

APPROVED

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
May 19, 2010**

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**ZONING BOARD OF
APPEALS**

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

PLANNING BOARD

Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Maria DiSalvo
Thomas E. McNulty

**Zoning Board of Appeals
May 19, 2010 Meeting Minutes**
Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563



Present were: Chairman Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Gerald Herbst, Board Member Lars Olenius and Rich Williams, Town Planner.

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

There were approximately 17 members of the audience.

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

Chairman Buzzutto stated roll call.

Roll Call:

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

1) WIRELESS EDGE CASE #22-07

Mr. Neil Alexander, Cuddy & Feder, and Mr. Jon Arthur, Wireless EDGE, Kathryn Vergo, Wireless Edge, were all present.

Chairman Buzzutto stated okay. You want to read the first item on that.

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 19, 2010 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

Wireless EDGE Westchester Group LLC & Omnipoint Communications, Inc. Case #22-07

Applicants are requesting a use variance and area variances to construct a multiple carrier wireless telecommunications facility. The Patterson Town Code does not permit wireless telecommunications facilities in the R-4 Zoning District. The proposal includes the installation of a 145 foot tall monopole; the Patterson Town Code states the maximum height for a structure is 38'; variance requested is for 107'. The Applicants are also proposing an 8' fence for around the cell tower and to include the equipment buildings and other associated structures. §154-15 of the Patterson Town Code; Fences, stone walls and masonry walls, requires that fences shall not exceed 6' in height, except along the lot frontage where the fence shall not exceed 4'. Variance requested is for 4'. §154-20 of the Patterson Town Code; Required street frontage, requires that there be 225' of road frontage in the R-4 Zoning District; Applicant will have 50'; Variance requested is for 175'. This property is owned by the Quail Ridge Homeowners Association and access will be provided off of Garland Road (R-4 Zoning District).

Chairman Buzzutto stated Wireless Edge. You're going to show a presentation of...

Mr. Neil Alexander stated yes. Just for the record, Neil Alexander from Cuddy & Feder, represent the applicant along with Jon Arthur, a principal at Wireless Edge, Catherine...I always forget your last name.

Ms. Catherine Virgo stated Virgo.

Mr. Alexander stated sorry about the laryngitis. Is this on [referring to the microphone]. Oh, there's the power. Okay, sorry about that. It's been about 6 months since we were in front of you last, and just to sort of recap a little bit, I think where we had left you at the end...Excuse me [referring to coughing]. At the end of 2009, beginning of 2010, was through a bunch of site visits; balloon floats and things of that nature. I think your Board, to put some words in your mouth, had gotten quite comfortable with the notion of this use and the height that we were proposing, in the context of the other sites that have been proposed in order to serve the Putnam Lake area, is sort of, you know, the least of the evils. What I think remained at that time, and you had charged us with was exploring the ability to do access for the site, both for utilities and for vehicles from Phillard Road instead of Garland Road. We spent a lot of time evaluating that, and many different ways. I think many of you went on site walks. Your consultants were with us on site walks. We've been in front of the Planning Board and had many walk arounds with them and many meetings in front of them. What we submitted to you yesterday, which is the reason it came in just yesterday, that letter, was the submission deadline for the Planning Board for our public hearing for June 3rd, was yesterday. So rather than just submit to them and then show up here and give you a recap that didn't include the full thought process, just seemed not as expeditious as we could be and it didn't seem to foster the dialogue we've tried to have over the past almost...it's actually almost three years. If you could believe it, it was July of '07 that we originally submitted for the facility at the Lake Shore...Lake Shore Road. So what that letter does, if you've had a chance to read it...I know it was, you may feel a little jammed by it, it was really go point by point in our analysis the Phillard Road access really is not available, doesn't make good sense, from not only from a planning perspective, from an environmental disturbance, from a stormwater perspective, from a cost perspective. And then it also goes through and explains in our opinion

why we can't come up with a benefit that's different by doing that from one side of the property than another. What Jon and Catherine are prepared to do is sort of walk you through the drawings and the itemization of that. I'm sure you're probably tired of listening to my groveliness at this point. And I'm going to pass it to them to do that. They provided also tonight some additional photos that they ran out to...A part of what precipitated this, sort of coalescence for a lack of a better word, was our meeting recently with the Planning Board, which led to the public hearing. And we just figured we needed to memorialize everything that had been happening and not withstand the good faith and the wonderful dialect we've had, we just felt it really needed to get down into paper, and that was the intent here.

Chairman Buzzutto stated are you going to compare the new plan with the old plan, which is beneficial.

Mr. Alexander stated we're going to go through everything and basically our thought process.

Chairman Buzzutto stated okay.

Mr. Alexander stated we're, essentially at the end of the day, the plan is the plan that you saw six months ago with some adjustments in order to, as best as we possibly can, mitigate any potential affect that someone might ascribe to the access road. But I'm going to let Jon go through, sort of...There was a process here. And I think it's sort of worth while for you to understand that a lot more than the old college try was given here. There was a lot of effort that went to try to make, what the Boards charged us to do, happen. And unfortunately, it just really...It makes no sense to pursue that route.

Mr. Jon Arthur stated okay, thanks Neil. Good evening folks.

Chairman Buzzutto stated good evening.

Mr. Arthur stated Jon Arthur from Wireless Edge. My voice is not that much better tonight. So bear with me. I'm going to give you an update on our thought process at looking at the alternate access road, both ways, and what we're ultimately proposing to present to the Planning Board, I guess, on June 3rd. So I'll take you through our analysis and what we came up with. We started out by walking the site with the Town Engineer. We maybe went up to...

Chairman Buzzutto stated can you face it more so people [referring to the pictures and plans]...

Mr. Arthur stated oh, sure.

Chairman Buzzutto stated from the area...Can you see that there Mary.

Board Member Bodor stated yes.

Chairman Buzzutto stated so they can see what...that little bit there. Okay. Alright. Sorry.

Mr. Arthur stated yes. I'm not sure if this drawing is in your packets, but this is an additional page we used in part of our analysis. We walked the property with some members of the Planning Board, Town Engineer, and I believe maybe one or two of you folks as well. And we marked out a path that would be a, really, a best routing through...from the site, up to Phillard Road. And then went back after that original walk and I recorded the site with a GPS and then we sent a surveyor out to do a partial survey of the area. And then ultimately sent it to our engineer to do a preliminary road design. So that is what you see represented from Phillard Road, coming off of the cul-de-sac. Obviously we have large trucks to deal with;

Tractor trailers particularly to bring the site in initially and maybe to bring in collocation equipment later on. So we have to take into account the curvature of the road, embankments, and all of that. It turned out that we didn't really need to have extensive embankments, but we did have to, you know, widen the area of disturbance because we had to level out the ground. We had to build up like a wall. So this is the route and it's exactly the route that we took when we did the site walk. When we walked, it was pretty close to how it turned out. We flipped the site around so that the entrance comes in from the north side. Now it turns out that we went back to the utilities and there is electric power which is up on Phillard Road, somewhere around...Right around here there's a power...a volt, and there's a transformer across the street. So, theoretically, for power, we'd have to trench across the cul-de-sac, and then run the lines down to the site through the access road. However, there is no Telco service, you know, fiber Telco service, up at Phillard [Road]. We contacted Verizon on a number of occasions, we got a hold of their outside plan engineers, and they indicated that they had no plans to bring in fiber into Phillard, which causes us a problem because then we can't really service the site. We asked them, well, what would the cost be. You know, what if, you know, even if theoretically, what if we paid...because sometime utilities will charge you to bring a service in that they're not normally bringing in and, you know, what's that number, just so we know what we're looking at. They wouldn't even give us a number. They said we don't have any future plans...the foreseeable future to bring any service in. So you have to take service off of Garland Road, which is where the telephone poles are. So with that, that's why the plan shows two routes, because we have access going through Phillard, but we have utilities going through Garland. So it's kind of a double whammy on the area of disturbance and the cost to come in from two directions. So what we would do here is, you know, we don't need a full swatch for a road, but we do need to bring in a piece of equipment to do the trenching, so it's really a 12 foot area of disturbance for an 8 foot utility corridor, and then we trench up that way. And then since we're down here with the trench line going through the site, we might as well bring electric in from here because there's no point of bringing electric from Phillard, and then Telco from Garland. IT would just even be more cost. So with that, we had our engineers prepare a cost estimate of the two methods. One will be access and utilities from Garland and the second would be utilities from Garland but access from Phillard. And the cost delta was around sixty...was it 67...Yes, it was around 66...\$67,000 dollars delta, which represents about a forty...I think it was a 48% increase in the overall utility cost and about a 33% cost increase for the entire site construction. So...And which is significant. So that was really the case. The other problem is that the area of disturbance is practically double. And that gets over the one acre mark, which would require the SWPP, which would require even more disturbance, which we didn't even account for. We just, you know, basically did it from the stand...You know, we kind of ignored stormwater issues, so it would require, obviously, more approvals, much more cost, just for that. So that's really, you know, how it turned out.

Board Member Olenius stated I don't mean to interrupt.

Mr. Arthur stated sure.

Board Member Olenius stated I just didn't want you to get too far. You require fiber for monitoring or...

Mr. Arthur stated no. All cell sites require some sort of back (inaudible). Typically T1's or E1's, basically, to bring the voice data...voice and data back to their switch.

Board Member Olenius stated okay.

Mr. Arthur stated so you get the signal through the antennas and then it goes through the landlines back to their switch. Every cell site is hooked up by the microwave or by hard lines. You know, 90% is hard lines. And these days, even copper T1's aren't enough for a site. They bring in...You know, one carrier might

use half a dozen or a dozen lines...or fiber T1's. So it's that much capacity that they need their network. So that's why, you know, even though they might have telephone service, copper (inaudible) service or they don't have fiber back (inaudible).

Chairman Buzzutto stated do they have fiber from Garland.

Mr. Arthur stated they do. Well, they have it close enough that they just string it on the poles. So once you have an existing pole line up to your site, you know, it's pretty straight forward for them. And then what we do is from the last pole, we trench, you know, underground. So that's kind of how it worked out from a cost standpoint and from an area of disturbance standpoint. It was something like point, you know...

Mr. Alexander stated I think what we did in our math was we held the compound constant, because either way you had to do the compound, so if you did sort of this scenario, right, which is just from Garland [Road], it was 0.47 acres of disturbance; under a half acre. And if you went and did this whole issue, it was 1.12 [acres]. And then they backed out the .2 and it was like .92 [acres]. So it was more than double; just a bit more than double.

Mr. Arthur stated okay also, we took some additional photos just so you get a perspective of, you know, the two different entry points relative to each other. So this is Phillard Road [referring to the photographs]. And the area and the property line for this owner is the Santos property, and is somewhere pretty close to where the edge of the access road would be. And the property line for Bloss property is somewhere over here. And there's an area in here which is part of the common property for the homeowner's association. So, this area is pretty dense and then you have a little hill here so the natural access route is actually right where you see this line. That's about 12'. And it would kind of go in and then bend around. So, kind of from a visual perspective, you would have that access road practically on this homeowner's front lawn, plus, you know, when you're looking at the cul-de-sac, you have all the homes around you. So all the homes around you are directly looking at the access road. So, certainly, you know, from a disturbance...from a visual disturbance standpoint, Phillard Road has a lot, you know, more direct view. Now when you compare that to Garland, what happens with Garland is there's a home which is kind of off the picture here, I'll show you that in the next one. There's a property right here, which is actually owned by the Town of Patterson. And there's a property over here which is, again, it's kind of off this particular photo, but it's setback quite a ways. So, the road...the existing road ends right here, and it's just got some gravel and debris. And there's about 25' to the...this rock wall. And that's where the actual property line is. So our access road would be right between this large tree, and this tree. And do you remember what that was when we measured it.

Ms. Kathryn Vergo stated it was 19'.

Mr. Arthur stated 19'. So really, somewhere in the middle we would have our 12' section. And that's where the paved portion of our driveway would be. And then we've have this kind of no man's land between the end of the road and the property line. And that's something we have to figure out what we would do with. Rather we would pave out the driveway to meet the road, or gravel from the road up to the driveway. You know, that's something that we have to work out with the Planning Board on how they want it. But right now, it just terminates at that point. And then really, once you get past this stonewall, it kind of bends around and goes up. Now when you step back a ways, this is back past the intersection of Freemont [Road], now you see the one home over here which is two lots away, and you see the edge of the other house, which I is really, I guess, the side yard for that home. And the actual entrance is kind of deep in from this view. Here's the utility pole. There will be an additional utility pole over here by the property, and then it's underground. And then these photos are in your packets. We also just took some shoots of

what the existing route looks like. And we didn't go all the way up because it's 900' deep. But, just to give you an idea, it really is an existing...I call it more like a logging road that exists now. So here's the entrance; this is really the edge of the existing pavement on Garland. Here's kind of a lump of loose gravel. It probably was pushed up when they did the snow removal. And then the property line is right here behind these rocks. And as you get in, you know, there's tracks. I don't know, maybe somebody was ATVing back there, but there's obviously a path that goes through the woods. And these shoots are basically sequential, so this is kind of the next area and this is how it looks going in. So as you can see, it's pretty clear there's not even really a lot of small saplings. When you get about half way up, you start getting some of these really small trees kind of popping up in the middle of the road here and there. But, really no major trees to deal with. And this stonewall runs pretty much all the way up. The...We had talked to the Planning Board about some sort of gate. Originally we proposed, you know, the cheap version; boulders and a chain which is used on a lot of cell sites. They wanted something a little more park-like in appearance, or something nicer. So we thought we'd put a swing gate back here. Originally we had it up close to the road, which was...Here's the property line [referring to the photograph]. So we had gate somewhere right around there. But we realized a couple of things. You know, one being that if you were to pull in with a truck, you know, let's say a carrier comes along in the future and they need to bring in an equipment shelter, this is a tough bend to actually make. And if you make it at the gate, you can easily take out the gate. So it's not really a convenient spot for a gate. You want the gate to be on a straight part. So what we did is we moved the gate location back. And it turned out to be 68' from the property line back here. And it was also kind of a natural choke point. There was a big rock and there was a big tree. So it's not, you know, it makes it difficult for someone to kind of drive around the gate. And then it's a 14' swing gate. And then what we did is we came up with a custom design, which is basically a painted gate and, you know, it swings out, and we have a, you know, quail motif on it to just kind of decorate it a little bit. Actually, we have a detail in there [referring to the packets]. So this was really to address the Planning Board's issue of trying to have a gate that's, you know, not so industrial looking. And this is basically what we came up with.

Chairman Buzzutto stated is the gate steel.

Mr. Arthur stated the gate is steel. It's typically like an epoxy paint. You know, we haven't picked a color, but it's probably a bronze or a Turkish coffee type of a color which will be typical, you know, kind of subdued look. And then it would have a pad lock, you know, on it. Let me see. Other updates. The only real other update that we did in this round of drawings was we moved the snow removal area to this side. It was here and when we saw it the other day, it was kind of uphill and rocky, and it really didn't make sense because, you know, any melt off would come across the road. And also, we'd be fighting against, you know, a lot of existing rocks. So we figured, well, you know, I don't know why the (inaudible) would have put it there versus there. Maybe they flipped a coin, but it really wants to be here. The only other question that the Planning Board had brought...Well, they brought up two other questions. One was lighting. And we don't really have permanent lighting at the site. I did provide a detail sheet showing what a typical carrier would have; what happens to be T-Mobil detail. They have a power pedestal, which is basically a box. It's about 5' high. And that's where their load center is. They typically put a little pipe on top, and they put a flood light, you know, kind of like you have out in the back of your house, with a turn timer, so a technician comes up at night, turns the timer, and then it goes off, you know. It kind of forces itself off. The only other issue that was discussed at the last Planning Board meeting relative to, you know, if someone runs out of power, there's a long outage, and they need to bring in a backup generator, what do they do. Where do they put it. And we just identified a kind of a staging area which is right up in here. And we included that in the drawings. Actually, if you look at this sheet, this is the detail of the...where the gate location is. And that's really this area. So someone can come in and they can just back up...roll around generators just in case there's a long outage. You know, typically, you know, depending on the

battery life of a site, it's going to be at least 8 hour outage, maybe even a day. We would really have to bring something in. That's really the sum of the updates. We did update the EAF form. There was so comments on...in the last engineer's letter relative to soil types and some missing information. And we went back and filled in all those blanks.

Chairman Buzzutto stated the property, of the sand pile here, to the gate...or the property. Who owns that extension of Garland Road there. Is that still Garland Road all the way up to the edge of the stonewall there. Well, you don't have it on there, the sand pile [referring to the photograph].

Mr. Arthur stated okay.

Chairman Buzzutto stated you don't have it on that one either.

Mr. Arthur stated okay.

Chairman Buzzutto stated you see the sand pile until we got the yellow line.

Mr. Arthur stated right. This...

Chairman Buzzutto stated is that still Garland Road all the way up to that...

Mr. Arthur stated correct. From the edge...This is actually the edge of the pavement.

Chairman Buzzutto stated right.

Mr. Arthur stated and if you extend the road out, I would imagine it would go kind of up this way. And then from here, it would go this way.

Chairman Buzzutto stated that would still be Garland Road.

Mr. Arthur stated that would still be Garland Road. Yes.

Chairman Buzzutto stated that's owned by the Town, or...

Mr. Arthur stated owned by the Town.

Chairman Buzzutto stated owned by the Town. Okay.

Mr. Arthur stated and then also, this property of to the side here is also owned by the Town.

Mr. Alexander stated here's the tax map, also which I think shows it as well.

Mr. Arthur stated yes. It's basically...

Mr. Alexander stated it basically...the road dead ends right into the property.

Chairman Buzzutto stated yes.

Mr. Arthur stated we measured it. It was about 25' from the edge of the pavement to where the property line would be.

Chairman Buzzutto stated I just wanted to clarify that. Okay. Do you have any questions on that.

Mr. Arthur stated do you have any questions...

Board Member Bodor stated thank you for bearing with us and...

Mr. Arthur stated sure.

Chairman Buzzutto stated yes.

Board Member Bodor stated and everything you've done.

Chairman Buzzutto stated we just got this tonight. This has to go to the Planning Board.

Mr. Arthur stated it has to go back to the Planning Board on June 3rd; that's really their public hearing. And then I believe once we get through that process, then we come back to you guys.

Mr. Alexander stated there's one thing we were actually hoping you would do tonight for us. With all the changes and rushing to get materials updated, basically, there's a short period of time for... What's going to happen is I know your office has been... Excuse me, your Planning and Zoning Departments have been authorized to circulate for Lead Agency. We had talked about this. And you have up to 30 days to challenge it. What I would ask it that you're going to receive the notice in the next day. Maybe you can consent now to letting the Planning Board serve as Lead Agency. This was a dialogue we had six or seven months ago. But with the plans changing and the way the Code reads, you have to circulate to for a lot of that stuff, you know, the most recent. And so because of the timing, we'd like you to consent to being... to the Planning Board being Lead Agency tonight so that way at the meeting on June 3rd, assuming the Planning Board's as satisfied as you are, then they could issue a neg[ative] dec[laration] so we could be back in front of you talking about our variances in June and potentially wrap this whole process up in January.

Board Member Bodor stated no. That was for Hudson Valley.

Chairman Buzzutto stated that was for Hudson Valley. Do we have a document on that.

Mr. Alexander stated no. It was basically all... You have not received yet...

Chairman Buzzutto stated we have not received yet.

Mr. Alexander stated basically the Planning Board identified in their meeting on January that they were going to serve... That they would like to serve as Lead Agency.

Chairman Buzzutto stated right.

Mr. Alexander stated and that was the thing, to a certain extent, on your behest, based upon the December meeting you had had. In order to do that, we needed to provide certain materials to your Planning staff, which we just provided today. So you would get the notice of this circulation after this meeting. But since

we know it's coming, and we know you don't have a problem with them serving as Lead Agency, what I'm asking you to do is essentially just have a motion or however you want to handle it procedurally, acknowledging that yes, we had asked the Planning Board to serve as Lead Agency. We know they're going to ask us for them to serve as Lead Agency. And we exceed, you know, acquiesce...yield to that request and...

Chairman Buzzutto stated yes.

Mr. Alexander stated have no problem with them serving as Lead Agency.

Board Member Bodor stated has the full Environmental Assessment been prepared.

Mr. Alexander stated yes. And it's been updated and amended pursuant to comments up into and through earlier in May, that were made by your Town Planner.

Board Member Bodor stated and where is that document.

Mr. Alexander stated that was provided tonight to...

Board Member Bodor stated to us here tonight.

Mr. Alexander stated not...

Board Member Bodor stated I don't...

Mr. Alexander stated we could give you extra copies. We've provided it to the Planning Board with our submission today.

Board Member Bodor stated but the problem is you're asking us to go ahead and assign our permission for Planning Board to be Lead Agency. And maybe we don't have a problem with that.

Mr. Alexander stated right.

Board Member Bodor stated but we don't have the documents. We have not seen the documents that go along with that request.

Mr. Alexander stated well, you've had and EAF in front of you since...

Board Member Bodor stated but the updated one we don't have.

Mr. Alexander stated understood. But when you received and had all that information in front of you in December of '09, you said, you know what, we wouldn't mind doing a coordinated review and letting that Planning Board be Lead Agency.

Board Member Bodor stated right.

Mr. Alexander stated and so what I'm asking you is, through a hiccup of ours procedurally, we didn't get everything in because of the timing of your meetings, we're just asking you to basically acknowledge what

you wanted to begin with, which is the Planning Board to receive Lead Agency. I mean, do you foresee yourself challenging that.

Chairman Buzzutto stated I understand where you're coming from here. But...

Mr. Alexander stated and I can give you an EAF right now. It's just the updated one that the Planning Board have. I mean, not...

Board Member Bodor stated but we haven't seen it.

Mr. Alexander stated I understand that.

Board Member Bodor stated these are documents that should be there for us to see.

Mr. Alexander stated I understand. But this isn't a substitutive question. This is not asking you to make a determination...

Board Member Bodor stated yes. But there is a procedure in place.

Mr. Alexander stated of significance. I understand that but...

Board Member Bodor stated am I right.

Mr. Alexander stated but do you foresee yourself challenging the Planning Board and going up to the Commissioner of DEC to fight the Planning Board being Lead Agency. I would think you're probably not...

Chairman Buzzutto stated well...

Mr. Alexander stated foreseeing that.

Board Member Bodor stated the thing of it is I believe our chairperson has to sign off and say, yes, okay. It's for the whatever agency, in this case the Planning Board, to be the lead agent. And in that statement it says that we have seen and read...are aware of the latest documents that go along with that. And that where I'm caught.

Mr. Alexander stated I understand what you're saying. But look at what the genesis of this issue was. It was that you, as the ZBA, in December of '09 said you know, we want to do a coordinated review with the Planning Board and we don't want to be Lead Agency. And if we pulled up the tapes it may not have been that expressed, but clearly that was what belied the discussion. And it also led to my letter right after that in January, rushing to get in front of the Planning Board in January of 2010, saying can some one please decide who is going to be Lead Agency. Now, I'll fully admit that through all the revisions and everything, you don't...you have a further revised EAF. And the further revision is based upon us doing further analysis about an alternative that we're not offering and then I don't think that anyone thinks is feasible or reasonable at this point. So I understand that we made a...we had a hiccup on timing of filing some information. But we'd love to not have this slip another month. And you may say what's another month, but it's been 36 months. And...

Board Member Bodor stated yes. But we've...

Mr. Alexander stated it's been a long time and a lot of hard work and a lot of extra cost, and even down to the gate. You know, we're trying to find everyway to make this beyond just palatable. And I think you've had enough carriers in front of you to see the difference in what's being offered here.

Board Member Bodor stated and I think I did thank you for all the work that you have done. And we have been prepared to have this back on our agenda several months, and you, you're company, was the one that said no, we're not ready yet.

Mr. Alexander stated understood.

Board Member Bodor stated so...

Mr. Alexander stated I'm just trying to make up a month. That's really all I'm trying to do here. I mean, and that's...I was just hoping...

Board Member Bodor stated I hear you, too.

Mr. Alexander stated for I was hoping for the help. I really was.

Chairman Buzzutto stated Rich, could I ask your opinion on this particular...

Rich Williams stated sure.

Chairman Buzzutto stated situation here about Lead Agency for the Planning Board.

Rich Williams stated sure. What is the question, I'm sorry.

Chairman Buzzutto stated well, I want to know if this would be feasible to do this. I know we had said that the Planning Board were to be the Lead Agency.

Rich Williams stated yes. Typically in most applications the ZBA has preferred that the Planning Board undertake Lead Agency status and conduct the environmental review of the project. And Mary, if I could just add in, a lot of the revisions that they made to the EAF were at the request of our office. They were not significant revisions. They were clarifications on the soil types. They were clarifications on who had conducted the analysis on endangered species that were on the site. There was nothing really significant. It wasn't major revisions to the environmental assessment form.

Chairman Buzzutto stated okay, fine.

Board Member Olenius stated my only comment is you're worried about the 30 days; you're still not going to make our next meeting. Our next meeting's June 16th.

Mr. Alexander stated well, I don't think we have anything more to submit to you all.

Board Member Olenius stated but, doesn't it...If we authorize the Planning Board to be Lead Agency...act as Lead Agency.

Rich Williams stated June 3rd, they could actually make a SEQR determination...

Board Member Olenius stated right.

Rich Williams stated because...

Board Member Olenius stated it's 30 days from then.

Rich Williams stated well...

Board Member Olenius stated somebody has a chance to...

Rich Williams stated there's a 30 day clock on the intent on Lead Agency. But that clock stops if all the involved agencies have already acquiesced to allowing the Planning Board to be Lead Agency. So, June 3rd they could make their SEQR determination. That would place Wireless Edge back on our agenda for the...

Board Member Olenius stated June meeting.

Rich Williams stated June 16th...

Board Member Olenius stated okay.

Rich Williams stated meeting so that it could be wrapped up.

Board Member Olenius stated okay.

Mr. Alexander stated and then we'd still have to go back to the Planning...

Rich Williams stated Planning Board. Correct.

Mr. Alexander stated assuming that you were to grant the use and area variances that we've requested on June 16th, we'd still have to go back to the Planning Board because until the use is allowed, they're not going to grant us site plan approval. And that's why I'm asking you to make up the time because we have a lot of ping pong that we got to play right now between the two boards because as Lead Agency, you can't act until the Lead Agency is done, we have to go back there. You're starting to see...I'm sorry. I didn't do a good job of making that clear.

Board Member Olenius stated no, you did. I just didn't...I thought 30 days was written in stone. I didn't realize that as long as it's agreed upon, it doesn't have to go the full 30 days.

Rich Williams stated no.

Mr. Alexander stated essentially, what we're trying to rush against is the sooner we can get all our approvals and where we are on building permits and everything, we'd like to build this by the end of the year. I mean, the winter starts to catch up on us.

Board Member Olenius stated I don't. I just...If it wasn't going to work anyway. But now, I understand...

Board Member Bodor stated it will work.

Board Member Olenius stated it will.

Chairman Buzzutto stated yes.

Board Member Olenius stated you'll have to pardon me. We're without council tonight, so I'm kind of...

Board Member Bodor stated it's okay.

Chairman Buzzutto stated okay.

Board Member Bodor stated yes.

Chairman Buzzutto stated alright. So we're going to designate that the Planning Board does take over Lead Agency.

Mr. Alexander stated thank you.

Chairman Buzzutto stated and the document will be given to us for signature.

Mr. Alexander stated yes. I mean, essentially what would...I think procedurally what would happen, from my understanding, and Rich can correct me, is what will happen in the next day or two, you're going to get the circulation notice from the Planning Board, and therefore since you already acknowledged it here, you can just check the box, send it back over to them without having to wait for another meeting. That's really all I was trying to accomplish.

Rich Williams stated yes. There's not even an actual requirement that you send anything back. But we do it just procedurally to have the record.

Board Member Bodor stated right.

Rich Williams stated you know, you can do it tonight by just simply saying by motion that...

Chairman Buzzutto stated by motion, yes.

Rich Williams stated that you acknowledge that the Planning Board is going to take Lead Agency status and you have the intention...

Chairman Buzzutto stated I'll accept the motion. Does anybody want to make the motion.

Board Member Herbst stated you want us to (inaudible – too distant) the motion.

Chairman Buzzutto stated yes. Just a motion.

Board Member Bodor stated is someone going to do it.

Chairman Buzzutto stated I asked Jerry, but he's kind of stumbling.

Board Member Bodor stated alright. I'll make a...

Board Member Burdick stated I...

Board Member Bodor stated go ahead.

Board Member Burdick stated I make a motion that the Planning Board take Lead Agency on this case.

Board Member Herbst stated I'll second it.

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

Chairman Buzzutto stated object. So be it. Can I ask you what benefits are you going to gain by...I just want to know...

Mr. Alexander stated yes.

Chairman Buzzutto stated time wise.

Mr. Alexander stated it's time.

Chairman Buzzutto stated time.

Mr. Alexander stated it's being able to...Really what it is, is under the presupposition that...Because when I heard from you, you see hard work that we did...

Chairman Buzzutto stated yes.

Mr. Alexander stated and we tried to make something happen, and it's not going to happen. And therefore, it sounds like our use variance, with regard to frontage...Excuse me. Our area variance in regard to frontage on Garland is something you're comfortable now with granting at the appropriate time. As a result of that, and based upon my...our experience with the Planning Board, it looks like everyone is ready and willing to give us the approvals that we need. So by speeding up this extra time, it gives us the opportunity to build this before the winter comes.

Chairman Buzzutto stated right. But this has to come back to the Zoning Board again and...

Mr. Alexander stated I still have to come back to you to actually get my use variances and the area variances. What this allows the Planning Board to do is to wrap up SEQR and make a determination of significance, and I'm assuming and hoping for a negative declaration.

Chairman Buzzutto stated (inaudible – too distant).

Board Member Bodor stated it's a continuation.

Chairman Buzzutto stated it's a continuing...

Mr. Alexander stated yes. You'll continue the public hearing tonight.

Chairman Buzzutto stated but there will be a public hearing then.

Mr. Alexander stated there's a public hearing on the night of...

Chairman Buzzutto stated Planning Board.

Board Member Bodor stated it is now.

Mr. Alexander stated June 3rd in front of the Planning Board as well.

Board Member Bodor stated it is now.

Chairman Buzzutto stated okay, so they can have input tonight then.

Board Member Bodor stated sure.

Mr. Alexander stated yes.

Chairman Buzzutto stated alright. So we'll take anybody from the audience. You want to come up and state your name and...

James Capone stated how you doing.

Chairman Buzzutto stated hello. You've been here before.

I've been here before and I, you know, registered my complaints, the same thing...

Board Member Bodor stated can we have your name, Sir.

James Capone stated James Capone.

Board Member Bodor stated thank you.

James Capone stated and I live on 10 Garland Road, which is at the bottom of the hill on the left hand side.

Board Member Bodor stated okay.

James Capone stated you know my complaints already, you know, about the trucks and heavy equipment...

Chairman Buzzutto stated put them into the minutes again.

James Capone stated okay. It's...That's one of my main concerns. But a thing that I just saw here, which is going to be another concern is you're...By opening that road, you're going to add extra water coming down. Is there any drainage in that road.

Mr. Alexander stated can I respond. Yes. We're working with the Town engineer and we know we have to...One of the reasons why Garland Road is preferable to Phillard is you stay under the 1 acre total disturbance for SWPP, or for Stormwater Pollution Prevention ...

James Capone stated okay.

Mr. Alexander stated so we're actually going to be closer to...our total area of disturbance is about 2/3 of an acre, and we're working on our soil erosion controls, and the Town engineer is looking at it.

James Capone stated well, my concern is just the flow of water that's going to come down that road. Because now it's...

Mr. Alexander stated the Town engineer is looking at that for compliance...

James Capone stated because I have a problem at the bottom of that hill. As he showed a picture, that's a steep hill. When it really rains heavy, we get a lot of water flying down there.

Chairman Buzzutto stated down near Freemont [Road].

James Capone stated yes.

Chairman Buzzutto stated are you the last house there.

James Capone stated on the left. Yes, on Garland Road.

Chairman Buzzutto stated okay.

James Capone stated I'm at the bottom of the hill.

Chairman Buzzutto stated there is sort of a grade there.

James Capone stated and I also got...It's low land, too. So I got all the water that comes off that hill and jumps off either into my driveway, which I had the Town build up my driveway a little bit. But I was getting a lot of water and that water was going back into my basement because I got a door at the bottom of my driveway. So, I talked to the Town, they did the best they can. I got a pipe, but it really doesn't do much. It basically has a little drop inlet that goes underneath my driveway and then dumps into my...which is actually the Town, but it's actually my...Well, like right on my property. So my concern, one, is how much water...Is there going to be any kind of drainage or anything to stop that water from coming down. I mean, you added another 900' feet of road. That's almost the same amount of distance that road is. So you're almost doubling that road to me. And if that's, which I'm hearing, is on an incline, that's going to be practically double the water.

Chairman Buzzutto stated well, address that problem with the Town...the engineers.

Mr. Alexander stated right. And it happens to be gravel, which obviously is different than macadam.

James Capone stated oh, okay. It's going to be a gravel road.

Mr. Alexander stated and...Yes. Except for the first 25'.

James Capone stated I didn't know that.

Mr. Alexander stated the first 25' we've been asked in order to...Well, I know you worked...you said you had experience with roads.

James Capone stated yes.

Mr. Alexander stated you know why the first 25' is being paved.

James Capone stated right. Okay.

Mr. Alexander stated in order to prevent the gravel from kicking out.

James Capone stated right.

Mr. Alexander stated and the rest of it is gravel. And we're working to see...

James Capone stated I'm not expecting much...I don't expect like really wash down from that, I'm just expecting extra water flow. I mean, you're practically...you're almost doubling the water flow to me, from what I'm seeing. And I'm, like I said, that's a steep grade, and I'm right at the bottom of the grade. That's one concern. The other concern that I'm hearing is that there's going to be flood lights. Is this thing going to be lighting up the night.

Mr. Alexander stated no, no, no. It's a water light...

James Capone stated okay.

Mr. Alexander stated on a timer that is...

James Capone stated that's another...

Mr. Alexander stated to a light...

James Capone stated that's another concern.

Mr. Alexander stated that you put in a cabinet. There are no freestanding lights.

James Capone stated okay. That's the whole point of when I moved there. It was nice, it was quiet. You know, dark. It's a dead end block. You know, now, like I said, that was the other concern. Now I'm going to get more truck flow going up there. That's still a concern because there's a lot of kids that live on that block. And...

Chairman Buzzutto stated well I think that would only be for a short period of...

James Capone stated well, again...

Chairman Buzzutto stated construction time that...

James Capone stated construction. No, no. They're going to have...I think we discussed once before, I think there's going to be 8 trucks...at least 8 trucks...8 or 9 trucks a month going up there.

Mr. Alexander stated the gentleman is correct in the sense that his number is correct. What we had figured was upon full build out of the site...

James Capone stated that's that count. Sorry.

Mr. Alexander stated with a six...Listen, you're right on.

James Capone stated okay.

Mr. Alexander stated your recollection's accurate...Is that we anticipated 6 carriers, so that would be 6 monthly visits. Plus, someone's going to read the meter for electric...for electricity up there.

James Capone stated yes.

Mr. Alexander stated and then we assumed that if there was an emergency response provider who was going to take advantage of our free offer to go on top, that got to 8. These are not trucks. These are, you know, pick-up trucks.

James Capone stated pick-ups. Yes, I understand that.

Mr. Alexander stated okay. So it's 8 extra vehicles a month, which I think compared to a single family home is, you know...

James Capone stated I understand, yes.

Mr. Alexander stated is...But you're right. You're right...

James Capone stated it's just...

Mr. Alexander stated in the number that...

James Capone stated it's just a concern that there's just more...that it just leads to more people knowing. More, you know, it's just opening it up to where it was just a private block. And again, like I said, my still...my concern is they're using my road to go and pass me. I'm going to be inconvenienced because I guarantee, I know they're going to do...Where I live, that's the level part before it goes up the hill. That's going to be probably used as a staging area or whatever. So, I could see a lot of areas...

Mr. Arthur stated staging's up at the site.

James Capone stated that's up at the site. They won't pulling...they won't be taking any equipment off and driving up the hill. They'll drive their flatbeds right up.

Mr. Arthur stated no. Everything goes up at the site.

James Capone stated everything goes right up. Okay. That was another concern of mine because a lot of times they take their...Like, if they're going to do work with any kind of equipment, it's a tough road to go. So they're going to have to back all the ways up. There's no where to turn around up in there, I don't think. So they're probably go up Lake Shore [Drive] and drive...back straight up that hill. That's probably how they're going to try and do it. That's why they want Garland, because it's a straight shot. I can see that, but again, that's not my problem. Again, what I just saw it, and what I'm worried about it how much extra water flow's going to be coming down to me. Because I already got, you know, a fair amount coming

down that hill. And I almost...That should probably be close...At least a half...At least doubling it; the amount of flow. I don't know how much of a grade. I haven't really been up looking up in there. But I don't know how much of a grade that road's going to be.

Mr. Alexander stated well, I mean, under...I mean, this is not as much of a...It's more of a Planning Board issue. But since we're here, and I know Rich can talk to stormwater requirements, under the general...under the permitting process, our peak rate can't change.

James Capone stated okay. That's...I mean.

Mr. Alexander stated (inaudible) because the peak rates the same.

James Capone stated I mean, you don't think it's going to be the wear and tear on the road and everything else that's going to go on. That road ain't...

Chairman Buzzutto stated (inaudible) all completed in say 3 months down the road, and water starts to come in like he said...

James Capone stated that's my concern.

Chairman Buzzutto stated who takes care of that problem. The Town or does the Wireless Edge...

Mr. Alexander stated I think both of us would be involved in that.

James Capone stated yes. That's what I said. Once we make this road, it's...

Chairman Buzzutto stated that's right.

James Capone stated I'm dead.

Chairman Buzzutto stated the problem should be corrected even after a couple of months...

James Capone stated I would say, like, if they had like, some kind of stop drain or...like so they can catch it and drop it off; stop some of the flow before it's getting to me.

Mr. Alexander stated as you all know, you're in a phosphorous basin. You're in the most heavily regulated stormwater environment in the state of New York.

James Capone stated I know that.

Mr. Alexander stated and we have to comply with that.

James Capone stated okay.

Mr. Alexander stated so, I appreciate the what the gentleman's concern is...

James Capone stated right. The signs are saying the storm...

Mr. Alexander stated I appreciate his existing condition is not desirable by any stretch.

James Capone stated I mean, it's livable.

Mr. Alexander stated and I'm not trying to convince you.

James Capone stated I know.

Mr. Alexander stated but we are going to have very stringent regulatory environment that we're going to...

James Capone stated as far as, I know, like, as far as oil and so and so, and so and so, coming down those (inaudible). But I don't know if it's got the requirements of how much flow actually comes down the road.

Mr. Arthur stated you know, we don't want...I mean, we don't want flow coming down that gravel road because then it would be washing out the rock.

James Capone stated washing it out. Well, that's...

Mr. Arthur stated we'll be replacing the rock every year.

James Capone stated right. Because that's what's going to be happening because now once...Being it's gravel, it's going to be getting washed away, which means more and more equipment coming up. More and more trucks that...Because every time you wash it out, you're going to have to come up there with either a bulldozer. You're going to have to come up with a dump truck.

Chairman Buzzutto stated alright. I'll take some other...

Board Member Bodor stated thank you for your concerns.

Chairman Buzzutto stated thank you.

James Capone stated thank you.

Board Member Bodor stated I think what I'm hearing from the Wireless Edge people is these...a lot of these things are being worked on with the Planning Board already and...

James Capone stated okay. So the Planning Board would be the ones to talk to about that.

Board Member Bodor stated yes.

Chairman Buzzutto stated yes.

James Capone stated okay. I'll be there.

Board Member Bodor stated thank you.

Chairman Buzzutto stated okay. Thank you for your input. Anybody else from the audience would like a word to...

Board Member Bodor stated okay.

Chairman Buzzutto stated guess not. Alright.

Board Member Herbst stated want a motion to close the hearing.

Board Member Bodor stated no. We don't have to close it yet.

Chairman Buzzutto stated no.

Board Member Bodor stated no.

Board Member Herbst stated okay.

Board Member Bodor keep it open for this open.

Chairman Buzzutto stated we'll keep the... We'll just adjourn the meeting. Not adjourn the meeting... Yes.

Board Member Bodor stated table the matter until...

Chairman Buzzutto stated table the matter...

Board Member Bodor stated until the June meeting.

Chairman Buzzutto stated until the June meeting.

Mr. Alexander stated June 16th. Is that what you said earlier.

Board Member Bodor stated that may change. So don't put it in ink yet.

Mr. Alexander stated okay.

Board Member Bodor stated it's scheduled for the 16th but we may need to make a change with it.

Chairman Buzzutto stated I mean, after all this time we're glad to see you back here.

Mr. Alexander stated I will try and bring my voice back next time.

Chairman Buzzutto stated okay.

Mr. Alexander stated thank you very much for your...

Board Member Bodor stated thank you.

Mr. Alexander stated time this evening.

Chairman Buzzutto stated okay.

Mr. Alexander stated appreciate it.

Chairman Buzzutto stated thank you for your input. It was very well (inaudible). Thank you.

Board Member Herbst stated I didn't mean close the case. I meant close the hearing. Let's see. What, we got O'Mara next.

2) **O'MARA REALTY CORP. CASE #07-10**

Mr. Harry Nichols was present.

The Secretary read the following legal notice:

O'Mara Realty Corp. Case #07-10 – Area Variance; Held over from the April 21, 2010 meeting

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations. The Code there to be at least 225' of road frontage; Applicant has 150.59 feet; Variance requested is for 74.41'. The Code also requires a minimum lot size of 174,240 sq. ft. and a minimum lot width of 250'. The Applicant can provide 73,120 sq. ft. for lot size and 151.63' for lot width. Variances requested are for 101,120 sq. ft. and 98.37', respectively. This property is located at Old Road (R-4 Zoning District).

Mr. Harry Nichols stated good evening.

Chairman Buzzutto stated good evening.

Mr. Nichols stated I'm Harry Nichols. I'm representing the applicant, Patrick O'Mara.

Chairman Buzzutto stated you want to raise your right hand, Sir.

Mr. Nichols stated pardon.

Chairman Buzzutto stated you want to raise your right hand.

Mr. Nichols stated yes.

Chairman Buzzutto stated do you promise the...Do you swear the testimony you provide tonight will be the truth, the whole truth.

Mr. Nichols stated yes I do.

Chairman Buzzutto stated okay. Thank you. And you gave your name already. Okay, fine. You're here for O'Mara. Okay. Do you want to...You heard the agenda. Is there anything different from that that you have...

Mr. Nichols stated well, I'd just like to add a little bit to it, if I can.

Chairman Buzzutto stated you want to add something to that, okay.

Mr. Nichols stated yes. This is one of two lots that have not been developed. And the old law states subdivision, which was created back in 1981. And this is lot #5. And lots #4 and 6 on either side of this parcel have been totally developed, including going back into the buffer of the wetland. This was recently made a State wetland for the strip behind us. We have been before the DEC and the Patterson Planning Board, and have obtained a permit from the New York State DEC for the work necessary to go into the buffer, a minimal distance, in order to construct the residence. And we have the resolution from the Planning Board, which will be referred to the Town Board for the final wetland permit. This lot was, at one time, obviously it was in the correct zone, and it has been upzoned to an R-4, which does require these larger measurements. But, there are no other alternatives to obtaining additional land at this point.

Chairman Buzzutto stated okay.

Board Member Bodor stated what was the year on that original subdivision.

Mr. Nichols stated I believe it was 1981.

Chairman Buzzutto stated Old Road. That's down off of [Route] 22.

Mr. Nichols stated the property runs all the way through to [Route] 22.

Chairman Buzzutto stated oh, yes.

Mr. Nichols stated yes.

Chairman Buzzutto stated oh, I know where that is now.

Mr. Nichols stated this is opposite the entrance to the Deerwood project that was built on Old Road. Collins...Collinwood Drive.

Board Member Bodor stated been there.

Chairman Buzzutto stated yes. So the basic problem that you're having is you need the variance requested for frontage.

Mr. Nichols stated yes.

Chairman Buzzutto stated one of them.

Mr. Nichols stated yes. Frontage, lot width, and lot area.

Board Member Bodor stated the wetland then is between the property line...Well, is the backyard at [Route] 22.

Mr. Nichols stated yes. Probably about 2/3's of the property, starting at 22...

Board Member Bodor stated yes.

Mr. Nichols stated and coming back until it's Old Road, is part of the wetland and the wetland buffer.

Chairman Buzzutto stated and these variances are for...to build. What's going on the property here.

Mr. Nichols stated a single-family residence.

Chairman Buzzutto stated single-family residence.

Mr. Nichols stated it will be restricted to two bedrooms.

Chairman Buzzutto stated okay.

Board Member Bodor stated this property goes all the way out to [Route] 22 approximately opposite Justin's now. Used to be Downey's.

Mr. Nichols stated yes.

Chairman Buzzutto stated yes.

Board Member Bodor stated yes.

Mr. Nichols stated it's in that area.

Board Member Bodor stated I'm just looking at this site here, figuring it out. You know where that is.

Chairman Buzzutto stated yes.

Board Member Bodor stated it goes all the way through.

Chairman Buzzutto stated okay. I think it branches right off and goes down and around here.

Board Member Bodor stated well, this...

Chairman Buzzutto stated yes...

Board Member Bodor stated that's Old [Route] 22.

Chairman Buzzutto stated yes.

Mr. Nichols stated we've also done our testing...soil testing with both the New York City DEP and the Putnam County Health Department. And we have an approvable...

Chairman Buzzutto stated you have all those...

Mr. Nichols stated an approvable system.

Chairman Buzzutto stated approvals already.

Mr. Nichols stated yes.

Board Member Bodor stated limited to 2 bedrooms due to the wetlands.

Mr. Nichols stated due to the construction of the portion that we can build on.

Board Member Bodor stated okay.

Chairman Buzzutto stated okay.

Mr. Nichols stated and we have obtained a permit to go into the State buffer, and we have a resolution from the Planning Board for going into the Town buffer.

Chairman Buzzutto stated what's the square footage of the house. Do you know approximately.

Mr. Nichols stated approximately, I would guess, probably around...between 1,800 and 2,000 square feet.

Chairman Buzzutto stated it's an R-4 zone.

Mr. Nichols stated yes.

Chairman Buzzutto stated do you want to take a look at this piece of property. The nearest residence to this property is on Old Road.

Mr. Nichols stated there's a residence on the left and a residence on the right. This is a vacant parcel in between.

Chairman Buzzutto stated in between, yes.

Mr. Nichols stated between the two, yes.

Chairman Buzzutto stated alright, do we have any input from the audience on this particular parcel. Nobody here. Oh, I see. It's already...

TAPE ENDED

Board Member Olenius stated I'd just like to see the houses are on each side.

Chairman Buzzutto stated over here.

Board Member Olenius stated yes.

Chairman Buzzutto stated alright. I think we'll table this and then take a walk on this.

Board Member Bodor stated do a walk.

Chairman Buzzutto stated Lars wants to do a walk.

Board Member Bodor stated okay.

Chairman Buzzutto stated okay, we're going to take a site walk on this here.

Mr. Nichols stated okay.

Chairman Buzzutto stated just to look at the...To see where the other residences are and how far in. Okay.

Mr. Nichols stated alright. Would you like a me to be present at the walk to explain any...

Chairman Buzzutto stated yes. We would like...

Board Member Bodor stated someone, yes.

Chairman Buzzutto stated yes.

Mr. Nichols stated just let me know when and I'll...

Chairman Buzzutto stated right. We'll have to get together so we know when we can meet there. And then Sarah will let you know.

Mr. Nichols stated okay.

Chairman Buzzutto stated and we'll table it until the next meeting, okay.

Board Member Olenius stated are week evenings okay for you. We've been trying to do some during the week and the evening...

Chairman Buzzutto stated yes.

Mr. Nichols stated yes.

Board Member Olenius stated like around 5:15 [p.m.] or so.

Mr. Nichols stated as long as it doesn't conflict with another town meeting...

Board Member Olenius stated okay.

Mr. Nichols stated that would be fine.

Chairman Buzzutto stated yes.

Board Member Olenius stated we usually provide an alternate date, anyway, in case the rain...

Chairman Buzzutto stated yes.

Board Member Olenius stated or something like that. So...

Chairman Buzzutto stated okay.

Board Member Herbst stated it stays light until 8 o'clock now, no problem.

Board Member Olenius stated yes.

Chairman Buzzutto stated yes. So in the evenings it will be easier.

Mr. Nichols stated (inaudible – many talking) is fine.

Chairman Buzzutto stated we usually start around what. Five or...

Board Member Burdick stated 5:15 [p.m.]

Board Member Bodor stated 5:15ish.

Chairman Buzzutto stated 5:15, somewheres...That's usually the time we get there.

Mr. Nichols stated that's good. Then I can go home early that night then.

[Laughter]

Chairman Buzzutto stated okay, fine. Alright, so we're going to table this till the next meeting. We're going to take a site walk on it and look at the property. Okay.

Mr. Nichols stated very good.

Chairman Buzzutto stated alright.

Board Member Olenius stated thank you very much.

Mr. Nichols stated thank you.

Chairman Buzzutto stated thank you. Okay, thank you.

3) THE HUDSON VALLEY TRUST, INC. CASE #08-10

Mrs. Theresa Ryan, Insite Engineering, was present.

Chairman Buzzutto stated okay, Sarah.

The Secretary read the following legal notice:

The Hudson Valley Trust, Inc. Case #08-10 – Area Variances

Applicant is requesting an amendment to a previously issued Special Use Permit under §154-95 of the Patterson Town Code; Clubs, in order to include the existing barn and surrounding property. The Applicant is also requesting three area variances: One pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings and two pursuant to §154-95 C.; Clubs. The proposal includes improvements associated with the reconstruction and rehabilitation of the existing barn structure and parking and access improvements. §154-95 C. requires that no structures be any closer than 100 feet to any road or property line. Applicant has 14' from the front yard and 10' from the side yard; Variances requested are for 86' and 90', respectively. This property is located at 2 Route 164 (R-4 Zoning District).

Mrs. Theresa Ryan stated good evening.

Chairman Buzzutto stated good evening.

Mrs. Ryan stated my name is Theresa Ryan. I'm from Insite Engineering, Surveying and Landscape Architecture, P.C. I'm representing the Applicant, Hudson Valley Trust, who owns a piece of property that has frontage on Cann Lane, Routes 311, Routes 164. They own 19 acres in the R-4 Zoning District. The property also contains a couple of structures. One is the old town hall, also known as the Lawlor building, and an existing barn structure that is located at the end of Cann Lane. What the Applicant is proposing to do is renovate and refurbish the existing 3-story barn, demolish the one-story portion of the barn on the east side of the existing 3-story barn and rebuild it, and add a silo addition that will allow handicap accessibility to the existing barn structure. We're in front of the Zoning Board of Appeals for variances for the existing structure which, as Sarah said, has to be 100' from the yards. Right now, the existing structure is less than 100' from Cann Lane, and about 10' from the side yard. We're also in front of this Board for a...relief from a section of the Code for pre-existing, nonconforming structure. And in November of 2003, we obtained...the Applicant obtained a special permit from this Board for a club use. And they would like an amendment to that existing special permit to extent that club use to the barn structure once it's renovated.

Chairman Buzzutto stated the club use is for the old town hall.

Mrs. Ryan stated yes.

Chairman Buzzutto stated that's the original one.

Mrs. Ryan stated correct.

Chairman Buzzutto stated this is all going to be one tax parcel.

Mrs. Ryan stated it is now, yes.

Chairman Buzzutto stated it is. Okay.

Mrs. Ryan stated yes. It was once a...the subject of...Part of this property was subject of a 22-lot residential subdivision. Some of those lots were constructed along Cann Lane. The remaining lots were merged into one parcel, along with the Lawlor Building parcel. This 19 acre piece is connected by a tunnel under the railroad to another piece that Hudson Valley Trust owns on the east side of the railroad tracks, which is about 21 acres.

Chairman Buzzutto stated that's off [Route] 164, down further.

Mrs. Ryan stated yes. Hudson Valley Trust currently maintains this property as open space. Their mission is to preserve open space and existing...

Chairman Buzzutto stated alright.

Mrs. Ryan stated environmental look of the property and the existing structures. As you know, they've renovated the Lawlor Building.

Chairman Buzzutto stated yes.

Board Member Bodor stated what would the use be. What's the proposed use for the barn structure.

Mrs. Ryan stated it will be similar to what the Lawlor Building is used for. There will be minimal parking. If anything, there might be one or two cars there on any given time. Just like the Lawlor Building, from what I understand, what they're going to use...have like a library for research for the local businesses and schools. And they'll have a small auditorium for seminars.

Chairman Buzzutto stated this will be open to the public or...

Mrs. Ryan stated the property already is. There are trails. There's a bridge that they put in so that you...

Chairman Buzzutto stated right.

Mrs. Ryan stated can park at the Lawlor Building and cross the existing stream to get to the open space on the property. It's already open to the public.

Chairman Buzzutto stated that bridge is not going to handle vehicles, is it.

Mrs. Ryan stated no.

Chairman Buzzutto stated no.

Mrs. Ryan stated it's only for pedestrian traffic.

Chairman Buzzutto stated just...

Mrs. Ryan stated yes.

Chairman Buzzutto stated pedestrian. And the access to that would be what. Cann Road is it.

Mrs. Ryan stated no. Lawlor Building. All the parking would take place...

Chairman Buzzutto stated oh, the parking would be there.

Mrs. Ryan stated at the Lawlor Building.

Chairman Buzzutto stated strictly...

Mrs. Ryan stated and if they have any events at the barn structure, they would park at the Lawlor Building and transported to the barn structure via jitneys; the little buses.

Chairman Buzzutto stated okay. Well, we did a site walk on this piece of property. Well, the object here tonight is just to...Are we acting on this tonight.

Board Member Bodor stated yes. The SEQRA, yes.

Chairman Buzzutto stated SEQRA first.

Board Member Bodor stated we are not going to be able to act completely on the application tonight. You must be aware of the moratorium...

Mrs. Ryan stated yes.

Board Member Bodor stated currently, on the status of clubs.

Chairman Buzzutto stated clubs.

Mrs. Ryan stated yes.

Chairman Buzzutto stated yes.

Mrs. Ryan stated we actually have an application in front of the Town Board for a variance of that moratorium.

Board Member Bodor stated okay.

Mrs. Ryan stated we except to meet with them a week from tonight...

Board Member Bodor stated oh, good.

Mrs. Ryan stated to discuss it with them. So we're aware that you can't act on it. We're also waiting for a SEQR determination from the Planning Board.

Chairman Buzzutto stated okay.

Mrs. Ryan stated but we would like to get any input that you have. Any comments that you have.

Chairman Buzzutto stated alright. We'll take input from the...

Mrs. Ryan stated and the public.

Chairman Buzzutto stated does anybody have any input on this particular...Do we have to swear him [referring to audience member speaking].

Board Member Bodor stated no.

Chairman Buzzutto stated this part here.

Fred Cann stated good evening ladies and gentleman. My name is Fred Cann. I am, I guess, a past resident of Cann Lane. My family and community are here as well. Just a couple of things I want to state for the record.

Chairman Buzzutto stated can you just pick up that mic...

Fred Cann stated sure.

Chairman Buzzutto stated Sir. I want to get this on...

Fred Cann stated okay.

Board Member Olenius stated you can take it right out if you like [referring to taking the microphone off the stand].

Fred Cann stated yes. It's easier this way. My hands get a little sweaty sometimes, you know. First, I just got back from vacation to get a phone call from my mother that we had a meeting this evening. First thing I asked my mother was when did you get this letter. She said Thursday. I said when was it post marked, she said the 11th. I really didn't have much time to prepare for this. I didn't think that we had gotten this far along until I started researching. Researching minutes. Researching the status of this application. Where we stood with applications, variances and Zoning Board meetings, to find out there was different petitions for Code changes all related to special use permits. With that being said, being notified on Monday, here it is Wednesday, I really didn't have much time to prepare for this. So, for the record, I'm asking that this definitely be held over, you know, so that I do have time to prepare. But it does concern me that we were notified late about this. I think Code calls for 10 days on a special use permit, but I'm not Code. And I went through it quite quickly. I do have a handful of questions, and I believe that...I know that my family and community all concur on the questions that we do have. And it all relates to what a club is. What the club will be used for. Why we are establishing a club considering we do have a club already, considered, you know, the Lawlor Building. You know, why we are going to create a lollipop at the top of Cann Lane. Why we're going to create handicap parking at the top of Cann Lane if you are going to bus people across the bridge to the lower portion of the barn. Furthermore, I know that we have to be ADA compliant, therefore, how would you, you know, how would you gain access to a 3-story building from the first floor. Would you be putting an elevator in. I mean, I have a handful of different questions that I'm just shooting from the hip here this evening. Like I said, I'm not prepared, but these are things that...I would really like this thing to be held over so that I can have time to prepare. Because I'm really...I'm getting an uncomfortable feeling of how we're going about this here, between defect in notice and change of Code; special use permits, wetlands, access. The two different accesses. The original proposed subdivision, up to and including the road that is accessing off of [Route] 311 into the backside of the barn. If you're going to create something like that, why improve Cann Lane. I mean, these are a handful of questions here, so...Just to be heard and just for the record, these are my comments.

Chairman Buzzutto stated alright.

Fred Cann stated thank you.

Chairman Buzzutto stated thank you. Anybody else have any comments on this particular application. Okay.

Board Member Bodor stated someone in the back.

Board Member Herbst stated somebody in the back does.

Board Member Bodor stated in the back.

Chairman Buzzutto stated would you come up, Sir.

Jean-Christopher Santalis stated my name is Jean-Christopher Santalis. I live at 8 Cann Lane, right at the bottom of the hill. And I agree with Fred that definitely need more time to look at this. This was actually the first time I've heard sort of specifics of what they were going to use it for. So I really would need more time to think about that. It does seem a little bit rushed, also, that we didn't really have time to, you know, maybe actually talk to The Hudson Valley Trust. It would be nice for them to tell us exactly what they intend on doing considering that we're all literally right on top of this barn.

Chairman Buzzutto stated well, she pretty well explained what they're doing there. But, I don't think...

Jean-Christopher Santalis stated well...

Chairman Buzzutto stated we're going to act on it tonight anyway.

Board Member Bodor stated we're not. We can't act on it tonight...

Chairman Buzzutto stated we can't because of...

Board Member Bodor stated first of all. That was already stated, so...

Chairman Buzzutto stated okay.

Board Member Bodor stated we'll know...

Jean-Christopher Santalis stated that was the entire explanation of what's being done there, as far as the use of the building.

Board Member Bodor stated are you familiar with the Lawlor Building at all.

Jean-Christopher Santalis stated yes.

Board Member Bodor stated do you know how that's utilized.

Jean-Christopher Santalis stated have no idea.

Board Member Bodor stated well this is something, you know... There needs to be an education perhaps.

Jean-Christopher Santalis stated yes.

Board Member Bodor stated and it's fair of you... fair for you to want to know.

Jean-Christopher Santalis stated right.

Board Member Bodor stated okay. So that's a fair concern. And I'm sure that can be addressed.

Jean-Christopher Santalis stated yes.

Board Member Bodor stated okay. You have any other concerns.

Jean-Christopher Santalis stated that's it.

Board Member Bodor stated okay. Thank you for your input.

Chairman Buzzutto stated alright.

Mrs. Ryan stated I should have mentioned before that the existing Lawlor Building is currently used for nonprofit organizations to hold meetings and use office space. And the new building will be used in a similar manor. It's all non-for-profit organizations.

Chairman Buzzutto stated okay.

Fred Cann stated just one...(inaudible – too distant).

Board Member Bodor stated you need to come up and use the mic, please.

Chairman Buzzutto stated so it gets into the minutes.

Fred Cann stated since we're getting into it, what is the difference between a club and a non-for-profit organization.

Mrs. Ryan stated when Hudson Valley Trust got the club special permit in November of 2003, it specifically said on the special use permit that it was a club for not-for-profit organization use.

Fred Cann stated right, so, did the new...The Code says that if it's relating to clubs, I guess the new Code is omitting...I'm not following...

Mrs. Ryan stated I don't know what the new Code is.

Fred Cann stated that's what I'm trying to understand what the difference between...what the amended special use permit is.

Chairman Buzzutto stated well...

Mrs. Ryan stated it's to include...Well, at the time, the Lawlor Building was on a separate parcel.

Fred Cann stated right.

Mrs. Ryan stated and now the parcels have all been merged, so it's one 19-acre lot. So what they would like to do is just extend that club use from the Lawlor Building and to include the barn structure.

Fred Cann stated for the need of space. I'm not...

Mrs. Ryan stated right. Yes. For additional space.

Fred Cann stated understanding why...

Mrs. Ryan stated they're full...

Fred Cann stated if you don't fully occupy one building, why do you...

Mrs. Ryan stated they have fully occupied the other building.

Fred Cann stated well, you just said they don't even put two...more than two cars in there.

Mrs. Ryan stated not at any given time...

Fred Cann stated right.

Mrs. Ryan stated on a daily basis. But they have...I think the night that we went for the site walk, the parking lot was starting to fill up because they were all being used that night.

Fred Cann stated so you're going to be able to fill up a parking lot at the Lawlor Building with the cars...You're telling me that the Lawlor Building parking lot was fully occupied, the parking lot.

Mrs. Ryan stated not fully occupied. But it did have a lot of cars there.

Fred Cann stated for an event in the Lawlor Building. How are we going...

Mrs. Ryan stated well, they were all different...

Fred Cann stated house the cars...How are we going to house the cars from the Lawlor Building and this new structure in one parking lot.

Mrs. Ryan stated because part of this building will also be used for research.

Fred Cann stated you just said that...

Mrs. Ryan stated and for events.

Fred Cann stated during events, you were going to shuttle people.

Mrs. Ryan stated the parking lot was not full. The parking lot did contain cars because the office space was full.

Fred Cann stated I mean, what...I mean, I guess Mr. Williams would know best as far as square footage determines how many parking spots you need in a particular, you know, commercial space.

Mrs. Ryan stated except for clubs. I don't think it has a requirement.

Fred Cann stated see. Now we're getting into what's a club and what's...

Board Member Bodor stated let's not have this back and forth between the applicant and a member of the audience. It's not productive at this point.

Fred Cann stated no. I agree with you. My question, ultimately, is if we are creating a new establishment here, okay, we have to have parking spots for that.

Mrs. Ryan stated correct.

Fred Cann stated do we have suffice parking spots at the Lawlor Building to accommodate the Lawlor Building and the what we are calling a barn now. That's my only question.

Mrs. Ryan stated yes.

Board Member Bodor stated okay. Depending upon what is going on, I'm sure that can be, you know, taken care of.

Fred Cann stated oh, absolutely.

Board Member Bodor stated yes.

Fred Cann stated but, actually clarifying what a club is and what a club is being used for.

Board Member Bodor stated alright. As far as a club...as club, right now, this is under review by our Town Board.

Fred Cann stated yes.

Board Member Bodor stated that's why we can't act on a piece of this, especially tonight, because the club situation is being discussed.

Fred Cann stated okay.

Board Member Bodor stated we don't know how the club is going to be determined anymore.

Fred Cann stated okay.

Board Member Bodor stated okay. So it's out there in limbo, so to speak.

Fred Cann stated got you.

Board Member Bodor stated okay. So let's not talk about clubs anymore.

Fred Cann stated okay.

Board Member Bodor stated okay.

Chairman Buzzutto stated yes. It's...

Fred Cann stated more importantly than clubs, we're getting into variances...

Board Member Bodor stated right.

Fred Cann stated for the proposed...

Board Member Bodor stated exactly.

Fred Cann stated which all relate back to, what the use of the building is and even what's called (inaudible – too distant).

Board Member Bodor stated okay.

Fred Cann stated so...

Board Member Bodor stated and that will be...

Fred Cann stated like I said, I'm not even prepared for this.

Chairman Buzzutto stated yes.

Fred Cann stated this is all coming from the hip, so...

Board Member Bodor stated right.

Fred Cann stated please bear with me and I apologize...

Chairman Buzzutto stated well, we're not going to act on it tonight.

Fred Cann stated yes. That's all I'm asking...

Chairman Buzzutto stated okay.

Board Member Bodor stated and that will be nailed down, what exactly is going to occur there.

Fred Cann stated and if we could can get some, you know, ample time...Proper notice...

Chairman Buzzutto stated yes. Well, I understand...

Fred Cann stated we really got less than 10 days for this, and like I said, we should have got...

Board Member Bodor stated well, and actually it was posted in the newspaper last week, because I saw it there.

Fred Cann stated oh, no. I got the envelope that was posted on the 11th.

Board Member Bodor stated I don't know. It must have been post marked prior to that.

Fred Cann stated no. It was post marked on the 11th.

Board Member Bodor stated well, then it sat in the post office. I'm sure it went out of here because, you know, our staff is very...

Fred Cann stated no. I understand.

Board Member Bodor stated very sure of those things.

Fred Cann stated I'm just a little concerned about the short notice.

Board Member Burdick stated they don't get noticed again.

Chairman Buzzutto stated that's okay.

Board Member Bodor stated and you are not going to be noticed by mail again.

Chairman Buzzutto stated no.

Board Member Bodor stated you're noticed the first time around...

Fred Cann stated no, I know.

Board Member Bodor stated it will not happen...

Fred Cann stated absolutely. I understand that.

Board Member Bodor stated so just be cognizant...

Fred Cann stated be on top of what's going on.

Board Member Bodor stated exactly. Yes.

Fred Cann stated I understand. Okay. Thank you.

Chairman Buzzutto stated thank you.

Mrs. Ryan stated I should also let you know, too, that there will be public hearings with the Planning Board as well. So you'll have other opportunities.

Fred Cann stated okay.

Mrs. Ryan stated okay.

Jean-Christopher Santalis stated I just have one quick thing.

Board Member Bodor stated you'll have to come up here.

Chairman Buzzutto stated you'll have to come up to the mic. It's to go on the...

Jean-Christopher Santalis stated hi. Jean-Christopher Santalis again. I just wanted to mention one thing that I'm not sure if anybody, the Board or the Town or anybody, was aware of about...I think it was about a month ago, a helicopter, I think it was a State helicopter, I'm not 100% sure, came and landed at the Lawlor Building. And I think for about 40 minutes was running...the propellers.

Board Member Bodor stated yes.

Jean-Christopher Santalis stated right in a residential area.

Board Member Bodor stated I can address that.

Jean-Christopher Santalis stated which I thought was a little bit odd.

Board Member Bodor stated I can address that.

Jean-Christopher Santalis stated yes.

Board Member Bodor stated the Lawlor Building parking lot, as many other areas in the Town, have been designated as places for the STAT flight, which is emergency medical transport, helicopters to land and pick up the patient and STAT flight them to the nearest appropriate facility. That's...and that...It happens.

Jean-Christopher Santalis stated right.

Board Member Bodor stated I am aware of that particular situation. My husband's in the fire department, that's how I know a lot of this.

Jean-Christopher Santalis stated yes.

Board Member Bodor stated and, you know, if I had a big plaza for a backyard and it was nearest to where the emergency was, they would use that.

Jean-Christopher Santalis stated yes.

Board Member Bodor stated and they don't...no. They don't shut their motor off because they don't. It's like the police cars on the street. When they get out...

Jean-Christopher Santalis stated oh, okay.

Board Member Bodor stated those are left running, too.

Jean-Christopher Santalis stated okay. I just wanted to make sure. I didn't know what that was.

Board Member Bodor stated yes. It's an emergency landing space for the helicopters.

Jean-Christopher Santalis stated okay. It's...Was that even an issue being extended into the rest of the area or...Since the acreage now is, you know, twenty...19 acres, a lot of fields...

Board Member Bodor stated it's a nice, clear place there.

Jean-Christopher Santalis stated yes.

Board Member Bodor stated there's no power lines that can interfere with the prop.

Jean-Christopher Santalis stated yes.

Board Member Bodor stated there are, as I say, designated locations throughout the Town. I don't think they have a choice.

Jean-Christopher Santalis stated yes. It thought...

Board Member Bodor stated the fire department says this is a good landing zone, help the community and let us...And, you know, you don't...

Jean-Christopher Santalis stated okay.

Board Member Bodor stated battle something like that.

Jean-Christopher Santalis stated okay.

Board Member Bodor stated okay.

Jean-Christopher Santalis stated thank you.

Chairman Buzzutto stated thank you. Okay, you want to come up to the mic, Sir.

Christian Olsen stated yes, I'm Christian Olsen. I live at 4 Cann Lane. You guys probably saw the house. The only question I had was, is it possible they could not have to cul-de-sac. Like is that a necessary evil. Like, if you're going to be shuttling people from the other place, what is the use for the cul-de-sac.

Mrs. Ryan stated I can answer that. The...As I said, the existing barn structure is 3-stories high, and the problem is that if you...We also have a gravel access here to the back part of the barn, but this access is actually lower than the two lowest floors on the existing barn structure. So, there's no way that we can get handicapped access through the back of the building. It has to come through the front of the building, which is the propose of the one way turnaround and the handicapped parking space on...that can access the second level of the existing barn and the silo addition will contain elevators and stairwells. The elevators will allow the handicapped access to the other floors.

Christian Olsen stated is that the only way you can have handicapped access.

Mrs. Ryan stated because of the elevations, yes. We can't get them to the back part of the building.

Chairman Buzzutto stated you may be too far from the mic when you talk like that. So...

Christian Olsen stated I mean really, it's kind of...It's going to take away from, you know, our small, little private lane. So we're going to have a giant cul-de-sac. You know, I mean, it's kind of hard to say that there's going to be one or two cars there a day, you know, when...You know, if they have an event, it's going to be packed. And that's, you know, it's a major concern. I mean, would it be construed as a commercial space now.

Chairman Buzzutto stated I don't think so.

Board Member Herbst stated I don't think so. Not for the...

Chairman Buzzutto stated no.

Board Member Herbst stated nonprofit organization.

Board Member Bodor stated it's not going to change the use of the...the zoning use for the area.

Christian Olsen stated so...

Board Member Bodor stated whatever it's zoned right now, it will remain that.

Christian Olsen stated I mean, would they be willing to sign an agreement that says for the 30 years, the zoning will not change.

Chairman Buzzutto stated I...

Board Member Burdick stated it's not up to them to change the zoning.

Chairman Buzzutto stated I don't know. That's not...That doesn't...

Board Member Bodor stated there would be no reason to change it. Why would they want to change it.

Christian Olsen stated well, just to ensure that it never does.

Board Member Bodor stated I don't think that is...

Board Member Herbst stated I don't think anything like that would even be legal because if the zoning gets changed, it can be changed by the Town Board. And they would have no say in the matter.

Board Member Burdick stated the Town Board changes zoning.

Board Member Herbst stated so, you know...

Christian Olsen stated well, I mean, just as neighbors if it were to change from R-4 to C-2. I mean, it would degrade the value of all of our properties a lot.

Board Member Bodor stated but I don't...But what we're saying is we don't see any reason for that to...that change to be made.

Christian Olsen stated well, I mean, initially it was an arborary, you know, for trees or whatever, and all of the sudden, it's now being changed into something else. So we just want to kind of insure that down the road it can't change into something else again.

Board Member Bodor stated alright, you can...

Chairman Buzzutto stated I don't think that's in our jurisdiction...

Board Member Bodor stated that's not the, you know, that's...

Chairman Buzzutto stated nothing we could handle.

Board Member Bodor stated it's not...

Chairman Buzzutto stated the Zoning Board. It would be the Town Board.

Christian Olsen stated okay. Well it's, you know...

Chairman Buzzutto stated yes. We can't tell them to sign a document like that. It's like a stipulation.

Christian Olsen stated you know, all the sudden, 10 years it's a Wal-Mart, you know.

Chairman Buzzutto stated well...

Board Member Bodor stated and we thank you for your concerns.

Christian Olsen stated oh, thanks very much.

Chairman Buzzutto stated okay. Anybody else from the audience have any more input. Okay, so...

Board Member Bodor stated do you want to...What about the SEQRA; The Lead Agency piece.

Chairman Buzzutto stated yes. Lead Agency.

Board Member Bodor stated do you want me to make a motion.

Chairman Buzzutto stated yes.

Board Member Bodor stated I'd like to make a motion that this Board would like to have the Planning, the Patterson Planning Board, accept Lead Agency for this application.

Chairman Buzzutto stated this application.

Board Member Burdick stated second.

Chairman Buzzutto stated roll call. Do a roll call.

Board Member Bodor stated I don't care.

The Secretary stated do you have to say all in favor and then do it.

Chairman Buzzutto stated alright. All in favor. Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated roll call.

The Secretary did roll call:

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

Chairman Buzzutto stated okay. So the Planning Board will take over as Lead Agency.

Mrs. Ryan stated thank you very much.

Chairman Buzzutto stated okay.

Board Member Bodor stated okay. We'll see you back.

Chairman Buzzutto stated we'll see you back.

Board Member Bodor stated in the future.

3) ELDER ARIAS CASE #09-10

Mr. Elder Arias was present.

Chairman Buzzutto stated okay. Now we have...

The Secretary read the following legal notice:

Elder Arias #09-10 – Special Use Permit

Applicant is requesting a Special Use Permit as required by §154-107.1 of the Patterson Town Code, Livery and Taxi Cab services, in order to operate a livery service out of the residence of Natalia Giron. This property is located at 7 Dryden Road (RPL-10 Zoning District).

Chairman Buzzutto stated okay.

Mr. Elder Arias stated hi. My name is Elder. I'm the person applying for the special permit, specifically for...

Chairman Buzzutto stated alright. Do you want to raise your right hand.

Mr. Arias stated excuse me.

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

Mr. Arias stated I do.

Chairman Buzzutto stated okay. State your...Go ahead.

Mr. Arias stated sure. So, like I said, my name is Elder. I'm the person applying for the special use permit, specifically for livery service. We'll be operating out of 7 Dryden Road. And the permit is for one cab to operate out of that location.

Board Member Bodor stated are you co-owner of that property.

Mr. Arias stated my mother is the owner.

Board Member Bodor stated she's the owner.

Mr. Arias stated correct.

Board Member Bodor stated you're not on the deed.

Mr. Arias stated I do...We did make a separate deed that I'm part of the...part owner, if you will.

Board Member Bodor stated you are part owner.

Mr. Arias stated yes.

Board Member Bodor stated because it's my understanding with the new regulation, that it's the owner of the property that maybe be the owner of the cab company.

Mr. Arias stated okay, so if you will...

Board Member Bodor stated that's why I'm asking you.

Mr. Arias stated yes. If you will, I am co-owner.

Chairman Buzzutto stated okay.

Board Member Bodor stated and we're talking about how many cabs.

Mr. Arias stated one.

Board Member Bodor stated one cab.

Mr. Arias stated correct.

Board Member Bodor stated do you have appropriate parking space for this cab.

Mr. Arias stated yes.

Board Member Bodor stated not on the road.

Mr. Arias stated yes, I do. And I believe Mr. O'Connor drove by just to confirm. Just wanted to double check with him, and he said that we do have enough parking.

Chairman Buzzutto stated it's not under the Arias, it's just...

Board Member Bodor stated what.

Chairman Buzzutto stated what name is it under.

Board Member Bodor stated Giron. That's why I was asking. That's not it here.

Board Member Olenius stated is your vehicle like a limousine or is it like a four door sedan.

Mr. Arias stated it's a four door.

Board Member Olenius stated four door.

Board Member Burdick stated when did you change the deed.

Mr. Arias stated it was changed last year, I believe.

Board Member Bodor stated it's on Dryden. This is the one.

Board Member Burdick stated so Rich, would you be able to verify that in our tax map information.

Rich Williams stated typically they're filed with the Assessor's Department. We would have to go down and pull the deed.

Board Member Burdick stated okay.

Mr. Arias stated I don't think you would have that in file. It's a letter that I got from the lawyer that did the paperwork. So as far as I'm aware, nothing was provided to the Town. I'm not sure if that's their procedure.

Board Member Burdick stated when there's a change to a deed, it need to be filed.

Mr. Arias stated okay. Then...

Board Member Burdick stated and if that hasn't been done then you're not co-owner.

Mr. Arias stated I can double check with the lawyer.

Board Member Olenius stated where is Dryden Road located.

Mr. Arias stated it's right behind the fire house in Putnam Lake.

Board Member Herbst stated first road when you make the turn, on the left.

Board Member Olenius stated Rich, can you measure of the GPS thing for the Town, because subsection (C) states no livery service or taxi cab service shall be located within 900' of any livery service. And I'm well aware of a livery service opposite the firehouse in Putnam Lake that I would assume be within 900' of this property's location.

Rich Williams stated yes. I certainly could use the GIS to confirm the distances between properties. I was not asked to do this before this meeting, so...

Board Member Olenius stated no. I'm...

Rich Williams stated but I can get back to the Board and let you know the distance.

Board Member Olenius stated just another...

Mr. Arias stated my understanding is that that company has been there for a few years and I did work with Mr. O'Connor to create a code for the Town because there wasn't a livery service code. So that basically...Then I would think that that wouldn't be considered a livery service.

Chairman Buzzutto stated did we have a case for a cab...Or it was just Ed O'Connor.

Board Member Burdick stated under the definition of a livery vehicle, it includes chauffeured limousines. So by definition, a livery vehicle is a limousine as well as what you are proposing.

Board Member Olenius stated then the Code...

Board Member Burdick stated that's in the Code.

Board Member Olenius stated defines a livery service as a for private transportation service providing a livery vehicle for hire. So...

Board Member Burdick stated so...

Mr. Arias stated so does that mean that we are not operating under a Town Code....the existing company.

Board Member Olenius stated well, they are. They're in a commercial district. You just happen to be within 900' of them, to my estimation. I can't verify that. I just asked Mr. Williams to verify that.

Mr. Arias stated okay.

Board Member Bodor stated are there many homes on Dryden Road...Residences. Are there many residences.

Mr. Arias stated I would think about four.

Board Member Bodor stated about four.

Mr. Arias stated yes.

Audience member stated there's five.

Mr. Arias stated five.

Audience member stated yes.

Board Member Bodor stated there are five residences up there. Okay. And it is a residential area.

Mr. Arias stated correct. It's a dead end street. We're the...

Board Member Bodor stated a dead end road.

Mr. Arias stated road. Correct. And we're the first house to the left as you pull into Dryden Road.

Board Member Bodor stated I'd like to go up and take a look at the neighborhood for this...

Board Member Burdick stated I agree.

Board Member Bodor stated at the very least. I'd like to see where it is and what see what else is around there. I'm aware there's a new code which does make provision for a livery service, taxi cab service. What ever you want to call it. Both those words are mentioned here. In a residential area, but I want to see what this residential area looks like.

Mr. Arias stated sure.

Board Member Bodor stated in all fairness to the whole community.

Mr. Arias stated understood.

Board Member Bodor stated okay.

Mr. Arias stated okay.

Chairman Buzzutto stated alright, so we'll table thins.

Mr. Arias stated excuse me.

Board Member Bodor stated yes, but let's input from the audience.

Chairman Buzzutto stated sorry.

Board Member Bodor input from other people.

Chairman Buzzutto stated okay. Do we have input from the audience on it. Do you want to come up to the mic, Sir. Give your name.

Bob Lane stated my name is Bob Lane. I live on 24 Dryden Road, which is down at the end. It's actually beyond the dead end. It's on a paper road technically. And just from conversations with the neighbors, we're concerned. We don't know how many cabs are going in there. He says one. But we're kind of concerned over the fact that a commercial type business is going into a residential section. And I know at

least 3 of the 5 houses on that road have that concern. You know, we figure it's got to be a commercial zoned to be a livery, but you're saying there's stipulations against that. But we have concerns because it's not a wide road, it's a narrow road. And I live on the paper road part of it which gets no services because it is a paper road. So I don't want to have any obstructions trying to get to and from my house, which has happened over the years with other residents that have lived in here, parking on the road and blocking streets and stuff like that. I thought some of my other neighbors were coming, but I guess they didn't tonight. I was the only one. But that's our major concern on it.

Board Member stated okay. Thank you very much.

Chairman Buzzutto stated thank you.

Board Member Bodor stated is there anyone else who has anything to add. Okay.

Chairman Buzzutto stated alright.

Board Member Bodor stated we're going to keep this open for the next month as you heard. We will be scheduling a site walk...

Mr. Arias stated sure.

Board Member Bodor stated up to (inaudible – too many talking)

Mr. Arias stated would you like me to be there for anything.

Board Member Bodor stated yes. It would be helpful if someone were there to show us, you know, where you've provided the parking and other pieces up there to the property and surrounding area.

Mr. Arias stated okay.

Board Member Bodor stated yes. We like to have people there.

Mr. Arias stated okay. If you could just let me know the day when you're coming so I can schedule...

Board Member Bodor stated alright. Is there a time that's really bad for you.

Mr. Arias stated I work from home so anytime...

Board Member Bodor stated oh, you're in the house anyway.

Mr. Arias stated yes.

Board Member Bodor stated okay. Alright. Thank you.

Mr. Arias stated thank you.

Board Member Bodor stated yes, Sir.

Bob Lane stated is there any other...

Board Member Bodor stated microphone.

Bob Lane stated yes. Sorry. Is there any other way that the other neighbors could be notified of when that would be in case they wanted to be there during the site walk.

Board Member Herbst stated we don't usually...

Chairman Buzzutto stated that's...

Board Member Olenius stated there's no public record on a site walk, so we don't take any input at the site walk.

Bob Lane stated right.

Board Member Olenius stated you'd have to come to the next meeting. No determination is going to be made prior to the next meeting.

Bob Lane stated well, I mean, if you make an appointment with him to meet and look at the street, which is a public street, I mean, just asking was there anyway that we could find out through calling the Town or anything and finding out what that meeting would be...What day that would be.

Board Member Olenius stated it's not a meeting, that's the thing.

Bob Lane stated well, no. I mean a site walk. I mean...

Board Member Olenius stated yes, but any discussion taking place isn't on public record so we don't like to discuss even anything there...

Bob Lane stated alright. So we just got to hang out on the street and wait for you to come down.

Board Member Olenius stated it's just a Board thing. You can wait...

Board Member Burdick stated we wouldn't even...

Board Member Olenius stated but we wouldn't be able to discuss...

Bob Lane stated no. I understand. I'm just saying in case we wanted to...In case there are any questions we have and want to see...

Board Member Burdick stated we wouldn't be able...Because it's not on public record, we wouldn't be able to discuss anything with you.

Bob Lane stated alright. So you...

Chairman Buzzutto stated yes.

Board Member Burdick stated it would have to be at the next meeting.

Bob Lane stated okay. Alright.

Chairman Buzzutto stated any discussion has to go in the minutes.

Bob Lane stated I'm just saying...I'm just curious to the fact that, you know, you're going to meet with him...

Chairman Buzzutto stated yes.

Bob Lane stated is there any opportunity that we could be there at that same time.

Board Member Herbst stated no.

Bob Lane stated or is it just going to be...

Board Member Burdick stated because we're on private property.

Bob Lane stated chance circumstance. Well, you're on Dryden Road.

Chairman Buzzutto stated it's not the street.

Bob Lane stated well, my part is technically, because it's a paper road.

Board Member Burdick stated but he's going to be showing us what's going to happen on his property and then we're going to be asking him to repeat everything at the next meeting...

Bob Lane stated okay. I'm just saying...

Board Member Burdick stated because it need to get entered into the record.

Bob Lane stated opportunity for us to at least be aware at what's going on.

Board Member Bodor stated you can look out your window. You could walk outside. But we can't talk to you.

Bob Lane stated not from my house you can't. I only (inaudible – too many talking) at the bottom of the hill.

Board Member Burdick stated we wouldn't be able to address anything though.

Bob Lane stated okay. I was just curious about this.

Board Member Burdick stated we'd have to do that at the next meeting.

Bob Lane stated okay.

Board Member Burdick stated okay.

Board Member Bodor stated okay.

Chairman Buzzutto stated okay. So you'll be notified when we're going to take the site walk on it [talking to Mr. Arias]. It will most likely be around 5:15 in the evening. On what day though, we don't quite know yet.

Board Member Olenius stated it depends on how many we have, and maybe 5:15.

Board Member Burdick stated maybe we can do...

Chairman Buzzutto stated alright.

Mr. Arias stated okay.

Chairman Buzzutto stated so you'll be notified. Sarah will get a hold of you. Okay, thank you.

Mr. Arias stated thank you.

Board Member Olenius stated thank you.

4) **STEPHANIE FOX CASE #10-10**

Mrs. Stephanie Fox was present.

Chairman Buzzutto stated Fox.

The Secretary read the following legal notice:

Stephanie Fox Case #10-10 – Area Variances

Applicant is requesting area variances pursuant to §154-27(12)(b) of the Patterson Town Code; Permitted accessory uses and §154-7; Schedule of regulations, in order to construct a 10' x 14' shed. The Code requires a side yard setback of 20'; Applicant can provide 10'; Variance requested for is 10'. The Code also requires a rear yard setback of 25'; Applicant can provide 10'; Variance requested is for 15'. §154-7 of the Code requires not more than 10% impervious surface coverage; Applicant will have 11.6%; Variance requested is for 1.6%. This property is located at 11 Rose Lane (R-4 Zoning District).

Chairman Buzzutto stated you want to raise your right hand. Do you swear the testimony you provide tonight will be the truth, the whole truth.

Mrs. Stephanie Fox stated I do.

Chairman Buzzutto stated alright. You heard what was read. Is there any changes from what...

Mrs. Fox stated no. There are no changes. But I do have an addition. I have a letter from my neighbors; the two sides that the shed's going to be on. Plus, my other neighbors on Rose Lane saying that I've discussed a

location of the shed with them and that they have no objection. So...you want a copy of that [Applicant gave the Board a copy of the letters].

Chairman Buzzutto stated what is the road that we're talking about off of...

Board Member Olenius stated I think this is off of like Welfare Road, am I correct.

Mrs. Fox stated correct. Jasper [Road]. At that point.

Board Member Olenius stated Jasper [Road].

Mrs. Fox stated I'm in the, pretty much, the most remote corner of Patterson. I border New Fairfield and Brewster.

Chairman Buzzutto stated thank you. Did you have a question of where it was going to be put.

Board Member Bodor stated I found this other diagram. I saw where it is.

Chairman Buzzutto stated is there any other sheds on your property. Nothing on there.

Mrs. Fox stated no.

Board Member Bodor stated how close is the nearest residence...nearest structure on your side here where you've got the shed up in this corner. On this property, is there a structure there.

Mrs. Fox stated there are two sheds on my neighbor's property. See here, in this aerial view, in the woods here, he has a shed here and I think that's another shed [referring to the photograph]. This is his main house.

Board Member Bodor stated right.

Mrs. Fox stated and then also here, which would be...

Board Member Bodor stated over here.

Mrs. Fox stated over there, my neighbor has his garage, which you can't see very well, but it's in that corner as well.

Board Member Bodor stated okay.

Chairman Buzzutto stated this is the only place on your property that you could put the shed. Is there any...

Mrs. Fox stated well, yes. The problem is that in the...Well, first we don't want it...we can't have it in the front yard. But the property sloped from this corner and up. And then I have my well head here and so I can't have a vehicle go over there and place a shed either. And it's a pretty steep slope. Even if I placed it there I would need basically the same variance, it's just a different corner of the property. The parcel is, you know, a small parcel for the R-4. I guess R-4, obviously, you need the 4 acre zone. And it's only a 1 acre property.

Board Member Bodor stated and the house is set back on the property.

Mrs. Fox stated yes. That's because my entire front yard is my septic field.

Board Member Bodor stated oh, okay.

Chairman Buzzutto stated is all the properties over there R-4.

Mrs. Fox stated well, the rock wall back here, that's the Put[nam] Lake zoning.

Board Member Olenius stated that's for the RPL-10.

Mrs. Fox stated all of them on my cul-de-sac and then towards Green Chimneys and that way. Well, between me and Green Chimneys is all, I believe...I have another map, if you want to see where I am on this. I'm this parcel all the way over here [referring to the map]. Can you even see it.

Board Member Bodor stated way over in the corner.

Mrs. Fox stated the last...

Board Member Bodor stated you're the very last one over there.

Mrs. Fox stated yes.

Board Member Bodor stated and this is...Where are we now. This is South East. This is Brewster down here and that is Connecticut over there.

Mrs. Fox stated correct. And this is Put[nam] Lake.

Board Member Bodor stated yes. Wow.

Mrs. Fox stated I'm as far as you could be in Patterson. And the shed is going to match the house. You know, same siding, same shutters, same roof.

Chairman Buzzutto stated the shed will be prebuilt and...

Mrs. Fox stated yes.

Chairman Buzzutto stated and put there.

Mrs. Fox stated yes.

Board Member Bodor stated there's pictures.

Chairman Buzzutto stated yes.

Mrs. Fox stated and I guess if you want, for scale proposes...

Chairman Buzzutto stated yes.

Mrs. Fox stated if you look again at the aerial view, you can see like three little trees here, that's how wide it's going to be.

Board Member Bodor stated I drew it here [referring to the picture].

Mrs. Fox stated oh, that was pretty good. So...

Chairman Buzzutto stated and the height is...

Mrs. Fox stated 8 feet, 10 feet.

Chairman Buzzutto stated 8 feet. Okay. Do we have any input from the audience on this particular application. Okay. Seems cut and dry. What do you think.

Board Member Burdick stated do we want to enter this into the record.

Board Member Bodor stated yes. We should, really. You want to read it.

Board Member Burdick stated sure.

Board Member Bodor stated we're going to enter into the record the letter that you've provided with your neighbor's signatures on it.

Board Member Burdick stated this is dated May 18th. It's to the Zoning Board of Appeals regarding this application and it says:

“Dear Board Members,

In regards to Mrs. Fox proposal to place a 10' x 14' shed on her property, I've reviewed the location with her and do not have any objections to it. Therefore, I believe that a request for the area variances from the Zoning Board of Appeals be granted. Thank you for your attention to this matter”

Board Member Burdick stated and it's signed by James R...Is that Thompson.

Mrs. Fox stated correct.

Board Member Burdick stated 10 Rose Lane.

Mrs. Fox stated Peter Motta.

Board Member Burdick stated Peter Motta, 27 Wesley Drive.

Mrs. Fox stated John Ferris.

Board Member Burdick stated John Ferris, 9 Rose Lane. Darren McCarthy...

Mrs. Fox stated Tara McCarthy.

Board Member Burdick stated Tara McCarthy, 12 Rose Lane.

Chairman Buzzutto stated okay. Lars will read.

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

Board Member Herbst stated second.

Board Member Bodor stated all in favor.

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

Chairman Buzzutto stated opposed. No.

Board Member Bodor stated I think Lars is working on a resolution.

Mrs. Fox stated okay. So do I have to wait for that in order to order my shed. Or...It's like a 5 week or 6 weeks.

Board Member Burdick stated we'll read this into the...and we'll take a vote, and then you can proceed after that.

Mrs. Fox stated (inaudible – too distant).

Board Member Burdick stated nope, right now.

Mrs. Fox stated oh, okay.

Board Member Burdick stated a couple of minutes.

Mrs. Fox stated sorry.

Board Member Burdick stated that's okay.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Stephanie Fox, Case #10-10
For Area Variances for a 10' x 14' Shed

WHEREAS, *Stephanie Fox* is the owner of real property located at 11 Rose Lane (R-4 Zoning District), also identified as **Tax Map Parcel #36.57-1-3, and**

WHEREAS, *Stephanie Fox* has made application to the Patterson Zoning Board of Appeals for area variances, pursuant to §154-27 (12)(b) of the Patterson Town Code; Permitted accessory uses, and §154-7 of the Patterson Town Code, Schedule of regulations, in order to construct a 10' x 14' shed in the backyard, and

WHEREAS, §154-27 (12)(b) states that sheds shall not be nearer to any side or rear line than is specified in the schedule; and

WHEREAS, the Code requires a 20' side yard setback; Applicant will have 10'; **Variance requested is for 10'**, and

WHEREAS, the Code requires a 25' rear yard setback; Applicant will have 10'; **Variance requested is for 15'**, and

WHEREAS, §154-7 of the Patterson Town Code requires not more than 10% impervious surface coverage; Applicant currently has 11.3% ; Applicant will have 11.6%; **Variance requested is for 1.6%**, 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 19, 2010** 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 shed will be constructed so as to be the same architectural elements, colors and designs as the main house on the property.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **due to topography of the land and enlarged subsurface system taking up the entire front yard.**
3. the variance requested **is somewhat** substantial **for the sidelines, but due again to the topography of the property and small lot size, it's necessary to allow the requested distances.**
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 shed is modular and will be dropped off nonintrusive to the existing ground.**
5. the alleged difficulty necessitating the variance **was self created** however **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 **Stephanie Fox** for **area variances** pursuant to §154-27 (12)(b) of the Patterson Town Code; Accessory structures, **of 10' from the 20' required for a side yard setback, and a 15' variance...**

TAPE ENDED

Board Member Olenius continued to read the following resolution:

from the 25' required for a rear yard setback, and

BE IT FURTHER RESOLVED, that the Patterson Zoning Board of Appeals hereby **grants** the

application of *Stephanie Fox* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, *of 1.6% impervious coverage from the 10% required*, in order to construct and place a 10' x 14' shed in the backyard.

Board Member Bodor stated I'll second it.

UPON ROLL CALL:

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay.

Board Member Bodor stated okay.

Mrs. Fox stated thank you very much.

Board Member Burdick stated good luck.

Board Member Bodor stated now go order it.

Board Member Olenius stated very nice application by the way. It was nice to have that kind of information.

Mrs. Fox stated I am an architect, but right now I'm a mom, so (inaudible – too distant).

Board Member Olenius stated free time. I got you.

Mrs. Fox stated thank you.

5) LYNN KIRCHNER CASE #11-10

Ms. Lynn Kirchner was present.

Board Member Bodor stated who's next.

The Secretary read the following legal notice:

Lynn Kirchner Case #11-10 – Accessory Apartment

Applicant is requesting a Special Use Permit as required by §154-105 of the Patterson Town Code; Accessory Apartments, in order to legalize an existing accessory apartment. This property is located at 567 Farm to Market Road (R-4 Zoning District).

Chairman Buzzutto stated okay.

Board Member Bodor stated Kirchner.

Chairman Buzzutto stated okay. You are...

Ms. Lynn Kirchner stated Lynn Kirchner. I'm here to legalize an existing apartment.

Chairman Buzzutto stated okay. You swear the testimony you provide tonight will be the truth, the whole truth.

Ms. Kirchner stated yes, I do.

Chairman Buzzutto stated okay. An accessory apartment is already...

Ms. Kirchner stated I bought it that way.

Chairman Buzzutto stated it's already there.

Ms. Kirchner stated yes.

Chairman Buzzutto stated you just want to legalize it.

Ms. Kirchner stated correct.

Board Member Bodor stated and you are residing in the residence.

Ms. Kirchner stated yes. Correct.

Board Member Bodor stated and the accessory apartment is downstairs, upstairs, from...

Ms. Kirchner stated behind me.

Board Member Bodor stated behind you.

Ms. Kirchner stated well there's a garage between us.

Board Member Bodor stated a garage between you.

Ms. Kirchner stated yes.

Board Member Bodor stated okay.

Chairman Buzzutto stated it's attached.

Ms. Kirchner stated yes.

Chairman Buzzutto stated and the accessory apartment consists of how many rooms. Probably less than...

Ms. Kirchner stated four rooms, counting the bathroom.

Board Member Burdick stated there's also a letter from Dave Raines...

Chairman Buzzutto stated oh, okay.

Board Member Burdick stated about an inspection that he did.

Chairman Buzzutto stated okay, fine.

Board Member Bodor stated Dave Raines was out from...out to...

Ms. Kirchner stated yes.

Board Member Bodor stated inspect the premises.

Ms. Kirchner stated correct.

Board Member Bodor stated yes.

Chairman Buzzutto stated okay, fine.

Board Member Bodor stated it's a one bedroom, a kitchen with a propane stove, living room, full bath and a 16' x 12' deck.

Ms. Kirchner stated correct.

Board Member Bodor stated heated with a separate fuel oil furnace.

Ms. Kirchner stated correct.

Board Member Bodor stated and the checklist has been done.

Chairman Buzzutto stated it's signed by Dave.

Board Member Bodor stated yes, there's a Health Department approval here, too, somewhere. I just saw it.

Ms. Kirchner stated yes.

Board Member Bodor stated it looks like all the pieces are here.

Chairman Buzzutto stated do we have any input from the audience on this particular application. No. Well, with the affidavit that Dave gave us, I think it's pretty cut and dry.

Board Member Bodor stated do you have a number posted out on the road.

Ms. Kirchner stated correct.

Board Member Bodor stated you do.

Ms. Kirchner stated yes.

Board Member Bodor stated because I went by there today and I was trying to find the house, and I couldn't find.

Ms. Kirchner stated it's right across from Wagon Lane.

Board Member Bodor stated okay. Alright. Tomorrow when I go by I'll look.

Ms. Kirchner stated yes. It's out there.

Board Member Bodor stated the numbers are different on Farm-to-Market Road. They start from both ends I guess, because part of the...coming is from Brewster is Brewster, and then you have Patterson...Town of Patterson up here. And I think they numbered differently coming in from each end. It was crazy anyway. Okay.

Chairman Buzzutto stated okay.

Board Member Burdick stated do you want me to do the reso.

Board Member Bodor stated yes.

Board Member Burdick stated do you want me to do the reso.

Chairman Buzzutto stated yes, if you have it there.

Board Member Burdick stated are we all ready.

Board Member Burdick read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Lynn Kirchner, Case #11-10
For a Special Use Permit for an Accessory Apartment

WHEREAS, *Lynn Kirchner* is the owner of real property located at 567 Farm to Market Road (R-4 Zoning District), also identified as ***Tax Map Parcel #23.-2-58***, and

WHEREAS, *Lynn Kirchner* 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. *The apartment already exists.*
2. There *will not* be substantial increase in potential for erosion, flooding, leaching or drainage problems. *The apartment already exists.*
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 *May 19, 2010*, 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, David Raines, and

WHEREAS, The Patterson Zoning Board of Appeals finds that the Applicant has met the requirements for the issuance of a Special Use Permit in accordance with §154-105 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 *Lynn Kirchner* 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. Those conditions that exist in the Town Code for Accessory Apartments which includes 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).

Ms. Kirchner stated and do they let me know when the five years...They send me a letter. Is that it.

The Secretary stated I think you have to come back.

Board Member Burdick stated it's up to you.

The Secretary stated yes.

Ms. Kirchner stated oh, okay.

Board Member Bodor stated put it on your calendar.

Ms. Kirchner stated I guess.

[Laughter]

Ms. Kirchner stated also. Once this is legal, is it always legal if I ever decide to sell the house. As long as the person that buys the house lives there.

Ms. Kirchner stated oh, okay.

Chairman Buzzutto stated do I get a second on this.

Board Member Olenius stated I'll second it.

UPON ROLL CALL:

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

Resolution carried by a vote of 5 to 0.

Board Member Olenius stated you'll get a copy of the Town Code attached to your resolution as it stated. And I believe in there it says if...should you sell the house, the new owner has to come and get another special use permit. Your five years doesn't overlap into the sale of the house.

Ms. Kirchner stated okay.

Board Member Olenius stated they have to come and get it.

Ms. Kirchner stated alright.

Board Member Burdick stated again, it would be just a paperwork exercise because it's already existing.

Ms. Kirchner stated okay.

Board Member Burdick stated sorry if I wasn't clear on that.

Ms. Kirchner stated alright. Thank you.

Board Member Olenius stated good night.

6) **LEE DAVIS CASE #12-10**

Mr. Lee Davis was present.

The Secretary read the following legal notice:

Lee Davis Case #12-10 – Area Variances

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to construct an addition to his home which will consist of a master bedroom, a new kitchen/dining room and a wrap-around deck. The Code requires a minimum side yard setback of 40'; Applicant can provide 20'; Variance requested is for 20'. The Code also requires an 80' rear yard setback; Applicant can provide 49.5'; Variance requested is for 30.5'. This property is located at 734 Route 311 (R-4 Zoning District).

Chairman Buzzutto stated okay. You want to raise your right hand, Sir. You swear the testimony you provide tonight will be the truth, the whole truth.

Mr. Lee Davis stated I do.

Board Member Olenius stated just state your name for the record please.

Mr. Davis stated Lee Davis.

Chairman Buzzutto stated okay, you heard what was read. Is there any difference in what was read and what you have in mind.

Mr. Davis stated no. That sounds (inaudible).

Chairman Buzzutto stated okay.

Board Member Bodor stated and what is your plan in your own words.

Mr. Davis stated to build two separate additions on the rear of my house. One for an expanded kitchen/family room and one for an expanded master bedroom suite.

Board Member Bodor stated okay. So the shape of the house will be a "U".

Mr. Davis stated it will become a "U" shape, yes.

Board Member Bodor stated yes. I see you have this all staked out.

Mr. Davis stated it was.

Board Member Bodor stated it was. There's nothing much behind you or...

Mr. Davis stated no.

Board Member Bodor stated either way, you're set...I know where you are. You're set way back in. It's a long driveway.

Mr. Davis stated right. The neighboring property of the house is built down further, closer to the road.

Board Member Bodor stated closer to the road.

Mr. Davis stated yes.

Board Member Bodor stated right, right. And looking at this, there's nothing there but woods.

Mr. Davis stated right. The rear yard setback is existing; It's noncompliant.

Chairman Buzzutto stated okay. And the reason for this expansion is for extra...

Mr. Davis stated I need more space, yes.

Chairman Buzzutto stated sorry.

Mr. Davis stated I have two small children, I need more space.

Chairman Buzzutto stated oh, you need more space...

Mr. Davis stated yes.

Chairman Buzzutto stated for accommodation of your children. Okay. This is...Oh, this is...

Board Member Bodor stated this is the backyard [referring to plans]. He has also shown us where the stakes are. You get a better idea. You see, there's nothing back here.

Chairman Buzzutto stated yes.

Board Member Bodor stated this is the back of the house. And he's got one piece there and another piece is...There's two separate additions. And this is all deck.

Chairman Buzzutto stated oh, I see the two. It's all connected though.

Board Member Bodor stated yes. There's a drawing here if you want.

Board Member Olenius stated oh, this is a huge...

Board Member Bodor stated what.

Board Member Olenius stated you're on a huge lot. You're just...

Mr. Davis stated no, that's a...I'm on 2 acres. That's actually an outdated survey.

Board Member Olenius stated oh, okay.

Mr. Davis stated I just submitted that for the propose of showing where the house was on the property.

Board Member Olenius stated it is...It's still stuck back in the corner though.

Mr. Davis stated yes.

Board Member Bodor stated it goes all the way out to [Route] 311.

Mr. Davis stated oh, yes.

Board Member Bodor stated yes. I don't know if you can see the house from 311 anymore. It used to be able...the trees have all grown up.

Mr. Davis stated this time of year you can't.

Board Member Bodor stated yes.

Chairman Buzzutto stated where on 311 was it.

Board Member Bodor stated it's across from Vince Murphy's. Across from WRAM. Across from where the airplane place is.

Chairman Buzzutto stated oh. Down...okay. Down by the tower.

Board Member Herbst stated he's across from the airplane.

Board Member Bodor stated yes.

Chairman Buzzutto stated yes.

Board Member Herbst stated okay. Then I know where he's at.

Board Member Bodor stated there's a long driveway going down...Yes.

Board Member Herbst stated yes. I know where it is.

Chairman Buzzutto stated alright. There's no other house before this and all the other houses around there are...

Board Member Bodor stated the nearest house is.

Mr. Davis stated quite a ways away.

Board Member Bodor stated on the adjoining property and it's down in front further. It's closer to 311.

Chairman Buzzutto stated is there input from the audience on this.

Board Member Bodor stated the next house over is (inaudible).

Chairman Buzzutto stated does he have all the approvals on that, right. You have all the necessary approvals from the Health Department and so forth.

Mr. Davis stated no. Not yet.

Board Member Bodor stated no. Not at this point.

Chairman Buzzutto stated not at this point he doesn't.

Board Member Olenius stated are you increasing the bedroom count.

Mr. Davis stated no.

Board Member Olenius stated no.

Chairman Buzzutto stated oh, okay.

Board Member Bodor stated originally, there was another driveway planned going back to that property there.

Chairman Buzzutto stated what, an easement type of...

Board Member Bodor stated no. There was a driveway that went back here.

Mr. Davis stated my driveway borders...

Board Member Bodor stated another driveway.

Mr. Davis stated runs alongside...Yes. The 17 acre lot behind me.

Board Member Bodor stated yes. It accesses that there.

Mr. Davis stated right.

Board Member Bodor stated yes.

Chairman Buzzutto stated is that still there or...

Mr. Davis stated that's still there. It's on the market.

Board Member Bodor stated it's on the market, that parcel back there.

Mr. Davis stated yes.

Board Member Bodor stated okay. Is that still O'Hara.

Mr. Davis stated I'm not sure. Maybe. Some gentleman from Mahopac.

Board Member Bodor stated I don't know.

Chairman Buzzutto stated well, would that driveway be an easement type of a...

Board Member Bodor stated it must be a legal easement for that driveway to go across your property to access it.

Mr. Davis stated it doesn't go across my property. My property live borders right on the side of my driveway. Then there's a grass piece on the side of it which is actually the driveway for that piece.

Board Member Bodor stated oh, alright.

Mr. Davis stated that piece goes all the way to 311 anyway.

Chairman Buzzutto stated well the property that borders here, who's is this.

Board Member Bodor stated what about...alright. Then I'm confused.

Chairman Buzzutto stated yes.

Board Member Bodor stated here's your driveway.

Mr. Davis stated right. And mine runs right up the side of this driveway.

Board Member Bodor stated this is not yours over here.

Mr. Davis stated no it's not.

Chairman Buzzutto stated oh.

Mr. Davis stated this is an outdated survey.

Board Member Bodor stated okay. This has been subdivided off then.

Mr. Davis stated yes.

Board Member Bodor stated okay. Alright.

Mr. Davis stated sorry.

Board Member Bodor stated okay. You don't have 9.6 acres.

Mr. Davis stated I wish.

Board Member Bodor stated okay. Got you.

Chairman Buzzutto stated so what's this here, nothing [referring to the survey].

Board Member Bodor stated nothing.

Mr. Davis stated nothing.

Board Member Bodor stated it's nothing there. It's a...

Board Member Olenius stated it actually says on the property description 2.06 acreage.

Board Member Bodor stated okay.

Board Member Olenius stated so that's updated.

Board Member Bodor stated basically the property line is there. This is somebody else's over here.

Chairman Buzzutto stated how did you make it (inaudible).

Board Member Bodor stated what.

Chairman Buzzutto stated why'd you make a double line there. Oh, it's just a...Okay.

Board Member Bodor stated (inaudible – papers shuffling).

Mr. Davis stated that property line has been (inaudible) now as well.

Board Member Bodor stated that's changed up there.

Mr. Davis stated this piece is up behind...

Board Member Bodor stated this is all...This is not here. This is all wrapped around. Okay. Oh, you found it.

Chairman Buzzutto stated alright. Do we have any problem with...Do you have any problem without looking at this, or...

Board Member Herbst stated he's got plenty of room back there.

Board Member Olenius stated it's just the siting of the house on the lot.

Board Member Herbst stated it's right (inaudible).

Board Member Olenius stated but those lots are (inaudible).

Board Member Herbst stated yes.

Board Member Bodor stated where is your septic.

Mr. Davis stated it's off the front of my house.

Board Member Bodor stated the front.

Mr. Davis stated there's also a fairly steep slope there in the front of the house, which is why I didn't consider building on the front.

Board Member Bodor stated did anyone have any input for this application. No, alright. Okay. Alright, I'll make a motion to close the public hearing.

Chairman Buzzutto stated fine.

Board Member Herbst stated second.

Board Member Bodor stated all in favor.

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

Board Member Bodor stated does somebody have a reso down there.

Board Member Olenius stated I don't have them.

Board Member Bodor stated you want to do it or you me to wing it.

Chairman Buzzutto stated okay. You wing.

Board Member Bodor stated I'll wing it.

Chairman Buzzutto stated okay, good.

Board Member Bodor read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Lee Davis, Case #12-10
For Area Variances for an Addition

WHEREAS, *Lee Davis* is the owner of real property located at 734 Route 311 (R-4 Zoning District), also identified as **Tax Map Parcel #13.-2-18, and**

WHEREAS, *Lee Davis* has made application to the Patterson Zoning Board of Appeals for area variances, pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to construct an addition to his home which will consist of a master bedroom, a new kitchen/dining room and a wrap-around deck, and

WHEREAS, §154-7 of the Patterson Town Code requires a 40' side yard setback; Applicant will have 20'; *Variance requested is for 20'*, and

WHEREAS, §154-7 of the Patterson Town Code requires an 80' rear yard setback; Applicant will have 49.5'; *Variance requested is for 30.5'*, and

WHEREAS, the proposed action constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under the State Environmental Quality Review Act (SEQRA), and

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *May 19, 2010* 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 adjoining properties are all wooded and the home is set so far back on the property that it is not visible from the highway where the frontage is.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the home has been placed, when originally constructed, in the far corner of the property.*
3. the variance requested *is* substantial *however it is unavoidable in order to do any type of construction on the existing structure.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because of the fact that the existing residence is set so far back on the property, not visible at all to the highway going across the front of the property, nor to neighbors due to the density of the trees/woods.*
5. the alleged difficulty necessitating the variance *was self created* however *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 *Lee Davis* for *an area variances* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 20' from the 40' required for a side yard setback, and a 30.5' variance from the 80' required for a rear yard setback*, in order to construct an addition to his home which will consist of a master bedroom, a new kitchen/dining room and a wrap-around deck.

Board Member Olenius stated second.

UPON ROLL CALL:

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay.

Board Member Bodor stated that's it.

Mr. Davis stated that's it. Thank you.

Board Member Bodor stated okay. Building permit.

Mr. Davis stated yes.

Board Member Bodor stated okay.

7) JOHN FORIS CASE #13-10

Mrs. Maureen Foris and Mr. John Foris were both present.

The Secretary read the following legal notice:

John Foris Case #13-10 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to remove and replace the existing pre-existing nonconforming front porch and stairs of his seasonal residence. The Applicant wishes to relocate the stairs from the left side to the right side of the porch. The Code requires a minimum side yard setback of 15'; Applicant can provide 13.90'; Variance requested is for 1.10'. This property is located at 374 Lakeshore Drive (RPL-10 Zoning District).

Chairman Buzzutto stated you want to give your name, Ma'am.

Mrs. Maureen Foris stated yes. I'm Maureen Foris and that's my husband John.

Chairman Buzzutto stated okay. Do you swear that...You want to put up your right hand.

Mrs. Foris stated yes.

Chairman Buzzutto stated do you swear that the testimony you provide tonight will be the truth, the whole truth.

Mrs. Foris stated yes, I do.

Chairman Buzzutto stated okay, fine. You heard what was read.

Mrs. Foris stated yes.

Chairman Buzzutto stated is this pretty much...Do you want to sit down, Ma'am.

Mrs. Foris stated no, no.

Chairman Buzzutto stated you can take the mic right off there.

Mrs. Foris stated I don't always wear this [referring to a brace on her knee], but I'm having a knee replaced on Monday.

Chairman Buzzutto stated well, I mean, you can take the mic right off and sit there.

Mrs. Foris stated oh.

Board Member Herbst stated just pull it straight out. That's it.

Chairman Buzzutto stated she's got it.

Mrs. Foris stated and this is my builder.

Chairman Buzzutto stated okay.

Board Member Bodor stated that's your builder.

Mrs. Foris stated yes.

Board Member Bodor stated okay.

Chairman Buzzutto stated alright, fine.

Board Member Bodor stated this is stated as a seasonal home.

Mrs. Foris stated yes. That's correct.

Chairman Buzzutto stated pick up the mic a little bit.

Mrs. Foris stated that's correct.

Board Member Bodor stated what is a seasonal home.

Mrs. Foris stated a seasonal home is whenever you want to use it. We used to always have them up here in Putnam Lake. That you use it more or less for the summer. Like six months from April through October. It doesn't have heat and that's when we use it.

[Mrs. Foris's cell phone was ringing].

Board Member Herbst stated the music sounds good [referring to the cell phone ringing].

Mrs. Foris stated that's one of my daughter's probably calling.

Board Member Bodor stated could we turn that off please when we locate it.

Mrs. Foris stated yes.

Board Member Bodor stated okay. We can go on. So...

Mr. John Foris stated I would if I knew how.

Board Member Bodor stated so it's not used year round.

Mrs. Foris stated no, no. It's not used year round.

Board Member Bodor stated yes. Is there...Do you have water in it.

Mrs. Foris stated oh, yes. We have water.

Board Member Bodor stated okay.

Mrs. Foris stated we have a water heater.

Board Member Bodor stated okay.

Mrs. Foris stated we have hot water. You know, I have to do dishes.

Board Member Bodor stated alright. Okay.

Mrs. Foris stated no. It's a fully livable.

Board Member Bodor stated it's fully livable. But not in the winter.

Mrs. Foris stated not in the winter, no.

Board Member Bodor stated okay.

Mrs. Foris stated we...The house...the property was bought in 1931 by my father-in-law, and...to give you a little bit of a background. And the house was being built in 1934. So, you know, all these variances, we tend to redo the porch and move the stairwell from the back of the house, which the way we always come in, up to the front.

Board Member Bodor stated why are you wanting to make these changes.

Mrs. Foris stated well, because, a lot of ants. You know, the place is starting to fall apart. And the children want the place. And my mother and father-in-law said that the property would become the children's. And we were trying to update it now after all of them all through college and everything and our money is starting to build up. And we like Putnam Lake. I mean, there was so many things. I was the president of the swim team and, you know, I did a lot of things up here. And the kids enjoyed it. They really did. And we want to make it look nice for the community. And we're right on Lake Shore Drive. And that's all I can say about Putnam Lake.

Board Member Bodor stated the existing front porch that you're wanting to replace, is that this screened in porch, or are you referring to the more...just stairs or something.

Mrs. Foris stated no. We're going to redo the whole porch there.

Board Member Bodor stated this whole porch.

Mrs. Foris stated yes.

Board Member Bodor stated okay.

Mrs. Foris stated we're still going to have the frame up.

Board Member Bodor stated yes.

Mrs. Foris stated you know, it's not going to be torn down or anything like that.

Board Member Bodor stated it's a matter of necessity at this point and time. Is that what I'm understanding.

Mrs. Foris stated yes. Yes.

Board Member Bodor stated and you want to flip the stairs from the left side to the right side.

Mrs. Foris stated yes. There was stairs there but they're not there now. And we want to move it to the right side.

Board Member Bodor stated because is that where the driveway is.

Mrs. Foris stated yes.

Board Member Bodor stated and that would make more sense to enter...

Mrs. Foris stated right. Exactly.

Board Member Bodor stated off the driveway.

Mrs. Foris stated yes.

Board Member Bodor stated okay.

Chairman Buzzutto stated you're adding a bathroom.

Mrs. Foris stated yes. Right there. We do have another bathroom in the house. But it's going to be a tub. Not a full bathroom.

Board Member Bodor stated alright, it says add bathroom in the porch. So a part of the porch then is going to become a bathroom.

Mrs. Foris stated right.

Board Member Bodor stated okay.

Mrs. Foris stated it's not going to be a regular tub. It's going to be...really for me. It's going to be a walk-in and walk out.

Chairman Buzzutto stated oh, I see.

Mrs. Foris stated the new ones that are pre...

Board Member Bodor stated one of those new ones.

Mrs. Foris stated yes.

Chairman Buzzutto stated yes. I've seen those advertised...

Board Member Bodor stated yes.

Chairman Buzzutto stated on TV quite a bit.

Board Member Bodor stated we all need them in our house.

Mrs. Foris stated what.

Board Member Bodor stated we all need those in our homes.

Chairman Buzzutto stated this house have a cellar in it or...

Mrs. Foris stated no. No it doesn't. It's on piers. Fieldstone piers.

Chairman Buzzutto stated oh. Oh, yes. I did see the piers.

Mrs. Foris stated yes.

Chairman Buzzutto stated and it's strictly a seasonal, like you say...

Mrs. Foris stated yes it is.

Board Member Bodor stated where do you reside the rest of the year.

Mrs. Foris stated in Long Island.

Board Member Bodor stated wow.

Mrs. Foris stated what do you mean wow.

Board Member Bodor stated well, it's a distance.

Mrs. Foris stated oh, yes.

Board Member Bodor stated yes.

Mrs. Foris stated yes, but a few years ago, it wasn't that kind of a distance. I mean, it was longer.

Board Member Bodor stated sure.

Mrs. Foris stated before [Interstate] 684.

Board Member Bodor stated yes.

Chairman Buzzutto stated do we have any input from the audience on this. Do you want to come up to the microphone, Sir, and give your name.

Doug Munro stated hi. I'm Doug Munro, and I actually live right next door at 380 Lake Shore Drive.

Board Member Bodor stated okay.

Doug Munro stated and I actually have come in support of, you know, their request for the variance. It makes sense. As you had stated, if you're looking from the street, on the left side there was stairs. But they...if they did that, it would go off into the yard. Where if it's on the right side, it goes right off into their driveway. So it wouldn't impinge on our property in any way, because it's just going to go down into, you know, into the driveway. And so I think that if, you know...

Mrs. Foris stated no. It's going to go into like the front.

Doug Munro stated oh. It's going to come out like the actual like front.

Mrs. Foris stated right.

Doug Munro stated even that, you know, I don't... You know, personally as their neighbors, I don't see it as something that's going to either look bad or do something. And actually, I think, makes sense, as opposed to going out on the other side of the house. And then, you know, you'd have to like walk around somehow to get out.

Mrs. Foris stated that (inaudible – too distant) property on that side is really our septic system.

Chairman Buzzutto stated yes.

Mrs. Foris stated that's another reason why we wanted to do it.

Chairman Buzzutto stated thank you for your...

Board Member Burdick stated thank you.

Mrs. Foris stated thank you.

Chairman Buzzutto stated neighbor. Okay. You have anything on it. Do we have any more input from the audience on this. Close the public hearing.

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

Chairman Buzzutto stated all in favor.

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

Chairman Buzzutto stated opposed.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
John Foris, Case #13-10
For an Area Variance for Replacement of the Front Porch

WHEREAS, *John Foris* is the owner of real property located at 374 Lake Shore Drive (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.81-1-8, and**

WHEREAS, *John Foris* 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 the existing front porch and relocate the stairs from the left side of the porch to the right side of the porch, and

WHEREAS, §154-7 of the Patterson Town Code requires a 15' side yard setback; Applicant will have 13.90'; ***Variance requested is for 1.10'***, 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 19, 2010*** 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 it is basically a direct replacement to the existing structure.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because with the addition of the new bathroom, the staircase would have to be relocated anyway.***
3. the variance requested ***is not*** substantial ***due to the fact that it is 1.1'***.
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because there is no expansion of impervious surface.***
5. the alleged difficulty necessitating the variance ***was self created*** however ***is not sufficient*** so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby ***grants*** the application of ***John Foris*** for ***an area variance*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***of 1.10' from the 15' required for a side yard setback,*** in order to replace the existing front porch and relocate the stairs from the left side of the porch to the right side of the porch.

Board Member Burdick stated second.

UPON ROLL CALL:

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated go to the Building...

Board Member Bodor stated you can do it.

Mrs. Foris stated thank you so much.

Board Member Bodor stated yes, you have to be in touch with the Building Department.

Chairman Buzzutto stated good luck to you.

Mrs. Foris stated thank you. I want to show you the original plans.

Board Member Bodor stated they're precious.

Mrs. Foris stated yes. (inaudible – too distant) and then had them done. And this is all the originals. I never saw blue prints before.

Board Member Bodor stated yes, right.

Board Member Olenius stated they're blue.

Board Member Bodor stated you got the...They're really blue.

Board Member Herbst stated yes.

Board Member Bodor stated you have something to hold on to.

Chairman Buzzutto stated got hieroglyphics here.

Board Member Olenius stated it's like a real blue...

Board Member Bodor stated yes.

Board Member Olenius stated blue print.

Mrs. Foris stated how were they done, John.

Board Member Bodor stated very nice.

Board Member Olenius stated very nice. You should frame that and hang it on the wall when you're done.

Mrs. Foris stated oh, I know (inaudible – too distant).

[Laughter].

Board Member Bodor stated hand them onto the kids with the house.

Board Member Olenius stated that's it.

Board Member Bodor stated good luck with your surgery.

Mrs. Foris stated thank you very much.

Board Member Bodor stated you're welcome.

Mrs. Foris stated thank you, Doug.

Doug Munro stated you're welcome.

Chairman Buzzutto stated okay.

Board Member Herbst stated I bet she's going to Somer's Orthopedic. That's where everybody goes. Seven years ago, he told me I needed two knee replacements (inaudible). And I said to them you can do it over the phone, you've got my number call me.

Chairman Buzzutto stated okay.

8) **WILLIAM MARTIN CASE #14-10**

Mr. William Martin was present.

The Secretary read the following legal notice:

William Martin Case #14-10 – Area Variances

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to demolish his existing one-car garage and construct a two-car garage with attic storage. The Code requires a minimum side yard setback of 15'; Applicant will have 4'; Variance requested is for 11'. The Code also requires a minimum rear yard setback of 25'; Applicant will have 12'; Variance requested is for 13'. The Code requires lot coverage to be no more than 12%; Applicant will have 40%; Variance requested is for 28%. This property is located at 41 South Street (R-1 Zoning District).

Mr. Williams Martin stated good evening. Bill Martin. 41 South Street.

Chairman Buzzutto stated okay. You swear the testimony you provide tonight will be the whole truth.

Mr. Martin stated yes I do. I have some pictures.

Board Member Bodor stated we like pictures.

Mr. Martin stated they're not as nice as what I've seen people present. I'm not a photographer.

Board Member Bodor stated this is the existing.

Mr. Martin stated this is existing. In fact, they're really bad pictures.

Board Member Bodor stated are you trying to say that it's a low opening.

Mr. Martin stated that's why I stood right in front of it, yes [referring to a picture].

Board Member Bodor stated that's the one I was looking at.

Mr. Martin stated I don't know whether it was an overgrown shed or a really small garage, but it was built in 1954 and I couldn't see them putting one of those big cars back then in there because it would have never fit in there. In the rear...On the side of the rear of the building there, I dug down to check the footing...the foundation. It's all stone.

Board Member Bodor stated stone...

Mr. Martin stated if you really look at that picture, you'll see the block is falling down in that area. And I also dug it so Harry Nichols could see what was down there. So I couldn't...I can't use it. I would need to do a whole new footing and foundation.

Chairman Buzzutto stated where on South [Street] exactly is this.

Mr. Martin stated where.

Chairman Buzzutto stated yes.

Mr. Martin stated number 41. It's on the right side about half way down. Kathy Petty, the blue house and then mine. It's white vinyl siding.

Mrs. Ann Martin stated it's just before the second stop sign.

Mr. Martin stated two of them.

Board Member Olenius stated did we look at your house a few years ago for something. No.

Chairman Buzzutto stated is that near Dwyer's.

Mr. Martin stated yes, it's probably about 5 or 6 houses down from there.

Chairman Buzzutto stated oh. Down going towards the school.

Mr. Martin stated yes.

Chairman Buzzutto stated okay.

Board Member Bodor stated

Mr. Martin stated the circle there is my house [referring to an aerial shot of the street]. But all the X's are garages that are existing on the block.

Board Member Bodor stated the circle is your garage.

Mr. Martin stated yes.

Board Member Bodor stated yes.

Mr. Martin stated and where the little X's are, are the neighbor's garages.

Board Member Bodor stated right.

Mr. Martin stated some of those garages are bigger than my house. They're huge. They're probably...

Board Member Bodor stated your house goes up though.

Board Member Herbst stated what do got, three stories here.

Board Member Bodor stated three stories. They put some dormers in there.

Mr. Martin stated the attic, there's storage. I did that maybe 6 years ago...7 years ago. That house is approximately 200 years old. It had two closets in it.

Board Member Bodor stated you were before us to...

Mr. Martin stated 6, 7 years ago.

Board Member Bodor stated yes, right.

Mr. Martin stated we solved that problem. Now I need to solve the junk in my yard; that's my problem. That's with the ladders.

Board Member Bodor stated alright, you want to put a two car garage out...

Mr. Martin stated several cars.

Board Member Bodor stated two car garage, correct.

Mr. Martin stated yes.

Board Member Bodor stated with storage up above.

Mr. Martin stated yes.

Board Member Bodor stated just storage. Never to be used as a residence.

Mr. Martin stated no. No.

Board Member Bodor stated that will be stipulated if I have my way and it goes through, too.

Mr. Martin stated there will be no residence there, trust me.

Board Member Bodor stated okay.

Chairman Buzzutto stated you're going to take this one down, right.

Mr. Martin stated that's got to come completely down. Everything has to come out. It's...

Chairman Buzzutto stated it don't look too stable.

Mr. Martin stated it's rotten.

Chairman Buzzutto stated the blocks.

Mr. Martin stated it's fieldstone foundation. And that won't sit well with me. That would need to come out. There will be nothing up there. That will be just raw storage.

Chairman Buzzutto stated that looks like the cement block is kind of coming through.

Mr. Martin stated yes. I haven't done anything with it. I've focused on the house for past 14 years and I'm in good shape right there. But the garage is a big, sore thumb and something needs to be done with it. So instead of repairing what I have, which is not in any...It's not useful for us at all.

Chairman Buzzutto stated okay.

Mr. Martin stated I figured I'd do a two car. Which we have five cars; three kids, two adults.

Chairman Buzzutto stated this is the garage.

Mr. Martin stated yes. That's going to be the new one, yes.

Board Member Bodor stated and here's the old.

Mr. Martin stated I've done several houses on South Street; Remodeled. Did the exteriors on them and some of the interiors. And a lot of porches I've redone also, up and down the street.

Chairman Buzzutto stated so you're actually going to build this garage yourself.

Mr. Martin stated oh, yes.

Chairman Buzzutto stated I see Martin's garage, I thought maybe it was coming from Martin's...

Mr. Martin stated no. This is Bill Martin.

Chairman Buzzutto stated yes, but...

Mr. Martin stated Martin's Sheds, no.

Chairman Buzzutto stated Martin Shed up in Dover or...

Mr. Martin stated it's up on [Route] 22.

Chairman Buzzutto stated yes.

Mr. Martin stated I guess that's Pawling area. I think that's what we have already there. An oversized shed. It is 14' x 24'. I want to make it 24' x 24', so I would add 10' on the sides, straight back to 24'.

Chairman Buzzutto stated and what size garage door are you going to have there. Are they going to be bigger than what you have there now.

Mr. Martin stated well, right now, I just barely...I can almost...

Chairman Buzzutto stated you're talking about...

Mr. Martin stated if I got a haircut, I'd brush my hair right on the top of the garage door.

Chairman Buzzutto stated but I mean the width is going to be...

Mr. Martin stated the width is twenty...Is 24' x 24'. That's approximately the average size of a two car garage.

Chairman Buzzutto stated (inaudible).

Mr. Martin stated what. No. I can make it. Is there one door on there.

Chairman Buzzutto stated no, it's got two doors.

Mr. Martin stated yes.

Board Member Olenius stated what's the size of the existing garage.

Mr. Martin stated it is 14' x 24'. That little...There's some T1-11 on the side that I put there because that was built with maybe a 4' overhang on it. I just have my rakes and shovels in there. But that's all out. Would that make a difference, one door or two doors. I don't care which one I have.

Chairman Buzzutto stated no, no.

Board Member Olenius stated no. He's just asking.

Chairman Buzzutto stated no, I don't think so, I just...

Board Member Olenius stated I have one question for you. You're sticking to the existing side yard setback but you're going closer to the rear yard setback, I'm guessing, because of the set of stairs you're doing from the rear.

Mr. Martin stated yes. And that isn't set in stone. I could put it on the side. I just figured I'd put it in the back, nobody would see it.

Board Member Olenius stated I'll tell you where I'm coming from. I don't really have a problem, you know, you're not going over what you have existing right now...

Mr. Martin stated yes.

Board Member Olenius stated with the way it is, so in my mind I'm thinking why can't you put the stairs from the inside or from the side or something different to kind of stick with the side line so that, you know...Obviously they're not compliant now, but...

Mr. Martin stated right.

Board Member Olenius stated this way you're not encroaching anymore than you currently are, other than mass, you know.

Mr. Martin stated yes. I understand what you're saying. When you put stairs inside a garage it cuts it down substantially. Especially going way back. When you have a set of stairs...

Board Member Olenius stated oh, I don't deny that, but you're doubling what you have currently.

Mr. Martin stated yes. Yes.

Chairman Buzzutto stated but if you put stairs in, wouldn't that...

Board Member Olenius stated you know what I mean.

Chairman Buzzutto stated interfere bringing a car in.

Mr. Martin stated sure.

Chairman Buzzutto stated that particular side. I mean...

Mr. Martin stated inside.

Chairman Buzzutto stated to get a car in there if there's stairs...

Mr. Martin stated you can get a car in there, sure. I'm just...

Chairman Buzzutto stated alright.

Mr. Martin stated just cutting down on other space.

Chairman Buzzutto stated what's on the other side. What would be the difference in the variance would be needed.

Board Member Olenius stated no. It would just increase from what's already there. Already the garage...He's not increasing this side line, or this side line. These stairs are increasing his rear setback. So that's why I said the stairs move to the inside or the side.

Board Member Bodor stated why not on the side. On...

Mr. Martin stated oh, I can put them on the side. I don't care.

Board Member Olenius stated you know what I mean, you wouldn't increase...

Mr. Martin stated I really just don't want to put on the inside.

Chairman Buzzutto stated this way so if you put them there...

Mr. Martin stated really, really...

Board Member Bodor stated I understand that.

Board Member Olenius stated what's there is not compliant.

Chairman Buzzutto stated yes.

Board Member Olenius stated it would just increase what is already there.

Mr. Martin stated I'd have to put like a dormer on the side of the garage and walk in that way; up the side and then walk in. That's not such a big deal. If it's a big deal with the stairs in the back, I don't care, I'll just put them on the side.

Board Member Bodor stated if I were doing this, I would rather have an exterior staircase where I could see it for security reasons. This is out in the back, you know, on the backend there.

Mr. Martin stated yes. There's two cops behind me.

Board Member Bodor stated yes. But that's kind of hidden from view back there.

Mr. Martin stated yes.

Board Member Bodor you put them on your, you know, on the side, not on the outside edge here, but into your backyard which you...It would take up some more of your backyard.

Mr. Martin stated yes.

Board Member Bodor stated but to me, it would make almost...It would make more sense to me.

Mr. Martin stated okay.

Board Member Bodor stated it would be preferable.

Mr. Martin stated I'm not worried about security at all.

Board Member Bodor stated because that's way out in the back.

Mr. Martin stated it's not a security issue with me.

Chairman Buzzutto stated it's better to have it on the inside taking up...

Mr. Martin stated I don't want it on the inside at all. It's just...

Chairman Buzzutto stated yes.

Mr. Martin stated really kills the entire space. You want me to put them on the side I will. I mean if I have to, I'll put a fireman's pole in there.

Board Member Olenius stated no, it's not that. I don't want you to not be able to access it. I just...

Mr. Martin stated it's much easier to go into the rear gable end of the house, have access to...the garage.

Board Member Bodor stated okay.

Board Member Olenius stated I understand where you're coming from.

Mr. Martin stated there's more...

Board Member Bodor stated okay. I hear what you're saying now.

Mr. Martin stated there's more involved.

Board Member Bodor stated because of the pitch.

Mr. Martin stated yes.

Board Member Bodor stated yes. Okay.

Board Member Olenius stated can you move the existing structure forward 4' instead, so you don't increase the rear setback.

Mr. Martin stated could I move it forward.

Board Member Bodor stated I see that.

Mr. Martin stated I probably could.

Board Member Olenius stated I just have a hard time where you're already tight to the line, you know, you're already noncompliant. Now you want to increase it that much more. You know.

Mr. Martin stated well, okay. What I'm trying to say here is...Most of the garages, if you look at them, they'll be in the back of...It's pre-existing. But all the garages have them coming up in the back, if you want to take a look. I'd really like to have it in the rear gable end if it's possible. If it's not, I'll put it on the side.

Board Member Bodor stated I didn't think about...

Mr. Martin stated yes.

Board Member Bodor stated the rafters. Because then that would require...If you went up the side, a dormer type thing...

Mr. Martin stated yes.

Board Member Bodor stated yes. I see that.

Mr. Martin stated it's more money.

Board Member Bodor stated I see that.

Mr. Martin stated there's more building, more time.

Board Member Bodor stated okay.

Mr. Martin stated valleys; it's something else to leak...

Board Member Bodor stated that thought never occurred to me, but I see it.

Mr. Martin stated yes.

Board Member Bodor stated looking at this now. When you said it, a the light bulb went off so...

Mr. Martin stated yes.

Board Member Bodor stated okay. But you could move it forward. We have to look at, you know, if we're going to grant a variance, the least amount of impact.

Mr. Martin stated I see what you're saying.

Board Member Bodor stated okay. So that's why Lars is asking you if you can bring it forward. It would diminish that rear...

Mr. Martin stated yes.

Board Member Bodor stated rear yard...

Mr. Martin stated I understand what you're saying exactly.

Board Member Bodor stated variance.

Mr. Martin stated if you look at that driveway, it's all uphill. Where the drive...Where the garage sits now, it's on the only flat spot of property on there. It goes up and then it levels out right at the garage. If I come up 4', I'm on this already.

Board Member Olenius stated oh.

Mr. Martin stated I have to...I'm going to redo the driveway all the way to the street then, get some different pitch. I mean, that would probably require another variance maybe. Redo the driveway, dig it up, and re-blacktop and re-pitch it. And then we're going to have drainage problems there.

Chairman Buzzutto stated well, then it's not practical to do that then. That...

Mr. Martin stated not really.

Chairman Buzzutto stated not really.

Mr. Martin stated it's actually in a perfect spot because the driveway is on a hill. My house...excuse my [cleared his throat]. My house and the two houses going towards [Route] 311 are up on this knoll. Everybody else is flat. Funeral home, all the way that way, is flat. And then down towards Rick Saracelli's, that's all flat down there. I happen to be up on a big piece of limestone there. Which is going to be expensive because we have to get some of that out of there.

Board Member Bodor stated now your existing garage is when you look at the proposed garage, is this the left hand side looking out at...Is that the footprint of the existing.

Mr. Martin stated yes.

Board Member Bodor stated that's the existing over here on this side.

Mr. Martin stated yes.

Board Member Bodor stated and then you're adding over there.

Mr. Martin stated yes.

Board Member Bodor stated okay.

Mr. Martin stated I'm adding...I want to add 10'. It's actually...

Board Member Bodor stated it's all on...

Mr. Martin stated 14' already...

Board Member Bodor stated the same side. Yes.

Mr. Martin stated wide.

Board Member Bodor stated I realize that.

Mr. Martin stated okay. Yes.

Board Member Bodor stated but the...

Mr. Martin stated that's...

Board Member Bodor stated existing footprint is that. Okay.

Mr. Martin stated exactly.

Board Member Bodor stated Lars, can I see that aerial view.

Chairman Buzzutto stated preferably, you would prefer the garage actually where it is now but just...

Mr. Martin stated sure. Yes.

Chairman Buzzutto stated I mean, it would be less expensive for you.

Mr. Martin stated oh, by far. By far.

Chairman Buzzutto stated yes.

Mr. Martin stated I want to take out the stone that's already there. The existing stone foundation, which doesn't have any footing to it whatsoever. I don't want to leave any of that in there. It's old and rotten and...

Chairman Buzzutto stated yes.

Mr. Martin stated so if I stay on the footprint that's already there, I'll get all that out and I won't have to do anything to the driveway if I move it 4' closer, because like I said, it's just at the crest where the driveway sits now.

Board Member Bodor stated how wide is that staircase planned to be.

Mr. Martin stated it's probably going to be...It's got to be at least 3'. I don't know what Harry Nichols has down even if they have the size of it.

Board Member Bodor stated there's a scale here but...

Mr. Martin stated it would be no more than 4' wide. I don't think it's 4'. I think it's 36'; 3 feet. I wouldn't want to make it bigger than 3'. Four feet is just a waste of lumber.

Board Member Olenius stated this property behind you is in the newer subdivision.

Mr. Martin stated yes. That's the whole new subdivision back there.

Board Member Olenius stated okay.

Mr. Martin stated those houses are quite a ways away from the property lines. And there's also the 20' easement and another 20' easement. One for the Town and then one for the...I think it's drainage water back there. So there's 40' before I get to the neighbor's property.

Board Member Olenius stated oh.

Mr. Martin stated you actually own...the Town does, the first 20'.

Board Member Olenius stated for a road or...

Mr. Martin stated it's above...No. It's just a buffer. That was one of the stipulations in...before they built the houses back there.

Chairman Buzzutto stated we don't have any input back there, do we.

Board Member Bodor stated does anyone have any...

Mr. Martin stated those back there, they're going to say "yay" [referring to his family].

Chairman Buzzutto stated nay.

Mr. Martin stated including Rich.

Board Member Olenius stated what was the purpose of that buffer Mr. Williams. Just for...

Rich Williams stated within the Dorset Hollow and (inaudible) subdivision, there were two...

The Secretary stated hold on [referring to the tape ending].

TAPE ENDED

Rich Williams stated two easements adjacent to the residential properties along South Street. First one is a 20' conversation easement to maintain the vegetated buffer between the two developments. The second one was a waterline easement.

Board Member Olenius stated okay. Thank you.

Chairman Buzzutto stated I don't see a problem with it.

Board Member Bodor stated I'm okay.

Chairman Buzzutto stated with the staircase on the ...

Board Member Bodor stated back.

Chairman Buzzutto stated on the back, yes.

Board Member Bodor stated yes.

Board Member Olenius stated I was unaware of the easement.

Chairman Buzzutto stated and use the same footprint.

Board Member Bodor stated yes. The proposed plan looks alright.

Chairman Buzzutto stated yes. With the staircase on the...

Mr. Martin stated exactly.

Chairman Buzzutto stated okay.

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

Board Member Burdick stated second.

Board Member Herbst stated second.

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

Chairman Buzzutto stated opposed. Okay.

Board Member Bodor stated okay. Lars, are you ready to go or not.

Board Member Olenius stated no.

Board Member Bodor stated alright. I'll do it.

Board Member Bodor read the following resolution:

IN THE MATTER OF THE APPLICATION OF
William Martin, Case #14-10
For Area Variances for a Two-car Garage with Storage

WHEREAS, *Williams Martin* is the owner of real property located at 41 South Street (R-1 Zoning District), also identified as **Tax Map Parcel #3.20-2-6, and**

WHEREAS, *William Martin* has made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to demolish the existing one-car garage and construct a two-car garage with attic storage, and

WHEREAS, §154-7 of the Patterson Town Code requires a 15' side yard setback; Applicant will have 4'; ***Variance requested is for 11'***,

WHEREAS, §154-7 requires a 25' rear yard setback; Applicant will have 12'; ***Variance requested is for 13'***,

WHEREAS, §154-7 requires not more than 12% impervious surface coverage; Applicant will have 40%; *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 *May 19, 2010* 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 existing garage is in poor repair and to have t demolished and replaced with a new structure will improve the neighborhood.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the property is a small parcel. Pre-existing structures exist there, and there is no way a two-car garage can be placed any place else on that property.*
3. the variance requested *is* substantial *due to the small size of the parcel and the relatively small backyard where a garage should be placed.*
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 plan is to replace a much older structure which is no longer useful for its designated purpose.*
5. the alleged difficulty necessitating the variance *was self created* however *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 *William Martin* for *area variances* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 11' from the 15' required for a side yard setback, and a 13' variance from the 25' required for a rear yard setback,* and

BE IT FURTHER RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *William Martin* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, *of 28% impervious coverage from the 12% required,* in order to demolish the existing one-car garage and construct a two-car garage with attic storage.

Condition going with this resolution is that:

1. The attic storage always remains attic storage, never converted for habitation by human beings.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Mr. Martin stated thank you.

Chairman Buzzutto stated okay.

Board Member Bodor stated you're welcome.

Mr. Martin stated I'm going to bring a 200 year old garage up-to-date, and the garage is the last thing. And I thank you very much.

Board Member Bodor stated you're welcome.

Chairman Buzzutto stated good luck.

Mr. Martin stated thank you. Good night.

Board Member Olenius stated have a good night.

Board Member Bodor stated good night.

9) OTHER BUSINESS

Chairman Buzzutto stated site walk.

Board Member Herbst stated now, we got to vote on the minutes or something.

Board Member Bodor stated we've got two site walks to do.

Board Member Herbst stated we've got to approve the minutes and then setup two site walks, right.

Board Member Burdick stated and reschedule the meeting for next month.

Board Member Bodor stated we have a request to reschedule the June meeting. Look at that, too.

Board Member Herbst stated we've got to reschedule the June meeting did you say.

Board Member Bodor stated yes.

Board Member Burdick stated if possible, yes. I would appreciate it.

Board Member Herbst stated alright.

a) Minutes

Board Member Bodor stated okay. Did we have minutes.

The Secretary stated March 22nd. The special...

Board Member Bodor stated yes.

Chairman Buzzutto stated was that [Winding] Glade.

Board Member Olenius stated yes.

Board Member Bodor stated yes.

Chairman Buzzutto stated we've got Glades.

Board Member Bodor stated I'll make a motion to accept the minutes as presented.

Board Member Olenius stated I'll second it.

Board Member Bodor stated all in favor. Motion carried by a vote of 5 to 0.

Board Member Bodor stated okay.

Chairman Buzzutto stated object. Nobody.

b) Site Walks

Board Member Bodor stated alright, now...

Chairman Buzzutto stated site walk.

Board Member Bodor stated there's two site walks.

Chairman Buzzutto stated okay. I'm available anytime. Myself, I don't know about...

Board Member Olenius stated for the record, I like this up here without the tree [referring to the dais]. It gives me a little more room.

Board Member Bodor stated oh, the tree is gone.

Rich Williams stated Mary D'Amico was very upset.

Chairman Buzzutto stated let's see. The site walks was for (inaudible).

Board Member Olenius stated O'Mara Realty and Elder Arias. They can probably be done in the same night.

Board Member Herbst stated are we going to do them the same night.

Board Member Olenius stated yes. It's right on...

Board Member Herbst stated okay.

Board Member Olenius stated by Ballyhack [Road]. It was right (inaudible).

Board Member Bodor stated yes. They both are relatively close.

Board Member Herbst stated alright. So we got to pick a night.

Board Member Olenius stated name it. You got a full book out there. Got any suggestions.

Board Member Burdick stated for me, in June sometime because I'm not going to be available next week.

Board Member Herbst stated June is good for me, too.

Board Member Bodor stated good. Let's go to June.

Board Member Olenius stated I can tell you off the top of my head that June 3rd and June 7th are both bad days. Other than that, it's all fine.

Board Member Herbst stated what days are those of the week.

Board Member Bodor stated Thursday and Monday.

Board Member Herbst stated Thursday and Monday.

Board Member Bodor stated in that order.

Board Member Olenius stated what's good for you girls in June.

Board Member Bodor stated those first two weeks are pretty open for me.

Board Member Herbst stated you have nothing open.

Board Member Bodor stated they are open.

Board Member Herbst stated oh.

Board Member Bodor stated so I'm pretty flexible. Are Tuesdays okay for people, or no.

Board Member Burdick stated the first...June 1st.

Board Member Bodor stated the first.

Board Member Herbst stated in June.

Board Member Bodor stated June 1st.

Board Member Herbst stated yes. Tuesday...

Board Member Bodor stated it's a Tuesday.

Board Member Herbst stated yes. Tuesday's okay for me in June. Not May but June is.

Board Member Bodor stated alright. So let...Our first choice then would be Tuesday the 1st.

Board Member Olenius stated at 5:15 [p.m.].

Board Member Herbst stated Tuesday...

Board Member Bodor stated 5:15. Should we do Old Road, whatever that is, the first.

Board Member Herbst stated six, one...

Board Member Olenius stated that's fine. Whatever works.

Board Member Herbst stated at 5:15.

Board Member Bodor stated you could hit it easier then over in the lake.

Board Member Herbst stated 5:15. Now which one are we going to first.

Board Member Burdick stated it doesn't matter. I can get there by... I mean, if I'm a couple minutes, you're there. You know...

Board Member Herbst stated alright. So which one are we going to first.

Board Member Bodor stated the Old Road piece.

Board Member Olenius stated O'Mara.

Chairman Buzzutto stated Old Road.

Board Member Bodor stated O'Mara.

Board Member Herbst stated O'Mara. Okay.

Board Member Bodor stated we'll do that one at 5:15ish.

Board Member Burdick stated yes.

Board Member Bodor stated and then we'll just proceed there over to Dryden [Road]. Now, our alternate...

Board Member Olenius stated Dryden 6 [o'clock] I'd say.

The Secretary stated okay.

Board Member Olenius stated I don't think...O'Mara shouldn't take that long.

Board Member Burdick stated no.

Board Member Olenius stated right.

Board Member Bodor stated no.

Board Member Olenius stated maybe a half hour. So, we could probably...Sarah could tell Dryden [Road] 6 o'clock probably. Because...

Board Member Bodor stated yes. Well, he's in the house anyway, so...

Board Member Olenius stated 15 minutes travel time...

Board Member Bodor stated yes.

Board Member Olenius stated that's plenty.

Chairman Buzzutto stated that one...

Board Member Bodor stated the earliest, 6:15.

Board Member Herbst stated alright. O'Mara is the first one.

Chairman Buzzutto stated first one. That's just the property, right.

Board Member Bodor stated yes.

Board Member Herbst stated site walk, first one.

Chairman Buzzutto stated yes.

Board Member Bodor stated alright. And the alternate day...

Board Member Herbst stated and Arias...

Board Member Bodor stated just in case the weather is bad.

Chairman Buzzutto stated the second one. Who's the guy at the second one there.

Board Member Olenius stated Elder Arias, number 6.

Board Member Bodor stated the 2nd is the next day, as an alternate. How's that.

Board Member Herbst stated the 2nd is okay with me. Everybody else.

Board Member Bodor stated okay.

Chairman Buzzutto stated June 2nd.

Board Member Bodor stated June 2nd. That's our number two date, just in case. Okay.

Board Member Olenius stated sounds good.

Board Member Bodor stated alrighty.

Chairman Buzzutto stated alright.

c) Reschedule June and August Meetings

Board Member Bodor stated alright. And for our June meeting.

Chairman Buzzutto stated oh, we have to change that for...

Board Member Bodor stated if we can, Marianne would like it because she has...

Chairman Buzzutto stated why not.

Board Member Bodor stated an event to attend that night.

Chairman Buzzutto stated sure. She deserves.

Board Member Bodor stated I think so. So when are we looking...When can we look at.

Chairman Buzzutto stated any day for me.

Board Member Bodor stated not any day. When is this room available or not. I don't know. When does the Town Board meet.

The Secretary stated the second and fourth Wednesday.

Board Member Bodor stated second and fourth, okay.

Board Member Herbst stated O'Mara is 422, right.

Board Member Burdick stated Lars, you would prefer to stay away from that week, right. So you don't want to go like the 15th or the 14th.

Board Member Olenius stated earlier in the week would be better honestly...

Board Member Burdick stated okay.

Board Member Olenius stated than later.

Board Member Bodor stated Monday the 14th.

Board Member Burdick stated so we can do Monday the 14th, would be okay.

Board Member Olenius stated yes.

Board Member Burdick stated is there anything in here on Mondays.

Board Member Herbst stated what are we talking about.

Board Member Bodor stated for our June meeting.

Board Member Olenius stated does that affect the...

Board Member Bodor stated Monday, June 14th, as opposed to Wednesday the 16th.

Board Member Herbst stated that's fine with me. That's a Monday then.

Board Member Bodor stated that's a Monday.

Board Member Herbst stated that's fine.

Board Member Bodor stated does that sound like a bad day.

Board Member Olenius stated that doesn't affect noticing because it's moving it up instead of back.

Board Member Herbst stated no, 24 is over by then.

Board Member Burdick stated so it that okay.

Rich Williams stated set it.

Board Member Bodor stated we can shoot...

Rich Williams stated we'll look it.

Board Member Burdick stated okay.

Board Member Bodor stated we can shoot for the 14th.

Board Member Burdick stated well if not, the 15th. Do we want to do an alternate. Is...

Board Member Bodor stated yes. That would work. 14th...

Board Member Burdick stated did you...When did you say the Town Board meets.

The Secretary stated Wednesdays.

Board Member Burdick stated oh.

Board Member Bodor stated the second...

The Secretary stated the second and fourth.

Board Member Bodor stated second and fourth. So the 14th, and if we can't do that, the 15th. Is that alright.

Board Member Olenius stated that's fine by me.

Board Member Bodor stated okay.

Board Member Herbst stated June...

Chairman Buzzutto stated question mark on that.

Board Member Bodor stated and Sarah will check on that and get back to us.

The Secretary stated yes.

Board Member Herbst stated 14th.

Board Member Olenius stated while you calendars are out, I don't know if it matters to you, but August 18th, I won't be available. I don't know if you guys want to look that far ahead right now or not, but I'm gone the 14th through the 28th. Bringing Chuckles back to school, so...

Board Member Herbst stated alright. Where are we going to meet for the site walk. At O'Mara's.

Board Member Bodor stated O'Mara.

Board Member Herbst stated okay.

Board Member Bodor stated well, we can look at, too, August.

Board Member Olenius stated thinking about that. I'm just throwing that out there.

Board Member Bodor stated okay. I am not available from the 6th to the 16th.

Board Member Herbst stated this is for when.

Board Member Bodor stated August.

Board Member Herbst stated August.

Chairman Buzzutto stated well, the meeting is when. The...

Board Member Bodor stated should be the 18th.

Chairman Buzzutto stated the 18th. Okay.

Board Member Bodor stated right. So, we'll work around that.

Board Member Burdick stated so that leaves either the first week or the last two days.

Board Member Bodor stated so what works for everybody.

Board Member Burdick stated either. I mean, that's fine for me.

Board Member Olenius stated should we just leave it right now for you to look into late August and see what's available, knowing that I'm coming back on the 28th.

Board Member Burdick stated on the 28th you're coming back.

Board Member Olenius stated that's when I'm coming back.

Board Member Burdick stated so you'd want to shoot for the 30th or 31st.

Board Member Olenius stated that's fine by me.

Board Member Herbst stated what day is it.

Board Member Olenius stated the 28th.

Board Member Burdick stated Saturday.

Board Member Bodor stated Saturday.

Board Member Olenius stated I want to make sure I have it right. Now I'm getting nervous.

Chairman Buzzutto stated okay. Solved.

Board Member Herbst stated let me get my jacket.

Board Member Bodor stated alright. Sarah's going to look about August...availability. Okay.

Board Member Herbst stated we need a motion to end the meeting.

Board Member Bodor stated yes. Would you like to...

Board Member Herbst stated I make a motion we end the meeting.

Board Member Olenius stated second.

Chairman Buzzutto stated all in favor.

Board Member Bodor stated all in favor. Motion carried by a vote of 5 to 0.

Meeting was adjourned at 9:55 p.m.