

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
June 14, 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
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**Zoning Board of Appeals
June 14, 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, Carl Lodes, Attorney with Town Attorney’s Office Curtiss & Leibell and Rich Williams, Town Planner.

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

There were approximately 15 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	-	absent
Chairman Buzzutto	-	here

Chairman Buzzutto stated we have one absent tonight on the ZBA. Lars will be out. Okay, you want to read the...How come I can never find this.

Board Member Bodor stated it’s right behind the agenda.

Chairman Buzzutto stated alright.

1) WIRELESS EDGE CASE #22-07

Mr. Neil Alexander, Cuddy & Feder, and Mr. Jon Arthur, Wireless EDGE were both present.

The Secretary read the following legal notice:

NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS of a public hearing to be held on Monday, June 14, 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; Held over from the November 26, 2007, January 29, 2008, February 26, 2008, August 25, 2009, October 28, 2009, December 15, 2009 and May 19, 2010 meetings

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 thank you. Representatives for Wireless.

Mr. Neil Alexander stated yes.

Chairman Buzzutto stated okay.

Mr. Alexander stated good evening, Chairman. Just for the record, my name is Neil Alexander. I'm a partner at the law firm of Cuddy & Feder. Also with me here tonight is Jon Arthur, a principal at Wireless Edge. I have one more green card for you [referring to the mailing for Planning Board]. I know our office had sent you in a whole bunch on, I think, June 9th. As was read tonight, we've been at this since I guess November of '07 was the first time this was a public hearing on this application. And I think where we are, as you may or may not know, is that the Planning Board adopted a SEQR negative declaration we got 10 days ago, discharging the environmental impact review, concluding that there was no adverse impact with the project as proposed. Over the course of time, I think we were last in front of you...Or actually, to go back in the 6 months, we've gone over a lot of different issues with you all in the context of the use variance, the various area variances. We've had a few balloon tests, some site visits and so forth. And I think we've tried to address as many of your concerns as possible. And we look forward to coming to a conclusion with your Board very shortly, and are here to address any concerns you may have at this time that are still lingering.

Chairman Buzzutto stated are there any big changes made from the original application from Garland Road to...

Mr. Alexander stated no. There are no major changes proposed. Some of the tweaks are that we took the fence compound down from 10,000square feet to 8,800square feet by taking out, I guess, what would be

the southeast corner. When we were in the field you saw that area dropped off more quickly than other areas, so we reconfigured the actual fence compound to be a little smaller. We moved the gate back, so it's now sitting 68 lineal feet back from Garland Road...Excuse me. From the beginning of our property. We did that in order to make sure that even if more than one car or SUV that acts as a maintenance vehicle pulled in, during the time that they were actually getting out of their car, unlocking the gate to go through, they would be pulled into the site and that there wouldn't be any chance of them pulling in, even if 2 or 3 of them showed up at the same time on Garland Road. We also upgraded the aesthetic of that gate. It's now got a little bit of a quail motif, and we can show you that. So it's to give it a little more. We went through, and the Town Engineer and Town Planner have both written memos...or actually I should say Town Engineer memo about the dialogue between the Town Engineer and the Town Planner, that they're satisfied with the stormwater issues, in the sense that our proposed woods road as graveled will not any additional stormwater practices beyond what we've shown. And I think, you know, like we said, we have talked about on many occasions before, 145' is the top of the pole. Our antennas that we're proposing for our commercial carriers would be below that. We have left not...Design room, structurally, for the pole, to put municipal or other emergency responders at the top. And we had anticipated from other experience in the industry that that could crest all the way up to 154'. And those would be whip antennas. So those are only, usually, you know, 2-3" in diameter, has been our experience. I think that's...those are the primary...

Chairman Buzzutto stated and what's that, like for fire departments and police.

Mr. Alexander stated exactly. Exactly. Or EMS or things of that sort. And we're just making that available. We're not saying you have to use it, but if there are first responders, you know, whether it's in the Town or County wide, that would like to take advantage of that, we would make it available.

Chairman Buzzutto stated well, that would be available to the fire department...

Mr. Alexander stated yes.

Chairman Buzzutto stated police, emergency, so forth.

Mr. Alexander stated exactly. Exactly.

Chairman Buzzutto stated okay.

Mr. Alexander stated I think those are...Am I missing anything, Jon, that you can think of.

Mr. Jon Arthur stated I think that's about it.

Mr. Alexander stated those are the...those are pretty much all the changes, actually, I think at this point.

Chairman Buzzutto stated okay. But the height of the monopole...Now this is a monopole. Is that what the original was.

Mr. Alexander stated yes. It's always been proposed as a brown...I think the color we've often referenced...

Chairman Buzzutto stated yes.

Mr. Alexander stated is Turkish coffee, is the color of the monopole.

Chairman Buzzutto stated and these amplifiers, or what, will all be inside.

Mr. Alexander stated actually, not in this case.

Chairman Buzzutto stated not in this case.

Mr. Alexander stated in going back and forth with you all and with the Planning Board, what we had talked about was we would have to go much higher. Let me just put up one board that will help me sort of explain this more readily [referring to plans]. Just the elevation. So we were...In order to make it available for six carriers...We already have agreements in place for T-Mobil and Clearwire. For the other carriers, for example, let's say AT&T, Verizon, Sprint, Nextel, Metro PCS, who are other carriers all in the marketplace, they all employ and have licenses from the FCC for several frequencies. So if you were trying to put all these six carriers inside, you would probably have to make the tower close to 60' taller.

Chairman Buzzutto stated oh.

Mr. Alexander stated so we thought that given the remote location of this that when we did the visual, and we can show you that again because it's probably been a few months since you've seen it, the most clear view that we thought that you could see, these were views that were 2/3 to a mile and a half away. And we said given how remote the location is and the way that, you know, for a large part of the recreation life on the Lake facing south, not north, to look at the tower, we thought that the better answer was to use full 12 antenna arrays at each of these six levels in order to, you know, foreclose the need to go any higher. So it was a trade off, and we thought it was the better...the better answer was to have a shorter pole with a little more girth than it would be to have a substantially taller pole.

Chairman Buzzutto stated well, I'm sure everybody over in the Lake don't have the same company. Have you been approached by other cell tower manufacturers or...

Mr. Alexander stated so far we've been approached by two. We've had...We know other carriers are looking to self-satisfy their needs and they're looking around the Lake right now. We would be confident, were this to get approval in the next month or two, we have a feeling that they would very quickly move over to our facility. We're very confident that our facility will satisfy everybody's need around the Lake. We've had...The computer modeling that we've seen is very robust, and shows that the Lake is, you know, amply covered, and that we're confident that the other carriers would want to use our tower especially, you know, if it's fully approved. If it's something that's lingering, they may look to build their own towers.

Chairman Buzzutto stated yes. Well, coverage now will be a lot better reception and...

Mr. Alexander stated much better.

Chairman Buzzutto stated less...fewer dropped calls and so forth.

Mr. Alexander stated all around the Lake, we have...the coverage would be extremely reliable.

Chairman Buzzutto stated I mean, it will be a benefit to the Lake. I mean it's...

Mr. Alexander stated oh.

Chairman Buzzutto stated not going to be put up there and it's not going to give them good service.

Mr. Alexander stated oh, no. It's fantastic service. And it would, you know...I don't want to overlay the emergency response aspects...

Chairman Buzzutto stated no.

Mr. Alexander stated but it does, obviously, help in that aspect if you don't have to go inside to make that phone call.

Chairman Buzzutto stated alright. And the road surface going from Garland Road to the tower...

Mr. Alexander stated it's a combination. What we had been asked to do based on comments we received from your consultants, is to essentially do about 25' apron of macadam, paved, and the rest will be gravel. And the intention of that is so that the gravel wouldn't get pulled down onto the Town road.

Chairman Buzzutto stated okay. Do you have any questions, I'm running out of them. Do you have anything to say. Can I get some input from the audience. Yes, Sir. You want to come up, give your name, Sir.

Jimmy Capone stated how you doing today. My name is Jimmy Capone on 10 Garland Road. I'm on the corner of Garland [Road] and Hanover [Road]. It's at the extreme bottom of the hill. This gentleman stated...

Chairman Buzzutto stated are you the closest to the gate or...

Jimmy Capone stated no, no. I'm all the ways down at the bottom.

Chairman Buzzutto stated or you're down at the corner of...

Jimmy Capone stated yes. At...On the corner of Hanover and Garland.

Chairman Buzzutto stated at Hanover.

Jimmy Capone stated yes. That's the first road when you come in.

Chairman Buzzutto stated yes. I remember now.

Jimmy Capone stated that's at the very bottom of the hill. My concern is I have a lot of problem with water already because there's no drainage on it. So all the water comes down the hill and has nowhere to go; it dropped into my property. In the beginning, it was going into my basement.

Chairman Buzzutto stated that is as of now.

Jimmy Capone stated wait. Let me...No. As...The Town came out, put a little berm, and I went out on my own expense and put a drain in and also had to blacktop my road and made the guy make it even higher. So right now I don't have water going into my house. But I still got water going onto my property, because there's no place for it to go. It comes down the bottom of the hill. John, my neighbor's, his house is a little higher, and then it just drops off into my property. There's a pipe at the end of my road that has two streams

that go through and end up going towards...into the lake. We also have a problem on that corner that there's a little stream that goes behind John's house, comes around and goes through. And when we get heavy rains, and I'm only talking about 2" to 3" of rain, a heavy down pour, the road floods out. Okay, so these are two problems that are existing...

Chairman Buzzutto stated you're talking about Garland Road.

Jimmy Capone stated this is Garland Road, okay. When you come into Garland Road, right where the dead end sign is, if you look to the right, there's a small stream that has a pipe. I'd say it's about a 24" pipe, give or take. It's either an 18" or 24" pipe, that takes the water from the stream, across, underneath Lake Shore, and goes out into the Lake. My concern is now that you're opening...He says that it's a slight grade and it's gravel, but my concern is when you get these freaky rains that we know it's right now, I think, it's Alabama or somebody that's getting slammed with 8" to 10" of rain, when it comes up here, what's going to happen. What are we looking at. A 3" rainstorm that they're looking at. Or are we looking at a broader picture when we know which has been happening more than ever, you get these 10", 15" snow...rainstorms, what's going to happen to that road and what's going to happen to me when all that water comes down. Cause now, not only do I have that road, but you're adding 900' and you're taper into an existing problem. The road floods out with a couple of inches. Now you're ordering...you're adding 900' of road to it. There's no drainage. There's, from what I see, there's no stoppage. They have no, like, break waters or anything like that to stop anything. And my concern, I mean, you know, I believe he says that he doesn't think it's going to do much. That's fine, but I'm concerned. That's my problem. I don't quite believe that. I think you open another whole section of road to...You've been at the bottom of that hill. You see how steep that hill is. That water comes flying down that hill. There's no drains in that hill. I talked to the Town Board, the Planning Board. They were talking about drainage, but I guess that's about as far as it got; they talked about it, you know. But the problem's going to be is when I get flooded out, who's going to be, you know...

Chairman Buzzutto stated well, I think that problem was addressed already...

Jimmy Capone stated he says it's not a problem.

Chairman Buzzutto stated through the Planning [Board].

Jimmy Capone stated I don't know. This is my concern. You asked me.

Chairman Buzzutto stated yes.

Jimmy Capone stated this is my concern.

Chairman Buzzutto stated right.

Jimmy Capone stated okay. When it does happen, or if it does. It might never do. I'm not concerned about the cell tower, believe me, you know. I'm not worried about that, but my concern is the affect that it's going to have that road and everything that they're opening up up there now, is going to have an affect on me. And that's what I'm here to talk about because I have to come after somebody when I do have the problem because I, you know...

Chairman Buzzutto stated right.

Board Member Bodor stated have you addressed your concern to the Planning Board.

Jimmy Capone stated yes I did.

Board Member Bodor stated okay.

Jimmy Capone stated yes I did.

Board Member Bodor stated that should be for their consideration, in the planning of the...in the construction.

Jimmy Capone stated I talked to them. I don't know the answer to it. I just addressed it to them the same ways I'm...

Board Member Bodor stated okay.

Jimmy Capone stated addressing it to you.

Board Member Bodor stated good.

Jimmy Capone stated and that's basically all I can say. I just wanted everybody to know. That's all I want to know.

Board Member Bodor stated that's good.

Jimmy Capone stated okay.

Board Member Bodor stated I'm glad you've let the Planning Board know.

Jimmy Capone stated okay. Thank you very much.

Board Member Bodor stated thank you.

Chairman Buzzutto stated the pitch on the...One second please. The pitch on the 900' road from the gate to the thing, is that all pitched towards Garland Road or isn't that flat. I don't think you're going to get a...

Mr. Alexander stated yes. We can answer that question. I just also want to...

Chairman Buzzutto stated go ahead.

Mr. Alexander stated let you know without...I just want to let you know that...So your Town Engineer is Maser Consultants. It's Andrew Fetherston. He issued a memo on June 3rd. And he looked at the most recent plan submissions and he said that he doesn't believe a plan to mitigate concentrated runoff is necessary. So he has looked at the stormwater issue. He has looked at all the elevations and the road cuts that we would put up, and are willing to put up. I'm just letting you know that he did look at it and your Town Planner consulted with him on that, and that was the conclusion of the June 3rd memo that was issued. It was issued only to the Planning Board. I mean, I'll gladly share a copy with you if you'd like.

Chairman Buzzutto started okay, fine. Okay.

Board Member Bodor stated thank you.

Chairman Buzzutto stated did you want to come up to the...

Steven Mallon stated good evening ladies and gentleman. I live on 32 Lacona [Drive] and in the summer time...

Chairman Buzzutto stated do you want to give your name, Sir.

Steven Mallon stated my name is Steven Mallon. 32 Lacona Drive. Today, as an example, I had to call the State Troopers and I had to go into my house to call them, to get my home phone, with an issue that I had with a neighbor, that ended up being arrested in turn for what he did. So my cell phone, you know, when there's foliage on the trees in the summer like this, I have 10, 15, 20% service, maybe. In the winter, you know, when there's no foliage on the trees, I have 70% service on my cell phone. So today was an instance where I did have to go back into the house when a situation was going on right... You know, at the minute, I couldn't just reach for my cell phone due to the fact that I know that it would drop the call at this point. And with...

Chairman Buzzutto stated so what you're basically saying, you'll benefit by...

Steven Mallon stated I will definitely benefit...

Chairman Buzzutto stated alright.

Steven Mallon stated because I live on the hill towards the Lake. I'm on the lakeside of the main road that runs down by the churches. I'm on the lakeside of that road, and in the summertime like this when the foliage is on the trees, I have the issue with dropped calls constantly. I've had a variety of cell services, too. Nextel, Sprint, Verizon. And it's all the same scenario. It all... In the summertime, I have trouble with my cell phone. So I would benefit from it. And today was an example where I had to call the State Troopers. Beyond my control, I had to run back into my house to use the phone; to grab my home line, you know, when outside when the situation was going on.

Chairman Buzzutto stated very good.

Steven Mallon stated alright. Thank you very much.

Chairman Buzzutto stated thank you very much.

Board Member Bodor stated thank you.

Chairman Buzzutto stated is there any other... Gentleman. You want to come up to the microphone, Sir. Give your name and address.

John Lerner stated hi, my name is John Lerner. 11 Garland Road, right across the street from Jimmy. A couple of things just in response to the last person who spoke. We're all going to benefit from this. You know, cell service I'm talking about. As far as cell service goes, we're all going to benefit from this. There's no doubt about it. Personally, I too, would like to benefit from the cell service and, you know, have it on somebody else's property. You know, I mean, that's, I mean, it's obviously easy to say. But it's

coming up our block, you know, so... You know, why wouldn't, realistically speaking, unless you're worried about other effects, why would you be all for the service if it doesn't affect...if there's no intrusion on your property, you know. So that's one thing. Next thing is just all the uncertainty. You know, there's no guarantees here of anything. If we don't believe that there's going to be any problems with flooding, with girth. You asked the question. You know, what about what cell service is. I have Verizon. Verizon's not there yet. Well, we're confident that, you know, these services will be. No guarantees. You know, that just bothers me that there's, you know...It's easier to say I'm confident of this. I'm confident of that. But what happens if, like Jimmy asked, with the flooding. Where does he go. What happens if, you know, we don't get the services that we expected. The other thing, probably get shot down in a second, it did last week, the intrusions on our block. The revenue is with them. I just think that's not fair.

Carl Lodes stated that's not a factor for the Board to consider.

John Lerner stated okay.

Chairman Buzzutto stated okay, fine.

John Lerner stated okay. It's not an issue, but it is.

Chairman Buzzutto stated fine. Thank you very much.

Board Member Bodor stated thank you.

Chairman Buzzutto stated okay. Ma'am, you want to come up to the microphone please.

Tracey Lamorte stated I'm Tracey Lamorte. I live at 15 Garland [Road]. Now I'm 5 ½ months pregnant. I'm concerned about the health risks with the cell tower being there. Who's to say in 10 or 20 years that it's not going to cause cancer or it's going to cause something else. I don't want to put my child at risk for that. I bought my house on a dead end road, on a quiet road, for a reason. I've been living there for 3 years, I love my house, I love the road. I want to keep it that way. I don't like...It's fine it's on someone else's property but I don't like that access coming up my road. It's quiet there. I don't have to worry about my child going outside and playing and, you know, the extra traffic. I don't need that. I don't want it. Another concern of mine is having the teenagers go and hang out at the cell tower. And then I have to worry about property. I don't want...I don't need any extra concerns. I have enough on my plate as it is. You know, and that's my concerns. And I agree with everything my neighbors have said with the runoff and everything, because there is a lot of water that comes down that road. So, that's it.

Chairman Buzzutto stated okay. Thank you very much.

Board Member Bodor stated thank you.

Chairman Buzzutto stated is there anything that you want to add.

Mr. Alexander stated yes. Yes, just as far as the traffic or just to let you know. We anticipate with each carrier having a once a month service call, which would be done with an SUV or a car or a pickup truck. Now there's six carriers up, let's assume emergency services goes up there, we're going to have a power board up there. So someone's going to need to read the meter. That's 8 trips a month. I think we just need to contrast that with if ever had another house on the road, it would be 8 trips, you know...7 trips a week

with the post office. So I think it's important to put the traffic in context and the nature of the vehicles and I just wanted to, you know, let you know that and contextualize for you. So thank you.

Chairman Buzzutto stated the vehicles wouldn't be much bigger than an SUV though.

Mr. Alexander stated no. It's going to be an SUV or smaller. After construction, correct.

Chairman Buzzutto stated after the thing is constructed.

Mr. Alexander stated yes. And the construction timeframe is very short. We can talk to that again. But it's incredibly short. It's usually less than two months. And sometimes it takes more than two months of timeframe from beginning to end, but it is many fewer than two months worth of days.

Chairman Buzzutto stated okay, thank you. Did that answer some of your questions.

Tracey Lamorte stated what about people going up...Kids going up there to hang out though. Is there anything to prevent that.

Chairman Buzzutto stated well...

Mr. Alexander stated I can address two points on that. One is the lock gate, and one of the variances we asked for is an attempt to address that which is an 8' fence instead of a 6' fence for our fence compound. So we tried to address the concerns we've heard from the public as much as we possibly can along the way, so...

Chairman Buzzutto stated well, that's considered private property though.

Mr. Alexander stated yes it is. I mean, that's, as well, a very good point.

Chairman Buzzutto stated okay, fine. Is there any other input from the audience please. Yes, Sir, you want to come up to the mic.

Dominic Lamorte stated how are you. Dominic Lamorte. 15 Garland Road. That was my wife just now.

Chairman Buzzutto stated now 15 Garland Road is...

Dominic Lamorte stated right side, second to the last house on the right, going up the hill.

Chairman Buzzutto stated going up the hill. Okay, fine.

Dominic Lamorte stated the only concern that I really have, I mean besides all the other stuff we're talking about, but is the access. I don't agree with it. They want it on their property, they should have it on their property, you know, from Quail Ridge. It's just not fair to us. It's really... You know, it's just not right. Even the utilities, they were saying about the utilities and everything, if they get a private contractor, you know, they'll bring it out to the road. I mean, that's, you know... Because it's not feasible, you know, as far as, you know, money wise, it shouldn't be our problem. You know what I mean, that's just the easy way out, to bring it up our road. It's not right, you know. And that's really it. I just don't think it's fair. That's it.

Chairman Buzzutto stated alright, thank you for your input. Is there any other input from any other...Okay. We just close the public hearing now.

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

Board Member Herbst stated second.

Chairman Buzzutto stated all in favor. Motion carried by a vote of 4 to 0.

Chairman Buzzutto stated object. Okay, fine. The public hearing is now closed. Okay. Do...I see you got that.

Board Member Bodor stated you want some resolutions. Okay.

Board Member Bodor read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Wireless EDGE, Case #22-07
Use Variance for a Wireless Telecommunications Facility

WHEREAS, *Wireless EDGE* is the leasee of real property located at ***Quail Ridge*** identified as **Tax Map Parcel # 25.-1-39**, and

WHEREAS, *Wireless EDGE* has made application to the Patterson Zoning Board of Appeals for a use variance in order to use all, or a portion of the property for a wireless telecommunications facility in accordance with the plans and specifications prepared by Tectonic Engineering, Surveying Consultants P.C. last revised May 17, 2010 and

WHEREAS, the facility will be located on property owned by the Quail Ridge Homeowners Association, with a proposed access road at the end of Garland Road.

WHEREAS, said plans propose placing a 145' tall telecommunications facility with a municipal antenna for emergency responders on top of the tower brining the total tower height to 154' within a 10,000sq.ft. fenced in equipment area, and

WHEREAS, the proposed Quail Ridge site is an alternate location being proposed to the initial application of a tower being placed at the south end of Putnam Lake, on Lake Shore Drive, in the RPL-10 zoning District, and

WHEREAS, the property on which the telecommunications facility is proposed is located in "R-4" residential zoning district, and

WHEREAS, the Zoning Code of the Town of Patterson does not permit wireless telecommunications facilities in an R-4 Zoning District; and

WHEREAS, the Patterson Planning Board, who was acting as Lead Agent, determined that the proposed action will not have significant effects on the environment and issued a negative SEQRA declaration on ***June 4, 2010***, and

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *November 26, 2007, January 29, 2008, February 26, 2008, August 25, 2009, October 28, 2009, December 15, 2009 and May 19, 2010, and a site walk and balloon test was conducted on December 6, 2009* to consider the application; and

WHEREAS, the Application has been reviewed by the standards afforded a public utility which considers whether the proposed location is necessary to render safe and adequate service, and whether there are compelling reasons, economic or otherwise, which make other alternatives less feasible to implement, and

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

1. the applicant *has* demonstrated that a deficiency in cellular coverage exists in the area;
2. that an alternative location *has not* been identified which would provide the necessary coverage while minimizing aesthetic or environmental areas of concern which have been identified;
 - a. a site walk and balloon test were conducted on December 6, 2009 by the Zoning Board of Appeals and the Planning Board. At the site, the Applicant raised a red balloon with a diameter of five feet to the height of the proposed cell tower, at which time the Board then drove around the surrounding area and was only able to see the balloon from a few locations, making little to no visual impact on the community.
 - b. related equipment will be placed at the base of the tower within a fenced area of approximately 10,000 square feet, and will be at least 900 linear feet away from any developed residential area and remain unseen.
3. that granting the present application *will not* alter the essential character of the neighborhood;

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Wireless EDGE* for a *use variance as requested from* the requirements *as set forth in Chapter 154 of the Patterson Town Code for the placement of a telecommunications facility on the Quail Ridge Homeowners Association's property, with related equipment at the base, as set forth herein and in the application and supportive documentation submitted by the Applicant*, and

BE IT FURTHER RESOLVED, that the Use Variance granted herein is subject to the following special condition:

1. That the facility will be constructed in accordance with the plans and specifications prepared by Tectonic Engineering and Surveying Consultants P.C. last revised May 17, 2010, as may be amended by the Patterson Planning Board.

Board Member Herbst stated second.

UPON ROLL CALL:

Board Member Bodor - yes

Board Member Burdick stated can I just ask a question first. Neil, did you say that it was 8,000 square feet, not 10,000[square feet].

Mr. Alexander stated it's closer to 8,800 square feet.

Board Member Burdick stated okay. Can you just make that revision in that.

Board Member Bodor stated yes. Make that revision then.

Board Member Burdick stated do you know where I'm talking about.

Board Member Bodor stated bring it to 8,800 [square feet]. It was mentioned a couple of times. As opposed to the 10,000 square feet.

Board Member Burdick stated thank you.

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

Resolution carried by a vote of 4 to 0.

Chairman Buzzutto stated okay.

Board Member Bodor stated go on.

Board Member Bodor read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Wireless EDGE, Case #22-07
*For an Area Variance for the Height of a Wireless Telecommunications Facility***

WHEREAS, *Wireless EDGE* is the leasee of real property located at ***Quail Ridge*** identified as **Tax Map Parcel # 25.-1-39**, and

WHEREAS, *Wireless EDGE has* made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to construct a 145' tall wireless telecommunications facility, with a municipal antenna for emergency responders on top of the tower bringing the total tower height to 154', and

WHEREAS, §154-7 of the Patterson Town Code states that the maximum height of a structure be 38'; the proposed height of the wireless telecommunications facility is ***154'***; ***Variance requested is for 116'***, and

WHEREAS, the Patterson Planning Board, who was acting as Lead Agent, determined that the

proposed action will not have significant effects on the environment and issued a negative SEQRA declaration on **June 4, 2010**, and

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on **November 26, 2007, January 29, 2008, February 26, 2008, August 25, 2009, October 28, 2009, December 15, 2009 and May 19, 2010, and a site walk and balloon test was conducted on December 6, 2009** 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 structure will be constructed totally within the a very thickly wooded area.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **because the need for coverage has been proven and the site is the least obtrusive of all the sites that have been considered.**
3. the variance requested **is** substantial **but not as such as to indicate a denial.**
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 parcel is undeveloped and heavily wooded.**
5. the alleged difficulty necessitating the variance **was self- created however it 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 **Wireless EDGE for an area variance of 116' from the height limit of 38' in the R-4 Zoning District** as required by §154-7 of the Patterson Town Code; Schedule of Regulations, in order to permit the construction of a **154'** tall wireless telecommunications facility.

Chairman Buzzutto stated I just wanted to ask a question on that. The 145' tower is the tower itself.

Mr. Alexander stated yes.

Chairman Buzzutto stated now the 154' is just the whip antennas.

Mr. Alexander stated that is correct.

Board Member Bodor stated for emergency.

Chairman Buzzutto stated so...Yes, for emergency. But the tower itself will be no higher than 145'.

Mr. Alexander stated that is correct.

Chairman Buzzutto stated okay, I just wanted to...Okay.

Board Member Herbst stated okay, I'll second.

UPON ROLL CALL:

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

Resolution carried by a vote of 4 to 0.

Chairman Buzzutto stated okay.

Board Member Bodor stated do you want to do the next one.

Chairman Buzzutto stated what.

Board Member Bodor stated do you want to do the next one.

Chairman Buzzutto stated no.

Board Member Bodor stated okay. Anybody else.

Board Member Bodor read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Wireless EDGE, Case #22-07
*For an Area Variance for Street Frontage***

WHEREAS, *Wireless EDGE* is the leasee of real property located at *Quail Ridge* identified as **Tax Map Parcel # 25.-1-39**, and

WHEREAS, *Wireless EDGE* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-20 of the Patterson Town Code; Required street frontage, in order to have access to a wireless telecommunications facility at the end Garland Road, and

WHEREAS, §154-20 of the Patterson Town Code requires 225' of road frontage in the R-4 Zoning District; Applicant will have 50'; ***Variance requested is for 175'***; and

WHEREAS, the Patterson Planning Board, who was acting as Lead Agent, determined that the proposed action will not have significant effects on the environment and issued a negative SEQRA declaration on *June 4, 2010*, and

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *November 26, 2007, January 29, 2008, February 26, 2008, August 25, 2009, October 28, 2009, December 15, 2009 and May 19, 2010, and a site walk and balloon test was conducted on December 6, 2009* 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 *due to the fact that the frontage is on a road that does exist.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means. *The constructed road is at the end of the property line and the rest of the parcel is backed up to already constructed residences.*
3. the variance requested *is* substantial *however the available frontage is on an existing road.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because once built, only minimal traffic to the site will be occurring and the tower itself is surrounded by heavy vegetation in a very wooded area.*
5. the alleged difficulty necessitating the variance *was self created, however, it 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 *Wireless EDGE* for *an area variance* pursuant to §154-20 of the Patterson Town Code; Required street frontage, *of 175'* from the required amount of 225' of road frontage in the R-4 zoning District.

Board Member Burdick stated second.

UPON ROLL CALL:

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

Resolution carried by a vote of 4 to 0.

Board Member Burdick stated ready. Ready for the next one.

Chairman Buzzutto stated you're going to do it.

Board Member Burdick stated yes.

Chairman Buzzutto stated okay, fine.

Board Member Burdick read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
*Wireless EDGE, Case #22-07***

For an Area Variance for an 8' Fence around a Wireless Telecommunications Facility

WHEREAS, *Wireless EDGE* is the leasee of real property located at *Quail Ridge* identified as **Tax Map Parcel # 25.-1-39**, and

WHEREAS, *Wireless EDGE* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-15 of the Patterson Town Code; Fences, stone walls and masonry walls, in order to place an 8' fence around a wireless telecommunications facility and to include equipment buildings and other associated structures, and

WHEREAS, §154-15 of the Patterson Town Code states fences along the lot frontage shall not exceed 4 feet in height; Applicant will have 8'; ***Variance requested is for 4'***, and

WHEREAS, the Patterson Planning Board, who was acting as Lead Agent, determined that the proposed action will not have significant effects on the environment and issued a negative SEQRA declaration on ***June 4, 2010***, and

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***November 26, 2007, January 29, 2008, February 26, 2008, August 25, 2009, October 28, 2009, December 15, 2009 and May 19, 2010, and a site walk and balloon test was conducted on December 6, 2009*** 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 site is a remote site and the location is at least 900 linear feet from residential development.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because this site provides the best coverage as proven through documentation presented to the Board.***
3. the variance requested ***is not*** substantial ***and is being requested for security purposes.***
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 remote wooded location.***
5. the alleged difficulty necessitating the variance ***was not self-created and is an attempt to address concerns about security.***

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby ***grants*** the application of *Wireless EDGE* for an ***area variance pursuant to*** §154-15 of the Patterson Town Code; Fences, stone walls and masonry walls, of 4' in order to place an 8' fence around a wireless telecommunications facility and its associated equipment.

Board Member Bodor stated second.

UPONN ROLL CALL:

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

Resolution carried by a vote of 4 to 0.

Mr. Alexander stated thank you very much.

Board Member Bodor stated okay. The Board has a request regarding the outstanding application for the south end of the lake.

Mr. Alexander stated yes.

Board Member Bodor stated we would like to have that withdrawn within 30 days.

Mr. Alexander stated that makes sense.

Board Member Bodor stated okay. Do I have to say anything else.

Carl Lodes stated or else it will be put on the next agenda.

Board Member Bodor stated or it will be put on the next agenda for action. That's what I was missing. I knew there was something else.

[Laughter]

Chairman Buzzutto stated so that kills it for us. We have no more...That's good. Okay, fine. Okay.

Mr. Alexander stated thank you very much.

Chairman Buzzutto stated okay. It's been a long time.

Mr. Alexander stated have a good evening. Take care.

Board Member Bodor stated thank you. Good night.

Chairman Buzzutto stated good night.

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

Mr. Jeff Moore was present representing the Applicant.

Chairman Buzzutto stated what do we have now.

Board Member Bodor stated O'Mara.

Chairman Buzzutto stated O'Mara. Who's here for O'Mara. O'Mara.

Board Member Bodor stated yes. It should be here.

Board Member Burdick stated right. (Inaudible – too distant).

Board Member Bodor stated yes, you are. Is there someone here for O'Mara tonight.

Mr. Jeff Moore stated yes.

Board Member Bodor stated oh, okay.

Chairman Buzzutto stated okay.

Board Member Bodor stated we were looking for the engineer.

Board Member Burdick stated Harry.

Mr. Moore stated he's at the Southeast meeting, so...

[Laughter]

Mr. Moore stated I'm Jeff Moore, representing Harry Nichols.

Chairman Buzzutto stated you're representing...

Mr. Moore stated Harry Nichols.

Board Member Bodor stated and your name was...I'm sorry.

Mr. Moore stated Jeff Moore.

Board Member Bodor stated Jeff Moore.

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

Mr. Moore stated I'm sorry.

Chairman Buzzutto stated raise your right hand.

Mr. Moore stated oh, yes.

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

Mr. Moore stated yes.

Chairman Buzzutto stated okay, fine. You are representing...

Mr. Moore stated yes, Harry Nichols.

Chairman Buzzutto stated Harry Nichols, yes.

Mr. Moore stated or, Mr. O'Mara.

Chairman Buzzutto stated okay, fine.

Board Member Bodor stated who was here on behalf of Mr. O'Mara.

Mr. Moore stated yes.

Chairman Buzzutto stated okay. Alright, we did do a site walk on the property. And it is quite (inaudible) over there. I didn't see anything wrong. We kind of walked the whole thing. Do you have any input, yourself, on... You read the...

Mr. Moore stated yes. I just know that Harry went out with you and I think he just... Oh yeah. He wanted to point out that there is development on either side of the lot...

Chairman Buzzutto stated right.

Mr. Moore stated and that the lot was created, I think, it was 1981, right before zoning...

Chairman Buzzutto stated this is for, what part...

Mr. Moore stated was part of an approved subdivision.

Chairman Buzzutto stated he's looking for frontage.

Mr. Moore stated lot size, frontage, and lot width.

Chairman Buzzutto stated well, we checked with the road frontage there, there is no place to go. The side property's not available for purchase.

Mr. Moore stated right.

Chairman Buzzutto stated so you're dead end there.

Mr. Moore stated yes.

Chairman Buzzutto stated and what's the depth on that. What's the depth.

Board Member Bodor stated yes. But it's wetlands back there.

Chairman Buzzutto stated there's wetlands.

Mr. Moore stated yes. Wetlands in the middle. Depth is 580' on one side and 466' on the other.

Chairman Buzzutto stated yes. I didn't see anything wrong.

Board Member Herbst stated no, I didn't either.

Chairman Buzzutto stated did you have any problem with it on the site walk.

Board Member Bodor stated no.

Chairman Buzzutto stated okay.

Board Member Bodor stated I do not. It's developed...There's a house on either side of it. There's one lot just sitting in the middle there...

Chairman Buzzutto stated alright.

Board Member Bodor stated waiting for something to happen.

Chairman Buzzutto stated yes, it's just there. Is there any input here from the audience on this particular case. Okay. I don't see anything wrong with it. So, just let it ride. Going to close the public hearing. Can I get a second on that.

Board Member Herbst stated yes, I'll second that.

Chairman Buzzutto stated all in favor. Motion carried by a vote of 4 to 0.

Board Member Burdick stated you want me to read this.

Board Member Bodor stated yes. Marianne's ready.

Chairman Buzzutto stated okay. Let's see. What do I need. Oh, I need this. O'Mara.

Board Member Burdick stated can I begin.

Chairman Buzzutto stated okay.

Board Member Bodor stated go ahead.

Chairman Buzzutto stated thank you.

Board Member Burdick read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
O'Mara Realty Corp., Case #07-10
*For Area Variances***

WHEREAS, *O'Mara Realty Corp. is* the owner of real property located at Old Road (R-4 Zoning District), also identified as **Tax Map Parcel #35.-5-5, and**

WHEREAS, O'Mara Realty Corp. has made application to the Patterson Zoning Board of Appeals for area variances, pursuant to §154-7 of the Patterson Town Code, in order to construct a single-family dwelling on the vacant lot, and

WHEREAS, §154-7 of the Patterson Town Code requires 225' of road frontage in the R-4 Zoning District; Applicant has 105.59'; *variance requested is for 74.41'*, and

WHEREAS, §154-7 of the Patterson Town Code requires 250' for lot width; Applicant has 151.63'; *variance requested is for 98.37'*, and

WHEREAS, §154-7 of the Patterson Town Code requires the minimum lot size in the R-4 Zoning District to be 174,240 square feet; Applicant has 73,120 square feet; *variance requested is for 101,120 square feet*, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *April 21, 2010, May 19, 2010 and June 14, 2010, and a site walk was conducted on June 2, 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 there are houses on either side of the lot; This lot is an existing lot and was approved and existing before the upzoning occurred.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because there is no vacant property that is available for purchase.*
3. the variance requested *is* substantial *but not to cause denial.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the area is already developed with houses on either side of this parcel.*
5. the alleged difficulty necessitating the variance *was self created but is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *O'Mara Realty Corp* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, *of 74.41' for road frontage requirements*, and

BE IT FURTHER RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *O'Mara Realty Corp* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, *of 98.37' for lot width*, and

AND BE IT FURTHERMORE RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *O'Mara Realty Corp* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, *of 101,120 square feet for lot area.*

Board Member Herbst stated second.

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

Resolution carried by a vote of 4 to 0.

Mr. Moore stated okay. Thank you very much.

Board Member Bodor stated you're welcome.

3) HUDSON VALLEY TRUST CASE #08-10

Chairman Buzzutto stated next would be the Hudson Valley...On that one permit for Hudson...

Board Member Bodor stated Hudson Valley is on...

Carl Lodes stated Curtiss & Leibell were recused on this. I don't...

Board Member Bodor stated yeah, well, we can't do anything with it anyway.

Carl Lodes stated I don't think you can.

Board Member Bodor stated we can't.

Chairman Buzzutto stated that's right. So...

Board Member Burdick stated do we need to address that though.

Board Member Bodor stated I guess so.

Chairman Buzzutto stated we'll just have to hold it over.

Carl Lodes stated I think it has to be held over.

Board Member Bodor stated yes, but it has to be...We have to mention it.

Board Member Burdick stated subject to the moratorium.

Board Member Bodor stated the next case is the Hudson Valley Trust Company. Read...If you wouldn't mind, read into the record.

The Secretary state okay.

Board Member Bodor stated and then we'll talk about it.

Chairman Buzzutto stated okay, fine.

The Secretary read the following legal notice:

The Hudson Valley Trust, Inc. Case #08-10 – Area Variances; Held over from the May 19, 2010 meeting

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).

Chairman Buzzutto stated alright. We can't take action on this because of the stipulation on the moratorium...

Board Member Bodor stated there's a moratorium on the definition of clubs...

Chairman Buzzutto stated clubs.

Board Member Bodor stated and therefore, this will have to be held over.

Chairman Buzzutto stated until the moratorium is released. We're going to hold this over. Alright, so we'll go to the next case.

4) ELDER ARIAS CASE #09-10

Mr. Elder Arias was present.

The Secretary read the following legal notice:

Elder Arias Case #09-10 – Special Use Permit; Held over from the May 19, 2010 meeting

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. Arias.

Mr. Elder Arias stated yes.

Chairman Buzzutto stated we did a site walk on the property. You can take that right off there if you wish [referring to the microphone]. You have checked around Town to see if there were any storefronts to use as a home site for the taxi or...

Mr. Arias stated right now I have not. The reason for that is I'm starting with one taxi...

Chairman Buzzutto stated right.

Mr. Arias stated so if the future permits, than I will...My final goal is to rent a location where I can run a full taxi company, if you will. One taxi will not be enough to pay for a rental...

The Secretary stated hold on [referring to tape ending].

TAPE ENDED

The Secretary stated okay.

Mr. Arias stated okay, so that's the reason why I have requested to run the business out of my house. As the Code says, that the business will...That will be only...It will not be a pick-up or drop-off location. It will be a location where the taxi will be parked at. It will not be a drop-off or pick-up location.

Chairman Buzzutto stated but this will be operated by telephone only.

Mr. Arias stated right. Correct.

Chairman Buzzutto stated I mean, you're not going to have people standing, waiting for taxi or anything.

Mr. Arias stated correct.

Chairman Buzzutto stated it's just a...

Mr. Arias stated right. It will not be a pick-up or drop-off location.

Chairman Buzzutto stated yes. No.

Mr. Arias stated it will...A cell phone will be used. It will not be a radio.

Chairman Buzzutto stated okay. And you can operate one taxi there at this present time.

Mr. Arias stated correct.

Chairman Buzzutto stated car, rather. A car.

Mr. Arias stated correct.

Board Member Bodor stated and you're going to be the principal driver.

Mr. Arias stated I am the principal, but I am thinking of a secondary driver.

Chairman Buzzutto stated alright.

Mr. Arias stated and that would be a relative member.

Board Member Bodor stated but still only the one vehicle. So you'll be...

Mr. Arias stated correct.

Board Member Bodor stated switching off with that vehicle.

Chairman Buzzutto stated yes.

Mr. Arias stated correct.

Board Member Bodor stated we did find that you had certainly plenty of off road parking available at your home to house this taxi. There were a couple of concerns that we had at the last meeting. And one of them was the current ownership of the property. And it's been found that a deed had been filed with the Putnam County Clerk on August 7, 2009 that lists the current owners of 7 Dryden Road as Elder Arias and Natalia Giron. So you are joint owners.

Mr. Arias stated correct.

Board Member Bodor stated and that was one of the requirements that you had operate this from a residence that you owned and being a joint owner.

Mr. Arias stated and you do have that copy.

Board Member Bodor stated we have a statement here that was supplied to us from the Planning Department.

Mr. Arias stated okay.

Board Member Bodor stated we don't have a copy of that...Well, yes we do, too. Yes. I'm sorry, it's attached.

Mr. Arias stated okay. Because I called earlier today just to confirm it and I was told that...

Board Member Bodor stated okay. It's attached here.

Mr. Arias stated okay.

Board Member Bodor stated this is a real property transfer report. Okay.

Mr. Arias stated okay.

Board Member Bodor stated the other concern that we had was the possible...The new Code states that there can't be another facility within 900'. And we were concerned about Ana's Limousine which is down the

hill, whether or not that was 900' away. It turn out it's not. However, she advertises as Ana's...I'm looking for it here. Ana's Airport and Limousine Service. She doesn't apparently, from what I can find in the phonebook, have any taxi cabs. She has limousines and buses...mini buses, or whatever. So the Code talks to a livery service, taxi cab. Those were the words that were used in there. And to me, what she is doing is not what she's running...

Rich Williams stated Mary.

Board Member Bodor stated it doesn't say, does it.

Board Member Burdick stated it does speak...chauffeured limousine.

Rich Williams stated if I might...yes. It's chauffeured limousines. Livery service covers it all.

Board Member Bodor stated taxi cab, too.

Rich Williams stated everything.

Board Member Burdick stated yes. All the definitions are here.

Board Member Bodor stated well, then we have a problem.

Rich Williams stated yes, we do.

Board Member Bodor stated okay. I was, you know, I went in the phonebook and I'm looking at what she has...

Rich Williams stated yes.

Board Member Bodor stated okay.

Rich William stated it would either require a new location or it would require an area variance to be filed in addition to the Special Use Permit.

Board Member Bodor stated the Special Use Permit.

Mr. Arias stated I did talk to Mr. O'Connor and he said that a taxi business is a separate business from a limousine. What they do is they rent a car with a chauffer and then you can go anywhere you wish as far...

Board Member Bodor stated but Mr. O'Connor is not responsible for reading the Code and determining what types of things fit into the categories...

Mr. Arias stated okay.

Board Member Bodor stated that are created.

Board Member Burdick stated and I'd like to read something, too. Section 2 for the definition of a livery vehicle.

Mr. Arias stated okay.

Board Member Burdick stated a four door passenger motor vehicle including, but not limited to, a chauffeured limousine...

Board Member Bodor stated okay.

Board Member Burdick stated which is used in the business of transporting passengers. So that's right in the Code.

Mr. Arias stated so, does that mean that they...If they don't wish to have a taxi service in the future for like the next 20 years, there won't be...Since they're already running a limousine company, no taxi company can run out of that...

Board Member Bodor stated not within 900'.

Board Member Burdick stated in a residential area.

Rich Williams stated if I could just add a little bit of explanation. When the Town Board was going through this whole exercise of changing the Code, there was a concern about every other house having a taxi cab at it. So they wanted to setup some limitations to ensure that there would only be a certain number of taxi cabs within...taxi cab locations within the Putnam Lake area. So they gave me some guidance as far as how many they felt was appropriate that would not affect the community and the community character. And based on that number, I calculated a distance...a separation distance from which, you would only end up in the Putnam Lake area with so many taxi cab operations out of it...residence. Now, while this whole exercise is going on, nobody told me that you were an applicant or where your location was. So I didn't know that, the separation distance between your house and Ana's Limo ultimately would be an issue. The separation distance was created just so there would be way too many taxi cabs within the Putnam Lake area. So that's how that all came about.

Chairman Buzzutto stated so he would need a, what did you say, an area variance.

Rich Williams stated yes. Yes.

Chairman Buzzutto stated so that would...

Board Member Herbst stated we table this for one more...

Chairman Buzzutto stated that would be a new application.

Rich Williams stated there would be an additional application.

Chairman Buzzutto stated an additional application you'd have to...for an area variance.

Board Member Herbst stated and we can put it on the agenda for the next meeting.

Mr. Arias stated when I first inquired about...called the Town to find out if there was a livery service, I was told that there was no code and there was no company. So that's the reason why I filed the application because I was told that where I m...

Chairman Buzzutto stated you was told by who.

Mr. Arias stated when I called the... Well, first of all, I worked with Mr. O'Connor; that's the person, even though he's not the final person that's got the final say, but I did talk to him and we worked together on developing the Town Code. Once we did that then I filed the application. And my understanding was that there was no taxi business around, so that's the reason why I filled out the application.

Chairman Buzzutto stated well, that's a copy of the...

Board Member Bodor stated when you first started this project, I believe you're correct, there was no code. But it's been created now. The Town Board sat down and created this and passed it. And this is what we have to look at.

Mr. Arias stated okay.

Board Member Bodor stated okay. And yes, Mr. O'Connor was involved, he's on the Town Board. He was part of creating this. And this is what we have to look at.

Mr. Arias stated okay.

Chairman Buzzutto stated does his application prior to that...

Board Member Bodor stated no, he did not have an application.

Chairman Buzzutto stated oh, he did not have... Okay, fine.

Board Member Bodor stated there was just a question that was being floated.

Chairman Buzzutto stated okay.

Mr. Arias stated my request was sent on October 16, 2009, requesting for a... It was a request to operate a livery service and find out if there was a code.

Board Member Bodor stated alright.

Chairman Buzzutto stated in October.

Mr. Arias stated correct. October 16, 2009.

Board Member Bodor stated and at that time there was no code. It was created. I don't know what the date is, there's no date on this. But it's just very recent, within the past couple months.

Chairman Buzzutto stated but that's when you inquired. But you did not have an application.

Mr. Arias stated correct.

Board Member Bodor stated that was an inquiry, just to, you know, find... get information.

Mr. Arias stated to proceed with an application.

Board Member Bodor stated right. But you had no application in. Your application is dated...

Chairman Buzzutto stated well, the application...

Board Member Bodor stated whatever it is.

Chairman Buzzutto stated 4/16. There's a date here.

Board Member Bodor stated April then.

Chairman Buzzutto stated so you have to get another...you have to file for an area variance here.

Board Member Bodor stated so along with the Special Use Permit, based upon the current Code, you need to file an application for a variance.

Mr. Arias stated and what does that entail, if I may...

Board Member Bodor stated it entails coming in and filling out an application for the variance, for the reason you need it. And you'll have to work with either...Sarah can help you out or the Planning Department can help you out.

Mr. Arias stated okay. And will that require a new fee for a new application, or...

Chairman Buzzutto stated I don't know.

Board Member Bodor stated the fee should be adjusted because then you will be going for two different applications.

The Secretary stated yes, there'll be additional.

Mr. Arias stated additional, okay. And would you know how much.

The Secretary stated for an area variance, it's \$175.00 plus postage.

Mr. Arias stated okay.

Chairman Buzzutto stated that's because you fall within the 900'. The livery service also accommodates taxi service, or the way that it's written. So...

Mr. Arias stated is there a way to update the Code where it would separate what a taxi means as to what a limousine means because...

Chairman Buzzutto stated well, that's what the Town Board already has...

Board Member Burdick stated they created it.

Mr. Arias stated okay.

Chairman Buzzutto stated created. So that's a done deal. It's already in the Code now.

Mr. Arias stated okay.

Chairman Buzzutto stated so, you'll have to file for an area variance, get it in, and then we can put it on the next meeting.

Mr. Arias stated okay.

Chairman Buzzutto stated if you want. It's up to you.

Mr. Arias stated sure. I'll...

Chairman Buzzutto stated Sarah or...

Mr. Arias stated okay. I'll come tomorrow.

Chairman Buzzutto stated sorry about that. But we can't act on it without that application.

Mr. Arias stated okay.

Chairman Buzzutto stated okay.

Mr. Arias stated okay.

Chairman Buzzutto stated okay, fine. Thank you very much. Hold it over. So there will be two applications.

Board Member Burdick stated oh, two applications for this. Yes.

Board Member Bodor stated for this one, yes.

Chairman Buzzutto stated the one we have and the new one. Okay.

5) **ROBERT PINCHBECK CASE #15-10**

No one was present for Robert Pinchbeck.

Chairman Buzzutto stated okay. We'll go to number 5 that we got here, would be Pinchbeck.

The Secretary read the following legal notice:

Robert Pinchbeck Case #15-10 – Area Variances

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize an existing wood deck. The Code requires there to be a 15' side yard setback; Applicant has 11'; Variance requested is for 4'. The Code also

requires a 20' rear yard setback; Applicant has 0'; Variance requested is for 20'. This property is located at 36 Lacona Drive (RPL-10 Zoning District).

Chairman Buzzutto stated okay. Who's representing Pinchbeck.

Board Member Bodor stated there's no one here for Mr. Pinchbeck.

Audience member stated he's not here. I live next door to the property.

Board Member Bodor stated he's not here.

Audience member stated he's not here, no.

Board Member Bodor stated you're not representing him.

Audience member stated no, I'm not.

Board Member Bodor okay. Thank you.

Chairman Buzzutto stated alright. He didn't call in or anything, so...I don't think he'll be here.

Board Member Burdick stated do we need to make a motion to hold it over till the end.

Carl Lodes stated yes.

Board Member Bodor stated yes.

Board Member Burdick stated okay. Just to hold it to the end of the meeting.

Board Member Bodor stated yes.

Board Member Burdick stated I'd like to make a motion that we hold this to the end of the meeting to see if he...

Chairman Buzzutto stated alright. Fine.

Board Member Burdick stated arrives.

Chairman Buzzutto stated okay.

Board Member Burdick stated is there a second.

Board Member Bodor stated I'll second it.

Chairman Buzzutto stated all in favor. Motion carried by a vote of 4 to 0.

Chairman Buzzutto stated object. Okay.

6) ANTONIO POMALES CASE #16-10

Mrs. Debbie Pomales and Mr. Ron Gainer were both present.

Chairman Buzzutto stated okay. Going to number 6, that would be...

Board Member Bodor stated Pomales.

Chairman Buzzutto stated Pomales. Okay.

The Secretary read the following legal notice:

Antonio Pomales Case #16-10 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code...

Board Member Herbst stated I knew it was you.

The Secretary continued to read the following legal notice:

Schedule of...

Board Member Herbst stated but I wasn't sure when I looked the first time.

The Secretary continued to read the following legal notice:

regulations, in order to construct a 20' x 20' wood deck in the rear of the dwelling. The Code requires there to be a 40' side yard setback; Applicant will have 23'; Variance requested is for 17'. This property is located at 43 Baldwin Road (R-4 Zoning District).

Mr. Ron Gainer stated hi, I'm Ron Gainer. I'm an adjoiner. I'm a friend of the Pomales. Debbie is with me here, the property owner. I'm just going to assist her to move her through the process.

Chairman Buzzutto stated raise your hand.

Mr. Gainer stated yes.

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

Mr. Gainer stated yes I do.

Chairman Buzzutto stated okay. You're representing...How is that pronounced.

Mr. Gainer stated Pomales.

Mrs. Debbie Pomales stated Pomales.

Chairman Buzzutto stated Pomales. Okay, fine.

Mr. Gainer stated their house dates back to the mid 1960's; at the time, it conformed to zoning. But the house is very close to the side property line. Certainly less than the current 40' side yard setback. Their desire is to put a 20' x 20' deck in the rear of their house. They want to access off the rear door off their kitchen onto a deck in their backyard. The deck is going to lie within 23' of the side yard, and so it needs a variance. Obviously the house is even in closer proximity to it, and that necessitated the filing. With the application, I think, photographs were provided to try to give some illustration of their intent and really put in the backyard. There also happens to be a letter with that from me, as the nearest adjoiner that would be most severally impacted, not objecting to the variance.

Chairman Buzzutto stated do you live in the area that...

Mr. Gainer stated yes. I live on the next property.

Chairman Buzzutto stated on the next property.

Mr. Gainer stated I'm 31 Baldwin [Road], they're 43. I think I provided tax mapping to illustrate the location of the properties.

Board Member Bodor stated your property is on the side where the impact is.

Mr. Gainer stated that's correct.

Chairman Buzzutto stated it's kind of close on there.

Board Member Bodor stated yes.

Mr. Gainer stated if you have... You should all have this picture as well [referring to a picture]. There's property is highlighted in the crosshatching. I'm right on the corner.

Board Member Bodor stated okay.

Mr. Gainer stated and that's the side of the property that they would be most severely impacted.

Board Member Burdick stated and it appears from this picture that the other adjacent property owner is a distance away and it looks very wooded. Is that accurate.

Mr. Gainer stated correct.

Chairman Buzzutto stated and the deck can't be put on the other side of the...over here.

Mr. Gainer stated well, their trying to access their kitchen.

Chairman Buzzutto stated oh, I see.

Mr. Gainer stated because there's a...

Chairman Buzzutto stated okay. So the kitchen would be over on this side here.

Mr. Gainer stated right.

Board Member Burdick stated there's a picture right here.

Mr. Gainer stated there's a back door that their going to access onto the deck.

Board Member Bodor stated there's a door and steps coming down and that's...

Chairman Buzzutto stated oh, yes. Over here.

Mr. Gainer stated yes. The steps will be removed and you'll come out onto the deck.

Board Member Bodor stated the deck will be right there.

Mr. Gainer stated yes.

Board Member Burdick stated and what's the white door. Does that go to a basement.

Mrs. Pomales stated garage.

Mr. Gainer stated that's a garage.

Board Member Burdick stated garage.

Chairman Buzzutto stated okay. It looks like an ideal spot to put the deck. Nice and level.

Board Member Bodor stated how high is the deck going to be.

Mr. Gainer stated it's not going to exceed 30" above just in grade. It's going to be reasonably low.

Board Member Bodor stated oh. Okay. Alright.

Mrs. Pomales stated so we'll come out the back door, go down a couple of steps and then hit the deck...

Board Member Bodor stated okay.

Mrs. Pomales stated and then come down again. So it won't be up high.

Board Member Bodor stated it's not an 8' high deck or anything to get to that.

Chairman Buzzutto stated will you have access to that door to the garage once...

Mr. Gainer stated exactly.

Chairman Buzzutto stated you'll have...

Mr. Gainer stated there will be stairs that will come down right to that door.

Chairman Buzzutto stated okay.

Board Member Bodor stated where's the septic, in the front yard.

Mr. Gainer stated yes. Septic's in the front, the well is in the rear. You'll see a...

Board Member Bodor stated I see the well, yes.

Mr. Gainer stated you'll see a circular structure shown off the rear. That will still be exposed from the deck. That contains the well.

Chairman Buzzutto stated what are you asking for. What...

Mr. Gainer stated the deck will be within 23' of the side line. We're asking for a variance of 17' from the 40' requirement.

Chairman Buzzutto stated okay. Do you see anything...

Board Member Bodor stated no. It's a preexisting situation.

Mr. Gainer stated yes. The house is all preexisting. And that's really what governs...

Chairman Buzzutto stated yes.

Mr. Gainer stated where this deck is going. That's exactly right.

Chairman Buzzutto stated right. Okay. And that's access, you say, to the kitchen. Okay, I don't see...

Mr. Gainer stated the proposed deck is not going to break the line that's already created by that existing garage. It's 13' to the line.

Board Member Burdick stated and there's a fence between your property and...

Mr. Gainer stated yes. And there's vegetation on the other side of the...

Board Member Burdick stated yes.

Mr. Gainer stated fence.

Chairman Buzzutto stated do I have any input from the audience on this particular application. If not... You don't see anything.

Board Member Bodor stated no, I'm okay. I'm looking at the measurements here however.

Chairman Buzzutto stated okay.

Board Member Bodor stated the side yard setback is 40 [feet].

Mr. Gainer stated right.

Board Member Bodor stated and you'll have 23'.

Mr. Gainer stated correct.

Board Member Bodor stated and the request therefore is...

Mr. Gainer stated the relief is 17'.

Board Member Bodor stated 17'.

Mr. Gainer stated right.

Board Member Bodor stated the rear yard...

Mr. Gainer stated yes. There's no rear yard concern. The...

Board Member Bodor stated I know there isn't.

Mr. Gainer stated property is very deep. And everything's conforming other than that one side.

Board Member Bodor stated right. That's why I was stumbling over here, because it's talking about a rear...I'm saying, wait. Something's not right. Okay. I'm looking at the wrong one.

[Laughter]

Chairman Buzzutto stated alright, we'll close the public hearing.

Board Member Bodor stated alright, got it.

Board Member Herbst stated you want a motion.

Chairman Buzzutto stated what.

Board Member Herbst stated to close the public hearing.

Chairman Buzzutto stated yes. I'm going to...

Board Member Bodor stated I'll second that.

Chairman Buzzutto stated okay, who's going to read this one.

Board Member Bodor stated Marianne's writing.

Board Member Burdick stated yes. I'll read it. Is it okay to read, Buzz.

Chairman Buzzutto stated if you want.

Carl Lodes stated did you actually vote on the motion to close public hearing. I heard the second. I'm sorry, I didn't hear the vote.

Board Member Bodor stated all in favor. Motion passed by a vote of 4 to 0.

Board Member Bodor stated got it.

Board Member Burdick read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Antonio Pomales, Case #16-10
For an Area Variance for a 20'x20' Deck

WHEREAS, *Antonio Pomales* is the owner of real property located at 43 Baldwin Road (R-4 Zoning District), also identified as **Tax Map Parcel #13.-1-31, and**

WHEREAS, *Antonio Pomales* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to construct a 20'x20' wood deck in the rear of the dwelling, and

WHEREAS, §154-7 of the Patterson Town Code requires a 40' side yard setback; Applicant will have 23'; ***Variance requested is for 17'***, 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 ***June 14, 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 deck is low, 30" above grade, and will e screened by an existing fence and vegetation.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because they would like to be able to access the kitchen from the deck and the kitchen is already existing.***
3. the variance requested ***is*** substantial ***but not to cause denial.***
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 screening from the fence and the vegetation, and the closest property owner supports the building and location of the deck.***
5. the alleged difficulty necessitating the variance ***was self created but is not sufficient*** so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby

grants the application of *Antonio Pomales* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 17' from the 40' required for a side yard setback*, in order to construct a 20'x20' wood deck in the rear of the dwelling.

Board Member Bodor stated second.

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

Resolution carried by a vote of 4 to 0.

Mr. Gainer stated thank you very much. Good to see you all again.

Chairman Buzzutto stated okay.

Board Member Burdick stated you, too. Good luck.

Chairman Buzzutto stated let's take a recess here for a minute while I...

Board Member Herbst stated yes, that's what I was going to ask for. So make it fast.

[Recess]

7) SCOTT JAMES N. & CATHERINE HALKETT CASE #17-10

Mr. Scott James N. Halkett and Mrs. Catherine Halkett were both present.

Chairman Buzzutto stated Mrs. Halkett.

Mr. Scott James N. Halkett stated Halkett.

Chairman Buzzutto stated Halkett. Okay, do you want to...

The Secretary read the following legal notice:

Scott James N. & Catherine Halkett Case #17-10 – Area Variance

Applicants are requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to do an addition to the dwelling which will consist of increasing the size of the kitchen and adding a mud room. The Code requires there to be a 40' side yard setback; Applicant will have 23'; Variance requested is for 17'. This property is located at 657 N. Birch Hill Road (R-4 Zoning District).

Chairman Buzzutto stated okay, you...

Mr. Halkett stated I'm Scott James N. Halkett.

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

Mr. Halkett stated yes I do.

Chairman Buzzutto stated and you are mister...Alright, you heard the reading. Is there any changes in what she read.

Mr. Halkett stated no. I'm just trying to put like an 8' addition on my house.

Chairman Buzzutto stated okay.

Board Member Bodor stated 8' addition to contain...

Mr. Halkett stated a mudroom and a kitchen.

Board Member Bodor stated a mudroom and a kitchen.

Mr. Halkett stated right.

Board Member Bodor stated I'm looking at the survey that you provided here. You're on Lot 1A. Lot 1B is adjoining.

Mr. Halkett stated correct.

Board Member Bodor stated do you own that, too.

Mr. Halkett stated I own that, yes.

Board Member Bodor stated you own that.

Mr. Halkett stated right.

Board Member Bodor stated is there any residence on there.

Mr. Halkett stated no.

Board Member Bodor stated it indicates a proposed...

Mr. Halkett stated it's vacant land.

Board Member Bodor stated it's still vacant land.

Mr. Halkett stated yes. And my neighbor wrote a letter. I think...

Board Member Bodor stated yes. I do have a letter...We do have a letter here from your neighbor.

Mr. Halkett stated Bob Demchuk.

Board Member Bodor stated do you want this read into the record.

Chairman Buzzutto stated yes.

Board Member Bodor stated okay. This is from Melissa Cook and Bob Demchuk. There are 650 North Birch Hill Road, Patterson.

Board Member Bodor read the following letter:

To the Planning Department,

We're writing to support the application for variance by Scott and Catherine Halkett at 657 North Birch Hill Road, your case #17-10. We own the property at 650-648 North Birch Hill Road, directly across the street from Halkett's property. The Halkett's are asking to make improvements to this property in a way that will not affect us as their closest neighbors. This addition will increase the value of their home, which is good for everyone in the neighborhood. We do not see any adverse issues in the way they are proposing to expand their home. The Halkett's are good neighbors and friends, and we're happy that their looking to improve their home in a way that will allow them to stay in this house instead of moving. Please do not hesitate to contact us if you have any questions. Thank you.

Board Member Bodor stated that's a lovely letter.

Mr. Halkett stated thanks.

Board Member Bodor stated is there anyone else in the audience who has any input.

Chairman Buzzutto stated okay then.

Board Member Bodor stated do you plan on holding onto that empty lot or are you going to put it on the market eventually. I mean, you don't know down the road.

Mr. Halkett stated no. Right now we're holding onto it.

Board Member Bodor stated you're holding onto it. You're plan to hold onto it.

Mr. Halkett stated yes.

Board Member Bodor stated is it pretty much wooded now that it's...It's grown up...

Mrs. Catherine Halkett stated yes.

Board Member Bodor stated and your house was originally built...

Mrs. Halkett stated 1850.

Board Member Bodor stated 1850.

Mr. Halkett stated yes.

Board Member Bodor stated may I ask how long you've been there.

Mr. Halkett stated since...

Mrs. Halkett stated it feels like 1850.

Board Member Herbst stated he moved in in 1861.

Mr. Halkett stated an updated version. I think '85.

Board Member Bodor stated oh, okay.

Mr. Halkett stated been there a long time.

Board Member Bodor stated you've been there a respectable amount of time. Yes, sure.

Chairman Buzzutto stated where on North Birch Hill is that. Is that near Foster's or...

Mr. Halkett stated no. You go all the way to...After Birch Hill.

Chairman Buzzutto stated oh, you go way up there.

Mr. Halkett stated all the way up to the top.

Chairman Buzzutto stated all the way...

Mr. Halkett stated take a left and about a half mile down on the left.

Chairman Buzzutto stated oh, I see.

Mr. Halkett stated just before Dutchess.

Chairman Buzzutto stated okay, fine. You're way up there.

Board Member Bodor stated before you get to Bridle Ridge or after.

Mr. Halkett stated after it.

Board Member Bodor stated after.

Mr. Halkett stated yes.

Board Member Bodor stated you're almost to the line then.

Mr. Halkett stated yes. We're the second house there.

Board Member Bodor stated okay. Both properties...both parcels are still in the Town of Patterson.

Mr. Halkett stated yes.

Board Member Bodor stated okay.

Chairman Buzzutto stated are they separate parcels, under separate tax maps.

Mr. Halkett stated yes.

Chairman Buzzutto stated they are. Okay. Not that that makes much difference, but...

Board Member Bodor stated the new structure, will that be one story.

Mr. Halkett stated yes.

Board Member Bodor stated yes. Alright.

Chairman Buzzutto stated okay. Since there's nothing from the audience we'll close the public hearing.

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

Board Member Herbst stated second.

Chairman Buzzutto stated okay. All in favor. Motion carried by a vote of 4 to 0.

Chairman Buzzutto stated object. No. Okay.

Board Member Bodor stated Marianne is writing away.

Chairman Buzzutto stated oh, boy. Smirky-Anne.

Board Member Burdick stated okay. Can I begin.

Chairman Buzzutto stated yes you may.

Board Member Burdick read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Scott James N. and Catherine Halkett, Case #17-10
*For an Area Variance for an Addition***

WHEREAS, *Scott James N. and Catherine Halkett* are the owners of real property located at 657 N. Birch Hill Road (R-4 Zoning District), also identified as **Tax Map Parcel #5.-1-29-, and**

WHEREAS, *Scott James N. and Catherine Halkett* have made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to construct addition to the dwelling which will consist of increasing the size of the kitchen and adding a mud room, and

WHEREAS, §154-7 of the Patterson Town Code requires a 40' side yard setback; Applicant will have 23'; *Variance requested is for 17'*, 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 *June 14, 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 applicants own the adjacent lot where the proposed addition is, and the nearest neighbor, from across the street, supports the addition.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the addition is to increase the kitchen and add a mudroom and the kitchen exists on the side of the house where the addition is being proposed.*
3. the variance requested *is* substantial *but not sufficient to cause a denial.*
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 vacant lot exists on the side of proposed addition.*
5. the alleged difficulty necessitating the variance *was self created but is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Scott James N. and Catherine Halkett* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 17' from the 40' required for a side yard setback*, in order to construct a construct addition to the dwelling which will consist of increasing the size of the kitchen and adding a mud room.

Chairman Buzzutto stated how's the outside going to be finished; the material. To coincide with what you've got. To match an 1850 house, what are you going to...What's the interior going to look like...exterior.

Mr. Halkett stated exterior. (Inaudible) board.

Board Member Herbst stated I'll second.

Chairman Buzzutto stated okay. It's not going to match what you've already have though. It's pretty hard to do that though. It's going to be shingled...

Mr. Halkett stated it's all been redone.

Chairman Buzzutto stated okay.

Mr. Halkett stated it's all been redone.

Chairman Buzzutto stated okay, fine.

Mr. Halkett stated anyways.

Chairman Buzzutto stated yes, alright. Jerry second there.

Board Member Herbst stated I did, yes.

Chairman Buzzutto stated okay.

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

Resolution carried by a vote of 4 to 0.

Chairman Buzzutto stated okay. And good luck.

Mr. Halkett stated thank you.

Board Member Burdick stated good luck.

Mrs. Halkett stated thanks.

ROBERT PINCHBECK CASE #15-10

Chairman Buzzutto stated and we've got that one that they didn't show up yet. So I guess...

Board Member Bodor stated alright. I'll like to make a motion that we put over the Pinchbeck application till the next scheduled meeting. Sarah will please notify them that will be on the next scheduled meeting, whenever that is.

Board Member Herbst stated second.

Chairman Buzzutto stated all in favor. Motion carried by a vote of 4 to 0.

7) OTHER BUSINESS

Chairman Buzzutto stated okay. Other business.

Board Member Herbst stated what, are we onto other business now.

Board Member Bodor stated yes.

Board Member Bodor stated is there other business.

Chairman Buzzutto stated is there other business.

Rich Williams stated why don't you go through this case, what you're going to do with it.

Chairman Buzzutto stated what's that one.

Board Member Bodor stated I'm sorry.

Rich Williams stated the one case that's left, right.

Board Member Bodor stated yes.

Board Member Burdick stated we voted. We're going to hold it over.

Rich Williams stated you did.

Chairman Buzzutto stated we're going to hold it over.

Rich Williams stated sorry, I can't...

Chairman Buzzutto stated yes.

Rich Williams stated (inaudible – too distant).

Board Member Bodor stated we're going to put it on for the next month.

Rich Williams stated okay.

Chairman Buzzutto stated okay.

Audience member stated do you have a date scheduled for that yet, or no.

Chairman Buzzutto stated well, the next meeting would be whenever that is.

The Secretary stated it's July 21st.

Board Member Bodor stated thank you.

Chairman Buzzutto stated okay, fine. Is there anything else on that there.

Board Member Bodor stated alright, is there any other, other business.

Chairman Buzzutto stated no.

Board Member Bodor stated guess not.

Board Member Herbst stated the only other...

a) Minutes

Chairman Buzzutto stated minutes.

Board Member Bodor stated minutes from April 21st.

Chairman Buzzutto stated I just got them. I didn't read them.

Board Member Bodor stated yes. I have not read them.

Chairman Buzzutto stated we'll put those off until next meeting; minutes.

Board Member Bodor stated and we just got those tonight, so...

Chairman Buzzutto stated yes. Where are you going.

Rich Williams stated I'll be right back (inaudible – too distant).

Chairman Buzzutto stated you may.

Board Member Bodor stated anything else. I make a motion to adjourn.

Board Member Burdick stated second.

Chairman Buzzutto stated all in favor.

Board Member Bodor stated all in favor. Motion carried by a vote of 4 to 0.

Meeting was adjourned at 8:38 p.m.