

TOWN OF PATTERSON
ZONING BOARD OF APPEALS

April 23, 2015

AGENDA & MINUTES

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|---|---------|---|
| 1) Peter Ruisi Case #09-14 | 1 – 2 | Public hearing remained opened;
Applicant was not present – Application tabled pending owners of Thunder Ridge filing a Use Variance application. |
| 2) John Moriarty Case #01-15 | 2 – 16 | Public hearing opened & closed;
Resolution – Three area variances and Special Use Permit for Public Garage/Automotive Dealership granted . |
| 3) South Patterson Business Park West, Inc. Case #07-15 | 16 – 23 | Public hearing closed;
Resolution – Special Use Permit for Warehouse granted . |
| 4) Rune Bekkelund Case #08-15 | 23 – 35 | Public hearing opened & closed;
Resolution – Area Variance for Bulk Area Ratio of proposed garage granted . |
| 5) Other Business | | |
| A) Scott Carpenter Case #02-15: Request to Waive Doubled Fees | 35 – 38 | Zoning Board decided to issue a recommendation to the Town Board to not waive Mr. Carpenter's doubled fees. |
| B) Minutes | 38 – 39 | Minutes from March 18, 2015 ZBA meeting approved . |

ZONING BOARD OF APPEALS

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Zoning Board of Appeals
April 23, 2015 Meeting Minutes**

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

Present were: Chairman Lars Olenius, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Michael Carinha, Board Member Stephanie Fox, Nancy Tagliafierro – Attorney with Town Attorney’s Office, and Rich Williams – Town Planner.

Chairman Olenius called the meeting to order at 7:00 p.m.

There were approximately 3 members of the audience.

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

Chairman Olenius led the salute to the flag.

Roll Call:

Board Member Bodor	-	Here
Board Member Burdick	-	Here
Board Member Carinha	-	Here
Board Member Fox	-	Here
Chairman Olenius	-	Here

1) Peter Ruisi (Liberty Paintball) Case #09-14

No one was present to represent the application.

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 Thursday, April 23, 2015 at 7:00 p.m. at the Patterson Town

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

Peter Ruisi (Liberty Paintball Games) Case #09-14 – Area Variance: Held over from the April 16, 2014, May 21, 2014, June 18, 2014, July 16, 2014, August 20, 2014, September 17, 2014, October 15, 2014, November 18, 2014, December 16, 2014, January 21, 2015, February 18, 2015, and March 18, 2015 meetings

Chairman Olenius: The Town Planner has assured me now that the, uh, weather has broken, um... that they're going to be getting underway up there. I guess they're working on a site walk for the Planning Board, so we should have something within the next couple of months, but... until then, we'll keep it tabled again.

2) John Moriarty Case #01-15

One person was present to represent the application.

The Secretary read the following legal notice:

John Moriarty Case #01-15 – Special Use Permit & Area Variances

Applicant is requesting a special use permit pursuant to §154-115 of the Patterson Town Code; Public garages and automotive dealerships, in order to legalize an existing used car business. Patterson Town Code §154-115 states that a special permit may be granted for a public garage or an automotive dealership on a lot of not less than 2 acres. Applicant's lot is 1.08 acres. Variance requested is for 0.92 acres. Patterson Town Code §154-115(A) states that the minimum first floor area for any principal building shall be 2,200 square feet. First floor area of applicant's principal building is 1,176 square feet. Variance request is for 1,024 square feet. Patterson Town Code §154-115(B) states that no public garage or automotive dealership shall be located within 1,000 feet of any other public garage, automotive dealership, or gas station as measured between the closest property corners. Applicant's business is within 1,000 feet of two automotive dealerships. This property is located at 2233 Route 22 (C-1 Zoning District).

Chairman Olenius: Mr. Moriarty.

Mr. Moriarty: Yes.

Chairman Olenius: Come on up and talk to us again, please.

Mr. Moriarty: Good evening.

Chairman Olenius: Good evening. I, um... thank you for meeting us there for our site walk a couple of months ago...

Mr. Moriarty: Sure.

Chairman Olenius: Showing us the lay of the land. I understand we were in a bit of a stall there for a little while because there were some other code violations from the Building Department, but... according to the note from Mr. McCarthy [the Building Inspector], you've satisfied everything with regards to that – removed the accessory apartment and the unregistered vehicles?

Mr. Moriarty: Yes.

Chairman Olenius: Good... and he was – he was out there with you?

Mr. Moriarty: Yes, he was.

Chairman Olenius: Okay. I just didn't see... is this a new survey that was just submitted... of your property?

Mr. Moriarty: No.

Chairman Olenius: Or...

Mr. Moriarty: Well, the survey itself is not new, but, uh, it's... it's different. There's two I submitted. This one here shows the location of the office trailer.

Chairman Olenius: And this new one shows where the septic tank is and the fields. Now I see that. That...

Mr. Moriarty: Yeah.

Chairman Olenius: I don't think – that wasn't on the last one, right?

Mr. Moriarty: No.

Chairman Olenius: Okay.

Board Member Fox: [Inaudible – speaking too low]

Chairman Olenius: Okay, I just saw the... [Inaudible – turned away from microphone]

Board Member Carinha: And the shed is [inaudible – speaking too low], right?

Board Member Fox: Mm hmm.

[Board Members Carinha & Fox conversing away from microphone]

Chairman Olenius: This shed in the backyard that's straddling the property lines...

Mr. Moriarty: Yes.

Chairman Olenius: What's your intention?

Mr. Moriarty: To remove it.

Chairman Olenius: It is? Okay.

Mr. Moriarty: Yeah. It's been there probably 30, 40 years. It's ready to fall down.

Board Member Bodor: And the septic fields are in front of that shed. Is that correct?

Mr. Moriarty: Yes they are.

Board Member Bodor: From looking at this?

Mr. Moriarty: Mm hmm.

Board Member Bodor: Okay.

Mr. Moriarty: Correct.

Board Member Bodor: Now, when we were out there, you were talking about expanding the, uh, area to put your vehicles...

Mr. Moriarty: Yes.

Board Member Bodor: And won't that area be where the septic tank covers are, too?

Mr. Moriarty: Uh...no. It would be past where the septic, uh, tank covers are.

Board Member Bodor: Well, the septic tank covers seem to be just off the macadam driveway on the bend.

Mr. Moriarty: Right. Correct.

Board Member Bodor: And...

Mr. Moriarty: But, the area that I would be using to display cars would be beyond that.

Board Member Bodor: More towards where the shed is currently?

Mr. Moriarty: More... more towards the back of the property, you know...

Board Member Bodor: Where the shed is. That's the back of your property, right?

Mr. Moriarty: Well, that's the corner of the property. That's the back corner. I'm – if you come up the driveway and just go straight ahead, that's the area I'm talking about.

Board Member Bodor: Well – and that's where the septic tank covers are.

Mr. Moriarty: Yes. Yes, that's correct.

Board Member Bodor: So, you're going to be expanding into that area with your cars parked there.

Mr. Moriarty: Possibly. Yeah. Possibly. Right... right now, I'm just – I'm planning on just using the area that's existing.

Chairman Olenius: When we were out there, it appeared – I thought you said this – the... the one automotive dealership is, in fact, a motorcycle repair shop?

Mr. Moriarty: Yes, it's...

Chairman Olenius: The one directly adjacent to you.

Mr. Moriarty: Yes. Yeah.

Chairman Olenius: And the other one, further down...

Mr. Moriarty: Is also motorcycle repair and sales. They're not – neither one are automotive. I guess you'd consider them as being "public garages", but... I won't be a public garage. I just want to do sales. I'm not going to be doing any repairs.

Chairman Olenius: No repairs. Sales only?

Mr. Moriarty: Yeah. Right.

Board Member Bodor: So, you'll be – you'll be sales only, in spite of the fact that the name of your business...

Mr. Moriarty: Yes.

Board Member Bodor: Is... I can't – I'm not pulling it up right now – but, it's something to do with bodywork.

Mr. Moriarty: Yeah – uh, Action Auto Body and Glass...

Board Member Bodor: Right.

Mr. Moriarty: Company.

Board Member Bodor: Right.

Mr. Moriarty: That's the name of my business. Yes.

Board Member Bodor: That – right, and that does not indicate sales to me. That – that's where I'm coming from.

Mr. Moriarty: Well, on the sign it says used cars.

Board Member Bodor: Oh, does it?

Mr. Moriarty: Yeah.

Board Member Bodor: Okay.

Mr. Moriarty: Yeah, it does.

Board Member Bodor: The main part is... not sales [laughter].

Chairman Olenius: Is that just a name you've had for quite a while?

Mr. Moriarty: Yes. Yes. For 30-something years.

Chairman Olenius: Okay.

Board Member Bodor: And that's a registered name, apparently.

Mr. Moriarty: Yes, it is.

Board Member Bodor: With whom – motor vehicles and whatever?

Mr. Moriarty: And with the county.

Board Member Bodor: Okay.

Mr. Moriarty: Yeah.

Board Member Bodor: So, you've stated you have been there, what, 37 – you just said – how many years?

Mr. Moriarty: Well, I've been... on that...

Board Member Bodor: Doing this business.

Mr. Moriarty: 30... 30-plus years. Yeah.

Board Member Bodor: Okay, and what about your neighbors with the motorcycles? They've been there a long time, too, no?

Mr. Moriarty: Uh, I think I was there first...

Board Member Bodor: Yeah...

Mr. Moriarty: Before Herman's [Performance]...

Board Member Bodor: Okay.

Mr. Moriarty: And then, uh, this fellow here just came in.

Board Member Bodor: Oh, he's more recent.

Mr. Moriarty: Yeah.

Board Member Bodor: He's quite recent then.

Mr. Moriarty: 6 months.

Board Member Bodor: 6 months? Okay.

Mr. Moriarty: Yeah.

Board Member Bodor: There was someone – somebody – something was in...

Mr. Moriarty: Prior to that, there was a motorcycle business there...

Board Member Bodor: Okay.

Mr. Moriarty: Uh... probably for about, uh, 5 years or so.

Board Member Bodor: Alright.

Mr. Moriarty: They... they moved down to Westchester.

Board Member Bodor: So, this is a fairly new person in there next door...

Mr. Moriarty: Yes.

Board Member Bodor: Adjacent to you?

Mr. Moriarty: Yes.

Board Member Bodor: And how many used cars do you think you can display at a time there?

Mr. Moriarty: Well, the area that you saw there...

Board Member Bodor: Yeah.

Mr. Moriarty: That's blacktopped, I can comfortably put 6 cars there.

Board Member Bodor: Okay... and still allow room for movement?

Mr. Moriarty: Yes. You had asked me – you had mentioned to me – I said 6 cars to you, I believe – and you said, "Well, you have... what about your car, and..."

Board Member Bodor: Mm hmm.

Mr. Moriarty: “And the people upstairs?” Their car goes inside. My car is one of he used cars.

Board Member Bodor: Okay.

Mr. Moriarty: I’m constantly, uh, driving a different car, to, uh, check it. You know, to make it sure it’s okay before I sell.

Board Member Bodor: Okay. So, you’re using one of the cars...

Mr. Moriarty: Yes.

Board Member Bodor: That you would be...

Mr. Moriarty: Exactly.

Board Member Bodor: Hopefully, selling.

Mr. Moriarty: Yes, hopefully.

Board Member Bodor: Okay.

Mr. Moriarty: Yes.

Chairman Olenius: Oh, you have, like, dealer plates on it or something, and just...

Mr. Moriarty: Yeah. Exactly.

Board Member Bodor: Okay.

Board Member Fox: And then you’d still have the one car at the street, right?

Mr. Moriarty: Yes.

Board Member Fox: As advertisement?

Mr. Moriarty: Yes. That would be my display car.

Board Member Fox: Now, I know this doesn’t exactly have to do with you. I know that when we were there, it seemed that the adjacent, uh, tenant/property-owner had his cars on display. Um... of course, I don’t – and we were discussing whether or not he’s allowed to have that or not. Um... I wasn’t able to find in the Code particularly where it says you’re allowed to display two cars for sale if you own something, but... that doesn’t mean it’s not in there.

Mr. Moriarty: I believe the Code is one car.

Board Member Fox: One car?

Mr. Moriarty: Yeah. Unless, of course, you’re a dealer.

Board Member Fox: Right.

Mr. Moriarty: Um...

Board Member Fox: Because he had a couple out there. Even the other day I drove by, he had a couple out there...

Board Member Carinha: Yeah.

Board Member Fox: 3, maybe.

Board Member Carinha: Yeah, I think so.

Board Member Fox: A pick-up truck, a Camaro, and something else... but, that's not your violation.

Mr. Moriarty: That's not mine. No.

Chairman Olenius: Does anybody from the audience have a comment on this case? I'm hearing none. I'll make a motion to, uh, close the public hearing.

Board Member Burdick: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.

Chairman Olenius: Bear with me. This is a long road.

Mr. Moriarty: Sure. I know.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
John Moriarty, Case #01-15
For an Area Variance for Lot Size**

WHEREAS, *John Moriarty* is the owner of real property located at 2233 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel #35.7-1-1, and**

WHEREAS, *John Moriarty* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-115 of the Patterson Town Code; Public garages & automotive dealerships, in order to operate an automotive dealership, and

WHEREAS, §154-115 of the Patterson Town Code states that a special permit may be granted for a public garage or automotive dealership in the C-1 Zoning District located on Route 22 on a lot of not less than 2 acres; Applicant's lot is 1.08 acres; *Variance requested is for 0.92 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 *April 23, 2015, and a site walk was conducted on March 10, 2015* 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 *due to the fact that it's in the commercial zone.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *due to the fact that the property is landlocked and there's no direct way to increase the property's size.*
3. the variance requested *is* substantial *however, not so much so as to cause a denial of the requested variance.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because in its current state it can be utilized as it is at this point*
5. the alleged difficulty necessitating the variance *was not self-created, and is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *John Moriarty* for an area variance pursuant to §154-115 of the Patterson Town Code; Public garages and automotive dealerships, *of 0.92 acres in order to operate an automotive dealership.*

Board Member Bodor: I second it.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
John Moriarty, Case #01-15
For an Area Variance for Principal Building Area**

WHEREAS, *John Moriarty* is the owner of real property located at 2233 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel #35.7-1-1, and**

WHEREAS, *John Moriarty* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-115(A) of the Patterson Town Code; Public garages & automotive dealerships, in order to operate a public garage or automotive dealership, and

WHEREAS, §154-115(A) of the Patterson Town Code states that a special permit may be granted for a public garage or automotive dealership in the C-1 Zoning District located on Route 22 provided that the minimum first floor area for any principal building shall be 2,200 square feet; Applicant can provide 1,176 square feet; **Variance requested is for 1,024 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 ***April 23, 2015, and a site walk was conducted on March 10, 2015,*** 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 ***due to the fact that it is a commercial area.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the fact that the home really can't be expanded in its current siting on the lot.***
3. the variance requested ***is*** substantial ***however, not so much so as to cause a denial of the requested variance.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because there is no expansion planned at this point in time from the current conditions.***
5. the alleged difficulty necessitating the variance ***was not self-created, and is not sufficient*** so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby ***grants*** the application of ***John Moriarty*** for ***an area variance*** pursuant to §154-115(A) of the Patterson Town Code; Public garages and automotive dealerships, of ***1,024 square feet in order to operate a public garage or automotive dealership.***

Board Member Carinha: Second.

Board Member Bodor: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: On to...

Mr. Moriarty: Terrific. Thank you. Thank you all so much.

Board Member Bodor: Don't go anywhere.

Chairman Olenius: Yeah.

Mr. Moriarty: Okay. I'm not.

[Laughter.]

Board Member Fox: There's more!

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
John Moriarty, Case #01-15
For an Area Variance for Public Garage or Automotive Dealership Location**

WHEREAS, *John Moriarty* is the owner of real property located at 2233 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel #35.7-1-1**, and

WHEREAS, *John Moriarty* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-115(B) of the Patterson Town Code; Public garages & automotive dealerships, in order to operate a public garage or automotive dealership, and

WHEREAS, §154-115(B) of the Patterson Town Code states that no public garage or automotive dealership shall be located within 1,000 feet of any other public garage, automotive dealership or gas station as measured between the closest property corners; Applicant's lot is adjacent to a public garage or automotive dealership; ***Variance requested is for 1,000 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 ***April 23, 2015, and a site walk was conducted on***

March 10, 2015, 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 *due to the fact that it is a commercial area*.
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *due to the fact that the property in question next to him is also another commercial piece of property, which, however, typically services motorcycles only*.
3. the variance requested *is* substantial *however, not so much so as to cause a denial of the requested variance*.
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *due to the fact that the applicant has been in operation in excess of 30 years*.
5. the alleged difficulty necessitating the variance *was not self-created*, and *is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *John Moriarty* for *an area variance* pursuant to §154-115(B) of the Patterson Town Code; Public garages and automotive dealerships, of *1,000 feet in order to operate a public garage or automotive dealership*.

Board Member Bodor: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: The big one.

Board Member Bodor: Mm hmm.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
John Moriarty, Case #01-15
For a Special Use Permit for an Automotive Dealership**

WHEREAS, *John Moriarty* is the owner of real property located at 2233 Route 22 (C-1 Zoning District), also identified as ***Tax Map Parcel #35.7-1-1***, and

WHEREAS, *John Moriarty* has made an application to the Patterson Zoning Board of Appeals for a Special Use Permit as set forth in §154-115 of the Patterson Town Code; Public garages and automotive dealerships, and

WHEREAS, §154-115 states that a special permit may be granted by the Zoning Board of Appeals in the Industrial (I) District or the Commercial (C-1) District located on Route 22 only, for a public garage or automotive dealership, subject to the standards and conditions of §154-115, 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 at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***April 23, 2015, and a site walk was conducted on March 10, 2015,*** to consider the application; and

WHEREAS, the Zoning Board of Appeals finds that the Application as presented ***meets*** the standards and 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 of, the district in which it is located.
- (4) The location, nature, and size of any building, structure, wall or fence and the nature and extent of any landscaping ***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 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 of the Patterson Zoning Code, subject to any conditions contained herein, and

WHEREAS, the Patterson Zoning Board of Appeals has granted an area variance from §154-115 of the Patterson Town Code to permit a lesser lot size of 0.92 acres from the 2 acres required, and

WHEREAS, the Patterson Zoning Board of Appeals has granted an area variance from §154-115 (A) of the Patterson Town Code to permit a lesser principal structure first floor area of 1,176 square feet from the 2,200 square feet required, and

WHEREAS, the Patterson Zoning Board of Appeals has granted an area variance from §154-115 (B) of the Patterson Town Code to permit a lesser separation distance of 0' from the 1000' required.

NOW, THEREFORE BE IT RESOLVED, the Patterson Zoning Board of Appeals wishes to *grant* the request of *John Moriarty* for a Special Use Permit *to allow for the operation of an automotive dealership in the C-1 Zoning District as set forth in §154-115* of the Patterson Town Code; Public garages and automotive dealerships, and

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

1. The shed currently in existence on the property must be removed by... July of 2015?

Mr. Moriarty: Yeah. That should be okay. Uh... I was wondering if I could get the fire department to burn it down. Practice. Do they do that still?

Board Member Bodor: You'd have to approach them.

Mr. Moriarty: Yeah.

Board Member Bodor: Yeah.

Mr. Moriarty: I'm going to do that. Yeah. Okay. Uh... July...?

Chairman Olenius: Yeah, the...

Nancy Tagliaferro: July 1?

Chairman Olenius: July...

Nancy Tagliaferro: July 31st?

Chairman Olenius: July 31.

Mr. Moriarty: July 31.

Chairman Olenius: July 31, 2015. That'll give you a full 3 months.

Mr. Moriarty: Yeah. Should be good.

The Secretary: Second...

Chairman Olenius: Oh, sorry...

[Laughter.]

Board Member Burdick: Second.

Board Member Carinha: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: [To the Secretary] Sorry, I couldn't read your [inaudible – laughter]... Alright, sir. You're good to go.

Mr. Moriarty: I'm done?

Chairman Olenius: You're done.

Mr. Moriarty: Fantastic. Thank you very much.

Chairman Olenius: Continue your operation. Thank you for being so cooperative.

Mr. Moriarty: Thank you.

Chairman Olenius: Appreciate it.

Mr. Moriarty: Have a good night.

Chairman Olenius: You, too.

3) South Patterson Business Park West, Inc. Case #07-15

One person was present to represent the application.

The Secretary read the following legal notice:

South Patterson Business Park West, Inc. Case #07-15 – Special Use Permit: Held over from the March 18, 2015 meeting

Chairman Olenius: Mr. Cameron. It's good to see you again. Thank you for coming back...

Mr. Cameron: Yes. Thank you.

Chairman Olenius: And joining us.

Mr. Cameron: Robert Cameron from Putnam Engineering. Presenting the applicant, South Patterson Business Park West. We had gone on our site visit on a...

Chairman Olenius: I was just about to thank you for meeting us...

Mr. Cameron: Yes...

Chairman Olenius: On that rainy day.

Mr. Cameron: On a not-so-nice day.

Chairman Olenius: Yeah.

Mr. Cameron: Um... and I pretty much explained what the situation with the site is, and at the last meeting I had testified about the difficulty of the owner being able to market the property under the... the present zoning conditions, and the special permit is available through Patterson Code to allow for the warehouse use, which is what the applicant is requesting and what his marketing agents are indicating that is going to be the best value for visibility to... to market and sell the property.

Chairman Olenius: That's what the market's driving right now for that type of...

Mr. Cameron: Yes.

Chairman Olenius: Utilization. So, he doesn't – it wouldn't be another vacant property sitting there. He thinks he'd be able to move it quickly...

Mr. Cameron: Yes.

Chairman Olenius: In this...

Mr. Cameron: That's – I mean, we went through the whole process already with the Planning Board. Uh, we conformed to the zoning. He tried marketing the property as that – as it was permitted – and they were having difficulty in marketing it. And, also, there was complications with the... the timing at that particular period in our... our, uh, history, I guess you could call it.

Chairman Olenius: I just – I'm an advocate for development, you know, to a degree, but I hate to see something get built and just sit there. So, I'd prefer it was marketed the proper way the first time...

Mr. Cameron: Yes, that's...

Chairman Olenius: You know.

Mr. Cameron: That's what he intends to do. Uh, building something, having it sit there, is only going to make him lose money...

Chairman Olenius: Right.

Mr. Cameron: Or lose whatever he's mortgaged to get it to that point.

Chairman Olenius: So, when we were there, we were looking kind of at the site. It looked like it had plenty of sightline, and I think you indicated that DOT was satisfied with your...

Mr. Cameron: Yes.

Chairman Olenius: Vision [inaudible – too many speaking at once]...

Mr. Cameron: The next day, I, uh, had met with DOT – it was either Wednesday or Thursday I had met with DOT, and they were pretty much okay with, uh, where we had the road at. I showed him the... the previous site plan that the Planning Board had reviewed, and they were pretty much okay with that. There was no issue with sight distance or anything. We had discussed the turning radius and, you know, whether, uh, we needed a pull off on the shoulder. He said I did not need a pull off on the shoulder. He said but if I wanted to show a pull off, I could show one. That would be up to me. He said just as long as there's enough radius for the trucks to turn – he says, "Show me a radius – turning radius diagram" – which we've already done, so... it's... it would be no... no issue with the DOT, except for the time that it takes for them to issue me the permit.

Chairman Olenius: I think in looking – I'm going back to the site walk in my mind now – there was one regular property directly adjacent to the site, but it... the elevation there was much higher than your building, and I believe you said that, like, any of your sight lighting would be like a downcast...

Mr. Cameron: Yes.

Chairman Olenius: Style. You wouldn't affect their...

Mr. Cameron: Correct. No. The... the lighting technology today is amazing with the new, uh... it's not even LED. It's like a crystalline technology, and... the – they have a special lens, uh, that directs the light basically down, uh... if you've ever gone over to, uh, Meadowlands, uh, next to Putnam Plaza...

Chairman Olenius: Mm hmm.

Mr. Cameron: You look at those fixtures, and you're actually almost looking up at them, and you'd see the light, but you don't see any glare or anything. The light is basically directed almost straight down. It's... it's very impressive as to the directionality of the lighting that they can produce nowadays.

Board Member Fox: And I believe you said you're going to be putting some sort of landscape buffer, correct, too?

Mr. Cameron: Yes.

Board Member Fox: Between...

Mr. Cameron: Yes.

Board Member Fox: Which I know it's – it's in here. I just...

Mr. Cameron: Yes.

Chairman Olenius: And the other nearest – closest, nearest – properties were well at the back of the parcel, where you're not developing at all...

Mr. Cameron: Oh, it's not...

Chairman Olenius: The... the wetland areas...

Mr. Cameron: Yes, it's pretty far away in the back. Yeah.

Board Member Fox: Now, in terms of your client, he's pretty well set with – I know that you said you haven't received the, um, architectural portion of the project – but, he's set with the footprint of the building? He's understanding that he needs to – once he gets this variance – that he needs to conform to the...

Mr. Cameron: Well, he can't – he can't exceed the footprint or the variance that you give him...

Board Member Fox: Right. He understands...

Mr. Cameron: Uh... but, I still have to go back to the Planning Board and I still have to deal with stormwater and other site improvements, so, uh... what I would say is I won't exceed any variance that you give me, but, I may...

Board Member Fox: Well, yeah. You can go less.

Mr. Cameron: Due to the factors, have to make it smaller...

Board Member Fox: Right.

Mr. Cameron: To conform...

Board Member Fox: Oh yeah. Certainly you can do that.

Mr. Cameron: Other site constraints for storm water.

Chairman Olenius: This is actually – this application is just for a Special Use Permit. You know, just for the use...

Board Member Fox: Oh, it's just for the Use Permit?

Chairman Olenius: Just...

Board Member Carinha: Yeah.

- Chairman Olenius: Yeah.
- Board Member Fox: Well... well, what about the 71% though? That's not – that's written into it.
- Mr. Cameron: Well, that – that's an interesting question. I'm glad you brought that up, because, I mean...
- Board Member Fox: Because...
- Mr. Cameron: Basically, you can grant me warehouse and – and I can do the warehouse. I was just indicating to you how my site was laid out, um... basically, uh, I mean, you could grant me the – what did I say – 26,000 square feet of warehouse...
- Board Member Fox: Right.
- Mr. Cameron: Or you could just issue me a Special Permit and grant me warehouse, but, I... I still want to keep the...
- Board Member Fox: Because there's another one...
- Mr. Cameron: Office portion...
- Board Member Fox: Attached to it.
- Mr. Cameron: That's there, and I'm okay to do that...
- Board Member Fox: That's my concern...
- Mr. Cameron: With the office warehouse.
- Richard Williams: Correct.
- Mr. Cameron: Good. Okay.
- Board Member Fox: So...
- Nancy Tagliaferro: There's a...
- Richard Williams: Stephanie, why you're doing a Special Use Permit and not a variance is because a Special Use Permit is an authorization under a zoning code. It's... it's generally considered lesser of a, uh, hurdle for the applicant to get over...
- Board Member Fox: Right.
- Richard Williams: Than it is for a variance.
- Board Member Fox: But, what – I mean, how does that impact the... the percentages that we're, um...

Richard Williams: It throws the percentages right out.

Board Member Fox: Writing into the variance itself, though?

Richard Williams: But, are you writing percentages into the variance?

Board Member Fox: Yes, it says 71% of the proposed...

Nancy Tagliafierro: This isn't a variance. It's a Special Use Permit...

[Inaudible – several board members and applicant speaking at once.]

Board Member Fox: Oh, well, okay. It's just...

Nancy Tagliafierro: And I think the reason why it's in there is because there's a limit in the Town Code on how much space you can have for warehouse...

Board Member Fox: Oh, okay.

Nancy Tagliafierro: In a building otherwise, but there's not limit on how much you can use as office space.

Board Member Fox: So, it's not really an actual...

Nancy Tagliafierro: No.

Robert Cameron: Thank you.

Board Member Fox: Figure?

Robert Cameron: I'm glad you clarified that for me.

Board Member Fox: Me, too.

[Laughter.]

Chairman Olenius: Anybody in the audience have a comment on this? I'm hearing none. Uh...

Board Member Bodor: Close the public hearing?

Board Member Carinha: Yep.

Chairman Olenius: Anybody want to...

Board Member Carinha: Second it.

Chairman Olenius: All in favor?

Motion passed by vote of 5 – 0.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
South Patterson Business Park West, Inc., Case #07-15
For a Special Use Permit**

WHEREAS, *South Patterson Business Park West, Inc.* is the owner of real property located at 2067 Route 22 (C-1 and R-4 Zoning Districts), also identified as **Tax Map Parcel #35.-4-63.2**, and

WHEREAS, *South Patterson Business Park West, Inc.* has made an application to the Patterson Zoning Board of Appeals for a special use permit pursuant to §154-113 of the Patterson Town Code; Warehouses, and

WHEREAS, §154-113 of the Patterson Town Code; Warehouses states that on a lot of not less than two acres, a special permit may be granted in the Commercial District for a warehouse, and

WHEREAS, 71% of the proposed building will be utilized as warehouse space and the remaining 29% will be used as office space, necessitating the special use permit, and

WHEREAS, the Patterson Planning Board acting as lead agent issued a negative SEQR determination on September 30, 2010, and

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *March 18, 2015 and April 23, 2015, and a site walk was conducted on April 7, 2015*, to consider the application; and

WHEREAS, The Patterson Zoning Board of Appeals finds that the Applicant *has* met the standards for the issuance of a special use permit as set forth in §154-113 of the Patterson Zoning Code;

1. The Zoning requirements of the district relative to frontage, property line setbacks and building coverage have all been met.
2. The applicant has provided a seventy-five-foot densely vegetated buffer along the adjacent residential zoning district, and there are no aboveground or below-ground utilities or structures placed in the buffer.
3. Access is from a county or state road.
4. The building will not have exposed metal siding.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *South Patterson Business Park West, Inc.* for a *special use permit* pursuant to §154-113 of the Patterson Town Code; Warehouses, in order to allow the

operation of a warehouse in the C-1 Zoning District.

Board Member Burdick: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: Alright, Mr. Cameron.

Mr. Cameron: Thank you very much.

Chairman Olenius: Go help the economy. Thank you. [Inaudible – papers shuffling].

4) Rune Bekkelund Case #08-15

One person was present to represent the application.

The Secretary read the following legal notice:

Rune Bekkelund Case #08-15 – Area Variance

Applicant is requesting an area variance pursuant to §154-4, of the Patterson Town Code; Definitions, in order to construct a 40' x 30' garage with a 14' x 30' attached carport. Patterson Town Code §154-4 states that a private garage must have a building area over 250 square feet but may not exceed in size a bulk area ratio of 50% of the principal dwelling. Applicant's proposed garage will be 68% of the bulk area ratio of the principal dwelling. Variance requested is for 18%. This property is located at 581 North Birch Hill Road (R-4 Zoning District).

Chairman Olenius: Mr. Bekkelund.

Mr. Bekkelund: Good evening, everybody.

Chairman Olenius: Am I pronouncing that right?

Mr. Bekkelund: Yes.

Chairman Olenius: Can you just state your name and address for the record, please?

Mr. Bekkelund: Rune Bekkelund. 581 North Birch Hill Road. Patterson, New York.

Chairman Olenius: And do you swear the testimony you give us tonight will be the truth and the whole truth?

Mr. Bekkelund: Yes.

Chairman Olenius: Thank you. You're the first new case. That's why I had to do that.

Mr. Bekkelund: Okay. Yeah, I'm...

Chairman Olenius: It's going to be refreshing to hear some new...

Mr. Bekkelund: Very new to this. Never been though this, so, hopefully, uh... I got everything right.

Chairman Olenius: So, you're looking to build a rather large garage...

Mr. Bekkelund: Yes.

Chairman Olenius: On your property. And the... just go through your reasons for requiring – requesting this, requiring this?

Mr. Bekkelund: Well, we have a raised ranch and a two-car garage that's under the house. Pretty small... um, I have two cars. My wife has a car. I have, uh... a small tractor, an ATV, a log-splitter, snow-blower, um... and everything's in the garage – the two-car garage – now, except our three cars, and, uh... I bought my – first time I bought a brand new car was in 2011. I tried keeping it inside, you know, to keep it as nice as possible, but, it's... It's not possible right now. Um... so, I'm looking to do a three-bay garage with a... a little bit deeper than – you know, I think an average depth is 24 feet, but, all of my friends that do build something like that, they almost regret that it's a little too small. So, I'm... I'd like a little bit more room once you pull the car in – whether I have a work bench or room behind the car, and, uh... the carport on the side is for a camper that we have. I'd like to just keep that out of the weather.

Chairman Olenius: You don't – you currently don't, like, have a shed or anything, or...

Mr. Bekkelund: I have a small shed. It's probably...

Chairman Olenius: Oh, I see. The...

Mr. Bekkelund: 8... 8 feet by 12 feet maybe.

Chairman Olenius: Just it looks like the footprint of this proposed garage is gonna take that out of the equation, judging by the...

Mr. Bekkelund: Yeah, the – the shed, and I have pictures of, uh, the shed and I have a jungle gym for my kids, but that's all gonna disappear.

Chairman Olenius: Do you have pictures you'd like to... show us?

Mr. Bekkelund: Yeah. I'm not sure if this is gonna help, but Cheryl [Smith], the Secretary [to the Building Department] said, uh, if I would take some pictures to show you the proposed area – I marked it off and, uh, took some pictures – it might... not need a site walk. I know it's not guaranteed, but that's what I got for now.

The Secretary: Is it okay if we hang on to them?

Mr. Bekkelund: Oh, sure.

The Secretary: For your file?

Mr. Bekkelund: Yep.

The Secretary: Thanks.

Chairman Olenius: Oh, you've got some slope there on that...

Mr. Bekkelund: Right, it... the... it rises up about 5 or 6 feet and then it levels a little, so I'm gonna – if it's approved – we're gonna be digging into that to keep it level with the house.

Chairman Olenius: You've got quite a, uh, sizeable lot there, it looked like. I thought it was 10 acres or something like that. Is that correct?

Mr. Bekkelund: Right. It's – it's around 10 1/2 [acres]. It's... it's...

Board Member Bodor: Goes – goes back deep.

Mr. Bekkelund: Yeah, it goes back around 1,200 feet, and I think the width at the widest point is 300 feet, and it kind of zigzags in the beginning, but in a couple hundred feet behind the house, it goes a little to the side, and then it goes, you know, way back to, uh... it's... it's... there's another – the last house on Bridle Ridge, um, goes back towards his property, and the previous owner, they sold half an acre to that property so he could do an addition on his house. So, it goes all the way back. But, it's not usable property. I mean, it's very wooded and rocky and terrain. Basically use it for hiking and, uh, firewood.

Chairman Olenius: Recreation.

Mr. Bekkelund: Yeah... and, also, the spot that I'm planning for, it's kind of a dead spot. There's a huge stump right there that's in the picture, that, you know, it's not possible for me to take out, but, uh... all I do is cut the grass there, and, you know, it gets muddy in the winter... and it – this is all private use. There's no commercial or, uh, no business... businesses involved.

Board Member Bodor: The property adjoining yours, is there anything on that, or is that wooded, or...

Mr. Bekkelund: Is that the...

Board Member Bodor: Right here...

Mr. Bekkelund: The O'Connor's property?

Board Member Bodor: Uh, O'Connor.

Mr. Bekkelund: There – there’s nothing there, no. His house is actually out by the road and my... my house is back, I’m gonna guess, 80, 90 yard – uh, 90 yards.

Board Member Bodor: Okay. So, he’s up here closer to the road.

Mr. Bekkelund: Right, he’s right on the road.

Board Member Bodor: He’s on the road. Okay.

Mr. Bekkelund: So back – back where my house is and where the proposed garage is...

Board Member Bodor: Mm hmm.

Mr. Bekkelund: There’s nothing.

Board Member Bodor: Is it wooded or is it cleared?

Mr. Bekkelund: Wooded. Yeah.

Board Member Bodor: It’s all wooded.

Mr. Bekkelund: Mm hmm. And I checked with the boundary lines, uh... 20 feet from the property line, 15 feet from... from my house...and...

Board Member Bodor: That’s very good.

Mr. Bekkelund: And I tried – tried doing some homework, um... the, um... the excavator said, uh, it shouldn’t be a problem.

Chairman Olenius: So, you wouldn’t need an additional variance?

Mr. Bekkelund: I don’t think so.

Chairman Olenius: Good. That’s what we like to hear.

Mr. Bekkelund: Yeah. I spoke to Bob [McCarthy, Building Inspector] and Cheryl [Smith, Secretary to the Building Department], and they were very helpful with me, and, uh... I think Cheryl was the one that made the, uh, the little diagram on the – one of the maps there where the garage is gonna go, and... she used the scale, which I’m starting to get familiar with. Like I said, I’ve never done this before.

Board Member Carinha: You’re doing 12-foot ceilings in this? In the garage?

Mr. Bekkelund: Yes.

Board Member Carinha: Okay.

Chairman Olenius: Is there an upstairs to the garage?

Mr. Bekkelund: There's going to be an upstairs, but just for storage. It's gonna be unfinished, uh... I asked the architect in the middle, where it peaks, if it could just be high enough for me to walk, and I'm just gonna put, uh, boards down just so I can put boxes and storage.

Chairman Olenius: So, it's not a full second story. You're just utilizing...

Mr. Bekkelund: No.

Chairman Olenius: Utilizing the gabled space of the actual roofline...

Mr. Bekkelund: Right.

Chairman Olenius: Type thing?

Mr. Bekkelund: And it – I'm probably not going to be able to use this, you know, the full, all the way out to the – is it the gable? Is that what it...?

Chairman Olenius: Mm hmm.

Mr. Bekkelund: Or the, uh... the soffit.

Chairman Olenius: Right.

Mr. Bekkelund: I'm not gonna be able to go all the way out there because it's gonna get, you know, the size is gonna shrink.

Chairman Olenius: Right.

Mr. Bekkelund: So, I'm guessing, you know, maybe 3, 4 feet on each side of, uh, the peak where I can stand.

Chairman Olenius: We just wanted to make sure it doesn't become another living space...

Board Member Carinha: Yeah.

Mr. Bekkelund: Yep.

Chairman Olenius: That's the only reason I ask these questions...

Mr. Bekkelund: Yep.

Chairman Olenius: But, with what you're describing...

Mr. Bekkelund: Yeah.

Chairman Olenius: And it didn't look like it to me when the plans were submitted either, but...

Board Member Carinha: Yeah.

Chairman Olenius: I just – I need to ask.

Mr. Bekkelund: Yeah.

Board Member Fox: Yeah, you're not gonna put any windows on that second floor, I see...

Mr. Bekkelund: Nah.

Board Member Carinha: Also, the, uh... the height. Did you check with Bob in regards to height of your house and the height of this dwelling?

Mr. Bekkelund: Yes.

Board Member Carinha: Okay.

Mr. Bekkelund: Bob actually came out to me house...

Board Member Carinha: Okay.

Mr. Bekkelund: And – and he checked it.

Board Member Carinha: We just went through this with somebody else, that's why. I want to make sure.

Mr. Bekkelund: He told me. [Laughter.]

Board Member Carinha: Okay.

Mr. Bekkelund: Yeah. He – he said it clears it by about a foot. He said it shouldn't be a problem.

Board Member Carinha: Alright.

Board Member Bodor: And the carport is attached to the garage, so to speak?

Mr. Bekkelund: Yes.

Board Member Bodor: It's hard not to...

Mr. Bekkelund: It's going to have the same roof. The roof...

Board Member Bodor: Mm hmm.

Mr. Bekkelund: Will be one roof...

- Board Member Bodor: Uh huh.
- Mr. Bekkelund: But, the building will end 40 feet... and I guess the roof will be 54 feet, because the carport will be 14 feet, because the camper is, uh... 8... 8 or 8 ½ feet wide...
- Board Member Bodor: Okay...
- Mr. Bekkelund: Because I just wanted a little room.
- Board Member Bodor: Yeah, you can move around it then if it's got, like 14...
- Mr. Bekkelund: Right, yeah...
- Board Member Bodor: Yeah.
- Mr. Bekkelund: Because I'm going to be backing it in, so...
- Board Member Bodor: Yeah.
- Mr. Bekkelund: Just a little wiggle room on each side...
- Board Member Bodor: Mm hmm.
- Mr. Bekkelund: Would be nice.
- Board Member Fox: It's going to be unheated, right?
- Mr. Bekkelund: Uh, it's gonna be unheated for now. If I'm allowed to in the future, I was thinking of putting, uh, one of those propane heaters up on the top.
- Board Member Fox: Oh, yeah. Like on the ceiling?
- Mr. Bekkelund: But... it's not in the plans for now.
- Board Member Fox: Okay.
- Mr. Bekkelund: Just being honest.
- Board Member Carinha: The, uh, the steps on the – if you're looking at the garage – the steps on the, uh, the left side...
- Mr. Bekkelund: Yeah.
- Board Member Carinha: Is that because of the elevation of the property?
- Mr. Bekkelund: Right. When we first moved into the house in 2008 or [200]9, that was just part of the... the slope. So, at that time it was just mud...
- Board Member Carinha: Okay.

Mr. Bekkelund: You know, getting up into the backyard right there? So, I just – I hired somebody to... just to build the stairs right there just to get into the yard.

Board Member Carinha: Oh, okay.

Mr. Bekkelund: It's just...

Board Member Bodor: Those are – those are existing then.

Mr. Bekkelund: Yes...

Board Member Carinha: Oh.

Mr. Bekkelund: That's there now. All it is is, uh, concrete with, uh, bluestone, and he used some of the stone from, uh, the rock wall just to decorate it... and, um, speaking of the stairs, I'm guessing the stairs are about... 4 feet. So, the garage is gonna be 15 feet, so it's gonna be 11 feet from the stairs.

Chairman Olenius: Oh, I see what you're saying.

Board Member Fox: Yeah, it's...

Chairman Olenius: Is there railings on them or anything, though?

Mr. Bekkelund: Right now, no.

Chairman Olenius: No? That's fine. That 15 feet is just to allow access for an emergency situation...

Mr. Bekkelund: Right.

Chairman Olenius: If the fire department needs to get through...

Mr. Bekkelund: Yep.

Chairman Olenius: Or something, they needs space to pull their hoses around. You know, protect your property.

Mr. Bekkelund: And all...

Chairman Olenius: And, God forbid something happens with one of the structures, hopefully there's enough separation they can...

Mr. Bekkelund: Right.

Chairman Olenius: Safely help you.

Board Member Carinha: Your fields and your tank, are they behind your house?

- Mr. Bekkelund: I'm sorry?
- Board Member Carinha: The septic.
- Mr. Bekkelund: They're in front.
- Board Member Carinha: Everything's in front. Okay.
- Mr. Bekkelund: Yeah.
- Board Member Carinha: Oh, it's right here.
- Mr. Bekkelund: The, uh... the cap to the septic tank is right at the front stairs. A little to the right.
- Board Member Carinha: Okay.
- Mr. Bekkelund: It's nowhere near the garage.
- Board Member Burdick: And the well is gonna be – is behind the garage. Are you gonna have water in the garage at all?
- Mr. Bekkelund: No.
- Board Member Burdick: You might need water...
- Mr. Bekkelund: No plumbing.
- Board Member Burdick: No. Okay.
- Mr. Bekkelund: Just electric. I don't want to deal with, uh, draining the system in the winter, because it gets really cold. Especially after this winter.
- Board Member Fox: Okay.
- Chairman Olenius: Anybody in the audience have any comment on this? I'm hearing none.
- Richard Williams: Thanks.
- [Laughter.]
- Chairman Olenius: I didn't even see you there. Sorry.
- Board Member Bodor: I make a motion to close the public hearing.
- Board Member Burdick: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.

Chairman Olenius: Okay.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
***Rune Bekkelund*, Case #08-15**
For an Area Variance for a Detached 40' x 30' Garage with a 14' x 30' Attached Carport

WHEREAS, *Rune Bekkelund* is the owner of real property located at 581 North Birch Hill Road (R-4 Zoning District), also identified as **Tax Map Parcel #5.-1-13, and**

WHEREAS, *Rune Bekkelund* have made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-4 of the Patterson Town Code, Definitions – Private garage, in order to construct a 40' x 30' detached garage with a 14' x 30' attached carport, and

WHEREAS, a private garage is defined by the Patterson Town Code as a portion of a principal building or an accessory structure which does not exceed in size a bulk area ratio of 50% of the principal dwelling and does not exceed in height the height of the principal structure, and

WHEREAS, the bulk area of the Applicant's principal dwelling is 24,032 cubic feet; Bulk area of the proposed garage will be 16,200 cubic feet, or 68% of the bulk area ratio of the principal dwelling; ***Variance requested is for 7,832 cubic feet, or 18% over the permitted bulk area ratio,*** 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 23, 2015*** 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 ***due to the fact that the nearest residence is 80 – 90 yards away, and in front of the proposed structure.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the fact that what he requests for what he needs to store in the requested garage could not fit in anything smaller.***
3. the variance requested ***is*** substantial ***but, not so much so as to cause a denial of***

the requested variance.

4. the proposed variance **will not** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district **because now all the equipment that currently resides outside will be housed in a single structure.**
5. the alleged difficulty necessitating the variance **was not self-created**, and **is not sufficient** so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby **grants** the application of **Rune Bekkelund** for an area variance pursuant to §154-4 of the Patterson Town Code; Definitions – Private Garage, **for a variance of 7,832 cubic feet, or 18% over the permitted bulk area ratio, in order to construct a 40' x 30' detached garaged with a 14' x 30' attached carport.**

Board Member Fox: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: Well, good luck. I'm jealous.

Mr. Bekkelund: Thank you very much.

Chairman Olenius: I hope to have something that big.

Board Member Carinha: Yeah.

Mr. Bekkelund: Trust me, I lived in apartments my whole life. I've been waiting for this for a long time.

Chairman Olenius: A whole new world.

Mr. Bekkelund: Yeah.

[Laughter.]

Chairman Olenius: Well, I hope everything works out for you. I hope you don't hit any ledge or anything, and everything goes smooth and you can get right in there.

Mr. Bekkelund: Alright. Thank you very much.

Chairman Olenius: You're welcome.

Board Member Carinha: You're welcome.

Chairman Olenius: Good luck.

Board Member Burdick: Good luck.

Board Member Bodor: Good luck. Goodnight.

Mr. Bekkelund: Can I ask you a question? Now that this is approved, do I have to go back and see Bob?

Chairman Olenius: [To the Secretary] Will he get the approval tomorrow?

The Secretary: You have to go – they'll get – I'll type up the approval. They'll get that tomorrow. You'll also get it in the mail...

Mr. Bekkelund: Oh.

The Secretary: But, you have to go back to them to get the... the building permit.

Mr. Bekkelund: Oh, okay.

The Secretary: Itself. Yeah.

Mr. Bekkelund: So, how... how long is it? When should I go back?

The Secretary: Um... tomorrow?

Mr. Bekkelund: Oh, that soon?

The Secretary: If you're able...

Chairman Olenius: Yeah, you don't need to have that piece of paper in your hand...

The Secretary: Yeah, you don't have to...

Chairman Olenius: Because there will be a separate one...

Mr. Bekkelund: Oh, okay.

Chairman Olenius: That the secretary will send to them, so...

The Secretary: Yep.

Mr. Bekkelund: Yeah, I'm – like, I'm not starting it tomorrow. I'm just curious about what the next step is...

The Secretary: Yep. Tomorrow.

Chairman Olenius: If you're not working tomorrow, you could take advantage of it...

Mr. Bekkelund: No.

Chairman Olenius: Get it done.

[Laughter.]

Mr. Bekkelund: Okay. Thank you. Have a good night.

Board Member Bodor: Goodnight.

Board Member Carinha: Goodnight.

Chairman Olenius: Night.

5) Other Business

A) Scott Carpenter Case #02-15: Request to Waive Doubled Fees

Chairman Olenius: Alright. "Other Business." This Scott Carpenter Case – request to waive the doubled fees. It was the Orchard Street property that we approved the deck that was replaced on the back because the other one was falling down.

[Board Members Carinha & Fox conversing away from the microphone.]

Chairman Olenius: I would... My opinion is, we just went through that whole fee structure – the Planner gave us a memo last meeting, I think, saying how fair that our fees were compared to surrounding towns, and... I understand that, you know, he may not have been aware, but as a property owner you should be aware, and... we can take a vote, but I'm not for giving the Town Board – the Town Board will use their discretion anyway, but I'm... I'm not for sending them a memo...

Board Member Burdick: I agree.

Chairman Olenius: Reducing it.

Board Member Carinha: Yeah.

Chairman Olenius: I don't know if anybody else has any discussion on that. I mean, feel free. I'm not trying to force...

Board Member Fox: No, I...

Chairman Olenius: Anybody else's ideas, I mean. I just...

Board Member Fox: We don't have to...

Chairman Olenius: I remember when we were...

Board Member Fox: I agree.

Board Member Carinha: Yeah. I agree, also.

Chairman Olenius: How many years ago did we do the fee schedule, Rich? When you... it was a while back...

Richard Williams: I think – well, I think the last time we amended it was about 18 months ago...

Chairman Olenius: But, you could – we consulted on the initial one. I remember you were asking our opinions...

Richard Williams: Oh, yeah.

Chairman Olenius: You know, when we first did it, and I – we all – at that point, we all thought it was fair, and I...

Board Member Bodor: Mm hmm.

Chairman Olenius: You know, I don't...

Board Member Burdick: Mm hmm.

Chairman Olenius: I'm sticking to my guns with that. I still think it's fair, and...

Board Member Fox: I think it's very fair. I work in a lot of different municipalities, which – with a lot of... more stringent, or more expensive... they do... I mean, the fact that you guys even, you know – as a town, we send out the notices and things like that. That's often the burden of the homeowner. That, um, they have to pay for the postage and the mailings and, you know, the copying and all that stuff so, you know, that's – that's all a part of the fee, um... to notify, you know, the adjacent property owners and things like that, so that's... that's what – it's not just our time, it's all those things that come from the fee.

Chairman Olenius: If there was...

Board Member Carinha: Yeah.

Chairman Olenius: An extenuating circumstance – I'm not, you know, writing this in stone – you know, but for this case I didn't think anything was abnormal...

Board Member Burdick: Mm hmm.

Board Member Carinha: Yeah, I agree.

Chairman Olenius: Or initiated hardship in my mind, so... are we all in agreement, or...?

Board Member Fox: Mm hmm.

Board Member Burdick: Yes.

Board Member Carinha: Yes.

Board Member Bodor: I think so.

Chairman Olenius: [To the Secretary] So, you can send a memo to the Town Board...

The Secretary: Okay.

Chairman Olenius: That this board unanimously agreed not to waive the...

The Secretary: Okay.

Chairman Olenius: Fees. Thank you.

The Secretary: Sure.

Board Member Fox: I have a question about what we just approved just that – in that cubic feet because of the height differences between the two...

Rich Williams: Okay...

Board Member Fox: That's why it's in cubic feet? Because the... the Code originally states that – square feet. You know, it has to be 250 square feet.

Rich Williams: The Code originally...

Board Member Fox: Well, the Code...

Rich Williams: Stated...

Board Member Fox: The little excerpt from the beginning says, you know, that a structure must be a minimum of 250 square feet, but cannot exceed a ratio of 50% of the principle building, so we're talking about square feet as a guiding...

Rich Williams: We – we set it up as “bulk”, so you take into... into consideration not just the length and width, but also the height.

Board Member Fox: The height, right. Well, that's what...

Rich Williams: So, it's...

Board Member Fox: I understand the...

Rich Williams: More of an...

Board Member Fox: Right.

Rich Williams: Architectural standard.

Board Member Fox: Okay. That's where I was going, because I was like, "Cubic feet. Interesting." Okay.

[Laughter.]

Rich Williams: Oh, yeah, and boy did I throw everybody when I did that.

[Laughter.]

Board Member Fox: No, no, I was... I even asked Lars. I'm like, "cubic feet"? Because, I mean, it takes into account the whole, like, height issue that we've been running into, so I think that's a very...

Rich Williams: It's building mass.

Board Member Fox: Right.

Rich Williams: Yeah.

Board Member Fox: It's – it's on all... we're covering all bases by that.

Rich Williams: Yes.

Chairman Olenius: In the past, I've seriously regretted not having a calculator here, because we're trying to do calculations right here and it was...

[Laughter.]

Board Member Fox: Right. I just wanted to...

Chairman Olenius: Like a night – nightmare, but... we've thought that cubic feet would fit with bulk area better than square feet.

Board Member Fox: Well, good.

Chairman Olenius: Because, you know...

Board Member Fox: Yeah.

Chairman Olenius: Mass... [inaudible – papers shuffling]

Board Member Fox: It makes sense... and then we don't have any questions with the height.

2) Minutes: March 18, 2015

Chairman Olenius: I didn't see anything – with regards to the March minutes – anything glaringly wrong, so I would make a motion to improve them.

Board Member Burdick: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.

Chairman Olenius: [To the Secretary] I thank you for catching yourself on the February minutes, because I saw your little memo on that with this...

[Laughter.]

Chairman Olenius: And I think that's it. I make a motion to adjourn.

Board Member Fox: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.