

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
April 25, 2011**

AGENDA & MINUTES

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4) Other Business		
a) Minutes	10	March 25, 2011 minutes approved

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**ZONING BOARD OF
APPEALS**

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

PLANNING BOARD

Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Thomas E. McNulty
Ron Taylor

**Zoning Board of Appeals
April 25, 2011 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 Howard Buzzutto, Board Member Gerald Herbst, and Melissa Klepack, Attorney with Town Attorney’s Office.

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

There were approximately 4 members of the audience.

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

Chairman Olenius led the salute to the flag.

The Secretary stated okay.

Roll Call:

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

1) KATHLEEN PETTEY CASE #01-11

Ms. Kathleen Pettey was not present.

Chairman Olenius stated okay. Do you want to just read like the headlines for the...

The Secretary stated yup.

Chairman Olenius stated first couple and...

The Secretary stated did you want to read the request.

Chairman Olenius stated you don't have to read the entire thing. If you just want to just submit the request.

The Secretary stated okay.

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 Monday, April 25, 2011 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

Kathleen Pettey Case #01-11 – Interpretation –

Applicant has requested for her application to be held over.

2) PATRICIA TANZI CASE #03-11

Mrs. Patricia Tanzi was not present.

The Secretary read the following legal notice:

Patricia Tanzi Case #03-11 – Special Use Permit

Also requested to be held over.

3) LYNN BILLINGS CASE #07-11

Mrs. Lynn Billings and Mr. Leif Billings were both present.

The Secretary read the following legal notice:

Lynn Billings Case #06-11 – Area Variances

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to construct an 18' x 22' garage on the existing 18' x 22' foundation of the original garage. The Code requires a minimum side yard setback of 15'; Applicant will have 5'; Variance requested is for 10'. The Code also requires a 25' rear yard setback; Applicant will have 17.5'; Variance requested is for 7.5'. This property is located at 35 North Street (R-1 Zoning District).

Chairman Olenius stated come on up. Just state your name for the record, please.

Mr. Leif Billings stated Leif Billings.

Mrs. Lynn Billings stated Lynn Billings.

Chairman Olenius stated raise your right hand. You swear the testimony you provide tonight will be the truth and the whole truth.

Mrs. Billings stated yes.

Chairman Olenius stated thank you. Okay. Tell us what you want to do.

Mrs. Billings stated we...

Chairman Olenius stated actually, first of all, do you agree with the legal as it was read. Is that...

Mrs. Billings stated yes.

Chairman Olenius stated what you...Okay. I just want to make sure there wasn't a discrepancy.

Board Member Bodor stated would you speak right into the microphone.

Chairman Olenius stated you can take it out of there if you like [referring to the microphone].

Board Member Bodor stated lift it up.

Chairman Olenius stated yes. You can take the handset right out. It has to get into the minutes.

Mrs. Billings stated okay.

Chairman Olenius stated go ahead.

Mrs. Billings stated we want to rebuild our 18' x 22' garage. We purchased the house about 3 ½ years ago and our neighbor said about a year or two before we bought the house, a tree had fallen and crushed the garage. And the previous owner did not rebuild. They just put a shed in it's place. We...I did have it taken off the tax map in 2008 just, you know, for the purpose of taxes. We weren't sure at the time if we were going to rebuild, but we would like to do that now. And basically just for storage: to house the vehicle. We have two little kids and a lot of outdoor toys that are overflowing out of the shed.

Board Member Buzzutto stated in other words, the garage is not there. The previous...

Mrs. Billings stated no. We have a foundation.

Board Member Buzzutto stated you have the...

Mrs. Billings stated we have the foundation. Yes. There's a cinder block walls and a poured cement floor.

Board Member Buzzutto stated okay.

Mrs. Billings stated sorry. Go ahead.

Board Member Herbst stated he's got it.

Mrs. Billings stated yes.

Board Member Bodor stated and your plan is to rebuild it on the footprint; on the same foundation.

Mrs. Billings stated well, we're using the existing foundation to rebuild. Actually...

Chairman Olenius stated what do you intend to do with the shed that currently sits there.

Mrs. Billings stated sell it. We don't intend to keep it.

Board Member Bodor stated so, that would be removed. That's your plan.

Mrs. Billings stated yes.

Mr. Billings stated yes.

Mrs. Billings stated the shed is to be removed.

Board Member Bodor stated are you going to...Do you know if you're going to get to sure up that existing foundation, or is it ready to go.

Mrs. Billings stated it's in good condition.

Board Member Bodor stated good. Good. Okay. Thank you for the pictures by the way.

Mrs. Billings stated you're welcome.

Board Member Bodor stated we like pictures. It makes...

Mrs. Billings stated I have the same ones here, but you have them.

Board Member Bodor stated it's okay.

Mrs. Billings stated so no point in hanging them [referring to the pictures].

Board Member Bodor stated no, no. We each have them and that was very nice of you. It makes life a lot easier.

Mrs. Billings stated if it's helpful to you, this is our neighbor Joe. He's the house directly next to us, so you can see his garage is in some of the photos.

Chairman Olenius stated this is going to be stick built or...

Mr. Billings stated yes.

Chairman Olenius stated like modular.

Mr. Billings stated stick built.

Mrs. Billings stated stick built.

Chairman Olenius stated stick built. It looks like a nice design from what you've submitted.

Mr. Billings stated thanks.

Chairman Olenius stated colors and everything to match the existing home.

Mrs. Billings stated yes.

Mr. Billings stated yes.

Board Member Bodor stated that will be a one car garage.

Mr. Billings stated yes.

Mrs. Billings stated yes. It will have an access door on the front.

Board Member Bodor stated yes, I see that on here [referring to the plans].

Mrs. Billings stated yes.

Board Member Bodor stated that's only wide enough for one car, right.

Mrs. Billings stated yes.

Board Member Buzzutto stated is it going to be used as a garage. You said it was going to be for storage.

Mrs. Billings stated well, I mean to park the car and...

Board Member Buzzutto stated oh, you...

Mrs. Billings stated we have a lot of kids' toys, so we'll store those in there...

Board Member Buzzutto stated oh, okay.

Mrs. Billings stated as well. Lawn mower, just regular garage storage.

Board Member Herbst stated you forget what you used your car for.

[Laughter].

Mrs. Billings stated all the outside stuff.

Board Member Buzzutto stated well, she did say storage.

Mrs. Billings stated well, I used the word storage, but I meant like outside children's toys: Lawn mower, outdoor storage.

Board Member Buzzutto stated wait a minute.

[Laughter]

Board Member Herbst stated it takes him awhile to catch on.

Chairman Olenius stated do you know when the original garage that was crushed was constructed by any chance. Like when that foundation was placed there.

Mrs. Billings stated I don't.

Joe Verdi stated it's been there since I've been there. It's over...

Chairman Olenius stated I'm sorry, you have to come up to the microphone just so it goes in the...

Board Member Bodor stated and he has to identify himself.

Chairman Olenius stated yes. Can you give your name, too, for the record please.

Joe Verdi stated Joe Verdi. It's over 20 years old. It's was there since I've been living there.

Chairman Olenius stated okay.

Joe Verdi stated but it was always in good shape until a tree came on it.

Chairman Olenius stated a lot of times they're listed on the assessment card, like dates when things were done. But, it was probably there for so long.

Joe Verdi stated it was built after the house, I can tell you that.

Chairman Olenius stated yes. Thank you.

Joe Verdi stated thank you.

Board Member Bodor stated Joe, if...Since your garage is right next door there, do you have any other comments that you'd like to offer to the record.

Joe Verdi stated their house came out beautiful and I think you should let them build it.

Chairman Olenius stated you have nothing against it though.

Joe Verdi stated not at all. Not at all. That's why I'm here, to support them.

Chairman Olenius stated oh, thank you.

Board Member Bodor stated thank you. I have to compliment you on the packet that you have prepared. Very nice. Very complete. There's a nice new survey, the pictures. You did a wonderful job.

Mrs. Billings stated thank you.

Chairman Olenius stated we usually ask many more questions, but because your packet is so complete...

[Laughter]

Chairman Olenius stated most of them are answered.

Board Member Bodor stated just as an aside, have you done a lot of work to the house when you moved into it.

Mrs. Billings stated we did some exterior work: We have some new paint and we updated windows and whatnot. So, just cosmetic type things.

Board Member Bodor stated okay. You're planning on being there awhile.

Mrs. Billings stated well, yeah. Well, we'll see.

[Laughter].

Mrs. Billings stated right now there's no plans to move.

Board Member Buzzutto stated are you guys across from the Legion.

Mrs. Billings stated North Street is across from the Legion.

Board Member Buzzutto stated yes.

Mrs. Billings stated yes.

Mr. Billings stated yes.

Board Member Bodor stated if you look on there, Buzzy, down further from them is Al Hudson's house. That kind of puts it in perspective for you.

Board Member Buzzutto stated oh, yes.

Mrs. Billings stated yes. He's a few houses down.

Board Member Buzzutto stated yes, indeed. Al Hudson, I haven't seen him in quite awhile.

Chairman Olenius stated anyone else from the audience have any comments.

Audience member stated I'm Pop.

[Laughter]

Chairman Olenius stated moral support.

[Laughter]

Chairman Olenius stated I don't have anything.

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

Board Member Herbst stated I'll second.

Board Member Bodor stated all in favor.

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

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Lynn Billings, Case #07-11
For Area Variances for an 18' x 22' garage

WHEREAS, *Lynn Billings* is the owner of real property located at 35 North Street (R-1 Zoning District), also identified as **Tax Map Parcel #3.15-1-4, and**

WHEREAS, *Lynn Billings* has made application to the Patterson Zoning Board of Appeals for area variances, pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to construct an 18' x 22' garage on the existing 18' x 22' foundation of the original garage which had been removed by the previous owner, and

WHEREAS, §154-7 of the Patterson Town Code requires a 15' side yard setback; Applicant will have 5'; ***Variance requested is for 10'***, and

WHEREAS, §154-7 of the Patterson Town Code requires a 25' rear yard setback; Applicant will have 17.5'; ***Variance requested is for 7.5'***, 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 25, 2011* to consider the application; and

WHEREAS, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearings and finds that:

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because the previous garage had been there for many, many years and is similar to the adjacent property.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because as stated, the driveway leads to an existing foundation from a previous garage.***

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 again as previously stated, the foundation is already in place and has been for many, many years so there is no more impervious coverage than what is currently existing.*
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 *Lynn Billings* for *area variances* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 10' from the 15' required for a side yard setback, and a 7.5' variance from the 25' required for a rear yard setback*, in order to construct an 18' x 22' garage on the existing 18' x 22' foundation of the original garage.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated good luck.

Mrs. Billings stated thank you.

Chairman Olenius stated you can go back to the Building Department now.

Audience member stated thank you.

Mrs. Billings stated thank you.

Audience member stated thank you guys.

Chairman Olenius stated no problem.

Board Member Buzzutto stated you're welcome.

Board Member Burdick stated did you want any of the pictures back. We don't need all of them.

Mrs. Billings stated no, that's okay. Thanks.

Audience member stated good night all.

Mrs. Billings stated have a good night.

Board Member Bodor stated good night.

Board Member Burdick stated good night.

4) OTHER BUSINESS

Chairman Olenius stated do we have other business. Secretary, anything in particular. I saw something that the Planning Board is alerting us to the Taggart Estates subdivision, that they made a positive recommendation to the ZBA regarding the above listed project.

The Secretary stated yes. I believe there's an existing barn on the property, and they're going to have to come in for some area variances for it.

Chairman Olenius stated okay. Nothing's been submitted as of yet. Okay. So there still is room for building in Patterson. I thought it was full.

a) Minutes

Chairman Olenius stated and the minutes, I read them. I didn't notice any discrepancies.

Board Member Burdick stated I didn't either.

Chairman Olenius stated I'll make a motion to approve them.

Board Member Burdick stated all in favor.

Board Member Herbst stated second.

Board Member Burdick stated second. All in favor. Motion carried by a vote of 5 to 0.

Chairman Olenius stated is that all everyone. I make a motion...

Board Member Buzzutto stated for Pettey, are we going to make a decision on that in the next month to clear it off the calendar or are we going to...

Chairman Olenius stated her...

Board Member Buzzutto stated well, it depends on what she's going to come in with.

Chairman Olenius stated her attorney has been submitting, you'll see there is things there...

Board Member Buzzutto stated yes, I see.

Chairman Olenius stated that even tonight, there was new ones in there. And also, the Building Department responded back with a letter.

Board Member Buzzutto stated oh, they did. Okay.

Chairman Olenius stated from the attorney's first critiquing letter, responded to that.

Board Member Buzzutto stated okay.

Chairman Olenius stated and there's minutes there from the 1961...

The Secretary stated '61 summary.

Chairman Olenius stated summary, regarding...when they did the addition, so...

Board Member Buzzutto stated oh, you take them back. I thought you'd say, oh, keep it [referring to a pen].

Board Member Herbst stated let me ask you a question though. I noticed that Anthony is the attorney.

Chairman Olenius stated it's his associate.

Board Member Burdick stated his associate, not Anthony.

Chairman Olenius stated Jennifer.

Board Member Burdick stated it's Jennifer.

Board Member Herbst stated it's still the same firm.

Chairman Olenius stated correct.

Board Member Herbst stated no problem there.

Board Member Bodor stated and they both worked for Tim in the past.

Melissa Klepack stated yes.

[Laughter]

Melissa Klepack stated it's been awhile though, since they worked together.

Board Member Bodor stated we know his history.

[Laughter]

Chairman Olenius stated I don't...

Board Member Herbst stated well.

Chairman Olenius stated Ms. Pettey can retain, I would think, whatever council she wants. It's up to her.

Melissa Klepack stated there shouldn't be a conflict...

Chairman Olenius stated right.

Melissa Klepack stated because it's a completely new case. So, it's not something they've worked on in the past while they were with Tim, so it shouldn't be a conflict there.

Chairman Olenius stated very good.

Board Member Herbst stated so you're saying it's okay.

Melissa Klepack stated it's okay, yes.

Board Member Herbst stated alright. I just wanted to know if I ever need Anthony, I can go call him, right.

Chairman Olenius stated okay. Is that it. I make a motion to close the meeting.

Board Member Bodor stated I'll second it.

Board Member Burdick stated second.

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

Meeting was adjourned at 8:19 p.m.