

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
May 16, 2012**

AGENDA & MINUTES

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| 3) Joseph Downey Case #10-12 | 18 – 27 | Public hearing closed; Area variances for addition and garage enlargement granted |
| 4) Christopher Rini Case #11-12 | 27 – 36 | Public hearing opened and closed; Area Variance for rear deck granted |
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| 6) Other Business | | |
| a) Code Violations Recommendation | 49 – 52 | Positive recommendation to revisions made |
| b) Minutes | 52 – 53 | March 21, 2012 & April 10, 2012 minutes approved |
| c) Site Walk | 53 – 57 | Site walk scheduled for 6/11/12 |

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PLANNING DEPARTMENT

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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 16, 2012 Meeting Minutes**

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

Present were: Chairman Lars Olenius, Board Member Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Gerald Herbst, Joe Charbonneau, Attorney with Town Attorney’s Office and Rich Williams, Town Planner.

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

There were approximately 6 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) PATRICIA TANZI CASE #03-11

Ms. Patricia Tanzi 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 16, 2012 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Patricia Tanzi Case #03-11 – Special Use Permit

Chairman Olenius stated Mrs. Tanzi.

Mrs. Patricia Tanzi stated hi. How are you.

Chairman Olenius stated good how are you. Could you just state your name and address for the record one more time, please.

Mrs. Tanzi stated Tricia Tanzi, 405 Fair Street, Carmel, New York, 10512.

Chairman Olenius stated thank you for keeping us updated over the...

Mrs. Tanzi stated I tried.

[Laughter].

Chairman Olenius stated or so. We kind of had an idea of what was going on.

Mrs. Tanzi stated all my little notes.

Chairman Olenius stated yes.

Mrs. Tanzi stated yes.

Chairman Olenius stated so apparently you finally got your okay from the...

Mrs. Tanzi stated yes.

Chairman Olenius stated Department of Health and the DEC or DEP.

Mrs. Tanzi stated yes.

Chairman Olenius stated and you're okay with their statements here: Three bedrooms in the main house, one in the apartment.

Mrs. Tanzi stated yes.

Chairman Olenius stated and are you required by this to upgrade your existing septic system or they approved what you have...

Mrs. Tanzi stated they approved what I have.

Chairman Olenius stated currently.

Mrs. Tanzi stated I just have to add a little extension of a pipe.

Chairman Olenius stated okay.

Mrs. Tanzi stated that's it.

Chairman Olenius stated yes, I read their memo before and it was hard to tell if...

Mrs. Tanzi stated yes.

Chairman Olenius stated you know, from the plans that were submitted if it was as-is or if there was...

Mrs. Tanzi stated oh, I've been working with them. I've been doing different things so...

Chairman Olenius stated well, we thank you. We wanted to make sure everything was done right the first time.

Mrs. Tanzi stated yes.

Chairman Olenius stated rather than have you...

Board Member Buzzutto stated was that the only holdup that kept...

Mrs. Tanzi stated yes. Well, the Health Department had to okay with the existing...

Board Member Buzzutto stated yes.

Mrs. Tanzi stated and check it. Yes.

Board Member Buzzutto stated yes. That was the hold only part of it.

Mrs. Tanzi stated it's all done.

Board Member Buzzutto stated so everything else is status quo, right.

Mrs. Tanzi stated yes. Good.

Board Member Buzzutto stated yes, okay. Fine. So we don't have to get into that.

Board Member Bodor stated and their approval, apparently, is valid for two years.

Mrs. Tanzi stated yes.

Board Member Bodor stated so there is an expiration that will have to be...

Mrs. Tanzi stated that little extension of pipe I have to put in. They gave me two years to do it. That's the only thing that it is.

Board Member Bodor stated oh.

Mrs. Tanzi stated yes.

Chairman Olenius stated oh, I see. And then they come out and make sure...

Mrs. Tanzi stated yes. It's all approved...right. It's just an extension of pipe that they want me to put in like 2' down. But they gave me two years to do it so that's...But everything else is okay.

Board Member Buzzutto stated they gave you two years to put the pipe in.

Mrs. Tanzi stated hey, whatever.

[Laughter].

Board Member Burdick stated you may want to call and make sure that the renewal isn't for the accessory apartment in two years. I think there's a renewal process every two years for the accessory apartment. Just call and check.

Mrs. Tanzi stated you think so.

Board Member Burdick stated I'm not 100% but I believe that...

Joe Charbonneau stated I think there is.

Board Member Burdick stated because somebody just came in recently because they...

Mrs. Tanzi stated yes.

Board Member Burdick stated had to get a renewal on their accessory apartment. So just give Joe a call and make sure...

Mrs. Tanzi stated yes. Because my engineer said they're just going to...that they're going to give two years to come and check it or whatever. But I'll call.

Board Member Burdick stated I just wouldn't want it to be expired on you and you have to...

Mrs. Tanzi stated oh, exactly.

Board Member Burdick stated go through the whole process.

Mrs. Tanzi stated oh, I don't want to go through that again.

Chairman Olenius stated and Mr. Lamberti went out and did a visual inspection to make sure that that second bedroom wall came down, I believe.

Mrs. Tanzi stated yes.

Chairman Olenius stated and got your memo. Everything...

Nick Lamberti stated yes. In fact I was there as they were tearing the wall down, so...

Mrs. Tanzi stated yes.

Chairman Olenius stated okay. Fair enough. Thank you. That saves us another trip back out there again. We're trying to expedite this as much as possible.

Mrs. Tanzi stated right. I tried to have everything done, you know.

Board Member Bodor stated yes, I would agree with Marianne. Give a call over there to see what that approval/expiration in two years is. I...

Mrs. Tanzi stated either for that or...Right. Exactly.

Board Member Bodor stated the way I'm looking at it, this is talking about an accessory apartment renewal.

Mrs. Tanzi stated oh, okay.

Board Member Bodor stated so...And I think that's what she's referring to. So give a call over there to verify...

Mrs. Tanzi stated to Joe.

Board Member Bodor stated what that is all about, okay.

Mrs. Tanzi stated you got it.

Chairman Olenius stated it does look like it. (Inaudible) every two.

Board Member Bodor stated yes.

Board Member Burdick stated what is the Town...is the Town's three years. They come back every...

The Secretary stated five.

Board Member Burdick stated five years. Yes, the Health Department doesn't follow the Town, so I'm almost 100% sure you have to go back in two years.

Joe Charbonneau stated yes. I guarantee it. Yes.

Board Member Burdick stated okay. Thank you, Joe.

Mrs. Tanzi stated and what do I have to do in two years.

Joe Charbonneau stated you have to renew the permit.

Board Member Burdick stated it's just a paperwork process at that point.

Mrs. Tanzi stated oh, okay. Okay.

Board Member Burdick stated yes.

Board Member Bodor stated with the Department of Health.

Mrs. Tanzi stated right.

Joe Charbonneau stated yes.

Board Member Burdick stated and I would also guess that they would hope that the work on septic system was done a lot sooner...

Mrs. Tanzi stated right. That's why they'll...

Board Member Burdick stated than two years. But two years is for the accessory apartment, not for the work on the septic.

Mrs. Tanzi stated so then after that, then it's every two years they have to do it.

Joe Charbonneau stated yes.

Board Member Burdick stated yes.

Mrs. Tanzi stated really.

Joe Charbonneau stated yes.

Mrs. Tanzi stated wow.

Board Member Buzzutto stated with the variance for the bedrooms, the footprint of the house hasn't changed. That is still the same as...

Mrs. Tanzi stated yes.

Board Member Buzzutto stated okay.

Chairman Olenius stated how long has that apartment...Has been in existence for a number of years, I believe.

Mrs. Tanzi stated before I bought it.

Chairman Olenius stated yes.

Mrs. Tanzi stated and I'm there, what, 39 years. It's the way I bought it.

Chairman Olenius stated I know we had that discussion. I remember it in the minutes. I just...

Mrs. Tanzi stated yes. That's...

Chairman Olenius stated just to refresh my own memory.

Mrs. Tanzi stated yes. Been there since day one.

Board Member Buzzutto stated is there anybody from the audience who wants to speak.

Chairman Olenius stated does anybody from the audience have a comment on this case. Hearing none.

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

Board Member Herbst stated second.

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

Chairman Olenius stated okay. This is going to be a little while.

Mrs. Tanzi stated oh.

Board Member Buzzutto stated what do you got, three to read [referring to the number of resolutions].

Chairman Olenius stated got a few to go through here.

Board Member Buzzutto stated okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Patricia Tanzi, Case #03-11
*For an Area Variance for Square Footage for an Accessory Apartment***

WHEREAS, *Patricia Tanzi* is the owner of real property located at 405 Fair Street (R-4 Zoning District), also identified as **Tax Map Parcel #34.-2-2, and**

WHEREAS, *Patricia Tanzi* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-105 A(3) of the Patterson Town Code; Accessory Apartments, in order to legalize an existing accessory apartment located in her dwelling, and

WHEREAS, §154-105 A(3) of the Patterson Town Code requires that the floor area of the apartment shall be greater than 400 square feet and less than 600 square feet, and

WHEREAS, the apartment has a floor area of 2,400 square feet; *Variance requested is for 1,800 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 at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *March 16, 2011 and continued through May 16, 2012, and a site walk was conducted on April 5, 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 apartment in question has been in existence for a minimum of 39 years while Mrs. Tanzi has resided there, and probably long before that.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because structurally the way the house is designed the apartment encompasses the entire bottom floor.*
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 as previously stated, it has been in existence for quite some time and actually with the new approvals will have less of an impact because it's been reduced to one bedroom from two.*
5. the alleged difficulty necessitating the variance *was self-created but is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Patricia Tanzi* for *an area variance* pursuant to §154-105 A(3) of the Patterson Town Code; Accessory Apartments, *for a variance of 1,800 square feet in addition to the 600 square feet allowed, for a floor area total of 2,400 square feet, in order to legalize the existing accessory apartment.*

Board Member Bodor stated I'll second it.

| | | |
|-----------------------|---|-----|
| 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 read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Patricia Tanzi, Case #03-11
For an Area Variance for Floor Area for an Accessory Apartment

WHEREAS, Patricia Tanzi is the owner of real property located at 405 Fair Street (R-4 Zoning District), also identified as **Tax Map Parcel #34.-2-2, and**

WHEREAS, Patricia Tanzi has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-105 A(4) of the Patterson Town Code; Accessory Apartments, in order to legalize an existing accessory apartment located in her dwelling, and

WHEREAS, §154-105 A(4) of the Patterson Town Code requires that the floor area devoted to the apartment shall not exceed 35% of the entire livable floor area of the single-family principal dwelling and area of the accessory apartment combined, and

WHEREAS, the accessory apartment is 44% of the entire livable floor area; ***Variance requested is for 9%, 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 ***March 16, 2011 and continued through May 16, 2012, and a site walk was conducted on April 5, 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 apartment in question has been in existence for 39 years and is the entire basement level of the home.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because as previously stated, the apartment is within the foundation walls of the entire lower floor of the dwelling and it's been in existence for quite some time.***
3. the variance requested ***is not*** substantial ***in light of the size of the entire home, it's only 9% over what the Code requires.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because as previously stated, it's not expanding the existing dwelling; it's well within the confines of the existing home.***
5. the alleged difficulty necessitating the variance ***was self-created but is not sufficient*** so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby ***grants*** the application of ***Patricia Tanzi*** for ***an area variance*** pursuant to §154-105 A(4) of the Patterson Town Code; Accessory Apartments, ***to allow for an additional 9% floor area devoted to the accessory apartment to the permitted 35% of the entire livable floor area of the single-family principal dwelling and area of the accessory apartment combined, in order to legalize the existing accessory apartment.***

Board Member Bodor stated second.

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|-----------------------|---|-----|
| 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 and lastly [referring to reading the last resolution for Mrs. Tanzi].

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Patricia Tanzi, Case #03-11
For a Special Use Permit for an Accessory Apartment

WHEREAS, *Patricia Tanzi* is the owner of real property located at 405 Fair Street (R-4 Zoning District), also identified as ***Tax Map Parcel #34.-2-2***, and

WHEREAS, *Patricia Tanzi* has made application to the Patterson Zoning Board of Appeals for Special Use Permit as set forth in §154-105 of the Patterson Town Code; Accessory Apartments in order to allow for an accessory apartment, and

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

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

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

WHEREAS, a public hearing was held at the Patterson Town Hall, 1142 Route 311,

Patterson, New York on *March 16, 2011 and continued through May 16, 2012, and a site walk was conducted on April 5, 2011* to consider the application; and

WHEREAS, the Applicant has submitted the Compliance Checklist which was in fact duly endorsed by a Code Enforcement Officer for the Town of Patterson, Nicholas Lamberti, and

WHEREAS, The Patterson Zoning Board of Appeals finds that the Applicant *has* met the requirements and *has* received the appropriate area variances for the issuance of a Special Use Permit in accordance with §154-105 of the Patterson Zoning Code; Accessory Apartments, subject to any conditions contained herein.

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

BE IT FURTHER RESOLVED, the Patterson Zoning Board of Appeals wishes to *grant* the request of *Patricia Tanzi* for a Special Use Permit *to allow for an accessory apartment in the R-4 Zoning District as set forth in §154-105* of the Patterson Zoning Code; Accessory Apartments, and

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

1. The wall/doorway into the room labeled Office/Computer room on the approved Department of Health plans is to be removed.
2. Must receive an area variance for exceeding the maximum square footage allowed for an accessory apartment.
3. Must receive an area variance for exceeding the maximum livable floor area of the single-family principal dwelling and area of the accessory apartment combined, for an accessory apartment.
4. Those conditions that exist in the Town Code for Accessory Apartments which include a renewal in (5) five years. (A copy of that section of the Code is attached to this resolution along with a copy of the Compliance Checklist filled out by both the Applicant and the Code Enforcement Officer of the Town of Patterson).

Board Member Bodor 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 we wish you the best.

Mrs. Tanzi stated thank you. Do I get a copy of that [referring to the resolution].

The Secretary stated yes. I'll....

Mrs. Tanzi stated I'm going to come in Monday.

The Secretary stated okay. Yes, they should be done by Monday then.

Mrs. Tanzi stated thank you. Thank you.

Chairman Olenius stated thank you. Thank you for being so cooperative.

Mrs. Tanzi stated thanks for being patient.

2) NEJAME & SONS (CRIVELLI) CASE #09-12

Mr. Thomas Nejame, Nejame & Sons, and Mr. and Mrs. Crivelli were all present.

The Secretary stated did you want me to read the whole thing or just...

The Secretary read the following legal notice:

Nejame & Sons (Crivelli) Case #09-12 – Held over from the April 17, 2012 meeting

Chairman Olenius stated state your name for the record one more time. You can take that right out of there [referring to the microphone].

Mr. Thomas Nejame stated I'm Tom Nejame from Nejame & Sons and I am the swimming pool builder for Jenn and Paul Crivelli.

Chairman Olenius stated I thank you for meeting us out there at the site walk and...

Mr. Nejame stated no problem.

Chairman Olenius stated helping to explain, although it was pretty clear with the site walk there's not a lot of other area on that property that would be suitable for such a venture.

Mr. Nejame stated yes.

Board Member Bodor stated but it did seem to be the most perfect spot.

Chairman Olenius stated yes.

[Laughter].

Mr. Nejame stated yes. Well, it's nice and level there.

Board Member Bodor stated it was like it was made...that area was made for this pool. The pool is the shape...That's really very attractive that way.

Chairman Olenius stated I know the Town has certain codes requiring the fence around a pool area, but is there a State required.

Mr. Nejame stated generally, 4' is...The State wants to see 4' ...

Chairman Olenius stated okay.

Mr. Nejame stated around the pool, totally enclosed.

Chairman Olenius stated okay. I didn't think it was just left to the municipality.

Joe Charbonneau stated to the municipality, yes.

Chairman Olenius stated you know, I figured it was something larger than that, I just...And the fact that the fence has to be put upon an existing retaining wall, I understand why the Town's requiring you to get that additional variance. But in mind, it was a safety factor for being there, being that that retaining wall came level to where the pool deck is actually going to be, you know, to prevent another child or neighbor, or anybody else, from wandering in to...especially being an in-ground pool.

Mr. Nejame stated exactly.

Chairman Olenius stated as stated, it does seem like the most logical place on the property to do it. There really is no rear yard. It just happens that the property is situated on two...has two frontages. And, you know, what we would think of as the rear yard by Code is a front yard even though it's the rear of the house because there's another road frontage there.

Mr. Nejame stated yes. And the nice thing about it is, and you guys saw it yourself, it's high up. It's not like it's road level. So, it's not going to change much appearance to, you know, from the road or anyone surrounding.

Chairman Olenius stated do you know offhand that elevation change from the road to the...

Mr. Nejame stated it's about 30 to 40', and that's a guesstimate.

Chairman Olenius stated that's what I would have estimated myself. I just didn't know if you had...

Mr. Nejame stated no. I...

Chairman Olenius stated shot it or, you know...

Mr. Nejame stated yes. No, I didn't shoot it. But from the road to where, you know, water's edge would start, it's about, you know, 38 to 40'.

Chairman Olenius stated it's a greatly sloping property, so...

Board Member Bodor stated and anyone on that road is not going to see this pool unless they're standing there really making an effort to do so and look up in the air. They're going to see the fencing, that's they're going to see.

Mr. Nejame stated yes.

Board Member Bodor stated yes, that's it.

Chairman Olenius stated and it was that area, even below the fencing, was pretty well screened with some trees and whatnot. Was there any intention to remove any of those or...

Mr. Nejame stated no.

Chairman Olenius stated they're going to remain.

Mr. Nejame stated yes.

Chairman Olenius stated so it will be like additional screening with the fence in.

Mr. Nejame stated exactly. Jenn and Paul will also want to keep them there because it's a good buffer.

Board Member Bodor stated good buffer.

Mr. Nejame stated good buffer for them also.

Chairman Olenius stated yes.

Board Member Bodor stated sound wise and visual wise. Yes.

Mr. Nejame stated absolutely.

Chairman Olenius stated yes, I know. I parked down below on that road and even as light as the leaves were when we did the site walk it was still pretty dense looking up that way. So, I think it would be very well screened. Does anybody from the audience have any comment on this case. Hearing none. Do you guys have anything else.

Board Member Herbst stated no.

Board Member Buzzutto stated no. I just...

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

Board Member Herbst stated second.

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

Chairman Olenius stated okay.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Nejame & Sons, Case #09-12
For an Area Variance for a 12' x 20' In-ground Pool in the Front Yard

WHEREAS, *Paul and Jennifer Crivelli* are the owners of real property located at 24 South Lake Drive (RPL-10 Zoning District), also identified as **Tax Map Parcel # 36.31-2-1, and**

WHEREAS, *Nejame & Sons* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27 A(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to place a 12' x 20' in-ground pool in the front yard, and

WHEREAS, §154-27 A(12)(a) of the Patterson Town Code states that a pool shall not be located in the front yard, 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 17, 2012 and May 16, 2012, and a site walk was conducted on May 7, 2012*** 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 area in question is well screened and up a steep slope from the road frontage.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because the property is situated with frontage on two roads.***
3. the variance requested ***is not*** substantial ***because the property size is sufficient to allow said 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 the area in question is situated between two retaining walls and the lot is large enough that it does not affect impervious coverage limitations.***
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 ***Nejame & Sons*** for an ***area variance pursuant to §154-27***

A(12) (a) of the Patterson Town Code; Permitted Accessory uses, in order to allow for a 12' x 20' in-ground pool to be located in the front yard.

Board Member Bodor 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 read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Nejame & Sons, Case #09-12
For an Area Variance for an 8' Fence

WHEREAS, *Paul and Jennifer Crivelli are* the owners of real property located at 24 South Lake Drive (RPL-10 Zoning District), also identified as **Tax Map Parcel # 36.31-2-1,** and

WHEREAS, *Nejame & Sons* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-15 A. of the Patterson Town Code; Fences, stone walls and masonry walls, in order to place a fence 8' from grade around the in-ground pool along the lot frontage. Because of the multi-level property and retaining walls, the fence will be fastened to the front of a stone wall, thereby making the fence 4' at pool tier level and 8' from grade along the lot frontage; and

WHEREAS, New York State Code requires there to be a minimum 4' fence around a pool, and

WHEREAS, §154-15 A. of the Patterson Town Code states that a fence shall not exceed 4' in height from grade level along the lot frontage; Applicant is proposing a fence 8' from grade; ***Variance requested is for 4'***, 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 17, 2012 and May 16, 2012, and a site walk was conducted on May 7, 2012*** 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 4' fence will be attached to a 4' retaining wall to achieve protection for the pool area as per New York State Law.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the pool area, as required by law, must be protected and the existing 4' retaining wall is flush with the height of the finished pool deck.*
3. the variance requested *is not* substantial *however the laws regarding safety and concerns around the in-ground pool in the area outweigh.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the fence will be directly attached to the an existing retaining wall requiring no new ground disturbances.*
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 *Nejame & Sons* for an *area variance of 4' pursuant to §154-15 A* of the Patterson Town Code; Fences, stone walls and masonry walls, in order to place a fence 8' from grade around the in-ground pool along the lot frontage.

Board Member Bodor 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.

Mr. Nejame stated thank you.

Chairman Olenius stated start digging.

Mrs. Crivelli stated thank you.

Mr. Crivelli stated thank you.

Board Member Bodor stated you're welcome.

Mr. Crivelli stated thank you.

Chairman Olenius stated you're welcome. Good luck.

3) JOSEPH DOWNEY CASE #10-12

Mr. Joseph Downey was present.

The Secretary read the following legal notice:

Joseph Downey Case #10-12 – Area Variances – Held over from the April 17, 2012 meeting

Mr. Joseph Downey stated good evening.

Chairman Olenius stated Mr. Downey, your name and address for the record, please.

Mr. Downey stated Joe Downey, 149 Stagecoach Road, Patterson, New York, 12563.

Chairman Olenius stated thank you. So we had a nice visit out to your property there. Have you proceeded with anything beyond what was discussed and what was...

Mr. Downey stated no.

Chairman Olenius stated read.

Mr. Downey stated just waiting for an okay. Mowed my lawn actually. In the rain.

Board Member Bodor stated when. I was going to say it's so wet.

Mr. Downey stated in the rain the other night. It was worth it.

Chairman Olenius stated I didn't physically measure it when we were out there. But the sideline in question towards the neighbor's garden plot...

Mr. Downey stated yes.

Chairman Olenius stated along that side of your house, I know there was a door there. Was there a sidewalk, I'm thinking, along that side of the house as well. Like a walkway or something.

Mr. Downey stated yes. A partial. Yes. A little bit. Maybe like 2'. It doesn't go all the way down the side of the house anymore though.

Chairman Olenius stated okay.

Mr. Downey stated it used to go down to the door but we had water issues on that side into the basement so we had to dig it up and repaint the side of the basement.

Chairman Olenius stated okay.

Mr. Downey stated to (inaudible) the wall.

Chairman Olenius stated I thought there was some kind of impervious surface, for a lack of a better word, you know, along that side.

Mr. Downey stated it goes around the corner and then it stops...

Chairman Olenius stated okay.

Mr. Downey stated because like I said, we had to take it up.

Chairman Olenius stated and the reason, one more time, for the two foot porch extension towards the street.

Mr. Downey stated well, in case the footings for the porch are, you know, depends on how far down they are. If I've got to dig it up, it's just going to make it easier for rebuilding just in case, you know, where the existing footings are, you know...

Chairman Olenius stated so you're intention is to dig outside the existing footings.

Mr. Downey stated if necessary.

Chairman Olenius stated okay.

Mr. Downey stated yes. If necessary. I mean, you know, it's going to be really what an architect thinks is going to look suitable, too, and the, you know, 2' extension out on the porch might make it look more uniform when it's all done, you know.

Chairman Olenius stated with the...I got you.

Mr. Downey stated but my main purpose is to give me that buffer just in case it's an issue digging out the old pillars of the porch.

Chairman Olenius stated I thought you has stated a reason for it and I couldn't quite recall...

Mr. Downey stated yes. That's all it really was.

Chairman Olenius stated it exactly.

Mr. Downey stated you know, I ran it by my builder that I have lined up to do work and he said he thought it was a good idea to ask for that, too.

Board Member Bodor stated the existing porch, is that coming down.

Mr. Downey stated yes.

Board Member Bodor stated yes. Alright.

Mr. Downey stated the new one will be designed very similar to it.

Board Member Bodor stated okay.

Mr. Downey stated it will have that same look but it will wrap around the corner a little bit on one side and same on the other. It will go around the corner.

Chairman Olenius stated so the roof has to be totally redesigned to incorporate the...

Mr. Downey stated yes. It's going to be...

Chairman Olenius stated additional...

Mr. Downey stated it's going to probably be like the hip style roof going around the corner. There's a few houses right here on [Route] 311 that have the same type of roof...or same type of porch. I think...Well, I don't know if you're familiar with Craig Bumgarner's house. He has a wrap-around porch into a side door that goes into his dining room. Something like that. There's another...There's a white house before his house that's set back a little bit. It's a big house with a white barn on the...in the backyard. It's on [Route] 311 on the same side as his. Between his house and Apap's old house. That one also has a porch that wraps around into an addition.

Board Member Burdick stated Abene's. Is that the Abene's house.

Board Member Bodor stated yes.

Board Member Burdick stated yes.

Mr. Downey stated maybe. It's an old house.

Board Member Burdick stated yes.

Board Member Bodor stated yes.

Mr. Downey stated that's what I want to see on the north side of my house, the side that faces the neighbor's garden plot. And all in all, I mean, you know, from the neighbor's house, to be honest with you, he's only going to see it as he's turning into his driveway. Because if you noticed, he's got these big pines that block his view of my house if he's sitting in his living room which is on the...his living room is on the northwest side of his house.

Chairman Olenius stated as I recall, he's spoke in favor...

Mr. Downey stated he did. Yes.

Chairman Olenius stated of you...

Mr. Downey stated he came down. He's the only one that...

Chairman Olenius stated at the last meeting.

Mr. Downey stated I mean, there's people that are going to be driving by, but the house on the driveway, it's actually going to be more attractive when it's done. It's not going to...I don't think it's going to look like a monster coming down the road. But, you know, I do have a whole

acre on that side. It's just unfortunate that where the old German couple that built the place in 1929 because they were the previous owner. We're only the second owner of the house. They built it for two.

Chairman Olenius stated right.

Mr. Downey stated and they built it on the highest ground of the property, too, which made sense.

Chairman Olenius stated your property is very long and...very long but very narrow.

Mr. Downey stated yes. Yes.

Board Member Buzzutto stated the garage you're going to redo that. You're not changing...you're just going to change the roofline on that.

Mr. Downey stated that's the plan, yes.

Board Member Buzzutto stated yes.

Mr. Downey stated that's the plan.

Board Member Buzzutto stated okay.

Mr. Downey stated yes.

Board Member Buzzutto stated you're going to enlarge it as to what the conversation was, the time we went up to the site walk.

Mr. Downey stated I'm going to enlarge that shed structure on it...

Board Member Buzzutto stated yes, right.

Mr. Downey stated on that south side to 10'...

Board Member Buzzutto stated yes.

Mr. Downey stated out instead of, I think it's, like 5 or 6 feet out now.

Board Member Buzzutto stated yes.

Chairman Olenius stated that's going to be inside, well, eliminated because...

Mr. Downey stated yes. That will be taken out...that will be taken out and a new similar structure will be put...

Board Member Buzzutto stated yes.

Mr. Downey stated adjacent to the existing. And then the, you know, the side would be redone to compliment the house. It won't be the same color as the house. It will probably be something more like...

Board Member Buzzutto stated you need storage space for 41 bicycles.

Mr. Downey stated yes. Exactly. Forty-two actually. He got another one the other day. But you know, it's just the garage is to keep... You know, it's for my son...

Board Member Buzzutto stated yes, okay.

Mr. Downey stated more than anything else, you know. It's a little space for him to keep all his... That's what he's into, his bicycles. So keep him busy, you know.

Chairman Olenius stated any comments from the audience on this case. Hearing none.

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

Board Member Burdick stated second.

Board Member Herbst stated second.

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

Mr. Downey stated again, the look that I plan to achieve is of that one picture that I included in my original packet of pictures. But that's definitely what the finally product is going to be similar to. I don't know about the color, but the design.

Board Member Herbst stated is that yours or mine.

Chairman Olenius stated okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
*Joseph Downey, Case #10-12***

For an Area Variance for an Enlargement and 2' Extension on the Front Porch

WHEREAS, *Joseph Downey* is the owner of real property located at 149 Stagecoach Road (R-4 Zoning District), also identified as **Tax Map Parcel #15.-1-17, and**

WHEREAS, *Joseph Downey* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to enlarge and add a 2' extension to his existing front porch, and

WHEREAS, §154-7 of the Patterson Town Code requires a 40' front yard setback; Applicant will have 12'; ***Variance requested is for 28'***, 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 17, 2012 and May 16, 2012, and a site walk was conducted on May 7, 2012* 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 variance requested will actually enhance the character of the neighborhood by enhancing the look of the home.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the way the house is situated on the property is long and narrow and there really isn't a lot of frontage there to begin with.*
3. the variance requested *is* substantial *however not so much 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 it's actually only increasing the impervious coverage by moving the porch out 2' from the existing width of the porch.*
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 *Joseph Downey* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 28' from the 40' required for a front yard setback in order to enlarge and add a 2' extension to his existing front porch.*

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 read the following resolution:

IN THE MATTER OF THE APPLICATION OF

***Joseph Downey, Case #10-12
For an Area Variance for an 8' x 30' Addition***

WHEREAS, *Joseph Downey* is the owner of real property located at 149 Stagecoach Road (R-4 Zoning District), also identified as **Tax Map Parcel #15.-1-17, and**

WHEREAS, *Joseph Downey* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to construct an 8' x 30' addition to the north side of his dwelling, and

WHEREAS, §154-7 of the Patterson Town Code requires a 40' side yard setback; Applicant currently has 30'; Applicant will have 21'; ***Variance requested is for 19'***, 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 17, 2012 and May 16, 2012, and a site walk was conducted on May 7, 2012*** 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 addition adjoins an unbuildable garden lot and the addition will only enhance the look of the existing home.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the proximity of the existing home to the sideline.***
3. the variance requested ***is*** substantial ***however not so much 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 already a pre-existing sidewalk under a portion of the proposed addition so the impervious coverage is not increasing dramatically.***
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 ***Joseph Downey*** for ***an area variance*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***of 19' from the 40' required for a side yard setback,*** in order to construct an 8' x 30' addition to the north side of his dwelling.

Board Member Burdick stated second.

Board Member Buzzutto 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 read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Joseph Downey, Case #10-12
Enlargement of a Nonconforming Building (Detached Garage)

WHEREAS, *Joseph Downey* is the owner of real property located at 149 Stagecoach Road (R-4 Zoning District), also identified as **Tax Map Parcel #15.-1-17, and**

WHEREAS, *Joseph Downey* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of a nonconforming building, in order to construct a 10' x 20' addition to the south side of his detached garage, and

WHEREAS, §154-58 of the Patterson Town Code requires any building which does not conform to the requirements of these regulations regarding building height limit, area and width of lot, percentage of lot coverage and required yards and parking facilities shall not be enlarged unless such enlarged portion conforms to all of the provisions of this chapter applying to the district in which such a building is located. No non-conforming portion of any building may be extended, nor any non-conforming use extended into any other area of a building or lot, and

WHEREAS, §154-7 of the Patterson Town Code requires a 25' rear yard setback; Applicant has 1.9'; 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 17, 2012 and May 16, 2012, and a site walk was conducted on May 7, 2012*** 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 proposed addition will square off the look of the existing garage by incorporating within it the existing garden shed extension.***

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the garage cannot be brought forward anymore and still allow ample off-street parking.*
3. the variance requested *is* substantial *however it is the existing garage that is causing the need for the variance and the narrowness and length of the lot.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the lot is of ample size and impervious coverage should not be an issue.*
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 *Joseph Downey* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct a 10' x 20' addition to the south side of his detached garage.

Board Member Burdick stated second.

Board Member Herbst 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.

Mr. Downey stated thank you very much.

Chairman Olenius stated good luck.

Board Member Bodor stated you're good to go.

Chairman Olenius stated good luck with the architect.

Mr. Downey stated yes. Thanks again. Have a good night.

Board Member Buzzutto stated take care, Joe.

Board Member Herbst stated I wonder what he did with the chickens.

Board Member Buzzutto stated the chickens.

Board Member Herbst stated yes. He had those chickens and a lot of them disappeared.

Board Member Buzzutto stated he said a weasel.

Board Member Herbst stated yes.

4) CHRISTOPHER RINI CASE #11-12

Mr. Christopher Rini was present.

The Secretary read the following legal notice:

Christopher Rini Case #11-12 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to replace and enlarge his rear deck from 6' x 12' to 14' x 18'. The Patterson Town Code requires there to be a 40' side yard setback; Applicant currently has 37'; Applicant will have 34'; Variance requested is for 6'. This property is located at 29 Ludingtonville Road (R-4 Zoning District).

Chairman Olenius stated good evening.

Mr. Christopher Rini stated good evening.

Chairman Olenius stated could you state your name and address for the record, please.

Mr. Rini stated Christopher Rini. 29 Ludingtonville Road, Patterson...Holmes.

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

Mr. Rini stated yes.

Chairman Olenius stated thank you. Tell us a little bit about...We heard...Do you agree with what was...

Mr. Rini stated yes. I actually brought a picture. The existing deck was built when the house was built which is in '92. And I guess they built a deck just to get their CO. It's about big enough for a barbeque, me and one chair. So, this is...It's timing. I've lived there for ten years and I actually...two years ago I was going to do this and it's one of those things that just kept getting put off. Maybe even three years ago.

Chairman Olenius stated there's actually no staircase leading down to the backyard or...

Mr. Rini stated no. It's a...

Board Member Bodor stated that's what I had on my house when I moved in.

Mr. Rini stated I was told by...I'm the second owner. I was told by the original owner they were out of money when they built the house and they needed to get a CO so they had to put something on there. And literally, you see it's a barbeque, a chair and one human being.

Chairman Olenius stated yes.

Board Member Bodor stated ours was long enough for two...two humans. But it was a long, narrow...

Mr. Rini stated I can fit two. They have to know each other though.

[Laughter]

Chairman Olenius stated I was confused, too, because reading your property description it says your porch area is 192 sq. ft. and 6'x12' is 72' sq. ft. But that's the only porch on the house I'm assuming, right.

Mr. Rini stated that's the only porch on the house. There is like a tiled area outside another sliding door in the first floor of the house. I don't if they're considering that as part of the...That's it. That's the only deck. The only anything.

Chairman Olenius stated like a patio or something. It's a lot of these cards aren't fully accurate. That may be what they were planning on doing and like you said, they ran out of money and were unable to continue. So judging...I saw your survey here somewhere. I know it's somewhere here. Looking at this survey, it doesn't appear...You're not like extending this porch beyond the edge of your house to be more intrusive to the sideline. You're just basically following the line of the existing house.

Mr. Rini stated correct.

Chairman Olenius stated because I'm assuming the house itself isn't 40' from the sideline either. I don't see how it could be. It looks like it's...

Board Member Bodor stated no. It's here. 18.42 [feet] and 13 [feet] here.

The Secretary stated can I keep this for the file [referring to the picture that Mr. Rini had brought].

Board Member Bodor stated this is 34 [feet] to the deck.

Chairman Olenius stated right. Currently it says 37'. So it's already 3'...

Mr. Rini stated the property has a little bit of an angle there so the further the deck goes out, the closer it gets to the side yard.

Chairman Olenius stated right.

Mr. Rini stated so it's not going to extend past the edge of the house at all.

Chairman Olenius stated right. That's really what I was trying to just get in mind. It wasn't, you know, going out more towards the property line. It's kind of keeping in line with the...

Mr. Rini stated with the house.

Chairman Olenius stated right.

Board Member Bodor stated the house is on the lot on an angle.

Mr. Rini stated yes. Or the property, however you want to look at it.

Board Member Bodor stated and it's also...

Mr. Rini stated the property's kind of on an angle in relationship to the street.

Board Member Burdick stated yes.

Board Member Bodor stated yes.

Mr. Rini stated and the house is square to the street, so anything that we extend further back kind of gets closer to the side yard.

Chairman Olenius stated have you been out there Mr. Lamberti.

Mr. Nick Lamberti stated I haven't.

Chairman Olenius stated okay.

Mr. Lamberti stated but I'm familiar with this sort of thing that you're describing and it happens all too often.

Chairman Olenius stated yes. It's just the property is kind of like a parallelogram...

Mr. Rini stated yes.

Chairman Olenius stated and everything just...

Mr. Rini stated and it's not really a super big deck. It's just something that's going to be more useable with a table and a barbeque and then stairs leading down to the lawn.

Chairman Olenius stated yes, you obviously have plenty of rear yard. Very deep.

Mr. Rini stated yes. And only about half of that rear yard is actually cleared. Pretty from before that stream towards the house forward. I mean about 20' before the stream is woods and then it's woods all the way to [Interstate] 84. The property's...

Chairman Olenius stated oh, for a noise buffer.

Mr. Rini stated yes.

Board Member Buzzutto stated you said you bought the house and it was incomplete.

Mr. Rini stated no, the house was complete, but when they were building...I bought it from the original owner. When they were building it, because I had asked them why the deck was so small and then you're kind of...When you go out on the deck, it's like you're trapped. The only way you can go out on the deck is through the dining room and then you go back through the dining. So they put that little, small deck on because they needed, I guess, to have a deck because they had a sliding door on the second floor. So it is complete, it's just very tiny.

Board Member Buzzutto stated well, the original application would have had that all on it. Wouldn't it, the width of the deck and so forth as from the builder...the survey.

Joe Charbonneau stated the original building permit probably did.

Board Member Buzzutto stated yes.

Mr. Rini stated probably their final, you know, site plan approved was probably for what actually exists there.

Board Member Buzzutto stated yes. So he still has to apply for a variance to put that on there now. Don't the variances go with the...

Joe Charbonneau stated no. The variance that he's looking for now is a setback, right.

Board Member Buzzutto stated something different than what the original was.

Chairman Olenius stated well, they didn't...Probably back when this house was built...

Board Member Buzzutto stated yes.

Chairman Olenius stated they met the setback requirements...

Board Member Bodor stated yes.

Joe Charbonneau stated yes.

Chairman Olenius stated for the side yard.

Board Member Buzzutto stated right, yes.

Chairman Olenius stated and now it doesn't because they've increased...the Code has increased.

Board Member Buzzutto stated okay. So the...

Chairman Olenius stated because the existing home doesn't meet today's setback requirements. And he's not like coming this way off the house. He's going straight back.

Board Member Buzzutto stated well, I mean, it has been changed in the...

Chairman Olenius stated in the Zoning Code.

Board Member Bodor stated in the zoning, yes.

Board Member Buzzutto stated okay. So, my mind is just...

Chairman Olenius stated yes, because this was built in '92, so...

Board Member Buzzutto stated I was just trying to...Okay.

Chairman Olenius stated looking at your Zoning Denial here, it states that you have a couple of sheds on the property that aren't shown on the property.

Mr. Rini stated yes.

Chairman Olenius stated and the your agreement, judging by this, is to replace them with one shed...

Mr. Rini stated correct.

Chairman Olenius stated that will meet the setback.

Mr. Rini stated correct.

Chairman Olenius stated so we can avoid coming back here again.

Mr. Rini stated yes.

Board Member Bodor stated are these sheds behind the house somewhere.

Mr. Rini stated yes.

Board Member Bodor stated and do you have a timeframe that you're going to replace them by.

Mr. Rini stated this summer.

Board Member Bodor stated this summer.

Mr. Rini stated yes. I'm actually going to put one shed further back towards the woods so it's even less visible. When I bought the house that was already there. And it's just two smaller sheds at the end of the driveway.

Board Member Bodor stated that's where the sheds are now, at the end of the driveway.

Mr. Rini stated correct. One of them is tiny. It's like 5' x 6'. It was like where they used to put their kid's toys.

Board Member Bodor stated okay.

Chairman Olenius stated is this in fact your home [referring to the Property Description]. Because sometimes we don't have the right home pictures on the cards.

Mr. Rini stated no, that's it.

Chairman Olenius stated that's it.

Mr. Rini stated yes.

Chairman Olenius stated because you can almost see the shed in the corner there.

Mr. Rini stated yes. This is an old...This is probably a picture of pre- me owning it.

Board Member Bodor stated alright. Currently these two sheds are at the end of the driveway and I'm hearing you say you're going to move one further back on the property.

Mr. Rini stated I'm going to remove them both and replace them with one.

Board Member Bodor stated with one that's going to be placed back further.

Mr. Rini stated correct.

Board Member Bodor stated within the sideline and the rear...

Mr. Rini stated correct.

Board Member Bodor stated okay. If we go with this, I want that conditioned.

Chairman Olenius stated yes. It would probably be a part of your resolution as a condition that that has to be completed, too, within...There'll be, I don't know, maybe six months or something.

Mr. Rini stated that's fine.

Chairman Olenius stated we'll let you know. It will be stated. If you're planning on doing it this summer, you know, when Mr. Lamberti comes out to check the construction of your deck, he's going to know about that, too and, you know... I'm not saying you can't do the deck first.

Mr. Rini stated right.

Chairman Olenius stated you know, you'll have an extended window of time...

Mr. Rini stated that's fine.

Chairman Olenius stated and he would be out again to verify that everything was met. You know...

Mr. Rini stated sheds were built when the house was built so the floors are starting to rot away, anyway. So they're kind of in...They're due for replacement.

Board Member Buzzutto stated what size shed you going to put there.

Mr. Rini stated I guess, from what I was told, as long as it's less than or 12' x 12'...

Board Member Buzzutto stated 12' x 12', yes.

Mr. Rini stated or smaller. Yes, that's what I'm going to do.

Board Member Buzzutto stated yes.

Mr. Rini stated because right now, neither of them are that size. One is 8...9' x 10' and the other one is like 4' x 6'. One of them was like for putting kid's toys in. I don't have any kids so I don't need that. And they're actually in, in my opinion, they're in a horrible spot because when we plow, there's nowhere to put the snow unless you want to pack it in front of the sheds which has a snow blower or shovels, so...

[Laughter]

Mr. Rini stated so it's kind of...the whole thing is a bad design. I'm going to move them down to where the woods start in the back, rear of the property because all I use my shed for is lawn equipment and snow blowers and shovels and that kind of thing.

Board Member Buzzutto stated it will satisfy the resolution you will just have to remove them and leave them. Then you don't even need a permit to put another shed there because it's...

Chairman Olenius stated he wouldn't need a permit for it, but it would be a condition that the other two have to be removed.

Board Member Buzzutto stated yes, but I mean he could remove those ahead of time.

Chairman Olenius stated he could do whatever he likes...

Board Member Buzzutto stated whatever he wants, yes.

Chairman Olenius stated we'll give him some time.

Board Member Buzzutto stated the quicker the better. Yes, okay.

Chairman Olenius stated you're going to have a 14' x 18' deck. You're going to be able to put a lot lawn equipment and stuff underneath that thing, too.

Board Member Buzzutto stated yes.

Chairman Olenius stated it's a pretty good size storage area. You're doing the construction yourself.

Mr. Rini stated yes.

Chairman Olenius stated yes, I saw. It looked like a...

Mr. Rini stated yes.

Board Member Buzzutto stated this confused me. This was...this copy was upside down. See this.

Chairman Olenius stated yes.

Board Member Buzzutto stated it confused me. You close the public hearing.

Chairman Olenius stated anybody from the audience have a comment on this case. Hearing none.

Board Member Buzzutto stated 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.

Board Member Buzzutto stated okay. Now we got the reso.

Chairman Olenius stated okay.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Christopher Rini, Case #11-12
For an Area Variance for a 14' x 18' Rear Deck

WHEREAS, *Christopher Rini* is the owner of real property located at 29 Ludingtonville Road (R-4 Zoning District), also identified as **Tax Map Parcel #22.16-1-2, and**

WHEREAS, *Christopher Rini* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to replace and enlarge his existing rear deck from 6' x 12' to 14' x 18', and

WHEREAS, §154-7 of the Patterson Town Code requires a 40' side yard setback; Applicant currently has 37'; Applicant will have 34'; ***Variance requested is for 6'***, 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 ***May 16, 2012*** 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 deck will be fully screened from the neighbors; it's completely behind the existing home.***

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *due to the alignment of the property line. It is actually not extending beyond the existing home, the property line just tails back toward it.*
3. the variance requested *is not* substantial *in light of the size of the long and narrow property.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because as previously stated, it is a rather large lot. It's replacing an existing deck; basically a little more than doubling the size of it.*
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 *Christopher Rini* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 6' from the 40' required for a side yard setback*, in order to replace and enlarge his existing rear deck from 6' x 12' to 14' x 18'.

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

1. Within six months of the date of this resolution, the two sheds that currently reside on the Applicant's property are to be removed. They can be relocated as long all setback requirements are met that are stated in the Patterson Town Code.

Board Member Bodor stated I'll second it.

| | | |
|-----------------------|---|-----|
| 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.

Mr. Rini stated thank you.

Chairman Olenius stated so you have six months from today to...

Mr. Rini stated no problem.

Chairman Olenius stated basically all you have to do within those six months is remove the existing sheds. You don't have to put the new one up in that timeframe. Whatever your decision is, it's just Mr. Lamberti will be checking to make sure that...

Mr. Rini stated okay.

Chairman Olenius stated you meet that. And then we don't...That way we don't have to see you again for another variance.

Mr. Rini stated that's fine. I appreciate it.

Chairman Olenius stated alright. Good luck with it.

Board Member Buzzutto stated good luck.

Chairman Olenius stated you have good weather coming.

5) JAMES CHERRY CASE #12-12

Mr. James Cherry was present.

The Secretary read the following legal notice:

James Cherry Case #12-12 – Area Variances

Applicant is requesting area variances in order to construct a 2nd story addition to his single family dwelling and also to legalize an existing shed. Applicant has already started construction on the 2nd story addition and is requesting a variance pursuant to §154-58 of the Patterson Town Code, Enlargement of nonconforming buildings. The Code requires there to be a side yard setback of 40'; Applicant has 14' on the easterly side and 31' on the westerly side of his dwelling. Applicant also has an existing 8' x 10' shed located in the front yard and 2' from the side property line. The Code does not permit sheds to be located in the front yard. The Code also requires there to be a 20' side yard setback; Variance requested is for 18'. This property is located at 10 River Road (R-4 Zoning District).

Chairman Olenius stated Mr. Cherry.

Mr. James Cherry stated hello. Hello everyone.

Chairman Olenius stated could you just state your name and address for the record, please.

Mr. Cherry stated my name is James Cherry. I live at 10 River Road, Brewster, New York.

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

Mr. Cherry stated I do.

Chairman Olenius stated thank you. Tell us a little bit about your story here. Do you agree with what was read in the minutes, first of all.

Mr. Cherry stated yes.

Chairman Olenius stated yes.

Mr. Cherry stated I have a picture of the original house.

Chairman Olenius stated just the file photo, which is a little...

Mr. Cherry stated well, if you look at that file photo, they added a garage in 1950 and put a flat roof between the house and the garage. And being me being a young guy, I didn't know anything about homes but that whole wall and...just fell down basically. The flat roof led to carpenter ants and the infested most of the house and I realized when it was way late. And, you know, I'm a carpenter so I did like an emergency...I mean, I didn't have plans or anything but I just had to put a roof over my house because my dormers were also rotten and I didn't know I had so many rules to follow, but I'm finding that out now. But I stayed...I figured I would be okay staying on the existing footprint of the building.

Board Member Bodor stated I kind of got lost. You're talking about the flat roof...

Mr. Cherry stated okay, there's a...

Board Member Bodor stated but when did this become a problem.

Mr. Cherry stated soon after I bought it, it was leaking.

Board Member Bodor stated could you...I don't think you're close the microphone.

Mr. Cherry stated sorry.

Board Member Bodor stated you're very soft spoken.

Mr. Cherry stated sorry. As soon as...After I bought the home, I notice, you know, it was newly sheet rocked. So because it was my first home I bought it. So I didn't really know all these things that could, you know, things could be done. But it's all totally rotten. Totally rotten away and leaking and infested with carpenter ants.

Board Member Bodor stated and that was in '95 you purchased the home.

Mr. Cherry stated yes.

Board Member Bodor stated and since that time you replaced that flat roof. That's what I'm...

Mr. Cherry stated well the flat...there's some of it left. I have some pictures. I had to take some of it out. I went...The garage goes back further than the house. You can see there's a floor plan there.

Board Member Bodor stated I see house floor plans here, but...

Mr. Cherry stated well, the garage goes deeper than the house itself.

Board Member Bodor stated okay. Alright, there's a utility room on the back there. That's what we're talking about; the deepness of that garage.

Mr. Cherry stated yes. Well, I just...My dormers were caving in and the flat roof caved in partially like the first 10'. So I had to put a roof over my house. So I went back 12'. I went...Because it's a cape. It's a cape, it's 24'. I went half the ridge and I put a roof the opposite way so I could have some shelter.

Board Member Buzzutto stated oh, boy.

Mr. Cherry stated what.

Board Member Buzzutto stated rough.

Mr. Cherry stated yes. And this is the pictures of the insect damage of the remaining building. I mean, that's supposed to be a wall there. That's where the original wall was, between the garage and the flat roof.

Board Member Bodor stated the garage and the flat roof. Where was the flat roof. On the house itself.

Mr. Cherry stated between the garage...There was the, it was a cape. Then they built a garage and it was about a 6'...about 6' in between, a flat roof, and they pitched it from back to front. A totally...

Board Member Bodor stated but doesn't this show the garage right attached to the house.

Mr. Cherry stated well, that's my new plans.

Board Member Bodor stated okay.

Mr. Cherry stated I can show you...Sarah told me to take pictures, so she gave me some good advice. This is the...The grey plywood is what I put up. And the flat roof and the garage pitch is what was there.

Chairman Olenius stated oh, it's...

Mr. Cherry stated there's a tree growing in it and, you know, it's...It really needs to be fixed, so...

Board Member Bodor stated this has been since '95 when this happened and...

Mr. Cherry stated no, I fixed this about five years ago. I did my addition about five years ago.

Chairman Olenius stated so you basically built over the garage...

Mr. Cherry stated yes. I stayed...

Chairman Olenius stated where the damage was.

Mr. Cherry stated yes. That, I mean, yes. That was ready to fall down. You can see the other pictures of the rot and the insect damage. I mean, you could literally take the wood with your hand and peel it away.

Chairman Olenius stated I'm assuming that picture's from the rear of the home.

Mr. Cherry stated yes. That's...With the tree growing out of it.

Chairman Olenius stated he's taking the picture from here...

Board Member Bodor stated I can't...

Mr. Cherry stated yes.

Board Member Bodor stated visualize this at all.

Mr. Cherry stated yes.

Chairman Olenius stated no, that's fine.

Mr. Cherry stated yes, you are correct.

Board Member Bodor stated I can't get a handle on it.

Mr. Cherry stated it's just...If you could see this is my old house and this is where the flat roof was and the garage [referring to a picture]. I only went back 12' so I could get cover over my dormers.

Board Member Bodor stated and what stage was this.

Mr. Cherry stated this was when I started to put the roof over the house.

Chairman Olenius stated 2007.

Mr. Cherry stated I don't know if that is correct. But yes, that would make sense, five years ago.

Board Member Bodor stated so you started repairs...

Mr. Cherry stated I had...

Board Member Bodor stated massive construction...

Mr. Cherry stated yes, my house was falling down.

Board Member Bodor stated were you living in it at the time.

Mr. Cherry stated yes.

Board Member Bodor stated where is this located.

Mr. Cherry stated River Road, near Green Chimneys.

Board Member Bodor stated River Road, is that across from Green Chimneys.

Mr. Cherry stated yes. It's a dead end street, west of Green Chimneys.

Board Member Bodor stated it's really down on the river.

Mr. Cherry stated no.

Board Member Bodor stated oh.

Board Member Buzzutto stated oh, boy. Where's the house [referring to the pictures].

Mr. Cherry stated it's called River Road. If you're going up the hill, it's on the left hand side if you're coming from [Route] 22 going towards the VFW.

Board Member Buzzutto stated it looks like tornado, whatever her name was, went through there [referring to pictures]. How old is this house, 1950.

Mr. Cherry stated well, no. The house was built in '47 or something.

Board Member Buzzutto stated I thought it said nineteen...

Mr. Cherry stated '50 was the garage.

Board Member Bodor stated year built was '47.

Mr. Cherry stated they added the garage and the flat roof. And the flat roof was pitched from back to front, which really didn't have...it didn't pitch. So all the water sat there and I got the carpenter ant infestation.

Board Member Buzzutto stated my god, it's rotted out.

Mr. Cherry stated before I knew it I had the whole...the house was falling down.

Board Member Buzzutto stated did you do a walkthrough before you bought this.

Mr. Cherry stated I didn't know anything about houses. I bought the house for \$112,000.00. It's a private yard and I had two kids and I wanted to get out of the rent rud and buyer beware.

Chairman Olenius stated you're a carpenter in the City.

Mr. Cherry stated yes, Sir.

Chairman Olenius stated I'm judging by the steel. You usually don't see many carpenters up here using steel.

Mr. Cherry stated well, if you had all the carpenter ants then I would just be...you would just be feeding them.

Chairman Olenius stated I got you.

[Laughter]

Mr. Cherry stated you know what I'm saying. So it wouldn't make much sense. I mean...

Board Member Buzzutto stated I'd like to see this.

Chairman Olenius stated I think that seems to be...

Board Member Bodor stated I have to see it.

Chairman Olenius stated the consensus, just to get a visual of, you know...

Board Member Bodor stated I can't figure it out.

Chairman Olenius stated you know, what's going on out there.

Board Member Buzzutto stated I'd like to...

Board Member Bodor stated what are you doing now. What are you trying to do right. That was 2007 you were rebuilding. What's happening now.

Mr. Cherry stated well, I didn't got half of it done. I want to get the rest of it done and, you know, make everything right.

Board Member Bodor stated alright. What's the rest of it. What...

Mr. Cherry stated you see where the flat...I should you the picture there from the back view, the back view of the house.

Board Member Bodor stated yes.

Mr. Cherry stated that all has to be replaced.

Board Member Bodor stated so we have major replacement yet have to do here.

Mr. Cherry stated yes.

Board Member Bodor stated like rebuilding the house.

Mr. Cherry stated yes, the house is like falling down. It was falling down, I mean, it's structurally sound now. I mean...

Mr. Nick Lamberti stated just for information...

Board Member Bodor stated Nick, do you have something to offer us.

Mr. Nick Lamberti stated yes. Part of the reason why there's this big gap in time is when we put a stop order on him doing any construction on the house because he didn't have a permit.

Board Member Bodor stated when was that. How many years ago.

Mr. Nick Lamberti stated shortly after I started, so about three years ago.

Board Member Bodor stated really.

Mr. Nick Lamberti stated oh, yes.

Board Member Bodor stated oh, okay.

Board Member Buzzutto stated and you've been roughing it since then. God bless you.

Board Member Bodor stated has any work taken place since the stop work order.

Mr. Cherry stated no.

Board Member Bodor stated nothing.

Joe Charbonneau stated careful to answer to that question.

Board Member Bodor stated well, it's a long time.

Joe Charbonneau stated yes, it is.

Board Member Bodor stated it's a long time to be living in a house falling in.

Joe Charbonneau stated that's why I thought the answer was going to be permitted...

Mr. Cherry stated well, it was falling down. I mean, the garage. I don't live in the garage. But it's got, you know, it's open to the air. It's opened on the sides. It's, you know....

Board Member Buzzutto stated well, what part of the house do you live in that's...

Mr. Cherry stated the original part of the cape. It was a cape. I still live in the cape.

Chairman Olenius stated it says right on the stop work order...

Mr. Cherry stated it's on the left hand side.

Chairman Olenius stated you may make the addition weather tight only.

Board Member Buzzutto stated oh, okay.

Mr. Cherry stated it's weather tight. I got heat. I got water.

Board Member Bodor stated I'm looking at this survey and there's two wood decks and they're crossed off. Are they not there.

Mr. Cherry stated they used to be there.

Board Member Bodor stated they're non-existent.

Mr. Cherry stated no. They're not there now.

Board Member Bodor stated and what's this shed. This 8' x 10' shed. Is that there.

Board Member Herbst stated (inaudible – having side conversation).

Mr. Cherry stated yes, it's there. And this is what you can see in the front of the house [referring to a picture].

Board Member Buzzutto stated it is, yes [having a conversation with Board Member Herbst].

Mr. Cherry stated this is the shed, looking at it from...

Board Member Herbst stated (inaudible).

Mr. Cherry stated east to west. This is...The reason I can't put the shed...That's my backyard. It's all hill, so I can't put in the front. I mean, I can't put it anywhere but where it is.

Board Member Buzzutto stated my god.

Board Member Bodor stated what's the reason why it can't go anywhere else.

Mr. Cherry stated I have...It's hill. The back of the house is up into a hill. All this is hill.

Board Member Bodor stated oh, really.

Mr. Cherry stated yes. It's very steep.

Board Member Bodor stated oh.

Mr. Cherry stated it's very hard to walk on.

Board Member Bodor stated oh, okay.

Board Member Buzzutto stated have you ever considered knocking the whole thing down and starting from scratch, over.

Mr. Cherry stated it would probably be easier.

Board Member Herbst stated and cheaper.

Board Member Buzzutto stated I bet.

Mr. Cherry stated I don't know about that, but...

Chairman Olenius stated that's the hill.

Board Member Bodor stated this is the hill in the back.

Mr. Nick Lamberti stated he's got too much labor invested in it at this point.

Board Member Bodor stated okay.

Board Member Buzzutto stated you'd have to be an architect, a carpenter, to make everything...

Mr. Cherry stated well, I've been in the business for 30 years, so...

Board Member Buzzutto stated I've got to see this.

Mr. Nick Lamberti stated yes. I'd recommend that you do a site visit on this one.

Chairman Olenius stated in light of the fact that...Do you work in the City or do you...

Mr. Cherry stated yes.

Chairman Olenius stated work locally. Do you get home at any certain time. Because we'd like to have you there when we come out for the site walk just so you can explain in your own words to us, you know, what...Or if we have questions, you can answer them right away.

Mr. Cherry stated sure.

Chairman Olenius stated are there any nights better than others.

Mr. Cherry stated right now I'm not working; I pinched a nerve in my back.

Chairman Olenius stated oh, so you're out of work right now.

Mr. Cherry stated right now, yes.

Chairman Olenius stated okay.

Mr. Cherry stated I'm hoping to go back maybe Monday.

Chairman Olenius stated I don't think we'd be doing the site visit that...What time do you typically get home when you are at work.

Mr. Cherry stated it depends on, you know, if I do 7 or 8 hours and where I'm working.

Chairman Olenius stated okay.

Mr. Cherry stated I can get in touch with you and tell you. Like 5 or 4:30 [p.m.].

Chairman Olenius stated oh, yes. That's fine because...

Mr. Cherry stated depending on, you know, where I'm working. I don't know. I work all over.

Board Member Burdick stated the earliest that we would be there if we did it during the week would probably be 5:15 or 5:30 [p.m.].

Chairman Olenius stated 5:15 or 5:30 would be the earliest we would be able to get there because...

Mr. Cherry stated okay.

Chairman Olenius stated some of us work, too. So, that would probably work out alright for you.

Mr. Cherry stated sure.

Chairman Olenius stated any day of the week better than another or...

Mr. Cherry stated like I said, right now you can come anytime.

Chairman Olenius stated okay. We set that up typically a little bit later. The Secretary will call you and we'll do...She'll give you two dates because we'll have an initial date and we'll have a rain date.

Mr. Cherry stated this is also (inaudible – too many talking) for the back [referring to a picture]. That's how high the property goes. So I really couldn't put the shed in the back.

Chairman Olenius stated well, that is pretty steep.

Board Member Bodor stated oh, okay.

Mr. Cherry stated pictures...I figured if I take a picture this way it's hard to tell. So I walked up the back...

Board Member Burdick stated that really shows you.

Board Member Bodor stated that shows the backyard looking at the house. That's a good one.

Chairman Olenius stated yes.

Board Member Bodor stated that's the best picture.

Mr. Nick Lamberti stated you know where Doansburg Road is.

Mr. Cherry stated what about the picture of the house.

Board Member Bodor stated yes, I know where Doansburg is.

Mr. Nick Lamberti stated as you go down, if you turn right, you go into River Road.

Board Member Burdick stated that shows us the slope in the back and that you can't anything back there.

Mr. Nick Lamberti stated half way up, it will be on the right hand side. So his property does rise in the back.

Board Member Bodor stated well, I have an idea of where it is. But I just don't know River Road, per say.

Mr. Cherry stated I have a note from my...

Mr. Nick Lamberti stated I've had to learn a lot in the past few years.

Board Member Bodor stated yes.

[Laughter]

Board Member Burdick stated so, is that the road on the left before you get to the stop sign...

Mr. Cherry stated yes.

Board Member Burdick stated by the VFW.

Mr. Cherry stated yes.

Board Member Burdick stated okay.

Mr. Cherry stated it looks like a driveway.

Board Member Burdick stated it's past Green Chimneys.

Chairman Olenius stated kind of almost across from the doctor's house.

Mr. Cherry stated I have a note from my neighbor.

Board Member Bodor stated there's a house on the corner.

Chairman Olenius stated Ginny's brother-in-law.

Mr. Nick Lamberti stated right. Yes.

Board Member Bodor stated oh, I don't know.

Mr. Nick Lamberti stated Nacerino's live across the street from him. Absolutely. You know it.

Board Member Burdick stated just past Green Chimney's there's a house on the right.

Chairman Olenius stated it's on the left.

Board Member Bodor stated it's on the left. It's across the street from Green Chimneys.

Board Member Burdick stated oh.

Chairman Olenius stated yes.

Board Member Burdick stated okay.

Board Member Bodor stated they have their little whatever they call it.

Board Member Burdick stated so his house is after that one.

Chairman Olenius stated yes.

Mr. Cherry stated I'm on the dead end. I'm three houses in.

Board Member Burdick stated okay.

Mr. Cherry stated I have a note from my neighbor that says he's okay with the shed.

Chairman Olenius stated oh, that was good for submission.

Board Member Bodor stated this is a communication from Mr. Thomas M. Carey at 14 River Road on May 10, 2012.

Dear Mr. Olenius,

I am writing in regard to your notice concerning placement of an 8' x 10' storage shed on the property of James Cherry, 10 River Road, Brewster, New York, 10509. I will not protest his request for a zoning variance in this matter. Sincerely yours.

Chairman Olenius stated we'll submit that to the Secretary to be kept in the record. Okay, I'm going to make a motion to hold over.

Board Member Buzzutto stated table it.

Chairman Olenius stated table it, excuse me. This case until we have the opportunity to go out and walk it, hopefully with your assistance.

Mr. Cherry stated sure.

Chairman Olenius stated and we should be able to...I would think we'd probably be able to resolve something by next month. It's just a matter of...

Mr. Cherry stated you want all the pictures.

The Secretary stated yes. If you don't mind if I could have those.

Chairman Olenius stated of getting our bearings of the neighborhood and where the adjacent neighbor's homes are and everything, you know.

Mr. Cherry stated yes. Well, all the properties are noncompliant because they're only 100 feet wide.

Chairman Olenius stated right, that's typical. That's why we like to come out and kind of see what it looks like though because each neighborhood is unique in that, like you said, your backyard slopes high and...

Mr. Cherry stated yes. That was...I think that was the first house on the block so he just put as far back as they could...

Chairman Olenius stated okay.

Mr. Cherry stated to get the, you know, front yard.

Chairman Olenius stated right, right.

Mr. Cherry stated so basically my backyard is useless like, I mean, to me.

Board Member Bodor stated it's all wooded, too, apparently.

Mr. Cherry stated yes.

Board Member Bodor stated yes.

Mr. Cherry stated yes.

Chairman Olenius stated alright. Well, I thank you for your time.

Mr. Cherry stated thank you.

Chairman Olenius stated and we'll be in touch.

Mr. Cherry stated okay.

Chairman Olenius stated we'll come out and meet you...

Mr. Cherry stated okay.

Chairman Olenius stated one evening and see what it's all about.

Mr. Cherry stated okay.

Chairman Olenius stated alright. Thank you.

Board Member Buzzutto stated okay.

Mr. Cherry stated thank you.

Chairman Olenius stated you have a good night.

Mr. Nick Lamberti stated see you soon [talking to Mr. Cherry].

Mr. Cherry stated I do have Board of Health approved plans.

Board Member Burdick stated there was a letter in there.

Chairman Olenius stated I think there were...

Board Member Burdick stated there was a letter.

Mr. Cherry stated okay.

Chairman Olenius stated I think that we did have that submitted, so that's good.

Mr. Cherry stated that's what I've been doing the last, you know, since Nick and I spoke. I went and got the plans and, you know, had to make everything right.

Chairman Olenius stated good. We appreciate that. Thank you.

Mr. Cherry stated thank you.

Board Member Buzzutto stated now.

Chairman Olenius stated okay.

Joe Charbonneau stated Dwayne Young represented him 1995 and he retired that same year. I'm just wondering if that's a coincidence.

Mr. Nick Lamberti stated represented Mr. Cherry.

Joe Charbonneau stated yes. I saw the deed. He retired like two months after that deed was executed.

Mr. Nick Lamberti stated so, you're familiar a little bit with...

Joe Charbonneau stated with Mr. Young, yes. Good guy but did things a little fast and loose.

6) OTHER BUSINESS

a) Code Violations Recommendation

Chairman Olenius stated okay. Other business. Code Violations recommendation. Oh, do you have something [referring to Mr. Nick Lamberti].

Mr. Nick Lamberti stated no, I was going take your leave unless there's anything else...

Chairman Olenius stated I appreciate you coming tonight. Thank you very much.

Mr. Nick Lamberti stated sure.

Board Member Bodor stated thank you.

Chairman Olenius stated you've been very helpful.

Mr. Nick Lamberti stated have a great evening everybody.

Board Member Bodor stated thank you for your help.

Board Member Burdick stated thanks, Nick. Have a good night.

Joe Charbonneau stated bye, Nick.

The Secretary stated you did already make a recommendation with regards to Code Violation. But there has been a revised draft since then. So I don't know if you need to make a recommendation on that. But you have already made a recommendation to the Town Board a couple months ago regarding this.

Chairman Olenius stated I mean, with the revisions, I think it only makes it better, personally. I'd make a motion to...

Board Member Bodor stated that was the sheet with the scratched...

The Secretary stated yes.

Chairman Olenius stated yes.

Board Member Bodor stated that was good.

Chairman Olenius stated do I have to make a motion to do a recommendation...

Joe Charbonneau stated to pass it on to the Town Board.

The Secretary stated they've already done a recommendation to them, but it's just been updated, so...

Board Member Burdick stated that we support the changes...the amendment.

Joe Charbonneau stated it might help the Town Board, in terms of what they're doing, if they have a resolution that was approved by the Board.

Chairman Olenius stated okay. I'll make a motion that we...

Joe Charbonneau stated endorse.

Chairman Olenius stated give a positive...endorse...give a positive recommendation to the revisions made to the Code Violation memos regarding Fences, stonewalls and masonry...

Board Member Bodor stated that's not the one.

The Secretary stated no. This is for Code...

Board Member Burdick stated this is on violations...

Chairman Olenius stated yes.

Board Member Burdick stated before the applications come to us.

Chairman Olenius stated sorry. I read the top sheet first. Yes. Yes, it's the one on violations. This was the one I liked better.

Board Member Bodor stated yes.

Chairman Olenius stated so somebody with 17 properties doesn't have to clean up just the one he's looking for. He has to clean up all 17, so. I'm hardily behind this one.

Board Member Burdick stated second.

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

Chairman Olenius stated so what's the deal with the fence one. Is that totally separate. Is this another one he wants us to...

The Secretary stated you don't have to make a recommendation. I think it's just so you guys...

Chairman Olenius stated just letting us know.

The Secretary stated kind of know what's going on with the Code.

Chairman Olenius stated okay. I like that one, too. With the way they were changing the... You know, allowing you to sweep in with the heights. You probably didn't read them.

[Laughter]

Joe Charbonneau stated just nod.

The Secretary stated yes I did.

[Laughter]

Board Member Buzzutto stated (inaudible).

Chairman Olenius stated it just said that like a trellis is allowed in the front yard now.

Board Member Buzzutto stated oh.

Chairman Olenius stated you know, you're not stuck to that just 4' fence height.

Board Member Buzzutto stated oh, okay.

Chairman Olenius stated you can come up with a trellis, you know, for a gateway or something.

Board Member Buzzutto stated yes.

Chairman Olenius stated I think it will enhance it. It will make things look nice.

Board Member Bodor stated yes.

Chairman Olenius stated without having to come to us...

Board Member Buzzutto stated yes.

Chairman Olenius stated for a variance to put a trellis in. And they don't need a permit if it's not structural.

b) Minutes

Chairman Olenius stated and the minutes. I only had one problem. I wasn't here for the March 21st meeting, but according to the minutes I was.

The Secretary stated okay.

Chairman Olenius stated so that's my only issue. Because I'm absent, but I called the meeting to order.

[Laughter].

Chairman Olenius stated because I'm absent but I called the meeting to order.

Joe Charbonneau stated here in spirit.

Board Member Buzzutto stated I did that deliberately.

[Laughter].

Board Member Buzzutto stated to blame you.

[Laughter].

Board Member Herbst stated he figured anything that went wrong he could blame it on you then.

Chairman Olenius stated oh, that's how you sat here that long, huh. Other than that, I wasn't here so I didn't want to make a motion on those minutes. I just wanted to...

Board Member Buzzutto stated no.

Board Member Burdick stated I make a motion to accept the March 21st minutes as written with the exception that Lars...

Board Member Bodor stated with the correction.

Board Member Burdick stated with the correction.

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 and the April 10th minutes I did read. That was the cell tower minutes...

The Secretary stated yes.

Chairman Olenius stated right. Yes. Thank you for sending them to me electronically. I did read them. I did not see any issues with any of them. I don't know if anybody else did. So I'll make a motion to accept the minutes from the April 10th, 2012 meeting.

Board Member Burdick stated second.

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

c) Site walk

Chairman Olenius stated okay, so site walk then we're done. Any dates bad. Any days of the week better than others. He seemed pretty open. Mr. Cherry seemed rather open to any day of the week.

Board Member Buzzutto stated a week day rather than the weekend for me.

Chairman Olenius stated I'd prefer a week day. You know, it's up to the rest of the Board, but the weekends are starting to get nice. It's one of those years that it's not raining every single weekend, so take advantage of them.

Board Member Bodor stated when's our next meeting, the 20th of June.

The Secretary stated yes.

Board Member Bodor stated no changes, right.

Board Member Buzzutto stated it's going to be a long way away.

Chairman Olenius stated June 20th, yes.

Board Member Buzzutto stated it's over a month.

Board Member Bodor stated so we've got lots of time.

Chairman Olenius stated do you want to go in June when we're closer so it's fresher in our minds. Or would you rather get it over with sooner. It doesn't...

Board Member Bodor stated it doesn't matter.

Chairman Olenius stated either way, I don't...

Board Member Buzzutto stated whatever. Any day is good for me.

Board Member Bodor stated do you know when the County goes on summer hours.

Board Member Burdick stated usually around the...Well, usually around the 15th...

Board Member Bodor stated because nobody seems know exactly.

Board Member Burdick stated well, because I don't know if it's contractual or if we have to get a, you know, I don't know if the new administration can change that. That's kind of what people are saying.

Board Member Bodor stated so...

Board Member Burdick started but in the contract it says the hours can change around June 15th.

Board Member Bodor stated so it's probably the 18th then.

Board Member Burdick stated so that would probably be the 18th.

Board Member Bodor stated that's what we're thinking.

Board Member Burdick stated but...

Chairman Olenius stated that's the week of the meeting. Is it too close or...

Board Member Bodor stated no, we were talking about something else.

Chairman Olenius stated oh, okay.

Board Member Burdick stated yes. I...That's not that far from the office. I could get there definitely between 5:15 and 5:30 [p.m.]. Or if that doesn't work for everybody, I certainly can take off an hour early. It's no big deal.

Chairman Olenius stated the only thing I'm going to preface it with is this time of the years Mondays and Tuesdays are better for me.

Board Member Burdick stated okay.

Board Member Bodor stated okay.

Chairman Olenius stated but if either of those days are bad for any of you guys...

Board Member Burdick stated I unfortunately don't have my calendar with me but I don't think I have any conflicts with any of the days that are coming up. Mondays and Tuesdays are fine with me.

Chairman Olenius stated how about Monday, June 11th. Do you have a conflict there.

Board Member Buzzutto stated it's alright with me.

Board Member Bodor stated it looks okay to me.

Chairman Olenius stated okay, how about we do...Is the 12th bad for anybody. Can we do a rain date on the 12th.

Board Member Herbst stated I might have a problem, but I don't know yet.

Chairman Olenius stated it's okay. It's far enough out. That's kind of why I wanted to do it because Marianne doesn't have her book either, so...

Board Member Bodor stated I'd prefer not on the 12th.

Chairman Olenius stated okay. The 13th; the Wednesday. Is that a bad day.

Board Member Bodor stated not as far as I know.

Chairman Olenius stated okay. So how about we'll do the rain date, tentatively, on the...

Board Member Bodor stated so are you doing 11 and...

Chairman Olenius stated 11th and 13th [of June].

Board Member Bodor stated 11 and 13.

Chairman Olenius stated 13 will be the rain date.

Board Member Herbst stated okay.

Chairman Olenius stated and we'd be still at 5:15 or 5:30.

The Secretary stated so...

Chairman Olenius stated what did I just say, June. Yes.

Board Member Burdick stated June 11 and 13.

The Secretary stated yes, June 11th.

Board Member Bodor stated 11th and 13th.

Board Member Herbst stated June 11th at what time.

Chairman Olenius stated 5:15 or 5:30. Probably... You were 5:15 further into the Lake the last time.

Board Member Burdick stated it just depends if I can get out of the office at 5:00.

Chairman Olenius stated I got you.

Board Member Burdick stated definitely by 5:30.

Chairman Olenius stated by 5:30.

Board Member Burdick stated yes. But more likely between 5:15 and 5:20. Depends on how...what time I can get out and traffic.

Board Member Buzzutto stated now where exactly is this River Road. Is it...

Chairman Olenius stated as you're coming up Doansburg Road...

Board Member Buzzutto stated which...coming...

Chairman Olenius stated coming from [Route] 22 towards Putnam Lake.

Board Member Buzzutto stated go past the Post Office and so forth.

Chairman Olenius stated yes.

Board Member Buzzutto stated okay.

Chairman Olenius stated you pass the Post Office, come down to the bottom of the hill.

Board Member Buzzutto stated right, yes.

Chairman Olenius stated Green Chimneys will be on your right.

Board Member Buzzutto stated yes.

Chairman Olenius stated as you start going up the hill, River Road will be on your left; half way up the hill.

Board Member Buzzutto stated I never noticed a road in there.

Chairman Olenius stated there is. And it actually has a sign that says River Road.

Board Member Buzzutto stated okay.

Board Member Bodor stated oh, good.

Board Member Herbst stated oh, yes. I remember that road.

Chairman Olenius stated it's a small little road, but it is there. It's before Dr. Mac Rae's old office.

Board Member Buzzutto stated there used to be a dentist over there or something.

Chairman Olenius stated yes. Before that. Just before that.

Board Member Buzzutto stated okay, I know where it is.

Board Member Herbst stated okay.

Chairman Olenius stated alright. I'll make a motion to close the public hearing.

Joe Charbonneau stated you mean adjourn the meeting.

Board Member Burdick stated adjourn the meeting.

Chairman Olenius stated I mean adjourn the meeting.

[Laughter].

Board Member Burdick stated second.

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

Meeting was adjourned at 8:30 p.m.