

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
June 21, 2012**

AGENDA & MINUTES

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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

PLANNING BOARD

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**Zoning Board of Appeals
June 21, 2012 Meeting Minutes**

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

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

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

There were approximately 4 members of the audience.

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

Chairman Olenius led the salute to the flag.

Roll Call:

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

1) DEANNA POWELL CASE #17-12

Ms. Deanna Powell was present.

Chairman Olenius stated go right ahead.

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 Thursday, June 21, 2012 at 7:00 p.m. at the Patterson Town

Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

Deanna Powell Case #17-12 – Area Variances

Applicant is requesting area variances pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings and §154-62; Buildings on nonconforming lots, in order to construct an addition to square off the dwelling. The Code requires a front yard setback of 15'; Applicant currently has 9'; Applicant will have 9'. The New York/Connecticut State Line runs through the Applicant's property, creating a 5,416.49 sq. ft. portion of the property in New York and a 2,716.06 sq. ft. portion of the property in Connecticut. The Code requires that on a lot area between 5,001 and 5,500 sq. ft., the dwelling size not exceed 458 sq. ft. Applicant's dwelling is currently 1,461 sq. ft.; Proposed dwelling size is 1,512 sq. ft.; Variance requested is for 1,054 sq. ft. This property is located at 31 Wesley Road (RPL-10 Zoning District).

Chairman Olenius stated Ms. Powell.

Ms. Deanna Powell stated yes.

Chairman Olenius stated you want to come up to the microphone, please. Could you just state your name and address for the record.

Ms. Powell stated Deanna Powell, 31 Wesley Road, Brewster, New York.

Chairman Olenius stated thank you. And do you swear that the testimony you provide tonight will be the truth and the whole truth.

Ms. Powell stated yes.

Chairman Olenius stated thank you very much. Do you agree with what was noticed to the public there, what the Secretary just read. Is that what you're looking to do.

Ms. Powell stated I believe so, yes.

Chairman Olenius stated how long have you owned the home.

Ms. Powell stated my father bought it in 1937.

Chairman Olenius stated oh, so you've been there for quite a while.

Ms. Powell stated yes.

Chairman Olenius stated and you are looking to...

Ms. Powell stated basically demolish the front of the house which is very old. It was a log cabin and it's in very poor condition. It's 2"x4" construction. And I want to take the whole thing down and rebuild it and then put a basement underneath. The addition would be 51 sq. ft. and interior walls would be removed so that I'll have a larger dining space. And that's it.

Board Member Buzzutto stated are these pictures of your house.

Ms. Powell stated yes.

Board Member Buzzutto stated oh, they are. Okay.

Chairman Olenius stated I see there's like a staircase, it appears...

Ms. Powell stated yes.

Chairman Olenius stated going in. Is that where you're enlarging. Is that the 51 sq. ft.

Ms. Powell stated right.

Chairman Olenius stated that's what you're squaring off.

Ms. Powell stated yes.

Chairman Olenius stated okay.

Ms. Powell stated the staircase would be removed and figured more interior space. And the corner will be squared off.

Chairman Olenius stated so you're going to put...proposing to put a full basement, take this existing portion off, excavate...

Ms. Powell stated take the whole front of the house off.

Chairman Olenius stated excavate, put a full...Is there a full basement under any portion of the house.

Ms. Powell stated the back of the house has a full basement.

Chairman Olenius stated you have water trouble in there or something that you're...

Ms. Powell stated to some extent. I have a sump pump and if it rains for like two, three days, it becomes necessary to have a sump pump. I have an interior perimeter of rain, and usually the cellar stays dry with the sump pump.

Chairman Olenius stated I knew I read something that the expanded basement was to allow for better ventilation or something like that.

Ms. Powell stated yes. Well, it's crawl space right now over dirt.

Chairman Olenius stated oh, okay.

Ms. Powell stated and it just really...And the porch was put on on the west side, so that cut down on ventilation. So one of the things I want to do is install a fan, a two-way fan, so that I can, you know, really ventilate the basement well. I also have problems with fleas.

Chairman Olenius stated so, I'm just going to hold up your...

Ms. Powell stated okay.

Chairman Olenius stated your plans here. It looks like from your pictures the staircase is currently on this side.

Ms. Powell stated that's correct.

Chairman Olenius stated and the revised or the new construction...

Ms. Powell stated well, that is entirely Connecticut.

Chairman Olenius stated yes.

Ms. Powell stated the line goes right past that... Yes. Right at that point.

Chairman Olenius stated okay.

Ms. Powell stated so that won't be done now. I'm just going to leave that. I'll probably put a window there.

Chairman Olenius stated okay.

Ms. Powell stated and that will be done at another time because I just don't want any more delays. As I said, the structure is really in poor shape and I better something with it.

Chairman Olenius stated and you're really not... It doesn't look like you're changing the pitch or anything. It's just basically rebuilding what's there but in a...

Ms. Powell stated I'll try to...

Chairman Olenius stated square.

Ms. Powell stated raise the roof as much as I can. But I really can't raise it much because of the windows in the upper level; there's a certain amount of clearance you have to have. So the roof will be raised as much as it can be raised, but not by a whole lot.

Chairman Olenius stated it's still going to be a similar design though...

Ms. Powell stated yes.

Chairman Olenius stated like a shed...

Ms. Powell stated shed roof.

Chairman Olenius stated style roof coming off.

Ms. Powell stated yes.

Chairman Olenius stated I see what you're saying now. I'm looking at this elevation picture...

Ms. Powell stated yes.

Chairman Olenius stated you have windows up there so you can't go too high...

Ms. Powell stated yes.

Chairman Olenius stated because of the...

Board Member Buzzutto stated you say enlargement of nonconforming buildings, plural. You have more buildings than one on there.

Ms. Powell stated no. I have a shed. But that's alright. They checked it out and they said there was no problem with the shed. So I don't know why there's an "S" there.

Board Member Buzzutto stated buildings on nonconforming lots. Have I got the right one here.

Chairman Olenius stated yes. I think that's just quoting from the Code, and that's how the Code is written.

Ms. Powell stated oh.

The Secretary stated yes, it's just the Code.

Board Member Buzzutto stated oh, okay.

Chairman Olenius stated it's not specific to this...

Board Member Buzzutto stated okay.

Chairman Olenius stated application.

Board Member Buzzutto stated so the Applicant is requesting variances..

The Secretary stated it's just the section of Code.

Chairman Olenius stated it says Section 154. That's how that section reads.

Board Member Buzzutto stated oh, okay. That clears that up. Okay.

Chairman Olenius stated oh, I see from the survey here how the State of Connecticut goes...

Ms. Powell stated yes.

Chairman Olenius stated right through the middle of your home.

Board Member Bodor stated yes. Slices off the whole side there. The shed is over in Connecticut, too.

Ms. Powell stated actually, there's a shed in New York.

Board Member Bodor stated there's one in New York.

Ms. Powell stated but it's already...The Building Department already looked at it and said it's okay.

Chairman Olenius stated he came out and took a look already.

Ms. Powell stated yes. He says there's a...As a matter of fact, I have a slip of paper from him but I didn't bring it.

Board Member Burdick stated it's in the packet.

Chairman Olenius stated yes, I think we do, too.

Ms. Powell stated saying that I passed inspection.

Chairman Olenius stated so this front yard setback is what's currently existing and has since 1939, did you say.

Ms. Powell stated seven. Thirty-seven.

Chairman Olenius stated 37'. Thirty-seven, I'm sorry. This is a dining room area.

Ms. Powell stated yes.

Chairman Olenius stated so you'll get a little extra space in it.

Ms. Powell stated yes. For my grandkids.

Board Member Buzzutto stated when this building was built, was it built with these dining rooms and stuff on the original building.

Ms. Powell stated was the dining room always there.

Board Member Buzzutto stated yes. Was that all pre-existing part of the building.

Ms. Powell stated that was all pre-existing.

Board Member Buzzutto stated it was. In other words, when it was built that's the way it was built.

Ms. Powell stated yes.

Board Member Buzzutto stated okay.

Ms. Powell stated it was a log cabin when it was built.

Board Member Buzzutto stated it was a log cabin.

Chairman Olenius stated the one piece they're calling it a den that opens into the dining room, on this plan here.

Ms. Powell stated well, that was at one time a porch. I mean, it's, you know, that's an entrance porch, really. But what I'm going to do is take the wall down. In other words, come out to that corner, take the interior walls down...

Chairman Olenius stated oh, this whole wall's coming down.

Ms. Powell stated well, the whole thing is coming down because it has to be rebuilt. It's in very bad shape.

Chairman Olenius stated oh, this piece included.

Ms. Powell stated yes.

Chairman Olenius stated oh, both these pieces. Oh, okay. I see.

Ms. Powell stated but it's going to be substantially rebuilt exactly as it is except for that little corner.

Chairman Olenius stated you're just squaring it...I see. It shows it right here.

Ms. Powell stated they call it a den but it's really an entry porch.

Chairman Olenius stated I got you. From the first gest I got was just that that entry porch...

Ms. Powell stated oh.

Chairman Olenius stated or den, for a lack of a better word...

Ms. Powell stated the whole thing is...

Chairman Olenius stated I thought just that was coming off. I didn't realize it was being built...

Ms. Powell stated it's all 1937.

[Laughter].

Chairman Olenius stated okay.

Ms. Powell stated 2" x 4" construction.

Chairman Olenius stated okay.

Ms. Powell stated crawl space underneath. Up on piers.

Board Member Bodor stated time to replace it.

Ms. Powell stated oh God, yes.

Chairman Olenius stated yes. I see they even marked the piers on the plans.

Board Member Bodor stated yes.

Chairman Olenius stated does anybody from the audience have any input on this case. Hearing none.

Board Member Bodor stated motion to close the public hearing.

Board Member Burdick stated second.

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

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Deanna Powell, Case #17-12
Buildings on Nonconforming Lots

WHEREAS, *Deanna Powell* is the owner of real property located at 31 Wesley Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #36.57-1-17, and**

WHEREAS, *Deanna Powell* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-62 of the Patterson Town Code; Buildings on nonconforming lots, in order to construct a 51 sq. ft. addition to square off the dwelling, enlarging the dining room, and

WHEREAS, §154-62 of the Patterson Town Code states that where a lot with an area equal to or less than 19,500 square feet is owned separately from any adjacent or adjoining lot, the minimum lot area required to erect, move, alter, add to or enlarge a principal structure shall be equal to the areas as shown in the following schedule, and

WHEREAS, the New York/Connecticut State line runs through the Applicant's property, creating a lot area of 5,416.49 sq. ft. on the New York side and 2,716.06 sq. ft. on the Connecticut side, and

WHEREAS, §154-62 of the Patterson Town Code requires that on a lot area between 5,001 sq. ft. and 5,500 sq. ft. the dwelling size not exceed 458 sq. ft.; Applicant's dwelling is currently 1,461 sq. ft.; Applicant is proposing 1,512 sq. ft.; ***Variance requested for is 1,054 sq. ft., 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 21, 2012*** to consider the application; and

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

1. the proposed application *will not* produce an undesirable change in the character of the neighborhood *because the increase of the overall structure is only increasing by 51 square feet.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the restricted lot size and the pre-existing structure has been in existence since 1937.*
3. the variance requested *is* substantial *however not so much so as to cause a denial of the requested variance.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the 51 square feet in question is already encompassed by a stairway which will be removed creating no more impervious coverage on the lot.*
5. the alleged difficulty necessitating the variance *was self-created, however, is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Deanna Powell* for *an area variance* pursuant to §154-62 of the Patterson Town Code; Buildings on nonconforming lots, *of 1,054 sq. ft. in addition to the 458 sq. ft. allowed*, in order to construct a 51 sq. ft. addition to square off the dwelling, enlarging the dining room.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated one more time.

Ms. Powell stated alright.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Deanna Powell, Case #17-12
*Enlargement of a Nonconforming Building***

WHEREAS, Deanna Powell is the owner of real property located at 31 Wesley Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #36.57-1-17, and**

WHEREAS, Deanna Powell has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of a nonconforming building, in order to construct an addition to square off the dwelling, enlarging the dining room, and

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

WHEREAS, §154-7 of the Patterson Town Code requires a 15' front yard setback; Applicant currently has 9'; Applicant will have 9', and

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

WHEREAS, a public hearing was held on the application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on **June 21, 2012** to consider the application; and

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

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because there is no increase. This pre-existing front yard setback has been there since 1937.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because as previously stated, there is no expansion, it is just going over the existing footprint.***
3. the variance requested ***is not*** substantial ***because of the fact that it's been as such for over 70 years.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because as previously stated, there is no further expansion. It's just a removal and replacement.***
5. the alleged difficulty necessitating the variance ***was self-created, however, is not sufficient*** so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby ***grants*** the application of ***Deanna Powell*** for ***an area variance*** pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct an addition to square off the dwelling, enlarging the dining room.

Board Member Bodor stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated okay, you're all set.

Ms. Powell stated thank you very much.

Chairman Olenius stated you can continue with the building...

Board Member Bodor stated would you like some of these back (referring to the pictures Ms. Powell submitted to the Board).

Ms. Powell stated yes.

Board Member Bodor stated we have no use for them.

Ms. Powell stated and do I get a piece of paper or something or...

The Secretary stated in a few days.

Ms. Powell stated in the mail, okay.

The Secretary stated yes. In the mail. Send it out to you. And then...

Ms. Powell stated and then what do I do to get a building permit.

The Secretary stated Cheryl's [referring to Cheryl Smith, Building Department Secretary] going to be out until Monday, so she won't be getting it until Monday...

Ms. Powell stated thank you. Thank you very much.

The Secretary stated the earliest so she'll have to do that all up for you. So just contact the Building...

Ms. Powell stated okay, so she'll tell me.

The Secretary stated yes.

Ms. Powell stated okay. Thank you very much.

Chairman Olenius stated good luck.

Ms. Powell stated thank you.

Board Member Buzzutto stated how do they work taxes on that; property is split between two states. How does that...

Board Member Bodor stated they tax the acreage.

Chairman Olenius stated I don't know.

Board Member Buzzutto stated oh, yes.

Board Member Bodor stated that's in your state. You have to pay both.

Joe Charbonneau stated one's probably homestead and the other one's just vacant land.

Chairman Olenius stated I'm sure it makes it very interesting during Income Tax Season.

Board Member Buzzutto stated yes.

[Laughter].

Joe Charbonneau stated you have to file both.

Chairman Olenius stated yes.

2) LUCILA LEMUS CASE #18-12

Ms. Lucila Lemus was present.

The Secretary read the following legal notice:

Lucila Lemus Case #18-12 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order replace the existing rear deck. The deck will remain 3.3' from the side property line. The Code requires there to be a 15' side yard setback; Variance requested is for 12'. This property is located at 208 Fairfield Drive (RPL-10 Zoning District).

Chairman Olenius stated Ms. Lemus, can you come up to the microphone, please. Could you state your name and address for the record, please.

Ms. Lucila stated yes. My name is Lucila Lemus. I live at 208 Fairfield Drive, Brewster, New York.

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

Ms. Lemus stated yes.

Chairman Olenius stated thank you very much.

Ms. Lemus stated you're welcome.

Chairman Olenius stated did you agree with what was read on the notice. Is that exactly what you are trying to do, replace an existing deck.

Ms. Lemus stated yes.

Chairman Olenius stated no expansion or anything.

Ms. Lemus stated no.

Chairman Olenius stated just replacing what's there.

Ms. Lemus stated yes.

Chairman Olenius stated I imagine the reason is that it must be in disrepair or something. It's time for a change or...

Ms. Lemus stated yes. Also I bring pictures.

Chairman Olenius stated that would be great.

Ms. Lemus stated this is a picture of how it is now. And this is the old deck.

Chairman Olenius stated okay. Oh, I see.

Ms. Lemus stated only what I do that's different is I put the step ladders on different sides because before it's on the front now on the right side it's one the left side's the other one.

Chairman Olenius stated oh, I see. This work's been completed already.

Ms. Lemus stated not yet. The letter says not there yet [referring to stop work order].

Chairman Olenius stated okay.

Ms. Lemus stated yes.

Chairman Olenius stated so you brought...With the new one, you tried to bring it up to Code, is that what it is. I see you got measurements for the footings here and whatnot.

Ms. Lemus stated yes, because I don't know...When I buy the house, they don't have an y dimensions...

Chairman Olenius stated yes.

Ms. Lemus stated there and that...This is...

Board Member Bodor stated that's there now.

Chairman Olenius stated apparently, yes.

Board Member Bodor stated this is what went up [referring to a picture].

Chairman Olenius stated yes.

Board Member Bodor stated okay. So it is...

Chairman Olenius stated so we're getting...

Board Member Bodor stated so it is there.

Chairman Olenius stated right.

Ms. Lemus stated this is the original deck before. And this is how it is, the deck, now. Because before it didn't have any dimensions; the deck, how many feet it is.

Board Member Bodor stated it is a dirt road.

Chairman Olenius stated oh, I see.

Ms. Lemus stated I bring the old one, the one place for making it more bigger and put the sides to the deck.

Chairman Olenius stated I'll give this back to you. I just want to look at it [referring to a survey].

Ms. Lemus stated sure.

Chairman Olenius stated this Queensbury Road is an improved road where the sideline in question is.

Ms. Lemus stated I don't know. I think not because I have for many year lived there, like almost years.

Chairman Olenius stated yes.

Ms. Lemus stated and I clean 32'...You can see that in the picture. After the 32' it's 50' more what is the tree lines.

Chairman Olenius stated okay.

Ms. Lemus stated it's like 48 or 49 feet. But I don't know because they say it's supposed to...It's one road there. But that road's...

Chairman Olenius stated it's technically Town property.

Ms. Lemus stated yes, but the road does not exist there.

Chairman Olenius stated right. I understand. But that's the reason you need...Because it's...

Ms. Lemus stated yes.

Chairman Olenius stated not your property.

Ms. Lemus stated yes, I know.

Chairman Olenius stated you need a variance because you're too close to it.

Ms. Lemus stated I know, but...I'm sorry about that but I didn't know. That part would be going right by the house, the old owner, they...

Board Member Buzzutto stated is this the footings [referring to a picture].

Ms. Lemus stated told me it's supposed to go...my property line is where is the trees.

Chairman Olenius stated oh, I see.

Ms. Lemus stated you know what I mean, I don't know.

Chairman Olenius stated so they had been using...

Ms. Lemus stated yes.

Chairman Olenius stated the road right-of-way for quite a while too, probably.

Board Member Bodor stated okay.

Chairman Olenius stated this is the old survey.

Board Member Bodor stated alright, what...

Chairman Olenius stated apparently which had no dimensions...

Board Member Bodor stated okay.

Chairman Olenius stated on the thing. So she had what's new now...

Board Member Bodor stated okay.

Ms. Lemus stated yes.

Chairman Olenius stated with dimensions put onto it. And apparently the 3.3' hasn't changed.

Board Member Bodor stated right.

Chairman Olenius stated you know, because that's the line in question.

Board Member Bodor stated this is the old deck here.

Chairman Olenisu stated correct.

Ms. Lemus stated yes.

Chairman Olenius stated because now the stairs come down close to the house.

Board Member Bodor stated right.

Chairman Olenius stated they used to butt out that way.

Board Member Bodor stated yes, 3.3 [feet] didn't change.

Chairman Olenius stated the 3.3 [feet] didn't change, correct.

Board Member Bodor stated right.

Chairman Olenius stated and that's where the issue is.

Board Member Bodor stated yes.

Chairman Olenius stated the unimproved...

Board Member Bodor stated right.

Chairman Olenius stated paper road.

Board Member Bodor stated okay. Very good.

Chairman Olenius stated did you see that, Buzz.

Board Member Buzzutto stated what.

Chairman Olenius stated this is her original survey; it didn't have dimensions on the deck, but it was 3.3' from the unimproved paper road. So on the survey, she had it superimposed with dimensions now.

Board Member Buzzutto stated oh, I see.

Chairman Olenius stated it didn't get any closer to the paper road.

Board Member Buzzutto stated it's all proportional on there.

Chairman Olenius stated right. But it wasn't like it was expanded was my point.

Board Member Buzzutto stated yes.

Chairman Olenius stated it's still at 3.3' from the paper road.

Board Member Buzzutto stated from this paper road.

Chairman Olenius stated right.

Board Member Buzzutto stated this Queensbury Road, that's a paper road.

Chairman Olenius stated yes. She said...she was saying that she maintains it because the old owner told her that she owned to the tree line.

Ms. Lemus stated yes.

Chairman Olenius stated but in fact, she doesn't.

Board Member Buzzutto stated to the paper road.

Chairman Olenius stated they were just using the paper road, basically.

Ms. Lemus stated yes. I'm sorry. And also I cleaned for many years what is not my property. Thirty feet, I clean every year over there, everything.

Chairman Olenius stated that happens a lot...

Ms. Lemus stated yes.

Chairman Olenius stated in Putnam Lake.

Board Member Buzzutto stated and what year was this...What year was this survey; 1991.

Chairman Olenius stated 1989.

Board Member Buzzutto stated nineteen...Oh, I didn't see that.

Chairman Olenius stated September 7th, 1989.

Board Member Buzzutto stated well, that's not that long, really.

Ms. Lemus stated you can see Mr. Shilling. I talked to him before yesterday and he said what he does, everything is okay, nothing is illegal.

Chairman Olenius stated when did the original...Oh, it's probably right in here.

Ms. Lemus stated '81 I think was the house.

Chairman Olenius stated 1979 the deck...

Ms. Lemus stated '79.

Chairman Olenius stated was put on.

Ms. Lemus stated oh.

Board Member Buzzutto stated a few years back.

Chairman Olenius stated it's been there for quite some time.

Board Member Herbst stated this one is from (inaudible).

Board Member Buzzutto stated no.

Board Member Herbst stated it isn't.

Board Member Buzzutto stated no, these two.

Board Member Herbst stated alright. Doesn't matter.

Board Member Buzzutto stated I misunderstood that. You're building a deck. But what's this deck on here now.

Ms. Lemus stated I'm sorry, I don't understand the question.

Chairman Olenius stated I think what he's trying to understand is the old deck was there, you took it down, you've already constructed the new deck.

Ms. Lemus stated yes.

Board Member Buzzutto stated okay.

Chairman Olenius stated yes.

Ms. Lemus stated because before it's damaged. It's very bad because...

Chairman Olenius stated but you didn't make it larger than what was there before.

Ms. Lemus stated no. I do the same size...

Chairman Olenius stated that's what...

Ms. Lemus stated and the same spot.

Chairman Olenius stated comparison pictures were.

Board Member Buzzutto stated oh, this...

Chairman Olenius stated to show that this is what was here. She didn't come...She changed the steps.

Board Member Buzzutto stated she took that out.

Chairman Olenius stated right.

Board Member Buzzutto stated okay.

Chairman Olenius stated put it close to the house.

Board Member Buzzutto stated okay. That's just to clarify it.

Chairman Olenius stated do you understand it.

Board Member Bodor stated yes.

Board Member Buzzutto stated okay.

Chairman Olenius stated I don't want to take your original stuff here [referring to pictures and a survey].

Ms. Lemus stated thanks.

Chairman Olenius stated and you've been in the house since 2004.

Ms. Lemus stated yes.

Board Member Buzzutto stated I have a question that I don't understand here. What's arm's length Y. What does that refer to.

Board Member Bodor stated where are you looking.

Board Member Burdick stated where are you looking.

Board Member Buzzutto stated on the last sale. Arm's length Y. I've seen them on a lot of them, but...

Joe Charbonneau stated that was an Arm's Length transaction, so there wasn't to defraud a creditor or there wasn't a...the mortgage wasn't under water.

Board Member Buzzutto stated okay.

Joe Charbonneau stated so they weren't selling it to a friend in order to let them to continue to live there and...It was an Arm's Length transaction between a buyer and a seller in good faith.

Board Member Buzzutto stated I was wondering what the heck that meant.

Joe Charbonneau stated yes.

Board Member Buzzutto stated now I know.

Joe Charbonneau stated it means they didn't know each other.

Board Member Buzzutto stated okay. Clarified. Ding, ding.

Chairman Olenius stated the handshake was at an arm's length instead of a hug.

Joe Charbonneau stated yes, exactly. Instead of a hug.

[Laughter].

Board Member Buzzutto stated oh, I see. Okay.

Chairman Olenius stated is there any input from the audience on this case. Hearing none.

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

Board Member Burdick stated second.

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

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Lucila Lemus, Case #18-12
For an Area Variance for a 16' x 27' Rear Deck

WHEREAS, *Lucila Lemus* is the owner of real property located at 208 Fairfield Drive Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #36.48-2-39, and**

WHEREAS, *Lucila Lemus* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to replace the existing 16' x 27' rear deck, and

WHEREAS, §154-7 of the Patterson Town Code requires a 15' side yard setback; Applicant currently has 3.3'; Applicant will have 3.3'; ***Variance requested is for 12'***, 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 21, 2012*** to consider the application; and

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

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because the new deck is replacing a previous one of the same size that has been in existence for roughly 30 years.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because the way the house is situated close to the paper road and the deck coming straight off the back corner in order to keep screened and in the***

rear of the home, it's necessary for it to be in that location.

3. the variance requested *is* substantial *however not so much so as to cause a denial of the requested variance.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because as previously stated, the deck is the same size as one that was previously there and had been in existence for excess of 30 years.*
5. the alleged difficulty necessitating the variance *was not self-created and is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Lucila Lemus* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 12' from the 15' required for a side yard setback*, in order to replace the existing 16' x 27' rear deck.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated you're all set.

Ms. Lemus stated alright.

Chairman Olenius stated you'll receive your approval in the mail.

Ms. Lemus stated alright, thank you very much.

Chairman Olenius stated okay. Thank you for coming and legalizing.

Ms. Lemus stated alright. Thanks. Have a good night.

Chairman Olenius stated you, too.

Ms. Lemus stated thanks.

3) **PETER GOBBO CASE #19-12**

Mr. Peter Gobbo was present.

Chairman Olenius stated go ahead, Sarah.

The Secretary read the following legal notice:

Peter Gobbo Case #19-12 – Area Variance

Applicant is requesting an area variance pursuant to §154-27 A. (12)(b) of the Patterson Town Code; Permitted accessory uses, in order for his 14' x 18' shed to remain 17.5' from his side property line. The Code requires a side yard setback of 20'; Variance requested is for 2.5'. This property is located at 23 Buhleier Road (R-4 Zoning District).

Chairman Olenius stated Mr. Gobbo.

Mr. Peter Gobbo stated hello.

Chairman Olenius stated good morning. Or good evening. Can you state your name and address for the record.

Mr. Gobbo stated my name is Peter Gobbo, 23 Buhleier Road, Pawling, New York.

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

Mr. Gobbo stated I do.

Chairman Olenius stated thank you very much. So you have a shed in place. How long has it been.

Mr. Gobbo stated I'm not sure. The survey is 1986 and it shows it, so it has to be prior to 1986.

Chairman Olenius stated how long have you been at that residence.

Mr. Gobbo stated 32 years.

Chairman Olenius stated oh. And you had it placed there or built there.

Mr. Gobbo stated yes. I had it built there. Yes.

Chairman Olenius stated it was a stick built structure. It wasn't one of the ones that they...

Mr. Gobbo stated it's a pole...

Chairman Olenius stated trailer it on.

Mr. Gobbo stated a pole barn.

Chairman Olenius stated pole barn.

Mr. Gobbo stated yes.

Chairman Olenius stated you're just looking to legalize it now. Is that...

Mr. Gobbo stated yes.

Chairman Olenius stated Mr. Williams.

Rich Williams stated Sir.

Chairman Olenius stated if you may. Have the setbacks changed in this district in the last 30 years.

Rich Williams stated yes, I'm pretty sure they have. This probably was an r-80 Zoning District. I don't know that for sure. But I would imagine that the setbacks, the side yard setbacks, have changed a little bit.

Chairman Olenius stated okay.

Rich Williams stated I can go confirm that.

Chairman Olenius stated if the variance was for a higher percentage I might ask you to. I was just... Your expert opinion is more than enough for me. Thank you.

Rich Williams stated okay. Thanks.

Board Member Herbst stated give him two points for that one.

Board Member Buzzutto stated two points.

Board Member Herbst stated yes.

Board Member Buzzutto stated okay.

Chairman Olenius stated I saw you had some picture here, too, Mr. Gobbo. It appears from your photos that there's no impact on any adjacent neighbors. It actually looks like it's very well screened in that corner there.

Mr. Gobbo stated yes, it's way back.

Chairman Olenius stated is there a neighbor on that side of your home.

Mr. Gobbo stated yes. He has a shed on the other side.

Chairman Olenius stated there's pretty good foliage, it looks like, between the two of you.

Mr. Gobbo stated yes. There's all pine trees.

Chairman Olenius stated do I have any input from the audience on this case. Hearing none.

Board Member Bodor stated what is this other little structure that's under the tree here [referring to a picture].

Mr. Gobbo stated oh, that's a playhouse I built for my daughter.

Board Member Bodor stated oh.

Mr. Gobbo stated about 25 years ago.

Board Member Bodor stated 25 years ago.

Mr. Gobbo stated it's just now I just keep tools in it now. It's small.

Board Member Buzzutto stated what's he asking for. Just to legalize...

Chairman Olenius stated just trying to legalize what's been there.

Board Member Buzzutto stated well, it's bigger than the Code; 14' x 18'.

Chairman Olenius stated it's not a...so much a matter of the construction, it's too close to the sidelines, is the issue in front of us.

Board Member Buzzutto stated yes, but it's not a legal sized shed. Does that come into play. No.

Chairman Olenius stated he hasn't been written up on that. He's applied for a building permit...

Board Member Buzzutto stated okay.

Chairman Olenius stated for it.

Board Member Buzzutto stated for that particular shed.

Chairman Olenius stated right.

Board Member Bodor stated that's why he's here, because it's too close to the side.

Chairman Olenius stated it's too the sideline is the issue in front of us.

Board Member Bodor stated right.

Board Member Bodor stated so once we deal with this...

Chairman Olenius stated then he can get the building permit approved.

Board Member Buzzutto stated for 12 [feet] by...

Chairman Olenius stated 14' x 18'.

Board Member Buzzutto stated for 14' x 18'. Okay, so that will come later.

Board Member Bodor stated that's how he got here.

Board Member Buzzutto stated we don't have to do that tonight, though.

Chairman Olenius stated no. It's part of the...

Board Member Bodor stated well, we don't do that.

Board Member Buzzutto stated okay, I just wanted...

Chairman Olenius stated that's the reason it was denied was because of the sideline.

Board Member Buzzutto stated yes.

Chairman Olenius stated that's what he has to...

Board Member Buzzutto stated not because it was 14' x 18'.

Chairman Olenius stated no. As long as he gets a permit, he can have any size that fits on the property.

Board Member Buzzutto stated okay.

Chairman Olenius stated this looks pretty cut and dry to me. I don't know if anybody has anything else.

Board Member Buzzutto stated no.

Board Member Bodor stated.

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

Board Member Burdick stated second.

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

Rich Williams stated Mr. Chairman. Just one quick thought. This is kind of a unique situation in that the shed is on essentially a vacant piece of property even though the house is next door. I don't know if that's been addressed at all. But you might want to just recognize that...

Joe Charbonneau stated the structure's in Pawling.

Rich Williams stated the structure...The principal structure is in the Town of Pawling, and just recognize that the shed is an accessory to a principal structure...

Chairman Olenius stated oh.

Rich Williams stated in Pawling.

Chairman Olenius stated oh, you're another one that splits.

Mr. Gobbo stated yes.

Chairman Olenius stated not state lines but town lines.

Mr. Gobbo stated yes.

Board Member Burdick stated county.

Rich Williams stated county.

Chairman Olenius stated county lines. Oh, yes. So this is an accessory structure within the Town of Patterson. And the primary residence is within the Town of Pawling...

Rich Williams stated correct.

Chairman Olenius stated the county of Dutchess.

Rich Williams stated right. And it is still an accessory structure. It'd just be nice to get that in the record.

Chairman Olenius stated is there anything in the Code for a freestanding accessory structure on a... You would never address something like this, I wouldn't imagine, right. It's just one of those...

Joe Charbonneau stated no, you'd have to have...

Rich Williams stated not exactly.

Joe Charbonneau stated there has to be a principal before there is an accessory.

Chairman Olenius stated right. And it's just unusual because of the circumstances where...

Joe Charbonneau stated this principal happens to be in the other county.

Chairman Olenius stated I got you. Okay, well, we did get that in the record but at least...

Joe Charbonneau stated unless you want to move your house.

Chairman Olenius stated yes.

[Laughter].

Mr. Gobbo stated not if I don't have to.

[Laughter].

Chairman Olenius stated I would check the tax rates first before you...

[Laughter].

Mr. Gobbo stated what happens is you have a piece of land you don't think of it as...

Joe Charbonneau stated in one town or another.

Mr. Gobbo stated yes. You just (inaudible) here's a good place.

Joe Charbonneau stated that old lady before you had one...

Mr. Gobbo stated yes.

Joe Charbonneau stated in New York and Connecticut.

Mr. Gobbo stated yes.

Chairman Olenius stated oh, I see. Now I see the survey. I was looking at the survey...

Mr. Gobbo stated yes.

Chairman Olenius stated for the locations. I did not read that...

Mr. Gobbo stated it cuts off a corner, just a corner, of my property. Who even thinks about that, you know.

[Laughter]

Board Member Buzzutto stated does the Town of Pawling have to be notified on the meeting on this since it's...

Chairman Olenius stated I would imagine his neighbors... Was there neighbors in Pawling.

Joe Charbonneau stated well, then the neighbor... Anyone within, what, 500' would be notified regardless of geography.

Board Member Buzzutto stated yes. I mean, the Town don't have to be notified itself.

Joe Charbonneau stated no.

Board Member Buzzutto stated okay.

Joe Charbonneau stated no. If he was doing something with respect to his residence, then yes. In other words, if he was...

Board Member Buzzutto stated oh, okay. I see where that comes in. Alright.

Chairman Olenius stated okay. Did we officially...

Joe Charbonneau stated yes.

Board Member Burdick stated yes.

Board Member Bodor stated yes.

Chairman Olenius stated close that. We did.

Board Member Bodor stated we did.

Chairman Olenius stated okay.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Peter Gobbo, Case #19-12
For an Area Variance for an Existing 14' x 18' Shed

WHEREAS, *Peter Gobbo* is the owner of real property located at 23 Buhleier Road (R-4 Zoning District), also identified as **Tax Map Parcel #4.-1-55, and**

WHEREAS, *Peter Gobbo* has made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-27 A(12)(b) of the Patterson Town Code, Permitted accessory uses, in order to legalize his existing 14' x 18' shed, and

WHEREAS, the Patterson Town Code requires a 20' side yard setback for accessory structures in the R-4 Zoning District; the shed is currently 17.5' from the side property line; ***Variance requested is for 2.5'***, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***June 21, 2012*** to consider the application; and

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

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because the shed in question has been in existence for approximately 20 years.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because the shed in question is a pole barn and could not easily be relocated by the Applicant.***
3. the variance requested ***is not*** substantial ***in that it is only requested for 2.5' from the 20', and it has been there for quite some time.***

4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because it is an exceptionally large lot and the shed in question was stated has been there for a considerable amount of time already.*
5. the alleged difficulty necessitating the variance *was self-created, however, is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Peter Gobbo* for an *area variance* pursuant to §154-27 A(12)(b) of the Patterson Town Code; Permitted accessory uses, *of 2.5' from the 20' required for a side yard setback in the R-4 Zoning District*, in order to legalize his existing 14' x 18' shed.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated Building [Department]

Mr. Gobbo stated good. Thank you very much.

Chairman Olenius stated thank you for coming and...

Mr. Gobbo stated thank you.

Chairman Olenius stated doing that.

Mr. Gobbo stated thank you.

4) CALEB SMITH CASE #20-12

Mr. Caleb Smith and Mrs. Tammy Smith were both present.

Chairman Olenius stated go ahead, Sarah.

The Secretary read the following legal notice:

Caleb Smith Case #20-12 – Special Use Permit & Area Variance

Applicant is requesting a Special Use Permit pursuant to §154-115 of the Patterson Town Code; Public garages and automotive dealerships, in order to have an automotive repair shop. §154-115 (B) of the Patterson Town Code requires that a garage not be any closer than 1,000 feet to any other public garage as measured between the closest property corners; Applicant will have 70 feet between the two closest property corners; Variance requested is for 930 feet. This property is located at 10 Commerce Drive (C-1 Zoning District).

The Secretary stated and I just want to make note that it was published wrong and it should be the I Zoning District that it's in, not C-1 [Zoning District].

Chairman Olenius stated Mr. Smith.

Mr. Caleb Smith stated good evening.

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

Mr. Smith stated my name's Caleb Smith. I live on 8 First Street in Patterson and the property in question is 10 Commerce Drive.

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

Mr. Smith stated absolutely.

Chairman Olenius stated thank you, very much. So tell us what you're looking to do, please.

Mr. Smith stated I'm looking to lease the garage portion of the building on 10 Commerce Drive and run an automotive repair shop out of it. I've met with the Planning Board. They've done a walkthrough. I've gotten their approval with some... You know, they made some requests to stuff to be done, but nothing outstanding. So as long as I meet their requirements they've given me their approval. I guess what's in question tonight is the 1,000 feet between the property lines. I brought some pictures; I don't know if they help you out at all. The two property lines are within 1,000', I guess the garage that's in question of being too close to it would be Zitola's. And White Birch I believe is the...

Chairman Olenius stated and they do heavy equipment primarily.

Mr. Smith stated he does heavy truck.

Chairman Olenius stated and you're going to be doing...

Mr. Smith stated automotive.

Chairman Olenius stated automotive. How many bays is the garage you're looking to do.

Mr. Smith stated it's a one bay, one door. I don't know what size the door is, but you know, you can probably potentially get two or three lifts inside the building.

Board Member Buzzutto stated is this an individual building.

Mr. Smith stated no. It's...

Board Member Buzzutto stated it's part of...

Mr. Smith stated it's part of...So I'm leasing a section of the building.

Board Member Buzzutto stated yes. Rich, does that 1,000' apply to garages, mechanical, or gasoline filling stations. Is there a difference on that. I know gasoline stations...

Rich Williams stated gasoline stations currently are not permitted. New gasoline stations are not currently permitted within the Town of Patterson. A thousand foot separation applies to body shops, general automotive, car dealerships; virtually any type of business in that venue.

Board Member Buzzutto stated okay, so that applies to just a repair facility also.

Rich Williams stated yes.

Board Member Buzzutto stated yes, okay.

Rich Williams stated yes. The...

Board Member Buzzutto stated I thought...

Rich Williams stated the difficulty here is the way we structured the law, it's property corner to property corner.

Board Member Buzzutto stated right.

Rich Williams stated not necessarily business to business, which is something we may look at in the future.

Mr. Smith stated and that's what basically the picture shows. Although the property corner to property corner, you can't even see the building...

Board Member Bodor stated can we see those [referring to the pictures].

Mr. Smith stated you know, side...This is basically.

Board Member Buzzutto stated I went by there today, I couldn't see anything.

Mr. Smith stated that's basically looking...starting from the garage door on...That's the business I'm looking to open up towards the end of the driveway. And basically it follows you right out to the end of the road and it ends up with the picture looking down towards the beginning of their driveway.

Mrs. Tammy Smith stated the building is the blue Pure Tech building that used to be PurTech right on the corner.

Chairman Olenius stated could you just state your name for the record.

Mrs. Smith stated I'm sorry. Tammy Smith, 8 First Street. It's that first blue building when you turn. You said you didn't see it.

Board Member Buzzutto stated yes.

Mrs. Smith stated it's that first building, the very large blue building.

Board Member Buzzutto stated I see the top of it but...

Board Member Bodor stated on the right or the left. I can't...

Mrs. Smith stated on the right when you turn onto...

Board Member Buzzutto stated it's on the right.

Mrs. Smith stated Commerce Drive.

Board Member Bodor stated so it's pretty much right on Fair Street then. It...

Mr. Smith stated absolutely. You can see it...

Mrs. Smith stated yes.

Mr. Smith stated from Fair Street.

Board Member Bodor stated that's the one right there.

Mr. Smith stated yes.

Chairman Olenius stated and you're looking to rent just a portion of that building.

Mr. Smith stated correct.

Chairman Olenius stated it's this shaded area on the sketch here, is the portion you're looking to...

Mr. Smith stated I know it was an addition to the building. Yes. That would be it. Yes [referring to the shaded section Chairman Olenius is talking about].

Chairman Olenius stated this.

Board Member Buzzutto stated yes, this over here.

Mrs. Smith stated you'd have to pull in the driveway to see the garage portion. Because from the road you can only see our office. The offices face the front of Fair Street.

Chairman Olenius stated and this is around back.

Mrs. Smith stated correct.

Chairman Olenius stated is what it's looking like to me. Okay.

Mrs. Smith stated yes.

Chairman Olenius stated okay. This is Fair Street here...

Board Member Bodor stated yes.

Chairman Olenius stated so you come around to get to...

Board Member Bodor stated oh.

Mrs. Smith stated and you'd have to go...

Board Member Bodor stated this is the blue part that you see from Fair Street.

Chairman Olenius stated right.

Board Member Bodor stated oh, okay. I could not figure this.

[Laughter].

Mrs. Smith stated and Zitola's is up the other... You come out of our driveway, you turn right and turn left into White Birch Realty, and their building is up there.

Board Member Bodor stated oh, okay.

Mrs. Smith stated so it's... Like you said, property corners, are 70', but walking wise it's probably still less than 1,000' you thought, Rich.

Rich Williams stated it's about 900' away.

Mrs. Smith stated yes.

Board Member Buzzutto stated an you're leasing part of this particular building.

Mr. Smith stated that's correct.

(Inaudible)

Board Member Bodor stated yes, right.

Chairman Olenius stated did Journal News used to distribute out of one of these buildings at one point in time, Rich.

Board Member Bodor stated yes they did.

Rich Williams stated I'm not so sure it didn't distribute out of this building [referring to 10 Commerce Drive building].

Chairman Olenius stated okay. I'm just trying to acclimate myself. Now I know, as I'm looking at the photos, now I know exactly where I am.

Mrs. Smith stated right next to Eastern Jungle Gym.

Chairman Olenius stated okay.

Mrs. Smith stated everybody knows that building.

Board Member Buzzutto stated isn't there a potato chip building there or whatever.

Mr. Smith stated the Utz building is all the way at the end of...

Mrs. Smith stated all the way at the end of the road.

Mr. Smith stated Commerce Drive.

Board Member Buzzutto stated the bus garage...There used to be a bus garage there.

Mr. Smith stated the bus garage is...

Mrs. Smith stated that's there.

Mr. Smith stated right next to Zitola's.

Board Member Buzzutto stated is that there still there.

Mr. Smith stated yes.

Board Member Buzzutto stated remember we walked that building, the bus garage down there, years ago. Do you remember.

Board Member Bodor stated I don't remember.

Board Member Buzzutto stated you were there.

Board Member Herbst stated sure I was there.

Board Member Buzzutto stated that building is here, where the trees are [referring to a picture].

Mr. Smith stated yes that picture is being taken like from the garage door of the building that...

Board Member Buzzutto stated oh, I see.

Mr. Smith stated the section I'm looking to lease. So, yes...

Board Member Buzzutto stated okay.

Mr. Smith stated that is the building.

Chairman Olenius stated there's nothing being done in that space that you're looking to lease right now. It's just vacant.

Mr. Smith stated they're using it for storage. Northeast Masa stores their block and they got a couple of forklifts in there.

Chairman Olenius stated and they're downsizing or something. So they're looking to...

Mr. Smith stated well, they don't store as much block any more on site, I believe. And I guess, yes, you could say they're downsizing. Looking to lease out a portion of the building to make up for lost business due to the economy.

Board Member Buzzutto stated you specialize in general automobiles or just a specific brand.

Mr. Smith stated general automobile.

Board Member Buzzutto stated anything that comes I, right.

Mr. Smith stated yes.

Chairman Olenius stated Counsel, there's no issue with that being noticed as C-1 Zoning District I would imagine.

Joe Charbonneau stated no. It's ministerial.

Chairman Olenius stated I guess there's no input from the audience since I'm not seeing anybody.

Mrs. Smith stated just Rich.

Board Member Buzzutto stated there you go [handing Mr. Smith the pictures].

Mr. Smith stated thank you.

Chairman Olenius stated and there's no competition, I'm just reiterating, you said you're doing more vehicles, not heavy equipment.

Mr. Smith stated right. Yes, there's no competition...

Chairman Olenius stated so...

Mr. Smith stated between the two of us. He's...He does like, you know, tractor trailers and stuff like that. I'll be working on cars.

Chairman Olenius stated do you currently have a shop somewhere in the area.

Mr. Smith stated I had a shop back in 1992; worked in the automotive business for...ever since I was old enough to do it. And I'm looking to have the opportunity to do it again so I figured we'd give it a try.

Chairman Olenius stated okay.

Board Member Buzzutto stated are you Caleb Jr. I think I knew a Caleb Sr.

Mr. Smith stated you probably knew Junior. I'm the third.

Board Member Buzzutto stated okay.

Mr. Smith stated you may have known Senior. You probably knew my dad.

Board Member Buzzutto stated I think I did.

Chairman Olenius stated are you guys good.

Board Member Bodor stated yes.

Chairman Olenius stated are you fellas good.

Board Member Buzzutto stated yes.

Chairman Olenius stated alright, I make a motion to close the public hearing then.

Board Member Burdick stated second.

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

Chairman Olenius stated okay.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Caleb Smith, Case #20-12
For an Area Variance for a Public Garage

WHEREAS, *Guilio Burra (Fair Commerce LLC)* is the owner of real property located at 10 Commerce Drive (I Zoning District), also identified as ***Tax Map Parcel #23.-2-3***, and

WHEREAS, *Caleb Smith* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to **§154-115 (B.)** of the Patterson Town Code; Public Garages and automotive dealerships, in order to operate a public garage, and

WHEREAS, §154-115 (B.) states that no public garage or automotive dealership shall be located within 1,000' of any other public garage, automotive dealership or gas station as measured between the closest property corners, and

WHEREAS, a public garage (TM# 23.-2-10) already exists 70' from the Applicant's property corner; ***Variance requested is for 930', and***

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

WHEREAS, a public hearing was held at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *June 21, 2012*, to consider the application; and

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

1. the proposed application *will not* produce an undesirable change in the character of the neighborhood *because it is already an Industrial District and it is utilizing vacant space in an industrial park.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because due to the sitings on this particular industrial park, the road wraps around in such a manner that the other property in question, although it is an undeveloped area, it does come very close to the Applicant's proposed area.*
3. the variance requested *is* substantial *however not so much so as 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 said building is already in existence; has been for quite some time.*
5. the alleged difficulty necessitating the variance *was not self-created and is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, the Patterson Zoning Board of Appeals wishes to *grant* the request of *Caleb Smith* for an area variance *of 930' from the 1,000'* required by *§154-115 (B.)* of the Patterson Town Code; Public garages and automotive dealerships, in order to allow for the operation of a public garage 70' away from another public garage.

Board Member Bodor stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated we have another piece.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Caleb Smith, Case #20-12

For a Special Use Permit for a Public Garage

WHEREAS, *Guilio Burra (Fair Commerce LLC)* is the owner of real property located at 10 Commerce Drive (I Zoning District), also identified as ***Tax Map Parcel #23.-2-3***, and

WHEREAS, *Caleb Smith* has made application to the Patterson Zoning Board of Appeals for Special Use Permit as set forth in §154-115 of the Patterson Town Code; Public garages and automotive dealerships, and

WHEREAS, §154-115 states that a special permit may be granted by the Zoning Board of Appeals in the Industrial (I) District or the Commercial (C-1) District located on Route 22 only, for a public garage or automotive dealership, subject to the standards and conditions of §154-115, and

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

WHEREAS, a public hearing was held at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***June 21, 2012***, to consider the application; and

WHEREAS, the Zoning Board of Appeals finds that the Application as presented ***meets*** the Standards and guidelines of §154-93 in so far as;

- (1) The use ***is*** of a size and character that, in general, it will be in harmony with and conform to the appropriate and orderly general development of the town and, in particular, the district in which it is located.
- (2) The use ***will not*** increase congestion in the streets; create unsafe conditions; cause an overcrowding of land.
- (3) The proposed use ***is*** suitable for the character of, and will conserve the values of buildings and property the district in which it is located.
- (4) The location, nature, and size of any building, structure, wall or fence and the nature and extent of any landscaping ***will not*** adversely affect the use of property in the general neighborhood.
- (5) There ***does*** exist sufficient capacity within the area for the proposed use.

WHEREAS, The Patterson Zoning Board of Appeals finds that the Applicant has met the requirements for the issuance of a Special Use Permit in accordance with §154-115 of the Patterson Zoning Code, subject to any conditions contained herein, and

WHEREAS, the Patterson Zoning Board of Appeals has granted an area variance from §154-115 (B) of the Patterson Town Code to permit a lesser separation distance of 70' from the 1000' required, and

BE IT FURTHER RESOLVED, the Patterson Zoning Board of Appeals wishes to ***grant*** the request of ***Caleb Smith*** for a Special Use Permit ***to allow for the operation of a public garage in the I Zoning District as set forth in §154-115*** of the Patterson Town Code; Public garages and automotive dealerships.

Chairman Olenius stated does a Special Use Permit have to be renewed in 5 years.

Rich Williams stated there are certain Special Use Permit requirements that mandate that there are renewal periods. Not all Special Use Permits have a renewal period. Therefore, it's up to you. You can confirm with attorney, you can also make it specific to the applicant so, you know, the garage changes they would have to come in or some other trigger that you might feel were appropriate.

Chairman Olenius stated I feel comfortable if it stays with this applicant. I'm just not quite certain how to word it. I would prefer if somebody else was to take over, that they had to come for another Special Use Permit. I'm pretty comfortable with this applicant retaining it.

Joe Charbonneau stated well, the Special Use Permit would pertain strictly to this applicant. It wouldn't be transferable. He couldn't turn around and sell it tomorrow without that new individual coming in, even though if he was running the same business without getting...and also getting a Special Use Permit.

Rich Williams stated if they make that a condition of the resolution.

Joe Charbonneau stated yes.

Rich Williams stated otherwise it runs with the land.

Joe Charbonneau stated so I would put in there that this Special Use Permit is specific to this applicant and that any subsequent transfer or...either by lease or deed would require any purchaser to renew this Special Permit or to make application for a new Special Use Permit.

Chairman Olenius stated okay.

Chairman Olenius continued to read the following resolution:

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

1. The Special Use Permit is in place for Caleb Smith for his duration of his lease of said space in the I Zoning District. Any subsequent transfers, either by lease or deed, to another occupant would require another application for a new Special Use Permit.

Joe Charbonneau stated you may want to put in there that the Special Use Permit would be subject to periodic inspections from the Zoning Code Enforcement Officer as well.

Chairman Olenius continued to read the following resolution:

2. The Special Use Permit is issued based upon periodic inspections by the Building Department.

Joe Charbonneau stated that would make sense.

Chairman Olenius stated thank you. I'm sorry. My head's going in 16 different directions.

Joe Charbonneau stated no, you've done pretty well, so far.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated well, good luck.

Mr. Smith stated thank you.

Chairman Olenius stated it's nice to see another business starting in our fine town.

Mr. Smith stated thank you for your time.

Board Member Burdick stated thank you.

Chairman Olenius stated thank you.

Board Member Bodor stated thank you.

Chairman Olenius stated and good luck.

5) OTHER BUSINESS

Chairman Olenius stated is there any other business prior to the minutes. We don't have any site walks tonight. We're good.

a) Minutes

Chairman Olenius stated I will make the motion to accept the minutes from the April 17th

meeting as presented. I read them today, I didn't see anything that jumped out at me.

Board Member Burdick stated second.

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

Chairman Olenius stated is that it. There's no other business.

The Secretary stated no, not at all.

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

Board Member Buzzutto stated make a motion to adjourn the meeting.

Chairman Olenius stated I just did. You want to second it.

Board Member Buzzutto stated no, you closed the public hearing.

Chairman Olenius stated oh, to adjourn the meeting. Sorry.

[Laughter].

Chairman Olenius stated sorry. Sorry I've been saying that a lot lately.

Board Member Buzzutto stated that's okay.

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

Meeting was adjourned at 8:09 p.m.