

PLANNING DEPARTMENT

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ZONING BOARD OF APPEALS

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Mary Bodor, Vice Chair
Marianne Burdick
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PLANNING BOARD

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Zoning Board of Appeals
May 18, 2016 Meeting Minutes
Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563**

Present were: Chairman Lars Olenius, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Stephanie Fox, and Nancy Tagliafierro, Attorney with the Town Attorney's Office

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

There were 4 audience members present.

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

**1. James Nesheiwat Case #05-16
342 Fair Street
Tax Map #44.-3-3.1**

James Nesheiwat was present to represent application.

The Secretary read the following legal notice:

James Nesheiwat: Case #05-16 – Area Variances (Held over from the 4/20 meeting)

Applicant is requesting area variances pursuant to §154-27A(12)(a) of the Patterson Town Code; Permitted accessory uses, and §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize an existing 18' x 33' above-ground swimming pool with a wrap-around deck (for a total structure size of 25' x 47') located in the front yard. Patterson Town Code requires accessory structures to meet a minimum front yard setback of 40'; Applicant will have 29'; *Variance requested is for 11'*. Patterson Town Code also requires accessory structures to meet a minimum side yard setback of 20'; Applicant will have 10'; *Variance*

requested is for 10'. §154-27A(12)(a) of the Patterson Town Code states that accessory structures cannot be located in the front yard; *Applicant is requesting a variance to allow the above-ground swimming pool with attached deck to remain in the front yard.* This property is located at 342 Fair Street (R-4 Zoning District).

Chairman Olenius confirmed that the Zoning Board had conducted a site walk on the property, during which it was noted that the property has a significant amount of frontage on Fair Street, but is a narrow lot. He also noted that the applicant had indicated that the large, grassy area to the rear was the location of the septic system and expansion area, and that the impact of the pool's location on the neighborhood was very minimal, as the pool was well-screened. Board Member Burdick agreed that due to the constraints of the property, there was no other feasible location.

- Chairman Olenius made a motion to close the public hearing. Board Member Bodor seconded the motion. *Motion passed by a vote of 4 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance pursuant to §154-27A(12)(a) of the Patterson Town Code in order to allow the pool and deck to be located in the front yard. Board Member Bodor seconded the motion. *Motion passed by a vote of 4 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance pursuant to §154-7 of the Patterson Town Code in order to allow the pool and deck to be located 29' from the front property line. Board Member Bodor seconded the motion. *Motion passed by a vote of 4 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance pursuant to §154-7 of the Patterson Town Code in order to allow the pool and deck to be located 10' from the side property line. Board Member Fox seconded the motion. *Motion passed by a vote of 4 – 0.*

2. Michael Tomassi Case #07-16
120 Bullet Hole Road
Tax Map #34.-3-11

Michael and Christine Tomassi were present to represent the application.

The Secretary read the following legal notice:

Michael Tomassi: Case #07-16 – Area Variances (Held over from the 4/20 meeting)

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, and §154-27A(7) of the Patterson Town Code; Permitted accessory uses, in order to construct an addition consisting of a 15.5' x 10.5' master bedroom and 6.5' x 15.5' master bath, a new 7' x 15.5' attached deck, and to remove and replace the existing 1-story, 2-car garage (26' x 28') with a 2-story, 2-car garage (26' x 28'). This property is located at 120 Bullet Hole Road (R-4 Zoning District).

- Addition: Patterson Town Code requires primary structures to meet a minimum front yard setback of 40'; Applicant will have 2.4'; *Variance requested is for 37.6'*. Patterson Town Code also requires accessory structures to meet a minimum side yard setback of 40'; Applicant will have 7'; *Variance requested is for 33'*.

- Garage: Patterson Town Code requires accessory structures to meet a rear yard setback of 25'; Applicant will have 9.5'; *Variance requested is for 15.5'*. §154-4 of the Patterson Town Code states that a private garage may not exceed in size a bulk area ratio of 50% of the principal dwelling; Applicant's proposed garage will be 51.3% of the bulk area ratio of the principal dwelling; *Variance requested is for 1.3% over the bulk area allowed.*

Chairman Olenius confirmed that the Zoning Board had conducted a site walk on the property, noting that the lot was unusual because it was long and narrow with no road frontage and a large amount of screening, with the adjacent home owned by the applicants' family. Additionally, he stated that the parcel in front of said property was wetlands owned by the county, who had received and approved a 239M, and that to the rear of the property is undeveloped and bordered by Interstate 84.

- Chairman Olenius made a motion to close the public hearing. Board Member Burdick seconded the motion. *Motion passed by a vote of 4 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance pursuant to §154-7 of the Patterson Town Code in order to allow the dwelling to be located 2.4' from the front property line. Board Member Burdick seconded the motion. *Motion passed by a vote of 4 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance pursuant to §154-7 of the Patterson Town Code in order to allow the dwelling to be located 7' from the side property line. Board Member Burdick seconded the motion. *Motion passed by a vote of 4 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance pursuant to §154-7 of the Patterson Town Code in order to allow the garage to be located 9.5' from the rear property line. Board Member Fox seconded the motion. *Motion passed by a vote of 4 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance pursuant to §154-27A(7) of the Patterson Town Code in order to allow the garage to have a bulk area ration of 51.3% of the principal dwelling. Board Member Bodor seconded the motion. *Motion passed by a vote of 4 – 0.*

**3. Taras Borovyk
146 Bullet Hole Road
Tax Map #34.-3-7**

Taras Borovyk was present to represent the application.

The Secretary read the following legal notice:

Taras Borovyk: Case #09-16 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct a roof over the entrance to the dwelling that will extend approximately 1.5 feet forward of the dwelling. Patterson Town Code requires primary structures to meet a minimum front yard setback of 40'; Applicant will have 31'; *Variance requested is for 9'*. This property is located at 146 Bullet Hole Road (R-4 Zoning District).

Taras Borovyk explained that he wished to create a larger overhang of the roof over the entrance to the dwelling; he furnished the members of the Zoning Board with photographs of his property, which the Secretary added to the property file. The entryway to the dwelling is going to be turned approximately 90 degrees, with the existing columns being removed; the addition to be constructed will actually be set back from the dwelling itself.

- Chairman Olenius made a motion to close the public hearing. Board Member Burdick seconded the motion. *Motion passed by a vote of 4 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance pursuant to §154-7 of the Patterson Town Code in order to allow the roof to extend 31' from the front property line. Board Member Bodor seconded the motion. *Motion passed by a vote of 4 – 0.*

4. Other Business

A. Minutes

- Chairman Olenius made a motion to approve the minutes from the April 20, 2016 meeting. Board Member Burdick seconded the motion. *Motion passed by a vote of 4 – 0.*
- Chairman Olenius made a motion to adjourn. Board Member Burdick seconded the motion. *Motion passed by a vote of 4 – 0.*

Meeting adjourned at 7:40 p.m.