

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
May 15, 2013**

APPROVED

AGENDA & MINUTES

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|----------------------------------|-------|--|
| 1) Luis Diaz #06-13 | 1 – 6 | Public hearing opened and closed;
Renewal of Special Use Permit for an accessory apartment
granted |
| 2) Kathleen Pettey #01-11 | 6 – 7 | Public hearing opened;
Application tabled: No one present to represent the Applicant |
| 3) Other Business | | |
| a) Minutes | 7 – 8 | April 17, 2013 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
Thomas E. McNulty, Vice Chairman
Michael Montesano
Ron Taylor
Edward J. Brady, Jr.

**Zoning Board of Appeals
May 15, 2013 Meeting Minutes
Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563**



Present were: Chairman Olenius, Board Member Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Gerald Herbst, Nancy Tagliaferro, Attorney with Town Attorney’s Office and Richard Williams Sr., Town Planner.

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

There were approximately 1 members of the audience.

Sarah Mayes 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 Buzzutto	-	here
Board Member Herbst	-	here
Chairman Olenius	-	here

1) LUIS DIAZ CASE# 06-13

Mr. Luis Diaz was present.

The Secretary read the following legal notice:

NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS of a public hearing to be held on Wednesday, May 15, 2013 at 7:00 p.m. at the Patterson Town

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

Luis Diaz Case #06-13 – Accessory Apartment Renewal

Applicant, on behalf of Luis Sanchez, is requesting a renewal for an accessory apartment pursuant to §154-105, Accessory Apartments. This property is located at 18 Sunset Drive (R-1 Zoning District).

Chairman Olenius stated hi. How are you.

Mr. Luis Diaz stated hello, everyone.

Chairman Olenius stated I just need you to state your name for the record, please.

Mr. Diaz stated yes. Luis Diaz representing Luis Sanchez.

Chairman Olenius stated very good. Oh, you both have the same first name.

Mr. Diaz stated yes.

Chairman Olenius stated that's what's throwing me off. Okay.

Mr. Diaz stated yes.

Chairman Olenius stated do you reside in the...

Mr. Diaz stated sorry.

Chairman Olenius stated you reside in the residence or...

Mr. Diaz stated no, no.

Chairman Olenius stated no.

Mr. Diaz stated Luis Sanchez.

Chairman Olenius stated oh, okay.

Mr. Diaz stated yes. He owns a restaurant so he's always...

Chairman Olenius stated oh, yes. I'm sorry.

Mr. Diaz stated busy. That's why I come over.

Chairman Olenius stated I forgot. Do you swear the testimony you provide tonight will be the truth and the whole truth.

Mr. Diaz stated yes.

Chairman Olenius stated thank you.

Board Member Buzzutto stated okay.

Chairman Olenius stated so this is a renewal. Apparently, it had status...this property as an accessory apartment before. Submitted an up-to-date Health Department approval; three year approval.

Mr. Diaz stated and the Building Department, too.

Chairman Olenius stated that it still meet the...Oh, good. The Building Department was out there, too.

Mr. Diaz stated yes. Both was there. Well, they didn't use it for a little while, so they don't renew right away. But now they have a nanny with the four little kids. So she is going to stay in the apartment downstairs.

Chairman Olenius stated so this is...Okay. Sorry. There was no date on this one. I thought it was from the initial...the Accessory Apartment Checklist. I looked at it but it wouldn't have been Nick Lamberti back then anyway. Everything...I see nothing but yeses at this point.

Board Member Buzzutto stated you the original owner.

Mr. Diaz stated no, no, no, no. The original is Luis Sanchez.

Board Member Buzzutto stated who is that.

Mr. Diaz stated Luis Sanchez is the owner of the property.

Board Member Buzzutto stated oh.

Mr. Diaz stated he owns Fiesta Mexicana and Amananita's, a new restaurant, so...Right now he has a party with 100 people there so he can't come over. He has Brewster Commerce of Chambers right now.

Board Member Bodor stated Chamber of Commerce.

Mr. Diaz stated oh, Chamber of Commerce.

Board Member Bodor stated yes. Okay.

Mr. Diaz stated yes. They have the party there at Amanita's, so he has to be there.

Board Member Bodor stated right. He lives in the residence.

Mr. Diaz stated he lives in Patterson.

Board Member Bodor stated right.

Mr. Diaz stated yes.

Chairman Olenius stated this used to be shay's house.

Board Member Buzzutto stated oh Shay. Russ Shay. Oh, yes.

Chairman Olenius stated used to be. Then he purchased it.

Board Member Buzzutto stated Shay.

Chairman Olenius stated he's just...

Board Member Buzzutto stated I wonder how the old guy's doing. Long time. Russ Shay.

Chairman Olenius stated so he bought the property in 2004, it looks like.

Mr. Diaz stated yes.

Chairman Olenius stated Luis Sanchez.

Mr. Diaz stated yes.

Chairman Olenius stated and he just wasn't using the accessory apartment...

Mr. Diaz stated no. He didn't use it.

Chairman Olenius stated up until this point.

Mr. Diaz stated yes. He only had one kid at the time...Two kids at the time. Now he has four little kids. And the nanny has to stay with them all the time.

Chairman Olenius stated I understand. I appreciate him legalizing everything again. I really don't have much on this because everything's pretty much submitted as before.

Board Member Bodor stated yes. And it looks like there haven't been any changes as far as the structure goes.

Mr. Diaz stated no. It's the same.

Board Member Bodor stated it's the same as what it was when the original...

Mr. Diaz stated when he bought it, yes.

Board Member Bodor stated when the original permission was given.

Chairman Olenius stated being that the Building Inspector has been out, signed off on the checklist, Department Health has given their good graces for another three years. I don't have anything else. Does anybody.

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

Board Member Burdick stated second.

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
Luis Diaz, Case #06-13
*For a Renewal for an Accessory Apartment***

WHEREAS, *Luis Sanchez* is the owner of real property located at 18 Sunset Drive (R-1 Zoning District), also identified as **Tax Map Parcel #4.18-1-21**, and

WHEREAS, *Luis Diaz* made application to the Patterson Zoning Board of Appeals for a renewal for an accessory apartment as set forth in §154-105 of the Patterson Town Code; Accessory apartments, and

WHEREAS, the said application was reviewed by the Zoning Board of Appeals on ***May 15, 2013***, and

WHEREAS, all the conditions of the original permit are still satisfied, and

WHEREAS, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearing and finds that the ***Applicant substantially complies with the requirements set forth in §154-105 of the Patterson Town Code for Renewal for an Accessory Apartment***, and

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby ***grants*** the application of ***Luis Diaz for a renewal for an Accessory Apartment*** as set forth in §154-105 of the Patterson Town Code; Accessory apartments, and

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

1. Those conditions that exist in the Town Code for Accessory Apartments which include a renewal in five years. (A copy of that section of the Code is attached to this resolution).

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 you, Sir, are all set.

Mr. Diaz stated thank you very much.

Chairman Olenius stated for five years on our part, three years on the Health Department's part, so...

Mr. Diaz stated okay. Thank you.

Chairman Olenius stated alright. Thank you. Have a good evening.

Mr. Diaz stated have a good night.

Board Member Buzzutto stated I didn't realize that's how it was. Three and five [years].

2) KATHLEEN PETTEY CASE#01-11 - REHEARING

No one was present to represent the application.

Chairman Olenius stated you can read the next one...

The Secretary stated okay.

Chairman Olenius stated please.

The Secretary read the following legal notice:

Kathleen Pettey Case #01-11 – Interpretation - Rehearing

A rehearing is being held for Case #01-11, Interpretation, for a three family dwelling. This property is located at 35 South Street (R-1 Zoning District).

Chairman Olenius stated it doesn't appear that anyone is here to represent Ms. Pettey this evening. I'm going to make a motion, in light of the fact that I'd like her... This really is for her benefit to hopefully put forth some new evidence for us or what have you.

Nancy Tagliafierro stated it's make a record with regard to the building permit application that we found last year.

Chairman Olenius stated well, thank you Counsel.

Nancy Tagliafierro stated you're welcome.

Chairman Olenius stated that clears that up. So I'll make a motion to hold this case over until...There's nobody out in the parking lot is there Mr. Williams, while you're standing there.

Rich Williams stated and the Applicant's car is sitting next door.

Board Member Buzzutto stated you want to wait a few minutes.

Rich Williams stated at her residence.

Chairman Olenius stated oh, okay. So I'll make a motion to hold this over till the June 19th meeting. Maybe the Secretary can reach out prior to that and just see if she'll be attending or not so we know whether...

The Secretary stated what's going on.

Chairman Olenius stated what's going on.

Rich Williams stated what I would suggest is just provide again written notice to the applicant that it has been scheduled so that she has notice.

Chairman Olenius stated provide written notice to her again.

The Secretary stated notice.

Rich Williams stated it's in writing.

Board Member Burdick stated do we need a second on that. Second.

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

3) OTHER BUSINESS

a) Minutes

Chairman Olenius stated and I did read through the April minutes. I make a motion to approve those as submitted.

Board Member Bodor stated I'll second.

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

Chairman Olenius stated any other business.

The Secretary stated no.

Chairman Olenius stated it's that quiet of an evening. Any business for us, Mr. Williams.

Rich Williams stated no, Sir.

Chairman Olenius stated alright. Make a motion to close the meeting then.

Board Member Bodor stated second.

Chairman Olenius stated all in favor.

Meeting was adjourned at 7:15 p.m.