

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
June 18, 2008**

AGENDA & MINUTES

- | | Page | |
|-------------------------------------|-------|---|
| 1) Vito Andriano Case #05-08 | 1 – 6 | Public hearing closed;
Area variances for cabin and accessory structure denied |
| 2) Other Business | | |
| a) Meeting Dates | 7 | Rescheduled July and August meetings |
| b) Minutes | 8 – 9 | Approved May 21, 2008 minutes |

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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
Martin Posner

PLANNING BOARD

Shawn Rogan, Chairman
David Pierro, Vice Chairman
Michael Montesano
Maria DiSalvo
Charles Cook

**Zoning Board of Appeals
June 18, 2008 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 Burdick, Board Member Lars Olenius, Board Member Posner, Jennifer Herodes, Attorney with Town Attorney's Office Curtiss, Leibell, Herodes & Molé and Rich Williams, Town Planner (arrived late at 7:15 p.m.).

Chairman Buzzutto called the meeting to order at 7:10 p.m.

Chairman Buzzutto led the salute to the flag.

Approximately 1 members in the audience.

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

Roll Call:

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

1) VITO ANDRIANO CASE #05-08

Mr. Vito Andriano was not present.

Chairman Buzzutto stated okay, we don't have the Applicant here, so...Is it necessary to read the highlights of the case.

Board Member Bodor stated I don't think so. But just review the legal.

Chairman Buzzutto stated just review the legal.

Board Member Bodor stated that's it. Let Sarah read the legal.

Chairman Buzzutto stated okay, you want to read the legal.

The Secretary read the following legal notice:

NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS of a public hearing to be held on Wednesday, June 18, 2008 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

1) Vito Andriano Case #05-08 – Area Variances; Held over from May 21, 2008 Meeting

Applicant, who is acting on behalf of NRA Realty & Development Co., is requesting area variances pursuant to §154-4 of the Patterson Town Code; Definitions (Cabin). A 25' x 31' addition with a hip roof was constructed to a pre-existing 600 square cabin, bringing the new total square footage to 1375 square feet. The Code requires a cabin to be no more than 650 square feet in size; variance requested is for 725 square feet. The new addition is a two-story great room with two bedrooms. The height of the addition is 24'. The Code requires a cabin to be no more than 16' in height; variance requested is for 8'. Applicant is also requesting an area variance pursuant to §154-27 A(9)(b) of the Patterson Town Code; Permitted accessory uses. There is a 9' separation between a portion of the pre-existing cabin and a shed; the Code requires a 15' separation; variance requested is for 6'. This property is located at 180 Birch Hill Road (R-4 Zoning District).

Chairman Buzzutto stated okay. Well, the Applicant is not here. We have waited what, close to 15...10, 15 minutes. We're preceding with the case here...the agenda. We did take a site walk on this property and found a very nice piece of property with some nice buildings on it; most of which, I believe, were not legal.

Board Member Bodor stated Rich [referring to the Rich walking in]. To our knowledge, the construction...the recent construction was done without a building permit and the shed was done without a building permit.

Board Member Burdick stated is the Applicant here.

Rich Williams stated no.

Board Member Burdick stated no.

Rich Williams stated but I brought audience.

Board Member Bodor stated welcome.

Audience Member stated busy tonight, huh.

Chairman Buzzutto stated yeah.

Board Member Bodor stated our site walk was on June 4, 2008. And yes; the construction job is very, very admirable.

Chairman Buzzutto stated yeah.

Board Member Bodor stated really, he's done a beautiful job with it. Looks nice, and the property is nice.

Chairman Buzzutto stated the whole piece of property is very well, you know, groomed and whatever. It's beautiful. But it's too bad that things have to be rearranged up there. So we did take the site walk, and I don't know how much more we can get into the minutes on this one here.

Board Member Bodor stated well, based upon the information from the previous meeting of May 21st and our site walk, I'm prepared to present resolutions for both variances.

Chairman Buzzutto stated okay. Is there anything that we should add into this...No.

Board Member Posner stated no.

Board Member Bodor stated any more comments from anyone.

Chairman Buzzutto stated there's no more comments that I have from the audience here.

Board Member Posner stated I think you said it all.

Jennifer Herodes stated you said it all, and waited a reasonable time.

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

Board Member Burdick stated second.

Board Member Bodor stated all in favor. Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated the public hearing is now closed. Do you want to go ahead with the reso.

Board Member Bodor stated yes. I can.

Board Member Bodor read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Vito Andriano, Case #05-08
*For Area Variances for a Cabin***

WHEREAS, *NRA Realty and Development are* the owners of real property located at 180 Birch Hill Road (R-4 Zoning District), also identified as **Tax Map Parcel # 4.-1-76**, and

WHEREAS, *Vito Andriano* has made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-4 of the Patterson Town Code; Cabins, in order to have the existing structure and the addition remain a cabin, and

WHEREAS, §154-4 of the Patterson Town Code states that a cabin is a permanent or semi permanent structure used exclusively as temporary shelter for not more than 26 weekends per year or for more than 21 consecutive days and not exceeding 650 square feet in size, nor more than 16 feet in height, and

WHEREAS, the total square footage of the pre-existing cabin and addition is 1,375 square feet; the Code allows for no more than 650 square feet; *variance requested is for 725 square feet*, and

WHEREAS, the Code requires that a cabin not be higher than 16'; currently exists is 24'; *variance requested is for 8'*, and

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

WHEREAS, a public hearing was held on the application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on May 21, 2008 and June 18, 2008, and a site walk conducted on June 4, 2008, 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* produce an undesirable change in the character of the neighborhood *because the surrounding area is zoned residential, implying year-round inhabitation, and this structure has no services.*
2. the benefit sought by the applicant *can* be achieved by any other feasible means *because if a building permit had been sought prior to construction of structure, alternate plans could have been made.*
3. the variance requested *is* substantial *because overall square footage increase is over 100% and the height request is 50% over the defined cabin.*
4. the proposed variance *will* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because area is zoned residential.*
5. the alleged difficulty necessitating the variance *was self-created and is sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *denies* the application of *Vito Andriano* for *area variances* pursuant to §154-4 of the Patterson Town Code; Cabins, in order to have the existing structure and the addition remain a cabin.

Board Member Olenius stated second.

UPON ROLL CALL VOTE:

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay. That takes care of that.

Board Member Bodor stated okay, I'll go on with the second variance for the existing shed. Request to allow the existing shed to remain.

Chairman Buzzutto stated okay.

Board Member Bodor stated okay.

Chairman Buzzutto stated that's all...Good.

Board Member Bodor read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Vito Andriano, Case #05-08
For an Area Variance for an Existing Shed

WHEREAS, *NRA Realty and Development* are the owners of real property located at 180 Birch Hill Road (R-4 Zoning District), also identified as **Tax Map Parcel # 4.-1-76**, and

WHEREAS, *Vito Andriano* has made application to the Patterson Zoning Board of Appeals for variances pursuant to §154-27 A. (9)(b) of the Patterson Town Code; Permitted accessory uses, to allow a shed to remain 9' from the existing main structure, and

WHEREAS, §154-27 A. (9)(b) of the Patterson Town Code states that a small building principally constructed of wood, stone or a cementitious material, or a combination of these materials, whose primary uses is for a workshop or the storage of yard equipment and/or nonhazardous material, either of which is intended for use solely on the parcel on which the building is located and subject to the following restriction: it shall not be nearer to any side or rear line than is specified in the schedule and shall not be closer than 15 feet to the principal building, garage or other structure, and

WHEREAS, the Code requires there to be 15' between the shed and the principal structure, currently exists is 9'; ***variance requested is for 6'***, and

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

WHEREAS, a public hearing was held on the application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on May 21, 2008 and June 18, 2008, and a site walk conducted on June 4, 2008, 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:

6. the proposed application ***will*** produce an undesirable change in the character of the neighborhood ***because due to the existence of 103± acre parcel, there is no necessity to place an accessory within the code limits.***

7. the benefit sought by the applicant *can* be achieved by any other feasible means *because structures are located on 103± acre parcel.*
8. the variance requested *is* substantial *because due, again, to the large size of the parcel.*
9. the proposed variance *will* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because all structures are huddled together, unduly.*
10. the alleged difficulty necessitating the variance *was self-created* and *is sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *denies* the application of *Vito Andriano* for an *area variance* pursuant to §154-27 A. (9)(b) of the Patterson Town Code; Permitted accessory uses, to allow a shed to remain 9' from the principal structure.

Board Member Burdick stated second.

UPON ROLL CALL VOTE:

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated I want to commend you on your nice reso.

Board Member Bodor stated thank you.

Chairman Buzzutto stated very nice. Nicely done.

Dave Raines stated can you repeat that.

Board Member Bodor stated sorry. Would you like me to...

Dave Raines stated I wasn't listening. Can you repeat that.

Board Member Bodor stated excuse me. Here. I'll just give you the printed copy. It was done in pencil.

Chairman Buzzutto stated very well done. Okay. Other business.

2) OTHER BUSINESS

a) Meeting Dates

Board Member Bodor stated other business. Other business we have...

Chairman Buzzutto stated monkey or otherwise. Oh, no.

Board Member Bodor stated no, serious business we have a request that the July meeting be changed from the scheduled July 16th, to July 21st. And as far as we know, that meets everyone's approval, unless someone finds out when they get home and check their calendars. So we'll plan on that. Okay.

Chairman Buzzutto stated there's nothing else going on at the Town Hall, or anything like that.

Board Member Bodor stated that's a Monday night.

Chairman Buzzutto stated a Monday night. Okay.

Board Member Bodor stated yeah.

Chairman Buzzutto stated it's okay with me. Is the rest of the Board...

Board Member Posner stated yes.

Board Member Bodor stated as far as we know, it's okay.

Chairman Buzzutto stated okay.

Board Member Bodor stated and then the August meeting is scheduled for August 20th. Again, we'd like to transfer it...move it to Monday, August 25th.

Chairman Buzzutto stated okay.

Board Member Bodor stated and as it stands right now, that's acceptable.

Chairman Buzzutto stated okay.

Board Member Burdick stated yeah, that's okay.

Chairman Buzzutto stated okay.

Board Member Posner stated yeah.

Chairman Buzzutto stated okay then.

Board Member Bodor stated so we'll...

Board Member Bodor stated the changes have been okayed.

Board Member Bodor stated plan on this. Unless something comes up.

Chairman Buzzutto stated okay.

b) Minutes

Board Member Bodor stated and then we have minutes from the last meeting to approve. I make a motion to approve the minutes from the May 21st meeting.

Board Member Olenius stated I'll second that.

Board Member Bodor stated all in favor. Motion carried by a vote of 5 to 0.

Board Member Bodor stated very nice minutes again.

The Secretary stated thank you.

Board Member Posner stated yeah, they really were.

The Secretary stated thank you.

Board Member Bodor stated and I see they're on the net too.

The Secretary stated yes. I just started doing that.

Chairman Buzzutto stated Rich, do you have anything to say. I want to close this.

Board Member Olenius stated (inaudible – too many talking).

The Secretary stated just started putting them up.

Board Member Olenius stated because I would take them like that. You can save the paper.

The Secretary stated yeah.

Board Member Olenius stated and send them to me that way. It's easier for me to read them that way, honestly.

The Secretary stated okay.

Board Member Olenius stated because I can like cruise right through them instead of flipping pages.

Board Member Bodor stated you like reading from the screen.

Board Member Olenius stated yeah. I'm just in the habit of it.

Board Member Posner stated yeah. When you emailed it to me, they were great.

The Secretary stated okay.

Board Member Posner stated yeah, I loved it.

The Secretary stated yeah, I'll let you know when they're ready, and then you can just let me know if you want me to send it.

Board Member Olenius stated I opened a new folder to store them in, so like, I still have them, you know.

Board Member Posner stated and I won't misplace them.

The Secretary stated okay.

Board Member Burdick stated you can do the same with me to save paper.

Board Member Bodor stated I want the hard copy. I can't stand sitting there reading a screen. I can't. Other than that, any other business. Make a motion to adjourn.

Board Member Burdick stated second.

Board Member Bodor stated all in favor. Motion carried by a vote of 5 to 0.

Meeting was adjourned at 8:25 p.m.