus...Again, because I thought this was really the area (inaudible – too many talking).

Jean-Christophe Santalis stated and the part that sticks out to your house, how would that...Would that taper down, or...

Dave Raines stated well, it would be graded and then if you look like this, it would be graded, you know, from about this point. It would be graded out. You would need a couple feet of fill. So enough to grow grass, and plant shrubs and trees.

Chairman Buzzutto stated and when...

Lisa Santalis stated I just have a quick question...

Chairman Buzzutto stated okay. Go ahead.

Lisa Santalis stated for the Board. Excuse me.

Chairman Buzzutto stated say whatever you've got to say.

Lisa Santalis stated this is my first time ever being here. I know very little about zoning and things like this.

Chairman Buzzutto stated we appreciate your input, so...

Lisa Santalis stated but if the Town has created rules such as setbacks and minimum property acreage per home, what's the purpose of creating these codes and rules if they can be changed; if they can be, you know...If someone could just come with a variance and say, you know, forget the rules. I mean, he has less than an acre. And you're suppose to have a minimum of three acres or five acres. I mean...

Board Member Olenius stated that's the purpose of our Board, is to...

Chairman Buzzutto stated well, that's...

Board Member Olenius stated hear...

Chairman Buzzutto stated go ahead.

Board Member Olenius stated you know, people applying for relief from codes because codes change through the years, you know, and properties require change. You know, different families move in and whatnot. And we just weigh all the options, and...

Lisa Santalis stated yes.

Board Member Olenius stated you know.

Chairman Buzzutto stated otherwise the property just becomes a useless piece of property. If it wasn't for the Zoning Board of Appeals, either we allow it or don't allow it. If it's not feasible that we can allow it, then we'd have to deny it. But we have to go over all the points that this could be used to build another house on it.

Lisa Santalis stated yeah.

Chairman Buzzutto stated I was going to ask you, when you look out your property, do you see traffic on [Route 311].

Lisa Santalis stated no.

Chairman Buzzutto stated no, because you have to look up...

Lisa Santalis stated we look towards the barn.

Chairman Buzzutto stated yeah. So you don't even see the traffic on [Route] 311.

Lisa Santalis stated no.

Chairman Buzzutto stated so the house would not damper anything you see on the other side of the...

Lisa Santalis stated well, our house does face out towards that direction. So I look at the front door of my house, I'm going to see the barn straight ahead, but to my just immediate right, I'm going to see their house. Whereas now I don't see it. You know, if he were to put the house where the yellow house is now, I probably wouldn't see it. But because he wants to move it closer and face it out the other direction, I'm going to see it.

Board Member Bodor stated is the barn on you parcel or is that on your neighbor's.

Lisa Santalis stated that's on the foundation property; the neighbor.

Board Member Bodor stated the barn belongs to the foundation.

Lisa Santalis stated yeah.

Board Member Bodor stated oh.

Lisa Santalis stated and who knows what's going to happen with that.

Board Member Bodor stated the foundation. That's going to be a forever...the plan is forever green that whole area there.

Lisa Santalis stated yeah.

Board Member Bodor stated they're building that nice, little bridge in the back to allow access to that area.

Lisa Santalis stated to (inaudible – too many talking) that bridge. We're not sure what's going to happen with the barn. I'm going to assume...I know that the land is going to stay green, but...

Board Member Bodor stated yeah.

Lisa Santalis stated they have talked about some plans for the barn maybe, you know, some office space or arboretum or something.

Board Member Bodor stated I really don't know. If you're interested though, go over to the offices there...

Lisa Santalis stated yeah.

Board Member Bodor stated and inquire.

Lisa Santalis stated yeah, we've already met with them and they at the time, you know when we met with them, they had no idea. But...

Chairman Buzzutto stated I wanted to ask, on, you said that they were only going to fill in the front part of the quarry as needed. Well, whoever. The front part of the quarry is needed to hold the house, right. They're not going to fill it up. What happens to the hole.

Dave Raines stated the front part will have to be brought up to grade. There will be...

Chairman Buzzutto stated yeah, the front part.

Dave Raines stated some area...

Chairman Buzzutto stated so there will be an open pit in the back of the house. What's...

Dave Raines stated it will be graded out to that shear wall in the back here.

Chairman Buzzutto stated I mean, there's not going to be a big hole back there.

Dave Raines stated well, if you grade it out as it is now...

Chairman Buzzutto stated so the whole thing will be filled in.

Dave Raines stated no. It will be graded...There will probably be about this much soil from the back door.

Mr. Olsen stated yeah, out.

Dave Raines stated graded back.

Mr. Olsen stated to the wall.

Dave Raines stated to the back where you see the rock that was blasted or cut years ago.

Chairman Buzzutto stated I can't see that.

Board Member Bodor stated okay. This is the back right here.

Chairman Buzzutto stated yeah.

Board Member Bodor stated okay. They're going to put soil in there to grade it so it's not a total drop.

Dave Raines stated enough to grow grass.

Chairman Buzzutto stated right.

Board Member Bodor stated and you need soil in there to put a lawn in.

Dave Raines stated right.

Chairman Buzzutto stated but that's going to go all the way back to that wall. There's not going to be no big...

Dave Raines stated by the time you get to the wall, by then it is deep, but it will still...

Chairman Buzzutto stated okay, yeah. That's what...

Dave Raines stated yeah.

Chairman Buzzutto stated I thought maybe just grade it there...

Dave Raines stated (inaudible – too many talking) it's a pitch and grade it to the back lot. And we want to move all the (inaudible – too distant) everything to the back lot.

Chairman Buzzutto stated the back left would be [Route] 311 side.

Dave Raines stated correct. And that's where everything is going; the footing drains, the leader drains, everything (inaudible – too many talking) because we're only draining discharge down to Cann

Lane...down to the driveway and then down Cann Lane. So everything would have to be (inaudible – too many talking).

Lisa Santalis stated wouldn't that sort of go towards the Guerra's house.

Mr. Olsen stated not really.

Dave Raines stated no. It would be the back left corner of the back (inaudible – too many talking).

Lisa Santalis stated towards the church.

Board Member Bodor stated the church property, yeah.

Chairman Buzzutto stated where there's the church, up there [referring to a survey].

Board Member Bodor stated right.

Chairman Buzzutto stated this is the back wall here, right.

Board Member Bodor stated yeah.

Chairman Buzzutto stated what about this one here. We should consider this now.

Board Member Bodor stated yes we should.

Chairman Buzzutto stated yes.

Board Member Bodor stated it should be removed.

Chairman Buzzutto stated which one is to be removed. This one.

Board Member Bodor stated this shed is going to be removed.

Chairman Buzzutto stated which shed is going to be removed.

Mr. Olsen stated the small one.

Board Member Bodor stated the small one.

Chairman Buzzutto stated the small one.

Board Member Bodor stated and the larger one remains.

Mr. Olsen stated yeah.

Board Member Bodor stated in the front yard.

Mr. Olsen stated yes. Well, I mean...

Dave Raines stated no.

Board Member Burdick stated no. We discussed that.

Mr. Olsen stated yeah, we're going to stick that in the back.

Board Member Bodor stated oh.

Chairman Buzzutto stated you'll be moving that.

Board Member Olenius stated it's getting relocated.

Board Member Burdick stated yeah.

Board Member Bodor stated yeah. That one is going to be picked up and moved.

Chairman Buzzutto stated yeah. Okay.

Board Member Bodor stated that's in there right. Yeah. It's a condition.

Chairman Buzzutto stated that's oversized too, isn't it. Okay. Is there any other input from the audience here. You want to come up sir and give your name.

Robert Meyer stated my name is Robert Meyer. I am a geology teacher at a high school in (inaudible) Long Island. I just want to say if I brought my wife to look at the properties, your property in specific, it wouldn't go down in value, just the opposite. My wife would say no. The property would go up in value because it is a new house...

Jean-Christophe Santalis stated this is opinion. I mean this is ridiculous.

Board Member Bodor stated excuse me. This gentleman has the floor.

Chairman Buzzutto stated yeah, okay.

Robert Meyer stated it's just my opinion, but that's how I see it. I see a new house there, and I see it better for the environment. Thank you.

Board Member Bodor stated do you...

Chairman Buzzutto stated thank you.

Board Member Bodor stated excuse me. Do you live in the area here.

Robert Meyer stated no. I'm good friends with Chris.

Board Member Bodor stated oh, okay. Alright. Didn't know the connection.

Chairman Buzzutto stated thank you. Alright...

Board Member Bodor stated is there anything further you'd like to address.

Jean-Christophe Santalis stated I'm sorry to intervene, but it's just, I mean, to say that...

Board Member Bodor stated into the microphone anything you have to say please. It's got to be on the record.

Jean-Christophe Santalis stated yeah. I'm sorry to intervene when he was speaking, but it was shocking to me. To say that it's going to improve the value by putting a house closer to us, you know, that's just not true.

Board Member Bodor stated you know...

Jean-Christophe Santalis stated and as artists, you know, you're speaking as a geologist, we're speaking as artists, that view to us is gorgeous. Yeah, it is. It's gorgeous to us because I envision all kinds of nice flowers and things growing throughout the rocks. And you can't do that anywhere else really. That's why it's such a unique property.

Board Member Bodor stated you'll still have rocks. There's plenty of them there.

Jean-Christophe Santalis stated but the house will be right there on top of it too, you know.

Board Member Bodor stated there's plenty of rocks. And you know, I think too, I just thought...

Jean-Christophe Santalis stated yeah.

Board Member Bodor stated the house that he's putting there is an upgrade to what is there...to what is existing there. And it's going to improve the neighborhood. I don't think as far as...

Jean-Christophe Santalis stated not the view from our house.

Board Member Bodor stated it's going to improve the structures within the neighborhood. And there goes the improvement to the value of the properties.

Chairman Buzzutto stated yeah. But we can't take into consideration on what this gentleman says is going to be. We have to go on what's there now. You know, it's just nothing there. You say there's going to be a nice flower garden there, and stuff like that. But we don't know that. So we have to basically, I would say, base our decision on something the way it is there now.

Jean-Christophe Santalis stated right. But we also don't know what's going to happen to that property over time, as far as, you know, any kind of drainage or you know, whatever is going to happen there over time. So I'm basing it on what we're seeing there right now and trying to preserve what we're seeing right now.

Chairman Buzzutto stated I understand.

Jean-Christophe Santalis stated and actually, I think the only people that do see the house that's currently there is myself, us, and the couple houses surrounding it. It's not even... You can't even see it from the road. I don't necessarily know if it would really improve that area so much. And also, if the new house moving the location to the front would still work too, you know, if you think it would improve the value or look of the area. I mean, our problem is not with putting the house there, I think it's fine, it's more of the location that's really the problem.

Chairman Buzzutto stated yeah, but you don't think a new house there with landscaping and lawn and stuff, would be an improvement for that piece of property.

Jean-Christophe Santalis stated well, I mean...

Chairman Buzzutto stated it will improve the property...

Jean-Christophe Santalis stated the landscaping, you know, you're mentioning, and you said the same thing to me about what's not there right now. Right there, it is still a lot of space. I mean, we even planned on doing something nice to that also.

Lisa Santalis stated I also want to say that I think the property, their property, is really too small to have a new construction on it. There's a reason that it just has a small bungalow, is because that piece of property that's buildable is very, very small. You put a big house on it, you know, there's not going to be much front yard. They're not going to have much area around it, and so I don't necessarily think it's going to be improving the area.

Chairman Buzzutto stated well, where the yellow house will be...

Lisa Santalis stated it's like packing the houses in really tightly and close, now we're starting to look like more of an urban area, you know, California where the houses are really close together. You know, again, we moved to Patterson because we like quiet, privacy, the open spaces, the space between the homes, the country setting. Not tight knit houses close together.

Chairman Buzzutto stated I think that piece of property was a collection of debris, all kinds of metals, dead animals, stuff like that.

Board Member Posner stated what did we say the distance between the houses would be. About 130', 140'.

Board Member Bodor stated 122' plus 26'.

Chairman Buzzutto stated also the size of the...

Board Member Posner stated 148' distance between your house and his house. Not exactly right next to each other.

Chairman Buzzutto stated alright. We don't have any more input from the audience on that. Dave.

Board Member Bodor stated Christian, do you have anything further to say.

Mr. Olsen stated no. I think everything's been thoroughly discussed. I'm pretty much, you know...

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

Chairman Buzzutto stated okay.

Board Member Olenius stated second.

Chairman Buzzutto stated the public hearing is now closed.

Board Member Bodor stated all in favor. Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated do you want to...Whose were these [referring to plans].

Board Member Bodor stated Dave's.

Chairman Buzzutto stated Dave's. Okay. Did you get a copy of the resos on that.

Board Member Olenius stated yeah. I don't think I can do all of them though.

Chairman Buzzutto stated I'm sorry.

Board Member Olenius stated I don't think I can do them all. But I'll start you off.

Board Member Bodor stated do you want to start.

Chairman Buzzutto stated oh I see. There are four.

Board Member Bodor stated yeah. There are several of them because there are several different issues.

Chairman Buzzutto stated did you have anything you want to...

Jennifer Herodes stated no. I'm good.

Chairman Buzzutto stated one, two, three, four. Oh my god. Guess we kept Sarah busy here.

Jennifer Herodes stated the only issue we had was taken care of in the conditions that you'll see when you get to that one. That was the only issue that we have but they're in there.

Board Member Bodor stated right.

Chairman Buzzutto stated alright. Okay, just give us a second. Which one you working on now. Number one.

Board Member Olenius stated yeah. I'm just trying to think of the right word. This is a big one.

Chairman Buzzutto stated which one is that. Number what.

Board Member Olenius stated number one.

Chairman Buzzutto stated number one.

Board Member Olenius stated I'll try it.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Christian Olsen, Case #03-08

For an Area Variance for Construction of a Single-family Dwelling

WHEREAS, *Christian Olsen* is the owner of real property located at 4 Cann Lane (R-4 Zoning District), also identified as **Tax Map Parcel # 23.6-1-10, and**

WHEREAS, §154-106 of the Patterson Town Code states that an accessory building for residential occupancy may be permitted by special use permit in the R-4 Zoning District, provided that the parcel of property containing the structure is five or more acres, and

WHEREAS, *Christian Olsen* has made application to the Patterson Zoning Board of Appeals and requests an area variance, for a limited duration, pursuant to §154-106 of the Patterson Town Code for a construction of a single-family dwelling on .78 acres; ***variance requested is for 4.22 acres***, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***March 19, 2008 and April 22, 2008***, and a site walk conducted on ***March 22, 2008*** 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 upon completion, the property will still be for a single-family dwelling.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to setback requirements and the rectangular shape of the property, any portion of the property would require a variance.***
3. the variance requested ***is*** substantial ***however on completion, would be not much more with regards to impervious surface then currently exists.***
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, well and septic are remaining in the same place and home sizes are relatively consistent.***
5. the alleged difficulty necessitating the variance ***was self-created, however, 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 *Christian Olsen* for an ***area variance of 4.22 acres lot size requirements*** as set forth in §154-106 of the Patterson Town Code ***for the construction of a single-family dwelling on a lot of .78 acres.***

BE IT FURTHER RESOLVED, that this area variance will expire at such time as any special use permit issued for an accessory dwelling is terminated and becomes null and void.

Chairman Buzzutto stated can I ask one question. Up on there, one question was a limited duration of a variance. That is going to be...

Jennifer Herodes stated this one is not. Yeah. This one is because you need 5 acres to have two structures...

Chairman Buzzutto stated right.

Jennifer Herodes stated and once there isn't two structures, you don't need this.

Chairman Buzzutto stated so once the other one's removed...

Jennifer Herodes stated so that's why this is limited. Yes.

Chairman Buzzutto stated the variance would not be necessary,

Jennifer Herodes stated right.

Chairman Buzzutto stated okay. So that's what the limited duration is.

Jennifer Herodes stated right.

Chairman Buzzutto stated okay, fine. Alright, you heard the resolution. Do you want to call roll.

The Secretary stated we need a second.

Board Member Olenius stated we didn't get a second.

Chairman Buzzutto stated you didn't get a second

Board Member Bodor stated I'll second it.

UPON ROLL CALL VOTE:

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay. That's...okay.

Board Member Bodor stated do you want me to try this one.

Chairman Buzzutto stated try it.

Board Member Bodor stated you want me to go ahead.

Chairman Buzzutto stated you want to read one.

Board Member Bodor stated if I start coughing, somebody's going to have to finish.

Board Member Olenius stated I'll do it.

Board Member Bodor stated I'll start it.

Board Member Bodor read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Christian Olsen Case #03-08
For a Special Use Permit for an Accessory Building

Chairman Buzzutto stated are you getting that on the mic.

The Secretary stated I should be.

Board Member Bodor continued to read the following resolution:

WHEREAS, *Christian Olsen* is the owner of real property located at 4 Cann Lane (**R-4 Zoning District**), also identified as ***Tax Map Parcel #23.6-1-10***, and

WHEREAS, §154-106 of the Patterson Town Code; Accessory buildings, states that accessory buildings for residential occupancy may be permitted in the R-4 Zoning District by special use permit, and

WHEREAS, the application requests that the special use permit is approved for a limited duration, and

WHEREAS, *Christian Olsen* has made application to the Patterson Zoning Board of Appeals for a special use permit as set forth in **§154-106** to permit for construction of an accessory single-family dwelling to be located on the property, and

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

WHEREAS, a public hearing was held at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***March 19, 2008 and April 22, 2008*** and a site walk conducted on ***March 22, 2008*** to consider the application; and

WHEREAS, The Patterson Zoning Board of Appeals finds that the Applicant has met the requirements for the issuance of a special use as set forth in **§154-106** of the Patterson Zoning Code;

- A. The building shall be used as an accessory use to a detached one-family dwelling only.
- B. The building is used solely, and in its entirety, for the purpose of providing living quarters.
- C. The maximum size of the accessory structure shall be a 1/3 the size of the principal building, as measured by the total floor area, including nonhabitable space, of each building; however, in no case shall the building exceed 1,250 square feet in livable floor area. In addition, the

architectural character of the accessory building shall be similar in character to that of the principal building.

- D. The principal dwelling shall be occupied by the owner of the property on which the accessory dwelling is constructed.
- E. The Zoning Board of Appeals shall determine that suitable facilities exist for yard space, sanitary facilities and potable water.
- F. Suitable access and parking shall be provided, which shall be constructed in accordance with the standards of this chapter.

WHEREAS, the Applicant has not met the requirement for the special use permit that states the parcel of property containing the structure is five or more acres, but an area variance for lot size has been granted by the Board on April 22, 2008.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby determines that the proposed action *will not* have significant effects on the environment and issues a negative SEQRA declaration 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.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Christian Olsen* for a special use permit as set forth in §154-106 of the Patterson Town Code; Accessory buildings, to permit for construction of a single-family dwelling to be located on the property on the nonconforming lot, and live in the existing (pre-existing) dwelling until the new dwelling is constructed and a C of O is issued.

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

1. The Applicant has 60 days from the date of issuance of the C of O for the new single-family dwelling, to move the shed which will be located in the front yard of the new single-family dwelling.
2. The Applicant has 60 days from the date of issuance of the C of O for the new single-family dwelling, to demolish the pre-existing house in its entirety.

3. This special use permit will become null and void 60 days after the date of issuance of the C of O for the new single-family dwelling.

Board Member Bodor stated are those timeframes okay with you.

Mr. Olsen stated yeah, it's perfect.

Board Member Burdick stated second.

Chairman Buzzutto stated on that there, the 60 days, can we also ensure that there will be no extensions available to be issued on this at a later date. In other words, he runs out of time for some reason, and he wants to come to the Board to ask for an extension to...

Jennifer Herodes stated to remove or...

Chairman Buzzutto stated yeah. The dwelling can't be removed because of such...Can we put a stipulation in there that there will be no extensions of time.

Jennifer Heordes stated well, saying nothing basically already says that because it doesn't provide for (inaudible – coughing) extension. But there's nothing wrong with clarifying that if

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated you all set down there. I appreciate you doing these.

Board Member Burdick stated do you want me to do this one, or do you want...

Board Member Bodor stated yes. Go ahead.

Board Member Olenius stated did you make notes. Yeah, go ahead.

Board Member Burdick stated well, it's basically the same as what you said on one.

Board Member Burdick read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Christian Olsen, Case #03-08
For an Area Variance for Construction of a Single-family Dwelling

WHEREAS, *Christian Olsen* is the owner of real property located at 4 Cann Lane (R-4 Zoning District), also identified as **Tax Map Parcel # 23.6-1-10, and**

WHEREAS, *Christian Olsen* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code for a construction of a single-family dwelling, and

WHEREAS, §154-7 of the Patterson Town Code requires 225' of road frontage in the R-4 Zoning District; Applicant has 103'; ***variance requested is for 122'***, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***March 19, 2008 and April 22, 2008*** and a site walk conducted on ***March 22, 2008*** 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 a single-family home already exists and a single-family home is going to be built.***

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the setbacks and the configuration of the property*.
3. the variance requested *is* substantial *but because as stated in #1 and #2, it is not going to create a considerable change*.
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because it is still going to be a single-family home; the footprint is not that much larger*.
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 *Christian Olsen* for an *area variance of 122' for road frontage requirements as set forth in Chapter 154 of the Patterson Town Code for the construction of a single-family dwelling on a lot with a road frontage of 103'*.

Board Member Olenius stated second.

UPON ROLL CALL VOTE:

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

Resolution carried by a vote of 5 to 0.

Board Member Posner read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Christian Olsen, Case #03-08
For Area Variances for Construction of a Single-family Dwelling

WHEREAS, *Christian Olsen* is the owner of real property located at 4 Cann Lane (R-4 Zoning District), also identified as **Tax Map Parcel # 23.6-1-10, and**

WHEREAS, *Christian Olsen* has made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-7 of the Patterson Town Code for a construction of a single-family dwelling, and

WHEREAS, §154-7 of the Patterson Town Code requires a side yard setback of 40' in the R-4 Zoning District; Applicant will have 37' and 26'; ***variance requested is for 3' and 14' respectively***; and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *March 19, 2008 and April 22, 2008*, and a site walk conducted on *March 22, 2008* 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 they are replacing a single-family house with another single-family house.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the nature of the properties shape and dimensions.*
3. the variance requested *is...*

Board Member Posner stated well part of it is and part of it isn't. Substantial...What's the best way to put that. It looks kind of weird.

Board Member Bodor stated it's not really substantial because it's only 3' on one side and...

Board Member Posner stated and the other one...

Board Member Bodor stated 14'.

Board Member Posner stated is 36' out of 40'.

Board Member Bodor stated not...The variance requested is for 3' and 14'.

Board Member Posner stated oh, 14'. I'm sorry.

Board Member Bodor stated yes.

Board Member Posner stated I'm reading it wrong.

Board Member Posner continued to read the following resolution:

4. the variance requested *is not* substantial *because of the dimensions of the property and the inability to put it anywhere else.*
5. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because it's a single-family house being replaced by a single-family house that is nicer than the initial single-family home.*
6. 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 *Christian Olsen* for *area variances of 3' and 14' from the side yard setback of 40'* as required in the R-4 Zoning District as set forth by §154-7 of the Patterson Town Code and the

Schedule of Dimensional Requirements, in order to permit a 37' and 26' side yard setback, respectively, between the proposed single family dwelling and the side property line.

Board Member Olenius stated second.

UPON ROLL CALL VOTE:

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

Resolution carried by a vote of 5 to 0.

Board Member Bodor stated okay. You can do your job now.

Mr. Olsen stated thank you.

Board Member Bodor stated good luck to you.

Board Member Olenius stated good luck with it.

Board Member Posner stated take care.

2) OTHER BUSINESS

a) Cell Tower Discussion

Chairman Buzzutto stated what else is on here. Anything else. Other business. Do we have any other business.

Board Member Bodor stated Rich do we have any other business.

Rich Williams stated (inaudible – too distant) date for the cell tower.

Chairman Buzzutto stated we have to set the date for the cell tower, yeah. While we got everybody here, it would be a lot easier to coordinate.

Jennifer Herodes stated don't we have a date for the next one.

Chairman Buzzutto stated now is the...

Board Member Bodor stated we did for this month.

Board Member Burdick stated yeah, they cancelled it.

Jennifer Herodes stated we did, right. Oh, okay.

Board Member Bodor stated they cancelled it. They were not ready.

Jennifer Herodes stated okay.

Board Member Bodor stated do we go ahead and set one even though we know that...we don't know that they're ready yet.

Rich Williams stated I don't know. Sarah, where did you leave it. Are they going to contact us, or...

The Secretary stated basically he just wrote in saying that he wasn't going to be ready. And I think that we were going to set a date and then, you know, kind of treat it as like a regular case. You know, if he's not ready, then he's going to have to request it again. And you guys have to decide how long you're going to let them hold off for.

Chairman Buzzutto stated well should we table it again for another month until they decide to let us know when they're ready. Or do we just...

Board Member Olenius stated is there a precedent for how many months we have to wait. Or is there a law. There's no...

Chairman Buzzutto stated this would be the third month now.

Rich Williams stated (inaudible – too distant).

Jennifer Herodes stated I wouldn't think so.

Rich Williams stated (inaudible – too distant) not required how long you can leave the public hearing open.

Jennifer Herodes stated yeah, keep it open. So the question is do you want to set a date and see if they're ready, is that what you're saying. Or do you want...

Chairman Buzzutto stated yeah.

Jennifer Herodes stated to just wait until...

Rich Williams stated or do you want to wait until they come back in and say we're ready and resubmit, and then we can schedule a date.

Board Member Bodor stated I think I'd rather do it that way.

Board Member Posner stated yeah, me too.

Chairman Buzzutto stated can we do that though, legally.

Jennifer Herodes stated yeah.

Chairman Buzzutto stated table it again.

Jennifer Herodes stated yeah.

Rich Williams stated legally you can. I think procedurally there's a problem if you just leave it open ended for 6, 8, 10 months. But, we're talking about a month or two.

Chairman Buzzutto stated well preferably I'd like to wait until we hear from them so we know what we're doing on this. That's all.

Board Member Olenius stated I agree.

Chairman Buzzutto stated who knows. Maybe by then they may even pull their application. I keep saying that.

Board Member Posner stated that's that wishful thinking thing.

Chairman Buzzutto stated I keep saying that. Okay. So we'll let it go till the... Well maybe, can you correspond with them somehow that...

The Secretary stated I can get in touch with Tom McHugh.

Chairman Buzzutto stated get in touch with them and that they have to get on the ball here so we can... Now it has to be on a Tuesday though, right. That the Rec Center would be available.

Board Member Posner stated yeah. I was going to ask that's the only day we can do it is Tuesdays, huh.

Rich Williams stated we have to check in with the summer programs (inaudible – too distant).

Chairman Buzzutto stated yeah.

Rich Williams stated (inaudible – too distant) new director.

Chairman Buzzutto stated we'll wait until they tell us they're ready, and then we'll tell them when we're ready.

Board Member Olenius stated are they amending or anything or keeping the application as is.

The Secretary stated they amended it the last time for...

Board Member Olenius stated no further amendments.

The Secretary stated not that I've heard, no.

Chairman Buzzutto stated alright, so we'll leave it at that.

Board Member Olenius stated but you still have to notice it again, or no because it's open.

The Secretary stated notice it to the paper.

Board Member Olenius stated that's it.

The Secretary stated but not to everybody else. They took away variances, they didn't add to the variances, so...

Board Member Olenius stated okay.

Chairman Buzzutto stated was that official Rich that they did put a contract on another piece of property in back of...

Rich Williams stated we have no documentation...

Chairman Buzzutto stated you have nothing on that. Well, so we just have to wait to see.

Board Member Bodor stated alright, our next regular scheduled meeting is the 21st of May. Is that a problem for anyone. If so, speak up.

Chairman Buzzutto stated I've got the school budget vote on the 20th.

Board Member Posner stated (inaudible – too many talking) anybody in my family will get sick again, so...

Chairman Buzzutto stated taxes will go up again. School tax.

Board Member Bodor stated what else is new.

b) Discussion of Matera Letter

Board Member Bodor stated alright we've got some minutes. Is that the only other business we have, are the minutes.

Board Member Burdick stated and this letter.

Board Member Bodor stated oh, this letter. Do we want to respond to Mr. what's his name here.

Board Member Burdick stated Matera.

Board Member Bodor stated I didn't know his name. Matera. Did you see this.

Jennifer Herodes stated no.

Board Member Bodor stated I'm sorry.

Jennifer Herodes stated it's their responsibility to find out about requirements.

Board Member Bodor stated yeah.

Jennifer Herodes stated is this the guy who had money in escrow.

Board Member Burdick stated yes.

Board Member Bodor stated yes.

Jennifer Herodes stated so this is the new owner trying to, you should have told me what's going on when he knows exactly what was going on.

Board Member Burdick stated they signed authorization for us to...for the other guy to represent them.

Jennifer Herodes stated so he's annoyed because...Why didn't he come in with his...Obviously he wanted the sheds to stay where they were.

Board Member Bodor stated the day that we did the site walk, he was there.

Jennifer Herodes stated yeah.

Board Member Bodor stated and he walked around with us too. So he knew what was happening. He knew then and there that we were not happy with the location of them. But you know, how do we handle this. I don't think that we need to write him a great big explanation of all of this.

Jennifer Herodes stated no, I don't think so. But may I keep that or somebody email me this [referring to the email received].

Board Member Bodor stated yes, certainly. No, you may have it.

The Secretary stated I can send them the resolutions...copies of the resolutions that were done.

Jennifer Herodes stated I was going say that would be a...

Board Member Bodor stated that would be a good idea. Because they only went to Mr. Tobin.

The Secretary stated yes.

Board Member Bodor stated okay, yeah. Alright, send it to the other guy. That's a good idea. Send them a copy of the resolutions.

Jennifer Herodes stated yeah.

Board Member Bodor stated that explains it. Are your minutes online.

The Secretary stated no.

Board Member Bodor stated no.

Rich Williams stated they are going to be (inaudible – too distant).

Board Member Bodor stated are they.

The Secretary stated I can send them the sections that were for Tobin, as well. Do you want me to send them that too.

Board Member Bodor stated yeah, that might...yeah. Yeah, this is you know...

Chairman Buzzutto stated why would they take it up with us. Why don't they take it up with Tobin.

Jennifer Herodes stated (inaudible – too many talking). I didn't come here that night.

Chairman Buzzutto stated I mean those sheds can be moved. There's plenty of space there.

Board Member Bodor stated yeah, they can be moved. There's plenty of room there. All he needs to do is find out, you know, what the setbacks are, and move them to within them.

Chairman Buzzutto stated that's right.

Board Member Bodor stated it's easy enough then.

Jennifer Herodes stated he signed allowing Tobin to come in here, I mean...

Board Member Burdick stated they signed...He allowed...the new owners allowed Tobin to represent them.

Jennifer Herodes stated so you know, he can't now force you to re...you know, invent the wheel here and tell him everything that happened at the meeting that he allowed to happen, so...

Board Member Bodor stated he could have even come with Mr. Tobin.

Jennifer Herodes stated I'm saying, he could have been here to...

Board Member Bodor stated right.

Jennifer Herodes stated hear what was going on. So I would say something maybe to that effect, you know, in a memo back along with the resolutions. As a courtesy, here are the resolutions that were passed that evening.

Board Member Bodor stated that does it.

Chairman Buzzutto stated Cheryl says that these violations that come in, the ones that you make copies of. You know, the violations that the Code Enforcement Officer picks up.

The Secretary stated okay, yeah.

Chairman Buzzutto stated yeah. She wanted to know if we still wanted to get copies of those. They serve no use to us. It's a lot of work for Sarah. You know, the violation, they...

Board Member Bodor stated yeah. The only reason that we would want them is if it's something that we are dealing with.

Chairman Buzzutto stated yeah. Well, I said to her that we can get a copy as needed...

Board Member Bodor stated yeah.

Chairman Buzzutto stated rather than Sarah going through all this printing up all these copies stuff.

Board Member Bodor stated is she supplying, Cheryl, supplying copies of all of the violations that he's signing off on. No.

The Secretary stated not all the violations. I think it's just ones that were in front of you guys at one time. Like I know one case was Giradina.

Board Member Bodor stated okay.

The Secretary stated the shed and fences.

Board Member Bodor stated okay.

The Secretary stated I think she's just kind of letting you guys know that he still hasn't done anything since you've made the resolutions. But not all of them. Just the ones, I think, that were in front of the Zoning Board.

Board Member Bodor stated just the ones that we're involved with. Yeah.

Chairman Buzzutto stated if it were anything we're about, we would need a copy of it...

Board Member Bodor stated right, but that's interesting though.

Board Member Burdick stated yeah. I...

Board Member Bodor stated I like them.

Board Member Burdick stated I do too.

Board Member Bodor stated knowing that, you know...

Board Member Burdick stated because otherwise they could fall through the cracks, and this way we know that they're working on them and...

Chairman Buzzutto stated well, do we ever follow them up.

Board Member Burdick stated Dave is. And that's what we're knowing, is that Dave is following up, and we know that.

Chairman Buzzutto stated Dave is, yeah.

Board Member Burdick stated because we're getting copies of what he's doing.

Board Member Bodor stated and that's good for us to know because we've said something, and it's not just falling on deaf ears. Somebody's taking some action on it.

Chairman Buzzutto stated okay. So we have tell Cheryl that the Board does want copies of them. Is that what you want.

Board Member Bodor stated yeah.

Board Member Burdick stated yeah.

Board Member Bodor stated yeah. Anything that, you know, that...

Chairman Buzzutto stated okay.

Board Member Bodor stated we have been working on that they feel they want...

Board Member Burdick stated is it a ridiculous amount of work.

The Secretary stated no.

Board Member Burdick stated okay.

Chairman Buzzutto stated okay, I have to tell Cheryl that the Board would like copies.

Board Member Bodor stated was she asking if we wanted them.

Chairman Buzzutto stated yeah.

Board Member Bodor stated oh.

Chairman Buzzutto stated she asked if we still wanted to get them.

Board Member Bodor stated oh, okay. Yeah, I do. See, I didn't know that he got a violation because of the stuff that was still out there. And that's interesting stuff to know.

Board Member Burdick stated and we don't have any other way to track it, unless we create the files to check on it.

Chairman Buzzutto stated yeah. Anything else.

c) Minutes

Board Member Bodor stated yeah. We have three sets of minutes to approve.

Chairman Buzzutto stated okay.

Board Member Bodor stated February 20th. I make a motion to approve them.

Board Member Olenius stated second.

Board Member Bodor stated all in favor. Motion carried by a vote of 5 to 0.

Board Member Bodor stated February 26th. I make a motion to approve. Are you reading them now.

Chairman Buzzutto stated no, no. I just want to see which one...I got this one.

Board Member Bodor stated that's the next one. We're back on February 26th.

Chairman Buzzutto stated yeah. I got that one now.

Board Member Bodor stated someone second it. All in favor. Motion carried by a vote of 4 to 0.

Board Member Burdick stated I'm going to recuse myself. I wasn't at that meeting.

Board Member Bodor stated okay. March 19th. Make a motion to approve. That's the one that you were just looking at.

Chairman Buzzutto stated yeah, that's this one.

Board Member Olenius stated second.

Chairman Buzzutto stated okay.

Board Member Bodor stated all in favor.

Chairman Buzzutto stated all in favor. Motion carried by a vote of 4 to 0.

Board Member Posner stated and I recuse myself because I wasn't here.

Board Member Bodor stated okay. They're all taken care of. They're beautiful minutes by the way.

Chairman Buzzutto stated she does a good job.

Board Member Posner stated yeah, she does a great job.

Board Member Burdick stated if I wasn't at the 20th, I recuse myself also. I can't remember. That's when my mom was in the hospital. So I can't remember if I was there or not.

The Secretary stated okay.

Chairman Buzzutto stated at least tonight the two opponents here shook hands...

Board Member Posner stated yeah.

Chairman Buzzutto stated when they went out, which was nice.

Board Member Posner stated yeah, I saw him go over there.

Chairman Buzzutto stated yeah, those two.

Rich Williams stated oh, I didn't know they had a problem.

Chairman Buzzutto stated yeah. He shook hands with the guy and I thought that was nice of him.

Board Member Posner stated yeah. Now he's got to live with him.

Board Member Bodor stated anything else. Make a motion to adjourn.

Board Member Olenius stated second.

Meeting adjourned at 8:15 p.m.