

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
July 18, 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

Shawn Rogan, Chairman
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**Zoning Board of Appeals
July 18, 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 7:01 p.m.

There were approximately 7 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) MICHAEL RUDOLPH CASE #16-12

Mr. Michael Rudolph was present.

Chairman Olenius stated you can read the legal.

The Secretary read the following legal notice:

NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS
of a public hearing to be held on Wednesday, July 18, 2012 at 7:00 p.m. at the Patterson Town

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

Michael Rudolph Case #16-12 – Area Variances: Held over from the June 20, 2012 meeting

Chairman Olenius stated you can come right up, Mr. Rudolph, if you don't mind.

Mr. Michael Rudolph stated hello again.

Board Member Burdick stated hi.

Board Member Bodor stated hello.

Chairman Olenius stated how are you.

Mr. Rudolph stated good.

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

Mr. Rudolph stated Michael Rudolph, 326 Lakeshore Drive in Brewster, New York.

Chairman Olenius stated thank you. So we took a site walk out to look at your situation out there. I thank you for being there and walking us through and showing us the generator in question as well. In my opinion and physically looking at the generator, it seemed quite well insulated and really non-obtrusive. I mean, it was actually pretty nice looking overall. The cabinet was all...

Board Member Buzzutto stated state of the art, really.

Chairman Olenius stated yes. I know you did provide us with the specs on it. I was able to have the Secretary make copies for us all. It came in at 66 decibels for which the conversion is that of a normal conversation at 3-5 feet away; 60-70 decibels on this comparison chart we received for a previous application on a similar unit. As a matter of fact, I think it was a larger unit. We had some discussions when we were out there with you with regards to possibly minimizing at least one of the variances you were requesting, and that was with regards to the 2+ feet...2± for the generator pad.

Mr. Rudolph stated okay.

Chairman Olenius stated what's your opinion on that. We just had discussions and I just want to...

Mr. Rudolph stated well, yes.

Chairman Olenius stated hear from you...

Mr. Rudolph stated I said I could pull the genie...the generator up 5' from the line.

Chairman Olenius stated you'd be willing to do that.

Mr. Rudolph stated yes.

Chairman Olenius stated move it 5' from the line to come into compliance...

Mr. Rudolph stated yes.

Chairman Olenius stated so we can minimize...

Mr. Rudolph stated the generator.

Chairman Olenius stated just the generator, yes. The propane tanks I think we agreed would be less obtrusive as there is no noise, really, involved with that.

Mr. Rudolph stated right.

Chairman Olenius stated they were actually tucked in the corner of the fence. I think they'd be less of an eyesore where you had those installed...

Mr. Rudolph stated yes.

Chairman Olenius stated because they're taller.

Mr. Rudolph stated right.

Chairman Olenius stated where the generator really looks like a garden box for a lack of a better word. It doesn't really look like...

Board Member Burdick stated yes.

Mr. Rudolph stated it doesn't look bad.

Chairman Olenius stated no. You can't see a muffler on it or anything from its enclosure the way it is. Which you did submit, I know, paperwork on in your initial application. Specifications or whatnot.

Board Member Buzzutto stated is that going to automatically come on...

Mr. Rudolph stated yes. All by itself. It goes on and off. It goes on...

Board Member Buzzutto stated what would keep that cool if the lid is shut on that. I mean...

Mr. Rudolph stated it's air cooled. I mean, not air cooled, it's water cooled I'm pretty sure.

Board Member Buzzutto stated oh, it's water cooled.

Mr. Rudolph stated yes. There's a radiator in there.

Board Member Buzzutto stated I was thinking last night if that comes on and if it's all enclosed, how is it going to stay cool.

Mr. Rudolph stated I'm pretty sure there's a radiator in it.

Board Member Buzzutto stated yes.

Mr. Rudolph stated I'm not positive. I don't have a spec thing with me.

Board Member Buzzutto stated well...Okay.

Mr. Rudolph stated so it's supposed to come on, I guess, for a half hour once a week to test it all by itself.

Board Member Buzzutto stated oh, I see.

Chairman Olenius stated and can you set those times.

Mr. Rudolph stated yes.

Chairman Olenius stated it's not going to come on at midnight or 1 a.m.

Mr. Rudolph stated no, no, no. You can set it at any time.

Board Member Buzzutto stated for how long is it going to stay on.

Mr. Rudolph stated half an hour.

Board Member Buzzutto stated oh, half hour.

Mr. Rudolph stated just as a, you know, run it through all of its checks and then it shuts itself off.

Board Member Bodor stated and that's once a day.

Mr. Rudolph stated once a day, I think it's once a week.

Board Member Bodor stated once a week.

Mr. Rudolph stated yes.

Board Member Bodor stated okay.

Chairman Olenius stated so hopefully you can have some discussions with your neighbors as to a good time, should it...I don't...Judging by what it says, it doesn't sound like it's going to be too obtrusive. But if you do it maybe during working hours, or whatnot...

Mr. Rudolph stated I would rather actually, you know, come home I would want to hear it and know that it goes on and that kind of thing.

Chairman Olenius stated is it some kind of an hour meter on it so you can verify that it did in fact run if you weren't home.

Mr. Rudolph stated yes.

Chairman Olenius stated some kind of safety check.

Mr. Rudolph stated it's got some sort of thing where I punch in a code and activates my warranty. It does some sort of... There's something in that transmits, you know...

Chairman Olenius stated oh.

Mr. Rudolph stated it's hours, it's... Because they said something about they would text me when it needs an oil change. I said, how would you know. They said, oh, we get all that information. It sends us information. I was like, okay.

Board Member Bodor stated modern technology.

[Laughter].

Mr. Rudolph stated yes, I love it. It's great. It's dumby proof.

Board Member Buzzutto stated you're not prepared to like... to be using it many times during the season though. You just use it minimum.

Mr. Rudolph stated I hope I never use it, to tell you the truth.

Board Member Buzzutto stated well, yes. Okay. I mean that's what... You got.

Mr. Rudolph stated yes.

Board Member Buzzutto stated I like to use it though, it's nice.

Mr. Rudolph stated the power went off for about 20 minutes the other night and I go see. I've got a genie [generator] out there.

Chairman Olenius stated so let me ask you one more time officially. You are willing to relinquish the request for the requested sideline variance for the generator itself and you'll...

Mr. Rudolph stated absolutely.

Chairman Olenius stated put that at 5' so you'll meet setback requirements. So all we're going to...

Mr. Rudolph stated absolutely. Yes.

Chairman Olenius stated provide you with tonight would be potentially relief for the propane...

Mr. Rudolph stated yes. Absolutely.

Chairman Olenius stated sideline variance.

Joe Charbonneau stated so the Board can deem the application amended to remove that

one...that single request for a variance.

Mr. Rudolph stated great.

Chairman Olenius stated you agree with that.

Mr. Rudolph stated yes.

Chairman Olenius stated okay. So we've verbally amended your application to eliminate the one.

Mr. Rudolph stated when I, like I said, when I applied for that, I was under the understanding it was 10' and then when I came to the meeting I found out it was 5 [feet]. I go geez, I could do 5'. Ten [feet] I can't because it's in the middle of my yard.

Board Member Buzzutto stated well, that good. Because that eliminates any variances that you would need, so.

Chairman Olenius stated I think judging by even by the Building Inspector's denial though, I don't think you could do 5 [feet] with the propane tanks in light of the NFPA Code...

Mr. Rudolph stated right.

Chairman Olenius stated without being 3' from the windows and doors opening.

Mr. Rudolph stated right. I couldn't have moved...

Chairman Olenius stated you know what I mean, so that's the other reason I'm more inclined to consider relief for the tanks as opposed to the generator itself. Is there any input from the audience on this case. Hearing none. Okay.

Board Member Buzzutto 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
Michael Rudolph, Case #16-12
For Area Variances for the Installation of Generator and Propane Tanks

WHEREAS, *Michael Rudolph* is the owner of real property located at 326 Lakeshore Drive (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.73-1-23, and**

WHEREAS, *Michael Rudolph* 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 install associated propane tanks for a generator, and

WHEREAS, the Patterson Town Code requires a 5' side yard setback for accessory structures in the RPL-10 Zoning District; the propane tanks...

Joe Charbonneau stated you're going to remove...Oh, I'm sorry. Go ahead.

Chairman Olenius stated that part I had...

Joe Charbonneau stated I apologize. Yes. Okay.

Chairman Olenius continued to read the following resolution:

and the propane tanks will 1' from the side property line; *Variance requested is for 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 *June 20, 2012 and July 18, 2012*, and a site walk was conducted on *July 16, 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 decibel ratings for said generator are within normal conversation limits and weekly testing will be done during daylight hours.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of regulations, as stated in the denial by our Building Inspector, with regards to NFPA Code and distances from existing structures.*
3. the variance requested *is not* substantial *due to the minimal 5' requirement and the distance from the home.*
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 pad was already over an existing patio so impervious coverage is not increasing.*
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 *Michael Rudolph* for *area variances* pursuant to §154-27 A(12)(b) of the Patterson Town Code; Permitted accessory uses, *of 4' for the propane tanks, from the 5' required for a side yard setback in the RPL-10 Zoning District*, in order to install a pad for associated propane tanks 1' from the side property line.

Board Member Burdick stated second.

Board Member Buzzutto stated the pad is going to be a concrete pad or are you going to use the slate that's there.

Mr. Rudolph stated for the generator, there'll be a concrete pad.

Board Member Buzzutto stated there's going to be a concrete pad.

Mr. Rudolph stated yes.

Board Member Buzzutto stated so the slate...

Mr. Rudolph stated for the tanks, they supply a...

Board Member Buzzutto stated okay, fine.

Mr. Rudolph stated composite...

Board Member Buzzutto stated okay. But there will be a concrete pad for there.

Mr. Rudolph stated yes. For the generator.

Board Member Buzzutto stated okay, fine. Alright. Did somebody second.

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. Rudolph stated thank you very much.

Chairman Olenius stated I hope for your sake the power doesn't go out anymore, but...

Mr. Rudolph stated if it does, I'm ready.

Chairman Olenius stated yes.

Board Member Bodor stated you're ready.

Mr. Rudolph stated now do I, tomorrow, go and get the permit physically or what do...How do we...

The Secretary stated you might want to wait a couple of days just so I can get the paperwork over to the Building Department. So probably the beginning of next week.

Mr. Rudolph stated okay.

The Secretary stated Building will have it.

Mr. Rudolph stated and just come up here, like, Tuesday or Wednesday or something like that...

The Secretary stated yes.

Mr. Rudolph stated and see you.

The Secretary stated yes, or Cheryl.

Mr. Rudolph stated okay, very good.

The Secretary stated alright.

Mr. Rudolph stated thank you very much. Am I good.

Chairman Olenius stated you're all good.

Board Member Burdick stated you're good.

Board Member Herbst stated you're all set.

Board Member Burdick stated have a good evening.

Mr. Rudolph stated you all have a great, great week.

Chairman Olenius stated you, too.

2) JACK GESTRI CASE #21-12

Mr. Jack Gestri was present.

The Secretary read the following legal notice:

Jack Gestri Case #21-12

Applicant is requesting an area variance pursuant to §154-27 A. (12)(a) of the Patterson Town Code; Permitted accessory uses, in order to legalize a tent structure and two sheds. The Code does not allow for accessory structures to be

located in the front yard. This property is located at 172 Somerset Drive (R-4 Zoning District).

Chairman Olenius stated Mr. Gestri.

Mr. Jack Gestri stated good evening.

Chairman Olenius stated good evening. Could you state your name and address for the record, please.

Mr. Gestri stated my name is Jack Gestri. I live at 172 Somerset Drive, Patterson, New York.

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

Mr. Gestri stated I swear.

Chairman Olenius stated thank you very much. So, did you agree with what the Secretary read in the legal notice there. Is that what you're looking for.

Mr. Gestri stated absolutely, yes.

Chairman Olenius stated yes. Give us a little background, please.

Mr. Gestri stated sure. I'm asking for a variance for two sheds and a tent for three reasons. The first: it would be a hardship for me to move the items from where they are right now. Secondly, to move them in a different position on...in my location would involve something that would either detract from my neighbor or look horrendous in my backyard. And lastly, it would actually impact the environment if I move it. In front of you, you have hopefully some sheets that I provided.

Chairman Olenius stated we do.

Mr. Gestri stated great.

Chairman Olenius stated I'm...Just before we go too much further.

Mr. Gestri stated sure.

Chairman Olenius stated how would affect the environment. I just...

Mr. Gestri stated on the tents, if I...Really, the only place I could move the tent would be across from where it is right now. If I were to move it on the other side, my neighbor would want to kill me. It's 10 [feet] x 20 [feet]. Right now, it's really relatively hidden. It can't really be seen by anybody, even in my own yard. If I move it over, I have to take out 2 trees and...Two large trees and a few other trees in addition to that.

Chairman Olenius stated that's what I was looking for. That type of excavation.

Board Member Bodor stated what is the purpose of the tent.

Mr. Gestri stated it houses my tractor, which I just recently got. And I'm just trying to keep it out of the rain and the snow.

Board Member Bodor stated and why is it a hardship to move any of these things.

Mr. Gestri stated it's not too easy. I'm at a point now that...I put in the sheds two years ago. I was younger then. To move them now we're talking cinder block. My property is raked down. And to prop it up from the back part, it involves a leveling technique that is quite heavy. The tent...

Board Member Bodor stated I'm very familiar with where they're located; I go by there on a daily basis. I have seen the sheds and I know they're...They appear to be quite close to Cornwall Hill Road. They're very visible, maybe not this time of the year, but the rest of the year. And that's why I'm asking...

Mr. Gestri stated okay. If you look...

Board Member Bodor stated what the hardship would be.

Mr. Gestri stated yes. It would be a problem. But if you want to look at Picture 5.

Board Member Bodor stated yes.

Mr. Gestri stated that's from the street on Cornwall Hill [Road].

Board Member Bodor stated alright. That's this time of year.

Mr. Gestri stated that's pine...those are pine trees.

Board Member Bodor stated well...

Mr. Gestri stated that's the whole year.

Board Member Bodor stated I'm very much aware they're there. I've seen them and I've wondered why...how are these sheds sitting there because they don't belong there. That was, you know, that's how obvious they are to me.

Mr. Gestri stated I'm just telling you what you see from...

Board Member Bodor stated yes, I know.

Mr. Gestri stated Cornwall Hill Road.

Board Member Bodor stated I know. Why couldn't, you know, you're saying it's a hardship and I don't understand the hardship piece. Are they...They're sitting on blocks. They're on pads or...

Mr. Gestri stated they are on concrete block that was cement that was sand leveled, which is quite difficult to do. To move to pick up all that, just even to take all the screws out of them to

move them and to where would I move them. I mean, you would actually...I would have to put it in the center of my property. If you also know my property well, you also know that it slopes to the...

Board Member Bodor stated yes.

Mr. Gestri stated to the side of my neighbor.

Board Member Bodor stated yes.

Mr. Gestri stated so how would I raise those sheds up so that they would be level.

Board Member Bodor stated how did those sheds get there. Where they moved on site as they are or were they constructed there.

Mr. Gestri stated they were constructed. I constructed them.

Board Member Bodor stated they were constructed there.

Mr. Gestri stated yes.

Board Member Buzzutto stated the property looks fairly level though.

Mr. Gestri stated it does, doesn't it. You'd be surprised how much of a pitch...

Board Member Buzzutto stated I mean, you look at that there, it looks like it [referring to a picture]...

Mr. Gestri stated it's got down.

Board Member Buzzutto stated it looks like a...

Mr. Gestri stated well, anyway, if you want to go through the...what I'd like to discuss with you. On that first page you see that my property is almost 6 acres.

Chairman Olenius stated yes.

Mr. Gestri stated what you're looking at is the only part of the property that I can build on. That would be the red. And the reason for that is I have the wetlands in the back, I have a 100' buffer. Then I have the drainage swale. And so judging from what I was told the Code is, you have to take a line from the edge of your house and direct it straight back. So in Page 2, you actually see what that means. To move the sheds over to the left side would be an eyesore for me in the back of my yard. Those sheds are 25...Actually, they're 26 [feet] and 3" from the property line. The tent 20'3" from the property line. They are 131' away from my house. I thought I was in compliance. I didn't understand what the front yard meant. I thought 20' from the property line would be acceptable but obviously I was wrong. And the Code Enforcer explained how that line goes directly down the center of my property. The house is titled slightly, and that's what's causing the problem.

Chairman Olenius stated well, technically with two frontages you have two front yards.

Mr. Gestri stated exactly.

Board Member Bodor stated

Chairman Olenius stated I...

Mr. Gestri stated yes, I...

Chairman Olenius stated sympathize. I have three front yards.

Mr. Gestri stated just didn't know that it kept going.

Chairman Olenius stated yes.

Mr. Gestri stated I just didn't know it kept going and constantly going back through the property line indefinitely.

Chairman Olenius stated right.

Mr. Gestri stated if you see on [Picture] 6, you could see the tent. That's the picture. And on 7, you could see what it looks like from Cornwall Hill [Road], and that picture is old. I took that about a month ago.

Board Member Buzzutto stated this a...

Mr. Gestri stated on...

Board Member Buzzutto stated that's with the foliage though. You can't see it because...

Mr. Gestri stated this is true. But there are quite a few trees there. Even without the foliage, you're going to wind up with quite a bit of cover. On 8 is where the tent would have to go, and that would be what had to be cleared. That's quite a bit of clearing.

Board Member Bodor stated you're saying where it would have to go. To make it in compliance, is that what you're meaning.

Mr. Gestri stated exactly.

Board Member Bodor stated okay.

Board Member Buzzutto stated I'd like to see this property.

Chairman Olenius stated I'd have to agree. I think we're going to probably take a site walk on this just because...

Board Member Buzzutto stated it's too...

Chairman Olenius stated you're pictures are okay, but it's difficult to tell grade, angle...

Mr. Gestri stated sure.

Chairman Olenius stated different things without personally visiting it.

Board Member Buzzutto stated I just request that we do that.

Chairman Olenius stated so we're going to...Does anybody from the audience have a comment on this.

Donna Gestri stated yes, I do.

Chairman Olenius stated do you.

Donna Gestri stated yes. I'm Donna Gestri. I wish...

Board Member Buzzutto stated you want to come up to the mic.

Donna Gestri stated oh, sure.

Chairman Olenius stated we just need you in the minutes.

Donna Gestri stated I wish that I had gotten better information from our neighbor. He was involved in the building of the son. His son was in the building. He said he was going to be here tonight, but I guess something came up. He said our entire...the entire building of our house was done on a variance because our front property is considered narrow for the area and that there shouldn't have been a problem with anything because it...the variance came with the house and everything should be allowed to go. And we was like Bruce, what are you talking about. But he was going to come and discuss this with you. I don't know, maybe before you come and take a site walk, you can look up whatever this might be that he's talking about. I, you know, well we could possibly call him and see what he has to say.

Chairman Olenius stated my guess is...

Donna Gestri stated maybe it's something on file.

Chairman Olenius stated what he's saying is you had a variance for a...

Mr. Gestri stated for the house.

Chairman Olenius stated for the frontage; a road frontage variance. That doesn't give you free...

Donna Gestri stated no.

Chairman Olenius stated you still have two front yards, it's just...

Donna Gestri stated but.

Chairman Olenius stated for the frontage for where the driveway might have been placed or whatnot, on that frontage.

Donna Gestri stated the driveway does go around on the side of Cornwall Hill [Road] though. Well, I'll, you know, maybe I'll give him a call tonight and see if he can provide better information before you come, because he said he already...

Board Member Buzzutto stated I'm sorry, your name was...

Donna Gestri stated Bruce...Donna Gestri. I'm Jack's wife.

Board Member Buzzutto stated oh, I see. Okay.

Donna Gestri stated it's Bruce Major and his son was...is the...was the builder. So he had...He came to us with this information.

The Secretary stated the previous variance that was requested was for a side yard for constructing a second story balcony off the master bedroom.

Board Member Bodor stated yes. Remember that because...

Donna Gestri stated so, I mean...

Board Member Bodor stated there was not enough side yard to contain that balcony that they wanted to build after the fact. So we had to give the variance to put that balcony on.

Donna Gestri stated I didn't even know that was an after the fact.

Board Member Bodor stated oh, yes.

Donna Gestri stated well...

The Secretary stated so that's the...

Board Member Bodor stated this is building a big house on a little lot.

Donna Gestri stated you know, but where the septic...

Mr. Gestri stated big lot but you can build too much on it.

Board Member Buzzutto stated well...

Donna Gestri stated the balcony is...

Board Member Buzzutto stated well, the pictures are sort of deceiving to me anyway.

Board Member Bodor stated well, you're not the first owner, right.

Donna Gestri stated right.

Board Member Bodor stated there was someone else in there and apparently they, when the house was built, desired to have that balcony. And that's how that came about. But that doesn't mean that there's a variance on the whole property to do whatever.

Donna Gestri stated well, I'm just saying how Bruce...

Board Member Bodor stated yes.

Donna Gestri stated made it sound. I don't know. I'll get better information. I just wanted you to know that there had been some kind of a variance needed, even just to build the house.

Board Member Bodor stated that was for the house.

Donna Gestri stated okay. But okay.

Chairman Olenius stated so we're going to table this matter.

Mr. Gestri stated okay.

Chairman Olenius stated secretary will give you a call. Are there any days of the week that are bad for you. We typically come after work and then usually...

Mr. Gestri stated well, actually, I was going to say...Well, Monday could be a problem because I babysit on Monday. So...

Chairman Olenius stated so are, like, Tuesdays, Wednesdays...I wouldn't say it's going to be, you know, next Monday by any means. We have to get our calendars out later and talk about it.

Mr. Gestri stated okay.

Chairman Olenius stated but is there any certain day of the week.

Mr. Gestri stated I'm pretty clear Tuesdays through Fridays.

Chairman Olenius stated okay.

Mr. Gestri stated so in case something comes up, we can make another date.

Chairman Olenius stated yes.

Board Member Buzzutto stated well, a variance will be so he can get back on the agenda for the next meeting.

Mr. Gestri stated right.

Board Member Buzzutto stated so you won't lose another month.

Mr. Gestri stated right.

Board Member Buzzutto stated so...

Chairman Olenius stated we'll try and set up a date between Tuesday and Friday.

Mr. Gestri stated okay, that sounds good.

Chairman Olenius stated we usually don't get there between like...before 4:30 [p.m.].

Board Member Buzzutto stated yes, this time of the year.

Mr. Gestri stated oh, that's fine.

Chairman Olenius stated you know, this time of year. So...

Mr. Gestri stated okay.

Chairman Olenius stated we just like to have you there to walk us through...

Mr. Gestri stated absolutely.

Chairman Olenius stated and explain it to us in person...

Mr. Gestri stated sure.

Chairman Olenius stated so we can see what's going on.

Mr. Gestri stated okay.

Chairman Olenius stated alright.

Mr. Gestri stated thank you.

Chairman Olenius stated well, thank you.

Board Member Buzzutto stated okay, this one goes...

Chairman Olenius stated it's tabled.

3) KEVIN & JENNIFER DOCHERTY CASE #22-12

Mrs. Jennifer Docherty was present.

The Secretary read the following legal notice:

Kevin & Jennifer Docherty Case #22-12

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct a 17' x 26.5' one story addition which will create a bathroom and enlarge the family room. The Code requires a side yard setback of 30'; Applicant currently has 20'; Proposed is 14';

Variance requested is for 16'. This property is located at 15 North Street (R-1 Zoning District).

Chairman Olenius stated Mrs. Docherty. Just state your name and address for the record.

Mrs. Jennifer Docherty stated Jennifer Docherty. 15 North Street, Patterson, New York.

Board Member Buzzutto stated oh, that's just right here somewhere.

Chairman Olenius stated you promise the testimony...

Board Member Buzzutto stated oh, I'm sorry.

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

Mrs. Docherty stated yes, I do.

Chairman Olenius stated thank you very much.

Board Member Buzzutto stated North Street; that's right here some place, isn't.

Board Member Bodor stated across from the Legion.

Mrs. Docherty stated it is.

Board Member Buzzutto stated oh, okay. Now I know where it is. Okay.

Chairman Olenius stated did you agree with what the Secretary read in the legal notice.

Mrs. Docherty stated yes.

Chairman Olenius stated that's what you're looking to do.

Mrs. Docherty stated yes.

Chairman Olenius stated give us a little background; explain it to us.

Mrs. Docherty stated well, we have...I have six kids so with the eight of us, we have like a little 12' x 12' family room right now. And it's not even the full 12' x 12' because there's a wood burning stove in there. So when we have guests, we can't even really have people in our family room. We all hang out in the kitchen. So...And we don't have a bathroom on our main level. So, I just wanted to put one in and then if you can see from the diagram, I don't know what you've got there, but there's like a...my kitchen runs back. It's just kind of to run parallel to the kitchen, you know, bumping back there so that I can put like a big family room and a bathroom.

Chairman Olenius stated so from this photo that you enclosed here...

Mrs. Docherty stated yes. Going...

Chairman Olenius stated this extension here is the kitchen.

Mrs. Docherty stated yes.

Chairman Olenius stated and you want to run alongside of that.

Mrs. Docherty stated yes.

Chairman Olenius stated okay.

Board Member Bodor stated so you are going a little wider than the existing...

Mrs. Docherty stated yes because there's a...I guess where they bumped out, the previous owners, from the kitchen, it bumps into the next room. I don't know if you can tell by that. So it's not to run just directly back is not really the full width of the room.

Board Member Bodor stated okay.

Mrs. Docherty stated from what the contractor said to me.

Board Member Bodor stated what is it, about 2'.

Mrs. Docherty stated it's...I think it has to go out an additional 4', I think is what it was.

Board Member Bodor stated four feet.

Mrs. Docherty stated yes.

Chairman Olenius stated it looks from your survey that your house, your existing home, is 20' from the sideline.

Mrs. Docherty stated yes.

Chairman Olenius stated so you're existing home doesn't even meet the...

Mrs. Docherty stated right.

Chairman Olenius stated today's sideline.

Mrs. Docherty stated that was when I called up the Building Department, they said well, you're already not in compliance.

Board Member Bodor stated right.

Chairman Olenius stated and this is going to, for a lack of a better word, bump out from the sideline of the existing home, and there's a bilco door going in that corner.

Mrs. Docherty stated yes.

Chairman Olenius stated it looks like for access for the basement.

Mrs. Docherty stated yes. Because I already have that coming back from the house. So where they're extending, they would just be moving it to the side.

Chairman Olenius stated they're relocating it.

Mrs. Docherty stated yes.

Chairman Olenius stated it currently would be under where your proposed addition is.

Mrs. Docherty stated yes.

Chairman Olenius stated okay. And is there a full basement under your proposed addition.

Mrs. Docherty stated no. There's not even under the kitchen. It's just like a little crawl space.

Chairman Olenius stated okay. That's what I thought I read in the plans, but...

Mrs. Docherty stated yes.

Chairman Olenius stated but I just wanted to verify it.

Board Member Bodor stated I think at the very least you need a bathroom downstairs.

[Laughter].

Chairman Olenius stated I see you've been to the Department of Health already.

Mrs. Docherty stated yes.

Chairman Olenius stated got approval to retain your existing bedroom count.

Mrs. Docherty stated yes.

Board Member Buzzutto stated you say there's no basement at all.

Mrs. Docherty stated no under the kitchen. There is under the main, you know, the...

Board Member Buzzutto stated oh, yes. Because...

Mrs. Docherty stated original house. Yes.

Board Member Buzzutto stated okay.

Mrs. Docherty stated the kitchen itself was an extension at some point. I'm not sure when they did that.

Board Member Buzzutto stated totally property, how big is your...

Mrs. Docherty stated I think it's .75 acres.

Board Member Buzzutto stated .75 [acres]; It's three quarter acres.

Chairman Olenius stated it looks very attractive by the architectural drawings. It seems like it's going to match the existing home pretty well.

Mrs. Docherty stated yes.

Chairman Olenius stated this whole piece. It's basically this piece [referring to the survey]. This is this. This is just going to bring these rooflines up to make it look...See, this is that existing bump out that you see [referring to plans], the kitchen area.

Board Member Buzzutto stated okay.

Chairman Olenius stated they're going to run parallel with it here and stick a bathroom in the front corner of it. It does show the crawl space underneath.

Board Member Buzzutto stated okay. How much to the edge of the property.

Chairman Olenius stated this is of her survey. This is just some drawings.

Board Member Buzzutto stated yes, okay.

Chairman Olenius stated it's going to be 14'.

Board Member Buzzutto stated so 14'.

Chairman Olenius stated it's currently 20'.

Board Member Bodor stated 20 [feet].

Chairman Olenius stated see, on the existing home. So they're coming out another 6' with the...Some of it's got to be the angle of the property.

Board Member Buzzutto stated yes, because this is...

Chairman Olenius stated these aren't exactly parallel. This looks like it's pushing in a little bit; the home. It's not a parallel line. Does anybody in the audience have a comment on this case. Hearing none. Are you on the sewer system where you are.

Mrs. Docherty stated no, I have a septic.

Chairman Olenius stated you have your own septic.

Mrs. Docherty stated and a well.

Chairman Olenius stated and you have enough lot area still; Three quarters of an acre to...

Mrs. Docherty stated yes. The well's in the back and the septic's in the front.

Chairman Olenius stated is there a patio, deck, anything, currently where this proposed addition...

Mrs. Docherty stated there's a deck...

Chairman Olenius stated there's a deck.

Mrs. Docherty stated that will have to be taken up. Yes.

Chairman Olenius stated because I did see something somewhere that said patio.

Mrs. Docherty stated yes, we're planning on pulling up the deck. And then where it extends, it extends a little past the kitchen and we're going to put a patio in between the two.

Chairman Olenius stated oh, just square it off, like.

Mrs. Docherty stated yes.

Chairman Olenius stated oh, I see. Yes. This photo shows it, pretty much all existing deck. Is this in fact what your house currently looks like; the deck and...

Mrs. Docherty stated yes.

Chairman Olenius stated okay.

Mrs. Docherty stated exactly.

Board Member Buzzutto stated what is this over here.

Chairman Olenius stated it's a playhouse. One of those plastic playhouses, it looks like. Is that what that is.

Mrs. Docherty stated yes.

Chairman Olenius stated a plastic playhouse. Little Tykes.

Mrs. Docherty stated yes.

Board Member Buzzutto stated oh, it's not a shed though.

Chairman Olenius stated no. It's a kids... You have a detached garage, I believe, right.

Mrs. Docherty stated yes.

Chairman Olenius stated on your property. Yes, I see it on your survey.

Board Member Buzzutto stated it's way in the back, here.

Chairman Olenius stated it's actually a pretty good sized lot for the Village or the Hamlet.

Board Member Bodor stated yes.

Chairman Olenius stated I mean, you look at what the footprint of the home is...

Board Member Bodor stated yes.

Chairman Olenius stated there's still a quite a bit of area there. Do you guys have anything else on this.

Board Member Bodor stated no.

Chairman Olenius stated I'm pretty...The packet was pretty complete.

Board Member Bodor stated yes.

Chairman Olenius stated do you guys have anything else.

Board Member Buzzutto stated no. That's a nice setup she's got there.

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

Board Member Buzzutto stated I second that.

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
Kevin & Jennifer Docherty, Case #22-12
*For an Area Variance for an 17' x 26.5' Addition***

WHEREAS, *Kevin & Jennifer Docherty are* the owners of real property located at 15 North Street (R-1 Zoning District), also identified as **Tax Map Parcel #13.19-1-11, and**

WHEREAS, *Kevin & Jennifer Docherty* have made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to construct a 17' x 26.5' one-story addition to their dwelling, which will create a bathroom and enlarge the family room, and

WHEREAS, §154-7 of the Patterson Town Code requires a 30' side yard setback; Applicant currently has 20'; Applicant will have 14'; ***Variance requested is for 16'***, 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 18, 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 proposed addition is much in harmony with the current dwelling and will only enhance neighboring properties.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the fact that the existing home is already out of compliance with the new Zoning Codes.*
3. the variance requested *is* substantial *however not so much 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 where the proposed addition is going is already over an existing deck, so we will not be substantially increasing impervious coverage.*
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 *Kevin & Jennifer Docherty* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 16' from the 30' required for a side yard setback in the R-1 Zoning District*, in order to construct a 17' x 26.5' one-story addition to their dwelling, which will create a bathroom and enlarge the family 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 good luck.

Mrs. Docherty stated thank you.

Chairman Olenius stated I think you'll be able to utilize that space...

Mrs. Docherty stated I'm sure I will.

Chairman Olenius stated very well.

Mrs. Docherty stated thank you.

Chairman Olenius stated you can get a big couch now...

Mrs. Docherty stated yes.

Chairman Olenius stated for all eight of you. Good luck.

Mrs. Docherty stated thank you.

Board Member Buzzutto stated was that (inaudible). I mean, was that put on before.

Chairman Olenius stated it doesn't say on the...

Board Member Buzzutto stated does that come into play.

Chairman Olenius stated that was 1980. It was on here.

Board Member Buzzutto stated yes.

Chairman Olenius stated porch open.

Board Member Buzzutto stated okay.

Chairman Olenius stated it's on here. So, they knew about it.

Board Member Buzzutto stated okay. Very good. Just checking.

4) MARGARET PASSALACQUA CASE #23-12

Ms. Margaret Passalacqua was present.

The Secretary read the following legal notice:

Margaret Passalacqua Case #23-12

Applicant is requesting a renewal of a Special Use Permit for Accessory Apartments. §154-105 of the Patterson Town Code; Accessory Apartments, requires a renewal of a Special Use Permit for an accessory apartment every five years. This property is located at 12 Brickhouse Road (R-4 Zoning District).

Chairman Olenius stated Ms. Passalacqua. Could you just state your name and address for the record, please.

Ms. Margaret Passalacqua stated sure. Margaret Passalacqua. 12 Brickhouse Road, Patterson, New York.

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

Ms. Passalacqua stated yes.

Chairman Olenius stated thank you very much. So you're just looking to renew a permit for an accessory apartment that apparently you've had in the past.

Ms. Passalacqua stated yes.

Chairman Olenius stated that I'm guessing you forgot to renew...

Ms. Passalacqua stated yes.

Chairman Olenius stated in three years.

Ms. Passalacqua stated yes.

Chairman Olenius stated and just for the record, what brought it to your attention that it was necessary to renew.

Ms. Passalacqua stated the letters coming from the Town.

Chairman Olenius stated okay. So somebody is checking up on these things.

Ms. Passalacqua stated yes.

Chairman Olenius stated that's really where I was going. I appreciate you coming in and actually legalizing it. Has it...I saw the checklist that the Code Enforcement Officer went through.

Ms. Passalacqua stated yes.

Chairman Olenius stated it seemed like nothing had changed from the initial. Everything's okay.

Ms. Passalacqua stated yes.

Chairman Olenius stated there's been no increases in size. He signed off on everything of...

Ms. Passalacqua stated because I even went to the Board of Health like they told me to. I gave them the check and it ended up being, for once in my life, I did something right. They told me that I built my house the right way because I have my own septic for that apartment. So I don't need to go back to them anymore.

Chairman Olenius stated oh, okay. Very good. So I didn't see...It seemed like the Code Enforcement Officer...Do you have a document from the Department of Health.

Ms. Passalacqua stated no.

Chairman Olenius stated it says, Code Enforcement Officer says he's awaiting the document.

Ms. Passalacqua stated unless he was getting it. Because when I had went to the Board of Health, I went there first, and then he said he was going to check on all my papers. And I said I had to come here because I have to file all my papers before the 3rd and when I got here, that's when Cheryl and, I don't know what his name is.

Chairman Olenius stated Nick.

Ms. Passalacqua stated he...

Chairman Olenius stated Mr. Lamberti.

Ms. Passalacqua stated right. He turned around and said, well you don't have to worry about it. You don't have to go back no more. You know, that everything is set.

The Secretary stated Cheryl did speak with Department of Health and she said that they told her that there's no paperwork that's needed from them.

Chairman Olenius stated Mr. Williams.

Rich Williams stated Sir.

Chairman Olenius stated can you attest to that.

Rich Williams stated sure.

Chairman Olenius stated Department of Health doesn't require, if it has its own septic, it doesn't require a...

Rich Williams stated say that again.

Board Member Bodor stated this is Board of...Approval from the Putnam County Department of Health to operate the two units. Nick has said he's awaiting a document and we're hearing that it's not necessary, so...

Rich Williams stated if this was previously approved, and I believe it was...

Ms. Passalacqua stated yes.

Board Member Bodor stated yes.

Rich Williams stated then the Health Department would have already reviewed it...

Board Member Bodor stated in the past.

Rich Williams stated approved it in the past. As long as there's no change in the number of...

Ms. Passalacqua stated no. They sent me back the money.

Rich Williams stated bedrooms, that shouldn't be an issue.

Chairman Olenius stated they refunded your thing.

Ms. Passalacqua stated right.

Chairman Olenius stated well, that's telling you right there that they do need any...I don't think they give back money easily.

Ms. Passalacqua stated no.

Joe Charbonneau stated not easily.

Chairman Olenius stated no.

[Laughter].

Board Member Bodor stated that was the only thing that I noticed...

Chairman Olenius stated yes.

Board Member Bodor stated that was not consistent.

Chairman Olenius stated it seemed like everything else was good here. Does anybody have any input on this...

Ms. Passalacqua stated that's my son.

Chairman Olenius stated application.

Board Member Bodor stated he has no input.

Ms. Passalacqua stated no.

Board Member Bodor stated okay.

Ms. Passalacqua stated he wants to live there he doesn't.

Ms. Passalacqua's son stated it looks exactly the same.

[Laughter].

Chairman Olenius stated okay. I'll 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

***Margaret Passalacqua, Case #23-12
For a Renewal for an Accessory Apartment***

WHEREAS, Margaret Passalacqua is the owner of real property located at 12 Brickhouse Road (R-4 Zoning District), also identified as **Tax Map Parcel # 13.-3-7**, and

WHEREAS, Margaret Passalacqua has made application to the Patterson Zoning Board of Appeals for a renewal for an accessory apartment as set forth in §154-105 of the Patterson Town Code; Accessory apartments, and

WHEREAS, the said application was reviewed by the Zoning Board of Appeals on **July 18, 2012**, and

WHEREAS, all the conditions of the original permit are still satisfied, and

WHEREAS, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearing and finds that the **Applicant substantially complies with the requirements set forth in §154-105 of the Patterson Town Code for Renewal for an Accessory Apartment**, and

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby **grants** the application of **Margaret Passalacqua for a renewal for an Accessory Apartment** as set forth in §154-105 of the Patterson Town Code; Accessory apartments, and

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

1. Those conditions that exist in the Town Code for Accessory Apartments which include a renewal in five years. (A copy of that section of the Code is attached to this resolution).

Board Member Bodor stated I'll second it.

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 alright. Five years we'll see.

Ms. Passalacqua stated okay.

Chairman Olenius stated okay. Good luck.

Ms. Passalacqua stated thank you.

Board Member Buzzutto stated you have to follow after the first five years.

Chairman Olenius stated no, that's what we discussed.

Board Member Buzzutto stated oh.

Chairman Olenius stated she got a letter from Cheryl.

Board Member Buzzutto stated that's what I mean, it's...

Chairman Olenius stated that's why she came in front of us.

Board Member Buzzutto stated yes.

Chairman Olenius stated she had to renew it.

Board Member Buzzutto stated well, it's nice to have a follow up like that.

Chairman Olenius stated it took a little while, but...

Board Member Buzzutto stated yes. Okay.

Chairman Olenius stated it got done, that's all that matters.

5) SCOTT & DIANE van NIEKERK CASE #24-12

Mrs. Diane van Niekerk was present.

The Secretary read the following legal notice:

Scott & Diane Van Niekerk Case #24-12

Applicant is requesting an area variance pursuant to §154-27 A. (12)(a) of the Patterson Town Code; Permitted accessory uses, in order to construct a 144 sq. ft. shed and legalize an existing play gym. The Code does not allow for accessory structures to be located in the front yard. This property is located at 68 Quail Lane (R-4 Zoning District).

Chairman Olenius stated Mrs. van Niekerk. Could you just state your name and address for the record.

Mrs. Diane van Niekerk stated sure. It's Diane van Niekerk. I live at 68 Quail Lane, Brewster, New York.

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

whole truth.

Mrs. van Niekerk stated I do.

Chairman Olenius stated thank you very much.

Mrs. van Niekerk stated and good evening. I hope you're all well tonight.

Chairman Olenius stated yes. Thank you. You agree with what was read in the legal first of all. Is that what you're looking to do.

Mrs. van Niekerk stated yes.

Chairman Olenius stated the Secretary just read. Okay. So explain to us your situation.

Mrs. van Niekerk stated okay. We live in a housing development in Brewster and our house is quite far setback from the road; it's approximately about 200 or so yards from the back. About two football fields from, so you can't even see our house from the road.

Chairman Olenius stated I'm guessing, I just want to stop you quickly.

Mrs. van Niekerk stated yes.

Chairman Olenius stated you have a Brewster mailing address.

Mrs. van Niekerk stated yes.

Chairman Olenius stated the house is in the Town of Patterson though.

Mrs. van Niekerk stated yes it is.

Chairman Olenius stated okay. Just for on the record, I want to make sure...

Mrs. van Niekerk stated we're one of those interesting right on the borderline cases.

Chairman Olenius stated got you.

Mrs. van Niekerk stated so yes. We live in Patterson. Address is Brewster...

Chairman Olenius stated Brewster mailing address.

Mrs. van Niekerk stated mailbox. So, what we're looking to do is erect a shed on our property. The way that our house is angled, our front yard is actually is very, very small and slopes down. But according to the ordinance of the Town, our front yard is really technically our side yard. So, between the road and the house. Unfortunately that's the only area on our property that is flat. We have substantial acreage, however, the majority of it is either very steep topography or wetlands. So, our side yard is primarily septic, so we really have to put it off towards the front edge of it. The top edge is right butt up against the back of our property line. The topography's too steep, so the only viable place is there. I also took a couple of other picture that I didn't include in there to show my other opposite side yard, which is very small and then starts to drop

off. And my back of my house is substantially steep as well. So unfortunately, that is the only viable place. So, by looking at the house, it's our side yard, but according to the bylaws, the laws of the Town, it's technically our front yard. So we're coming to you to say is this something that we can do. Our house is, in the winter, it's barely visible from the road. In the summer, you wouldn't even know there's a house back there. Our nearest neighbor is quite a distance away. We have an aerial shot in there so you can see how far our neighbor is. From their property, you can't even see where we're also looking to put the shed. Because it would be setback from the tree line.

Chairman Olenius stated that was going to be my question to you. I see this is very nice how you outlined the septic field...

Mrs. van Niekerk stated yes.

Chairman Olenius stated with the large yellow box, and I see where you put the small yellow box [referring to an aerial photograph Applicant submitted].

Mrs. van Niekerk stated right.

Chairman Olenius stated there is in fact a tree line there between...

Mrs. van Niekerk stated yes.

Chairman Olenius stated yourself and your neighbor. It looks like there is but the picture was shrunken a little bit.

Mrs. van Niekerk stated yes, it was.

Chairman Olenius stated it was difficult to tell.

Mrs. van Niekerk stated yes. To get the neighbor in there, I had to make the picture quite far out. But yes, there is a tree line. So even in the winter, the shed may be slightly visible, but it would be setback within amongst the trees. And our neighbors house has a slight slope down to theirs well, so it's basically from their second floor, they would be able to see our property. Not even from their man living area.

Board Member Buzzutto stated which shed is that.

Mrs. van Niekerk stated we haven't picked the actually design.

Board Member Buzzutto stated oh, you haven't picked one yet.

Mrs. van Niekerk stated it would probably be somewhere in that, but we were looking at most to go by 12' x 12' or 10' x 14'. Just kind of, once we remove the rocks, to get a better understanding of the space that's allowable without having to remove any trees.

Board Member Buzzutto stated 12' x 12' you...

Chairman Olenius stated so you're...

Board Member Buzzutto stated don't need permit. You just need a...

Mrs. van Niekerk stated it was under 144 [square feet] that we could build without a permit.

Chairman Olenius stated is it 144 [square feet], Mr. Williams. Yes.

Board Member Buzzutto stated yes, it's 144. Just where you going to put it.

Chairman Olenius stated this is...You're getting one of these traileed in sheds. Is that the idea.

Mrs. van Niekerk stated yes, a pre-built. I would love to say my husband's handy enough to do it, but...

[Laughter].

Joe Charbonneau stated he's not here, so...

[Laughter].

Mrs. van Niekerk stated so he can't defend himself on that.

Chairman Olenius stated this is like the Apple Hill Development.

Mrs. van Niekerk stated yes.

Chairman Olenius stated I'm assuming.

Mrs. van Niekerk stated yes.

Chairman Olenius stated you do have a long driveway.

Mrs. van Niekerk stated yes. On the one picture where I had outlined the septic, you can't even see the start of our driveway. You have to look at that aerial.

Board Member Buzzutto stated is this the same property where the tower went in, Quail Ridge.

Chairman Olenius stated no.

Board Member Buzzutto stated no, it's not.

Chairman Olenius stated this is off of Old Road where Apple Hill is.

Board Member Buzzutto stated oh.

Chairman Olenius stated over there.

Board Member Buzzutto stated over there.

Chairman Olenius stated it's just Quail Lane, it's not...You're thinking Quail Ridge.

Board Member Buzzutto stated it's not.

Chairman Olenius stated no.

Board Member Buzzutto stated okay.

Chairman Olenius stated you can probably start a business with the way you put a packet together.

Mrs. van Niekerk stated thank you.

Board Member Buzzutto stated yes.

Chairman Olenius stated because there's a lot of people that can benefit from organization that you showed here.

Mrs. van Niekerk stated thank you. I was hoping to be able to not have to make you guys take a ride and try and answer your questions as best I could.

Chairman Olenius stated honestly, with these overhead shots and stuff, that really makes it a lot easier to...Plus, just by the sheer size of your property. I'm looking at the amount of trees and woods in there. It doesn't look...

Mrs. van Niekerk stated yes, I would say out of our acreage, there's probably only three quarters of an acre that's cleared that's useable land. Or roughly, I've never measured it, but...

Chairman Olenius stated I thank you too for giving us virtually every view on your picture packet here.

Mrs. van Niekerk stated no problem. Like I said, I did forget a view and I did bring that if you had wanted to see that as well.

Chairman Olenius stated a what. I'm sorry.

Mrs. van Niekerk stated I have also brought a different view which...I'm sorry, I only brought one copy.

Chairman Olenius stated that's okay. Pass it around.

Mrs. van Niekerk stated that's my...The opposite side yard. So as you can see, it's quite small. And then the bottom picture is my backyard. So the topography there is just a little too steep to try and build anything on that. Nevertheless (inaudible).

Chairman Olenius stated that's pretty rugged terrain, I'll give you that.

Mrs. van Niekerk stated so unfortunately, it's very limited space on the other side. It would consume the whole side yard.

Chairman Olenius stated this was the one I liked, too. The topographic map because it shows where the big, steep grades...Obviously there's nobody in the audience, no.

Mrs. van Niekerk stated I can sit down and say something.

[Laughter]

Mrs. van Niekerk stated did you want to keep one, you're welcome to [referring to picture].

The Secretary stated yes. If you don't mind if I keep it.

Mrs. van Niekerk stated yes, sure.

The Secretary stated thank you.

Chairman Olenius stated I don't have anything further on this case.

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

Chairman Olenius stated I'll second it. All in favor. Motion carried by a vote of 5 to 0.

Chairman Olenius stated okay. How do you pronounce your last name first.

Mrs. van Niekerk stated van Niekerk.

Chairman Olenius stated van Niekerk.

Mrs. van Niekerk stated yes.

Chairman Olenius stated okay. I just want to be right.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Scott & Diane Van Niekerk, Case #24-12
For an Area Variance for a 144 Square Foot Shed and for an Existing Play
Gym to be in the Front Yard

WHEREAS, *Scott & Diane Van Niekerk* are the owners of real property located at 68 Quail Ridge Lane [should read Quail Lane] (R-4 Zoning District), also identified as **Tax Map Parcel #35.-4-109, and**

WHEREAS, *Scott & Diane Van Niekerk* have made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to place a 144 sq. ft. shed in the front yard and legalize an existing play gym located in the front yard, and

WHEREAS, §154-27(12)(a) of the Patterson Town Code states that a shed and other accessory structures shall not be located in the front yard.

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 18, 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 site on which the shed will be placed is well screened and the lot size is large enough that it's considerably far away from adjacent homes.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *due to the existing topography of said property.*
3. the variance requested *is not* substantial *in light of the size of the property and the direction the existing home faces.*
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 shed's small size and the large lot upon which it is being placed.*
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 *Scott & Diane van Niekerk* for *an area variance* pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses in order to place a 144 sq. ft. shed in the front yard and legalize an existing play gym located in the front yard.

Board Member Bodor stated going back to the address, is it Quail Ridge Lane or Quail Lane.

Mrs. van Niekerk stated I was going to point that out. It's Quail Lane.

Board Member Bodor stated Quail.

Mrs. van Niekerk stated yes.

Board Member Bodor stated get Ridge out of there.

Chairman Olenius stated got you.

Board Member Bodor stated okay.

Mrs. van Niekerk stated thank you.

Board Member Bodor stated I'll second it.

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 good luck.

Mrs. van Niekerk stated thank you very much.

Chairman Olenius stated thank you.

Mrs. van Niekerk stated have a good evening everyone.

Chairman Olenius stated thank you for putting together such a nice packet.

Mrs. van Niekerk stated I'd say anytime, but hopefully I don't have to go to you guys.

[Laughter]].

Mrs. van Niekerk stated have a good night.

Board Member Bodor stated good night.

Board Member Herbst stated is this mine or yours.

Board Member Buzzutto stated yours. I've got mine over here.

6) OTHER BUSINESS

a) Site Walk

Chairman Olenius stated what do you got besides scheduling a site walk. Nothing. No minutes.

The Secretary stated no.

Chairman Olenius stated minuteless.

The Secretary stated yes. Sorry. Didn't think you'd have enough time today to read them.

Chairman Olenius stated alright. So we just got to schedule a site walk. That's Cornwall Hill Road. I think...Is it before you get to the railroad tracks. Am I on the right property, if I'm coming...

Board Member Bodor stated which way you coming.

Chairman Olenius stated from [Route] 164.

Board Member Bodor stated yes. It's at the top of the hill.

Chairman Olenius stated okay.

Board Member Bodor stated you know where the DEC property is.

Chairman Olenius stated yes.

Board Member Bodor stated right across from that is Somerset [Drive].

Chairman Olenius stated that's where I thought it was, okay.

Board Member Bodor stated and his house is right on the corner.

Chairman Olenius stated I've seen...

Board Member Bodor stated the sheds.

Chairman Olenius stated the shed.

Board Member Bodor stated thank you.

Chairman Olenius stated I've seen the tent one, I know. I don't know that I've seen the other sheds.

Board Member Bodor stated the sheds have been there awhile.

Chairman Olenius stated okay. So what's a good day for everybody. Do we have a full month before the next meeting.

The Secretary stated the next meeting's the 22nd, so yes.

Board Member Burdick stated the 22nd.

The Secretary stated is the next meeting, yes.

Chairman Olenius stated it's the fourth. It's the fourth Wednesday. Oh, I did...

The Secretary stated I think it's because Town Board is the 15th.

Chairman Olenius stated I actually wrote myself a little note here. I see it. The fourth

Wednesday.

Board Member Bodor stated yes, I have it written the 22nd, actually.

Chairman Olenius stated it's good to know because that would go on my desk calendar and then I would have probably put it on the 15th, too, because I just count. I don't look at the...

The Secretary stated yes. Town Board has one meeting that month and they do it the third Wednesday.

Chairman Olenius stated okay. So what's a good... You guys want to go in July, you want to go in August. You want to go sooner, you want to go later.

Board Member Buzzutto stated anytime is alright.

Chairman Olenius stated oh, he did request Tuesday through Friday, I think.

Board Member Bodor stated yes, that's right. He did.

Chairman Olenius stated that was what he said.

Board Member Bodor stated he did.

Chairman Olenius stated yes.

Board Member Bodor stated the next week is pretty busy for me. And I'm away from the 2nd to the 11th in August.

Chairman Olenius stated how's the week before. The 14th, 15th. Something like that. Tuesday and Wednesday.

Board Member Bodor stated that looks alright, right now.

Chairman Olenius stated that sound good to guys. August 14th or 15th.

Board Member Buzzutto stated when's the meeting, on the 22nd.

Chairman Olenius stated the 22nd.

Board Member Buzzutto stated as long as it gives us enough time if there's rain or something.

Chairman Olenius stated well, that's what I was going to say. If we set it at the 14th and use the 15th as a rain date...

Board Member Buzzutto stated okay, yes.

Chairman Olenius stated one's Tuesday and one's Wednesday.

Board Member Bodor stated okay.

Board Member Buzzutto stated okay. That's fine with me.

Chairman Olenius stated so 8/14 at 4:30 p.m. Does that work.

Board Member Bodor stated that works with me.

Chairman Olenius stated 8/14 at 4:30 [p.m.] with a rain date of 8/15.

Board Member Herbst stated fourteen. That's in August.

Board Member Buzzutto stated who lives on Somerset [Drive] over there.

Chairman Olenius stated isn't that where Ginny [referring to Town Board Member Nacerino] lives.

Board Member Buzzutto stated yes.

Board Member Bodor stated yes. She lives down...

Chairman Olenius stated she lives at the other end though. Way at the other end.

Board Member Bodor stated she lives at the other end.

Board Member Buzzutto stated oh, yes. Okay. Oh, I know where that is.

Board Member Bodor stated the top of Cornwall Hill [Road], right where...across from the DEC...

Board Member Buzzutto stated yes.

Board Member Bodor stated property. Where the old Cornwall house was.

Board Member Buzzutto stated got it. So August the 14th would be the setup date. Fifteenth would be rain. Okay.

Chairman Olenius stated is that it, Sarah. Is that all.

Chairman Olenius stated make a motion to adjourn.

Board Member Bodor stated make a motion to adjourn.

Board Member Burdick stated second.

Board Member Bodor stated second.

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