

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS**

*July 15, 2015*

**AGENDA & MINUTES**

	Page	
1) Peter Ruisi Case #09-14	1 – 2	Public hearing remained opened; Applicant was not present – Application <b><u>tabled</u></b> pending owners of Thunder Ridge filing a Use Variance application.
2) Sarita Chau Case #11-15	2 – 3	Public hearing suspended; Applicant’s request to suspend case until plans have been revised & Health Dept. approval has been obtained <b><u>granted</u></b> .
3) William Nelson Case #14-15	3 – 11	Public hearing opened & closed; Resolution – Area Variance for SYSB for existing shed <b><u>granted</u></b> .
4) Nelson Colon Case #15-15	11 – 19	Public hearing opened & closed; Resolution – Area Variances for Impervious Surface Coverage level & SYSB for existing patio, pool, & deck <b><u>granted</u></b> .
5) Linda Cowan Case #16-15	19	Public hearing not yet opened; Applicant was not present – Application <b><u>cannot be heard</u></b> until application has been amended to include required area variance and Health Dept. approval has been obtained.
6) Other Business		
A) William Clement – Fee Waiver Request	19 - 24	Request <b><u>tabled</u></b> pending the submission of a recommendation by Robert McCarthy, Building inspector.
B) Minutes: June 17, 2015	24	Minutes <b><u>approved</u></b> as submitted.
C) Site Walk	24 – 28	Site Walk scheduled for William Clement at 159 Route 164 for Monday, August 3, 2015 @ 4:30 PM, with a rain date of Tuesday, August 4, 2015 @ 4:30 PM.

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

Lars Olenius, Chairman  
Mary Bodor, Vice Chair  
Marianne Burdick  
Michael Carinha  
Stephanie Fox

**PLANNING BOARD**

Thomas E. McNulty, Vice Chairman  
Ron Taylor, Vice Chair  
Michael Montesano  
Edward J. Brady, Jr.  
Robert F. Ladau

**Zoning Board of Appeals  
July 15, 2015 Meeting Minutes  
Held at the Patterson Town Hall  
1142 Route 311  
Patterson, NY 12563**

Present were: Chairman Lars Olenius, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Michael Carinha, and Nancy Tagliafierro – Attorney with Town Attorney’s Office.

Chairman Olenius called the meeting to order at 7:01 p.m.

There were approximately 6 members of the audience.

Mary Schartau 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 Carinha	-	Here

The Secretary: Board Member Fox isn’t able to make it.

Chairman Olenius	-	Here
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**1) Peter Ruisi (Liberty Paintball) Case #09-14**

No one was present to represent the application.

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, July 15, 2015 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

**Peter Ruisi (Liberty Paintball Games) Case #09-14 – Area Variance: Held over consecutively from the April 16, 2014 meeting**

Chairman Olenius: And, once again, uh... we received notice from the property owners that they're still making adjustments to their application, so we'll hold over one more month.

**2) Sarita Chau Case #11-15**

No one was present to represent the application.

The Secretary read the following legal notice:

**Sarita Chau Case #11-15 – Special Use Permit & Area Variances: Held over from the June 17, 2015 meeting**

Chairman Olenius: We got a letter from the Chaus requesting that their application be suspended for... it sounds like at least a year. How do we handle that, counselor?

Nancy Tagliaferro: Um, well, they... have them withdraw their application and they can reapply whenever they're ready.

The Secretary: Okay.

Chairman Olenius: *[To the Secretary]* Can we send a letter to them, then, so we can take them off the legal [notice] at least?

The Secretary: Okay.

Richard Williams: Can I, uh... can I ask question? If they're going to withdraw their application, are we refunding their application fees?

Nancy Tagliaferro: Oh...

Chairman Olenius: So, is there a way to suspend it and just get it off the agenda, or no?

Nancy Tagliaferro: Yeah, we can do that. We don't have set another public hearing date until they're ready with their new plan.

Chairman Olenius: Do I have to make a motion to do that?

Nancy Tagliaferro: *[To the Secretary]* Do we know definitely that they're going to resubmit something?

The Secretary: She wants to. She said she still wants to move forward with it...

Nancy Tagliaferro: Okay.

The Secretary: But, they had, um... their plan that they submitted to the Health Department was denied. They need to expand the septic system, and she just needs more time to do that.

Nancy Tagliaferro: Okay. So, we'll just... hold it over without a date.

Richard Williams: *[To audience member]* Nope, wrong place...

Audience Member: *[To Rich Williams]* Wrong place?

[Laughter.]

Audience Member: *[To Rich Williams]* Good evening.

### 3) William Nelson Case #14-15

One person was present to represent the application.

The Secretary read the following legal notice:

#### **William Nelson Case #14-15: Area Variance**

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize an existing 10 ft. x 20 ft. shed that is attached to the dwelling. Patterson Town Code requires a minimum side yard setback of 15 ft.; Applicant can provide 4 ft.; Variance requested is for 11 ft. This property is located at 5 Mohawk Trail (RPL-10 Zoning District).

Chairman Olenius: Mr. Nelson? Come on up to the microphone, please. Could you state your name and address for the record, please?

Mr. Nelson: Uh, William Nelson. 46 Woodcock Lane. Levittown, New York.

Chairman Olenius: Thank you very much. Can you explain to us a little bit about... what your situation is here?

Mr. Nelson: Yeah. The house was built by my parents in the [19]50s on Putnam Lake, and my father, um, had a shed on the property – which, I think, shows in the survey – and when... when we, uh... we put in a building permit to, uh, renovate the house, we took the shed down and expanded the shed, because the shed was – I think you can see in the survey – it was pretty small.... And, um, what we do is we – we go up in the wintertime, and we used to store everything in the house, so the shed is really helping. Plus, the fact that my kids have bought kayaks, and, uh, different... you know, different things, uh, for fishing and whatever, so the shed is... is, you know... it really helps us out there.

Chairman Olenius: Is there a[n] occupied residence on the... your adjoining property

there?

Mr. Nelson: Yes there is.

Chairman Olenius: Close to the property line, or...?

Mr. Nelson: No, probably about 20 ft. away.

Chairman Olenius: Similar-sized lot?

Mr. Nelson: Uh, much larger lot. They own the whole peninsula...

Chairman Olenius: Okay.

Mr. Nelson: That goes out there. And, of course, I've spoken to my neighbors, um, on either side. They're family. The daughter owns the property on the, uh... on that side of the house.

Chairman Olenius: So, this is like a seasonal house for you?

Mr. Nelson: Yes, it is.

Chairman Olenius: Mohawk Trail... Is this off Lakeshore Drive?

Mr. Nelson: Yeah, it's like a little paper trail that goes in, um... I'm trying to think. If you go into Putnam Lake, at the monument you would bear left... if you're familiar with the area, you go past the castle, and... and then when you make the right turn down Lakeshore [Drive], um, it's a little – kind of like a little gravel road...

Chairman Olenius: Okay.

Mr. Nelson: It's the first right that you make into there, and that's, uh... I think, from – I don't know if the survey shows that it's a peninsula off the lake – and my folks, uh... we actually have deeded water rights there. My folks bought it in the [19]50s...

Chairman Olenius: Okay.

Board Member Carinha: Oh, okay.

Mr. Nelson: And built a... a small bungalow on it, and, uh... I did put in with the Building Department and the Board of Health to expand, uh, put a second floor family room on. So, when I had the contractor there, you know – the shed was falling apart – I had him make a larger shed, where I really should have contacted the town, and... you know, being from Long Island, we have, like, 5 foot setbacks, so I didn't realize I was infringing there, so...

Chairman Olenius: Oh, so you had a building permit to do the second story or...

Mr. Nelson: Oh, yes. Sure.

Chairman Olenius:            Whatever, and...

Mr. Nelson:                    Yeah.

Chairman Olenius:            Then this just...

Mr. Nelson:                    Right.

Chairman Olenius:            Fell along with it.

Mr. Nelson:                    And for me to get the, uh, final C.O., I think Bob [McCarthy, Building Inspector] said, you know – and I had told Cheryl [Smith, Building Department Secretary], you know, “I have to get a permit for the shed,” and she said, “You really don’t need the permit, Bill, but, you need a variance because of the size of it.” Um...

Board Member Bodor:        There is...

Mr. Nelson:                    So, Bob’s already come out and seen the shed, and, you know, it meets the code.

Board Member Bodor:        There’s a second story on the structure...

Mr. Nelson:                    Yes, ma’am.

Board Member Bodor:        Currently?

Mr. Nelson:                    Mm hmm.

Board Member Bodor:        Because the survey, still, uh, refers to a one-story frame.

Mr. Nelson:                    Yeah, that’s the survey that was taken, I believe – I had to submit that to the Building Department – that was the survey that was, um, you know... the property before the – the footprint hasn’t expanded...

Board Member Bodor:        Okay.

Mr. Nelson:                    Of the house, you know, it just – it’s gone up. I think there’s a picture of the new house in the, uh... I’m looking at it here – of, of... of the – it looks like they took a picture of the shed...

Board Member Bodor:        On this page?

Mr. Nelson:                    For everybody to see, yeah.

Board Member Bodor:        Okay.

Board Member Carinha:      Oh okay.

Board Member Bodor:        Is the...

Chairman Olenius: Excuse me.

Mr. Nelson: And the shed has the same siding and the same roof color and everything, so it... it doesn't stick out like a sore thumb.

Board Member Carinha: That's the existing shed right now in the picture...

Mr. Nelson: That's the shed in the picture. Yes, sir.

Board Member Carinha: Oh, okay, because the... the time stamp on it says from 20[07], that's why.

Mr. Nelson: Well, it could be from [20]07, because the building permit was held open for quite a while while – I had problems with the contractor, and had to, uh... you know, hold the building permit open for about 8 years.

Board Member Carinha: Okay.

Board Member Bodor: But, this photograph – is this from the street? From Mohawk Trail? Or from the lake?

Mr. Nelson: That's from the lake side.

Board Member Bodor: From the lake side?

Mr. Nelson: Yeah, that's actually from the dock.

Board Member Bodor: Yeah, they did the back of the house.

Mr. Nelson: Yeah...

Board Member Bodor: Yeah...

Mr. Nelson: We call it the front of the house...

Board Member Bodor: Oh, okay.

Mr. Nelson: But, it's really the back of the house...

Board Member Bodor: Alright.

Mr. Nelson: It is confusing, because the back of the house is this tiny little door and...

Board Member Bodor: Okay.

Mr. Nelson: Porch, um...

- Chairman Olenius: Oh, that's why I'm confused.
- Board Member Bodor: That's why...
- Mr. Nelson: Yeah.
- Board Member Carinha: Yeah.
- Chairman Olenius: Because I was looking at the shed...
- Board Member Bodor: Yeah, the – the covered porch...
- Chairman Olenius: Here. Okay.
- Board Member Carinha: Yeah.
- Board Member Bodor: I thought it was on the front, but, it's not, and the shed's on the wrong side.
- Board Member Carinha: Yeah.
- Mr. Nelson: Yeah, everything's on the lake side, because that's...
- Board Member Bodor: Oh, this is from the lake?
- Mr. Nelson: Yep.
- Board Member Bodor: Okay.
- Mr. Nelson: I mean, the road is really just a little dirt road that has some gravel on it... and that's also where the original shed was. In that same area, uh... that I think probably shows in the survey.
- Chairman Olenius: It doesn't reflect in this one, but it may be because you drew in the new one?
- Mr. Nelson: Yeah, that was probably my fault to show the new one, but there was one there that was about 6 ft. wide by about 8 ft. long...
- Chairman Olenius: Okay.
- Mr. Nelson: And that's the one that was falling apart. But, that would be, um... if I hadn't adjusted the, um, survey to show the new one, you – you would have seen it there. It was an existing shed. I think my father built it in the [19]50s.
- Board Member Bodor: Mm hmm.
- Mr. Nelson: But, it was a dirt floor and really falling apart.

- Board Member Carinha: Do you have a wood floor or you did it in, uh, cement?
- Mr. Nelson: It's raised on piers now, and, uh... of 2 x 8s and plywood and...
- Board Member Carinha: Oh, okay.
- Mr. Nelson: You know, it's... you know, Bob checked it out and, you know, it's all to code and everything.
- Board Member Carinha: Okay.
- Mr. Nelson: And it's filled with boats and fishing tackle and, you know, all the things that go with having a lake house. It's nice in the winter because we can put all of the outside furniture and the barbecue in it and we don't have to put that in the main house, so when we go up, you know, maybe to go skiing or ice fishing, um... you know, the house is empty now. We have don't have all that in it.
- Board Member Bodor: It sounds like you're really making use of the structure.
- Mr. Nelson: Well, it's on a lake. It's beautiful, you know...
- Board Member Bodor: Mm hmm.
- Mr. Nelson: I mean, it's...
- Board Member Bodor: Good.
- Mr. Nelson: You know, it's hard to hang on to it. My father worked for the New York Daily News – he was a driver. But, the taxes were like, you know, \$1,000 back then. I'm paying close to \$8-\$9,000 now, but, uh... my kids won't let me let it go. They love to come up and use it. It is, uh... it's a very pretty piece, you know. As you see, the lake is right there, you know.
- Board Member Bodor: Yeah...
- Board Member Carinha: Yeah.
- Board Member Bodor: You're right on the lake.
- Mr. Nelson: Yeah, and we do have waterfront – we have rights into the water...
- Board Member Bodor: Mm hmm.
- Mr. Nelson: Because my father bought it from – we have fully-deeded waterfront. We don't crossover the, uh... I think the town owns the lake now? Or manages the lake, so, it's got, uh... sentimental value, that's for sure. My parents are both gone now.
- Chairman Olenius: Does anyone in the audience have a comment on this case? I'm hearing none. *[To the other board members]* Do you have something?

Board Member Bodor: No, I'm okay.  
Board Member Carinha: Nope.  
Chairman Olenius: Okay. I make a motion to close, then.  
Board Member Burdick: Second.  
Chairman Olenius: All in favor?

*Motion passed by a vote of 4 – 0.*

Chairman Olenius: Okay... okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***William Nelson, Case #14-15***  
***For an Area Variance for an Existing 10' x 20' Shed***

**WHEREAS, *William and Ann Nelson*** are the owners of real property located at 5 Mohawk Trail (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.64-1-55, and**

**WHEREAS, *William Nelson*** 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 legalize an existing 10' x 20' shed 4' from the side yard property line, and

**WHEREAS,** the existing shed is attached to the dwelling, and must, therefore, meet the setbacks required of a principal building in the RPL-10 Zoning District, and

**WHEREAS,** §154-7 of the Patterson Town Code requires a side yard setback of 15'; Applicant has 4'; ***Variance requested is for 11', 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 ***July 15, 2015,*** 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, ***um... due to the fact that the structure's been in place for a considerable amount of time. It's just come time to close the, uh... Building Permit-phase up.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means, ***uh... due to the limited size of the lot and the siting of the principal structure.***
3. the variance requested ***is not*** 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, **uh... due to the fact that it replaced a pervious shed that was built in the [19]50s.**
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 **William Nelson** for **an area variance** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, **of 11' from the 15' required for a side yard setback**, in order to allow for the existing 10' x 20' shed to remain 4' from the side property line.

Board Member Bodor: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
<i>Board Member Fox</i>	-	<i>Absent</i>
Chairman Olenius	-	Yes

Mr. Nelson: Thank you.

Chairman Olenius: Good luck to you...

Mr. Nelson: As a side note, when my parents bought the property, they only bought 4 lots because they couldn't afford the 5<sup>th</sup> lot – and they were \$250.00 a lot.

[Laughter.]

Chairman Olenius: Show's you how much this place has [*inaudible – too many speaking*]...

Mr. Nelson: Thank you very much. I appreciate that.

Board Member Burdick: No problem.

Board Member Carinha: You're welcome.

Chairman Olenius: Good luck.

Board Member Carinha: Sure.

Mr. Nelson: I'm going to head back down to Long Island now. I don't have to, uh, stay for the... I appreciate it.

Chairman Olenius: No.

Mr. Nelson: Thanks for your time.

Chairman Olenius: You're good to go.

Board Member Carinha: You've got it.

Chairman Olenius: *[To the Secretary]* Go ahead.

**4) Nelson Colon Case #15-15**

Three people were present to represent the application.

The Secretary read the following legal notice:

**Nelson Colon Case #15-15: Area Variances**

Applicant is requesting area variances pursuant to §154-27A(12)(b) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing patio, deck, and pool. Patterson Town Code requires a minimum side yard setback of 15 ft; Patio exists 6' from the side property line; Variance requested is for 9 ft; Deck exists 12' from the side property line; Variance requested is for 3'; Pool exists 13' from the side property line; Variance requested is for 2'. Patterson Town Code also allows an impervious surface coverage level of not more than 10%; Applicant will have 22%; Variance requested is for 12% of impervious surface coverage in addition to what the Code allows. This property is located at 8 Danand Lane (R-4 Zoning District).

The Secretary: Um... I also wanted to put on the record that the Building Department, uh, reviewed their calculations, and the impervious surface coverage level is actually going to be 19.4%, so the variance will only be for 9.4%.

Chairman Olenius: Mr. Colon? Could you just state your name and address for the record, please?

Mr. Colon: Nelson Colon. 8 Danand Lane. Patterson, New York.

Chairman Olenius: Okay. So what are we doing? A little backyard oasis?

Mr. Colon: Sort of, uh... I had a tree fall down and damage the... the existing one that I had there, and I replaced it. When they replaced it, they placed it down a little too close, uh, to the property line, which is... is less than 2 feet.

Chairman Olenius: Oh, you previously had a pool...

Mr. Colon: Yes, sir.

Chairman Olenius: Here? Oh, okay. And this one's larger than the...

Mr. Colon: Yeah.

Chairman Olenius: The previous one?

Mr. Colon: Slightly larger. Yes.

Chairman Olenius: Okay.

Mr. Colon: Um... the deck and the patio – I had purchased the property 16 years ago or so, uh... and it was there the same way it is today. There was [sic] no changes done to it. I purchased it that way. I didn't know that... until we did the survey, that it was a little foot or so into the 15 foot.

Chairman Olenius: Okay. So, the patio and deck were pre-existing per – or, at least, from when you purchased the property...

Mr. Colon: Yes.

Chairman Olenius: And the... the pool, though...

Mr. Colon: The pool...

Chairman Olenius: Brought all this to light.

Mr. Colon: Right.

Chairman Olenius: Gotcha... so, you're on the inside of Danand Lane, the way it...

Mr. Colon: Uh...

Chairman Olenius: Loops?

Mr. Colon: I... as it goes down on your right, I own lot number 10, which is the one adjacent to it, uh... I have...

Chairman Olenius: You're like in the middle though?

Mr. Colon: Yeah, just about...

Chairman Olenius: That's what I'm trying to say.

Mr. Colon: A third or so. Yeah.

Chairman Olenius: Okay... because the other ones back up on, like, the... the open space or whatever...

Mr. Colon: Right.

Chairman Olenius: Right?

Mr. Colon: Right.

Board Member Carinha: *[To Chairman Olenius]* I'm not familiar with where it is.

Mr. Colon: Quail Ridge.

Chairman Olenius: Quail Ridge.

Board Member Carinha: Oh, okay. There you go. Now I know.

Chairman Olenius: *[To Board Member Carinha] [Inaudible – papers shuffling]...*  
right there. The subdivision plat of Quail Ridge?

Board Member Carinha: Oh, okay.

Chairman Olenius: One of our cluster subdivisions. I think a lot of your neighbors up in that... in that section have pools, too, don't they?

Mr. Colon: Practically everyone has pools there. There's, uh, in-ground and aboveground.

Chairman Olenius: Have you ever been here for a variance before?

Mr. Colon: Uh... a couple years back, yeah.

Chairman Olenius: We've had a bunch from...

Mr. Colon: Huh?

Chairman Olenius: We've had a bunch from your subdivision. I just wasn't sure...

Mr. Colon: Oh, okay.

Chairman Olenius: If you were one of them. Does anyone else in the audience have a comment on this case? I'm hearing none.

Board Member Bodor: Has this new pool been, uh, put in already?

Mr. Colon: Yes, ma'am.

Chairman Olenius: *[Inaudible – speaking away from microphone]...*

Board Member Carinha: Nope.

Chairman Olenius: I make a motion to close the public hearing.

Board Member Burdick: Second.

Chairman Olenius: All in favor?

*Motion passed by a vote of 4 – 0.*

Chairman Olenius: Okay. This is going to take a little bit.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
*Nelson Colon, Case #15-15*  
**For an Area Variance for an Existing 19' x 15' Patio**

**WHEREAS, *Nelson & Elizabeth Colon*** are the owners of real property located at 8 Danand Lane (R-4 Zoning District), also identified as **Tax Map Parcel #25.-1-52, and**

**WHEREAS, *Nelson Colon*** has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27A(12)(b) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing 19' x 15' patio 6' from the side yard property line, and

**WHEREAS, §154-27A(12)(b) of the Patterson Town Code** requires a side yard setback of 15'; Applicant has 6'; ***Variance requested is for 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 ***July 15, 2015,*** 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 ***in light of the fact that the patio's been in existence...***

Mr. Colon: Yes.

Chairman Olenius: ***...since the applicant purchased the property, and that was...***

Mr. Colon: [19]90s...

Chairman Olenius: ***...twelve years ago.***

Mr. Colon: Yes.

Chairman Olenius continued reading the resolution:

2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***in light of the orientation of the lot; it's somewhat pie-shaped.***
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 ***in light of the fact that it has been in existence for some fifteen 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 *Nelson Colon* for *an area variance* pursuant to §154-27A(12)(b) of the Patterson Town Code; Permitted accessory uses, *of 9' from the 15' required for a side yard setback*, in order to allow for the existing 19' x 15' patio to remain 6' from the side property line.

Board Member Burdick: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
<i>Board Member Fox</i>	-	<i>Absent</i>
Chairman Olenius	-	Yes

**VOTE:** Resolution carried by a vote of 4 to 0.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Nelson Colon, Case #15-15***  
**For an Area Variance for an Existing 13' x 25' Deck Extension**

**WHEREAS**, *Nelson & Elizabeth Colon* are the owners of real property located at 8 Danand Lane (R-4 Zoning District), also identified as **Tax Map Parcel #25.-1-52, and**

**WHEREAS**, *Nelson Colon* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27A(12)(b) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing 13' x 25' deck extension 12' from the side yard property line, and

**WHEREAS**, §154-27A(12)(b) of the Patterson Town Code requires a side yard setback of 15'; Applicant has 12'; ***Variance requested is for 3', 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 ***July 15, 2015***, 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, ***uh... in light of the fact that it's been in existence for many years already.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***in light of the fact that the lot in question is a pie-shaped lot, tapering to smaller in the rear.***
3. the variance requested ***is not*** substantial, ***uh, in light of the fact that it's only for 3' out of the 15' required.***

4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because of the fact that it has been in existence for a considerable number of years already to this point.*
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 *Nelson Colon* for *an area variance* pursuant to §154-27A(12)(b) of the Patterson Town Code; Permitted accessory uses, *of 3' from the 15' required for a side yard setback*, in order to allow for the existing 13' x 25' deck extension to remain 12' from the side property line.

Board Member Burdick: Second.

Board Member Carinha: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
<i>Board Member Fox</i>	-	<i>Absent</i>
Chairman Olenius	-	Yes

**VOTE:** Resolution carried by a vote of 4 to 0.

Chairman Olenius: Okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF  
*Nelson Colon, Case #15-15*  
For an Area Variance for an Existing 15' x 30' Above-Ground Swimming Pool**

**WHEREAS**, *Nelson & Elizabeth Colon* are the owners of real property located at 8 Danand Lane (R-4 Zoning District), also identified as **Tax Map Parcel #25.-1-52, and**

**WHEREAS**, *Nelson Colon* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27A(12)(b) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing 15' x 30' above-ground swimming pool 13' from the side yard property line, and

**WHEREAS**, §154-27A(12)(b) of the Patterson Town Code requires a side yard setback of 15'; Applicant has 13'; ***Variance requested is for 2', 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 **July 15, 2015**, 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 *in light of the fact that this current pool is replacing a slightly smaller pool that had been in existence for quite some time.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *in light of the lot being pie-shaped and tapering smaller in the rear of the property.*
3. the variance requested *is not* substantial *in light of the fact that it's only 2' requested of the 15' required.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *in light of the fact that, uh, there was previously a pool in a sane location – just slightly smaller.*
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 *Nelson Colon* for *an area variance* pursuant to §154-27A(12)(b) of the Patterson Town Code; Permitted accessory uses, *of 2' from the 15' required for a side yard setback*, in order to allow for the existing 15' x 30' above-ground swimming pool to remain 13' from the side property line.

Board Member Carinha: Yes.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Absent
Chairman Olenius	-	Yes

**VOTE:** Resolution carried by a vote of 4 to 0.

Chairman Olenius: Last one.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF  
*Nelson Colon, Case #15-15*  
For an Area Variance for Impervious Surface Coverage Level**

**WHEREAS**, *Nelson & Elizabeth Colon* are the owners of real property located at 8 Danand Lane (R-4 Zoning District), also identified as **Tax Map Parcel #25.-1-52, and**

**WHEREAS**, *Nelson Colon* 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 legalize an existing patio, deck, and above-ground swimming pool, and

**WHEREAS**, §154-7 of the Patterson Town Code requires ≤10% impervious surface coverage in an R-4 Zoning District; Applicant will have 19.4%; *variance requested is for 9.4%*, 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 **July 15, 2015**, 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 **in light of the fact, um... that said accessories are well-screened in the rear of the yard.**
2. the benefit sought by the applicant **or cannot** be achieved by any other feasible means, **uh... due to the small size of the lot.**
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 of the fact of an interpretation made by this board back in 2004 regarding this cluster subdivision – that all lots within should equally share the 55 acres of, um... open space provided with the property, uh... thus mitigating the impervious coverage clause in the code.**
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 **Nelson Colon** for **an area variance** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, **of 9.4% over the ≤ 10% impervious surface coverage allowed by Code**, in order to legalize an existing 19' x 15' patio, 13' x 25' deck extension, and 15' x 30' above-ground swimming pool.

Board Member Carinha: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
<i>Board Member Fox</i>	-	<i>Absent</i>
Chairman Olenius	-	Yes

**VOTE:** Resolution carried by a vote of 4 to 0.

Chairman Olenius: Okay, sir.

Mr. Colon: Thank you.

Chairman Olenius: Good luck with that.

Mr. Colon: Thank you.

Chairman Olenius: Enjoy your retreat.

Mr. Colon: Okay. Thank you.

Mrs. Colon: *[From audience]* Thank you.

Chairman Olenius: *[To the Secretary]* Fire away, kid.

The Secretary: Alright.

**5) Linda Cowan Case #16-15**

No one was present to represent the application.

The Secretary read the following legal notice heading:

**Linda Cowan Case #16-15: Special Use Permit**

Chairman Olenius: Mrs. Cowan?

Rich Williams: No.

The Secretary: No.

Chairman Olenius: Not here?

The Secretary: No.

Chairman Olenius: Okay. Well, uh... regardless of the fact of her attendance, the – [it's] come to light that the application is incomplete anyway. There's a variance needed and, um... also, notice from the Health Department, so, it was going to have to be held over anyway, so... I just make a motion to table it until next month. Hopefully, she'll attend and... all the paperwork will be good.

The Secretary: Okay.

**6) Other Business**

**A) William Clement: Fee Waiver Request**

Chairman Olenius: Okay. So what are we at now? This – so this is other business?

Rich Williams: Other business.

Chairman Olenius: Other business. Talk to us about your other business. *[In reference to the Town Planner's memo to the Zoning Board of Appeals dated July 1, 2015]* I read the letter...

Rich Williams: Short – short version or long version?

Chairman Olenius: I read – I read the long version here...

Rich Williams: Okay.

[Laughter.]

Rich Williams: So, then you, uh, have an idea where we are, uh... This is Mr. Clemens *[sic]* here – without the “s”. Mr. Clement, uh... Mr. Clement purchased a piece of property. He, uh... did his due diligence. He did a title search, made sure everything was okay. Then, he took the additional step – he came in and met with the Building Department, who, again, assured him that everything was okay, and so he purchased 2 pieces of property adjacent to each other, and then wanted to expand the deck and they put an application in for a variance to expand the deck, brought it over to our department, and we took at it, and, uh, realized that everything was not okay. There was a long history that you have in front of you, um... So, we are looking to do 2 things, if possible, um... because they’re looking to, um, move on the property and – and make use of it as quickly as possible, so they’re looking to resolve this. Typically, you – on an issue like this, the board may want to go out and do a site walk. If that’s the case on this one, even though we don’t have an application – we are working on the application – if you would, uh, extend yourself a little bit and go out and take a look at the property before the next meeting so that you would have a better understanding of all the issues. The second one is, uh... we were hoping to have a recommendation by Bob [McCarthy, Building Inspector] in here – our... our Building Inspector – by tonight...

The Secretary: No.

Rich Williams: We don’t have it. But, Bob is formulating a recommendation basically requesting a waiver of fees. I support that – that the fees in this instance be waived, because all of this was not caused by – nor the fault of – the current property owner, so...

Chairman Olenius: When you said they want to occupy the property...

Rich Williams: Well, they...

Chairman Olenius: Is the property merged, or is it not?

Rich Williams: It is not merged in – well...

Nancy Tagliaferro: They... they – this current owner purchased it in 2 separate names...

Chairman Olenius: Okay.

Nancy Tagliaferro: So, now it can’t be merged, because, technically, it’s owned by 2 different owners.

Chairman Olenius: Okay.

Rich Williams: However, in other instances, essentially what happens is they lose all [of] the development rights on the vacant parcel. *[To Nancy Tagliaferro]* True?

Nancy Tagliaferro: Yes.

Rich Williams: Yeah, so... so, we want to... we want to alleviate that. We want the board to, you know, consider the direction that they want to, you know, see the property goes...

Mr. Clement: Well...

Rich Williams: *[To Mr. Clement]* Have I left anything out?

Mr. Clement: Uh, no, but, the... the conforming lot, we can still build on. I mean, I... I just missed what you just said. The last thing you said there, uh...

Rich Williams: That due to the... the merger clause within our code, when we have 2 lots that are adjacent, if they are not properly merged, essentially what – [in] the past court decisions we've seen – is that you lose all the development rights, which is why one of the variances is necessitated. To alleviate that condition.

Ms. Garvey: So, we need a variance. So, with a variance, we would be able to still build on the other lot?

Rich Williams: Correct.

Mr. Clement: Oh.

Mr. Clement: Okay.

Chairman Olenius: Will...

Board Member Bodor: Is that that rather small structure across – uh, generally across – from the old, uh...

Board Member Burdick: Mm hmm.

Board Member Bodor: Towners...

Rich Williams: Store?

Board Member Bodor: Store?

Rich Williams: Yes.

Board Member Bodor: Okay. Alright. I didn't know from the address where it was.

Chairman Olenius: Oh, okay. I have no problem going out and site walking it...

Board Member Bodor: No.

Chairman Olenius: Prior to...

Board Member Carinha: Yeah.

Chairman Olenius: The proper application, so, we'll – we'll set a date, um... *[To Rich Williams]* Are you coming with us, or...?

Rich Williams: I usually don't.

Chairman Olenius: Or Mr. Clement? Like to... to...

Mr. Clement: Sure.

Chairman Olenius: Just to show us around?

Mr. Clement: Absolutely.

Chairman Olenius: Is any day better for you?

Mr. Clement: Um...

Chairman Olenius: We usually do them Monday through Friday, like 4:30ish...

Mr. Clement: Yeah. I mean, if you want to do the end of next week or something, that – that would be fine...

Chairman Olenius: We have to do a whole...

Mr. Clement: Yeah...

Chairman Olenius: Combine-the-calendar thing, but...

Mr. Clement: Towards – towards the end of the week is probably better.

Chairman Olenius: Okay. It may actually be – we typically try and do it a little closer to the next meeting date...

Mr. Clement: Okay...

Chairman Olenius: Um... which is August 19<sup>th</sup>.

Mr. Clement: Um...

Ms. Garvey: August?

Chairman Olenius: Yeah.

*[Mr. & Mrs. Clement conversing amongst themselves in the audience.]*

Mr. Clement: Yeah, my daughter's supposed to come home. We're trying to

figure out...

Ms. Garvey: She's... *[Inaudible – no microphone]*

Mr. Clement: The summer, and... it's crazy.

Chairman Olenius: It doesn't have to be... on that. You know, it's not that date...

Ms. Garvey: Would you like if...

Chairman Olenius: It's just so it's fresh in our mind that we've walked it...

Ms. Garvey: The week before maybe? Maybe the week before the 19<sup>th</sup>?

Chairman Olenius: Yeah.

Ms. Garvey: Okay, that's fine.

Chairman Olenius: Typically it's the week before.

Ms. Garvey: Yeah.

Chairman Olenius: Yeah. Okay. The Secretary will be in touch with you, and we'll...

Mr. Clement: Okay.

Ms. Garvey: Okay.

Chairman Olenius: Nail it down. We usually give you a rain date to, so, if it doesn't...

Ms. Garvey: Oh. Okay.

Chairman Olenius: Work, but...

Ms. Garvey: Yeah. That will work out fine.

Chairman Olenius: Okay. We can do that then. Hopefully Mr. McCarthy knows that he's got to give us some kind of letter, or... it's just late coming? *[To Rich Williams]* You said it's... okay.

Rich Williams: You don't need a letter from McCarthy...

Chairman Olenius: No.

Rich Williams: If you want to consider it, but...

Chairman Olenius: No. Just sometimes it's helpful... to make decisions.

Rich Williams: We just want to see this move along...

Chairman Olenius: Okay.

Rich Williams: And resolve it.

Chairman Olenius: *[Inaudible – speaking away from microphone]*... No, the 19<sup>th</sup> is a Wednesday. It's not one of the...

Rich Williams: Okay.

Chairman Olenius: Crazy months. Okay. Alright, so...

Rich Williams: *[To Mr. Clement & Ms. Garvey]* So, baby steps...

Ms. Garvey: Yeah.

**B) Minutes: June 17, 2015**

Chairman Olenius: I'll – I'll make a motion to approve the minutes as submitted. I didn't see any...

Board Member Burdick: Second.

Chairman Olenius: Thing wrong with it. All in favor?

*Motion passed by a vote of 4 – 0.*

**C) Site Walk**

Chairman Olenius: Okay.

Board Member Bodor: That week before that meeting I hope to be away.

Chairman Olenius: Okay.

*[Mr. Clement & Ms. Garvey conversing with Rich Williams in audience - Inaudible.]*

Board Member Bodor: Because I was checking.

Rich Williams: *[To Mr. Clement]* Yes. Yeah, we're not going to consider it pre-existing non-conforming.

Mr. Clement: *[To Rich Williams]* You're not.

Chairman Olenius: *[To the board]* So the 9<sup>th</sup> through the 15<sup>th</sup>?

Mr. Clement: *[To Rich Williams]* So we want to get the – we want to get the variances?

Rich Williams: *[To Mr. Clement]* We want to get the variances.

Mr. Clement: *[To Rich Williams]* Okay.

Chairman Olenius: You're away?

Board Member Bodor: I hope so.

Chairman Olenius: Okay.

Ms. Garvey: *[To Rich Williams]* I like your tie.

Board Member Carinha: No. You...

Rich Williams: *[To Ms. Garvey]* Jerry Garcia.

Ms. Garvey: *[To Rich Williams]* Oh, it is?

Rich Williams: *[To Ms. Garvey]* I have a whole collection.

Chairman Olenius: What about the one before that?

Ms. Garvey: *[To Rich Williams]* Okay. It's very nice.

Rich Williams: *[To Ms. Garvey]* Thank you.

Board Member Carinha: The 5<sup>th</sup> and 6<sup>th</sup> and the 12<sup>th</sup> and the 13<sup>th</sup>...

The Secretary: *[To Rich Williams]* Do we want the fee waiver request...

Board Member Carinha: I'm stuck playing those days at night, that's why it's...

The Secretary: *[To Rich Williams]* Tonight, or...?

Board Member Carinha: For both of my kids, uh...

Rich Williams: *[To the Secretary]* I – yeah, I... I would.

Chairman Olenius: 3<sup>rd</sup> and 4<sup>th</sup>?

The Secretary: *[To Rich Williams]* Okay.

Rich Williams: *[To the Secretary]* They seemed to indicate they wanted a letter from Bob.

Board Member Bodor: 3<sup>rd</sup> and 4<sup>th</sup> is okay.

The Secretary: *[To Rich Williams]* Okay.

Board Member Burdick: It's okay with me.

Board Member Carinha: Yeah. It sounds good.

Chairman Olenius: 3<sup>rd</sup> and 4<sup>th</sup>.

Board Member Carinha: Yep.

Chairman Olenius: *[To the Secretary]* 3<sup>rd</sup> and 4<sup>th</sup>.

The Secretary: The 3<sup>rd</sup> and 4<sup>th</sup> of August?

Chairman Olenius: Yep.

Board Member Burdick: *[To Mr. Clement & Ms. Garvey]* August 3<sup>rd</sup> or 4<sup>th</sup> okay?

Ms. Garvey: Yeah.

The Secretary: So, we'll do the 4<sup>th</sup> as the rain date?

Chairman Olenius: Yes.

The Secretary: Okay.

*[Mr. Clement & Ms. Garvey conversing in audience.]*

Chairman Olenius: And that would be 4:30?

Board Member Carinha: Yeah.

Board Member Bodor: Yeah.

Chairman Olenius: 4:15? I don't know.

Board Member Bodor: 4:30.

Chairman Olenius: 4:30?

Board Member Bodor: I'm working on that Monday until 4:00.

Chairman Olenius: Okay. 4:30 it is.

Ms. Garvey: On which date?

Chairman Olenius: The 3<sup>rd</sup>?

Ms. Garvey: Okay.

Board Member Bodor: Monday, the 3<sup>rd</sup>.

Ms. Garvey: Okay.

Chairman Olenius: With the 4<sup>th</sup> as a rain date.

Ms. Garvey: Okay.

Chairman Olenius: Same time.

Ms. Garvey: 4:15.

Mr. Clement: Yeah, but the parking is kind of limited there. It's only 2 little spots.

Rich Williams: I don't know if you know where the met – the railroad, uh, access is right there? Everybody goes to, uh, ride their quads...

Chairman Olenius: Mm hmm.

Rich Williams: But... you probably want to park there and walk up.

Chairman Olenius: Okay. Is that where our new cell – proposed cell tower is going?

Rich Williams: No. It's around the corner. But, it's close to where that...

Chairman Olenius: Okay.

Rich Williams: Cell tower is going.

Board Member Burdick: Are you talking about across from...

Chairman Olenius: Oh.

Board Member Burdick: Piazza's old house?

Rich Williams: No...

Board Member Burdick: No?

Rich Williams: Piazza's old house?

Board Member Burdick: Yeah. No?

Rich Williams: No. It's across from Mountainview [Road].

Board Member Burdick: Oh.

Board Member Bodor: Across...

- Board Member Burdick: Okay.
- Board Member Bodor: Across from Mountainview?
- Board Member Burdick: Mm hmm.
- Chairman Olenius: I know where you mean. It's like a big turnoff there. Now I know. I was...
- Rich Williams: Yeah, it goes up on *[inaudible – too many speaking]*...
- Chairman Olenius: I was on the other side of the bridge for some reason when you said that. Kind of before where you go into the Corvette guy's driveway, right?
- Rich Williams: Yes.
- Chairman Olenius: The Corvette restoration...?
- Rich Williams: *[Inaudible – too many speaking]*...
- Board Member Bodor: On that side?
- Chairman Olenius: Yes.
- Board Member Bodor: Oh, okay.
- Chairman Olenius: I'll – I'll walk. You guys can park up there. There's a couple spots open. I'll make a motion to adjourn.
- Board Member Burdick: Second.
- Chairman Olenius: All in favor?

*Motion passed by a vote of 4 – 0.*