

**PLANNING DEPARTMENT**

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**ZONING BOARD OF APPEALS**

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

**PLANNING BOARD**

Thomas E. McNulty, Chairman  
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Edward J. Brady, Jr.  
Robert F. Ladau

**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**Zoning Board of Appeals  
August 16, 2016 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, Board Member Stephanie Fox, and Nancy Tagliafierro – Attorney with the Town Attorney's Office

Mary Schartau was the secretary for this meeting and transcribed the following minutes.

There were 8 audience members present.

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

**1. James Stiehl Case #10-16  
435 Cornwall Hill Road  
Tax Map #13.7-1-56**

James and Danielle Stiehl were present to represent application.

The Secretary read the following legal notice:

**James Stiehl Case #10-16 – Area Variances: Held over from the 7/20/16 meeting**

Applicant is requesting area variances pursuant to §154-27A(12)(b) of the Patterson Town Code; Permitted accessory uses, in order to install pool equipment and a pool shed on the property. Patterson Town Code requires accessory structures to meet a minimum side yard setback of 20'; Applicant wishes to install pool equipment 1' from the side property line; *Variance requested is for 19'*. Applicant also wishes to construct a pool shed 6' from the side property line; *Variance requested is for 14'*. This property is located at 435 Cornwall Hill Road (R-4 Zoning District).

Chairman Olenius confirmed that the Zoning Board had conducted a site walk on the property on August 1, 2016, noting that the Board found it helpful that the pool equipment was running during the site walk, illustrating the noise level of the unit. Board Member Bodor stated that the Board was in receipt of a letter of support from the next door neighbor (Irene Schech; June 7, 2016), who will be the most directly affected by the location of the equipment and shed; an additional memo received from the Building Department (July 21, 2016) confirmed that if a variance was not granted, the Applicant would be required to relocate the pool equipment. Chairman Olenius noted that the area was well-screened from the neighbors with vegetation and a stone wall; he asked that the Applicant confirm that the appearance of the proposed shed would keep in character with the appearance of the primary dwelling, which the Applicant agreed to.

There was no audience input.

- Chairman Olenius made a motion to close the public hearing. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance of 19' pursuant to §154-27A(12)(b) of the Patterson Town Code in order to allow the pool equipment to be located 1' from the side property line. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance of 14' pursuant to §154-27A(12)(b) of the Patterson Town Code in order to allow the pool shed to be constructed 6' from the side property line. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*

**2. Julio Delgado Case #13-16  
465 Doansburg Road  
Tax Map #36.9-1-16**

Julio Delgado was present to represent the application; Saul Hernandez served as interpreter.

The Secretary read the following legal notice:

**Julio Delgado: Case #13-16 – Area Variances: Held over from the 7/20/16 meeting**

Applicant is requesting area variances pursuant to §154-27A(12)(b) of the Patterson Town Code; Permitted accessory uses, and §154-74A(5) of the Patterson Town Code; Minimum construction standards, in order to construct a 24' x 24', two-story garage on the property. Patterson Town Code requires accessory structures to meet a minimum side yard setback of 20'; Applicant wishes to construct the garage 10' from the side property line; *Variance requested is for 10'*. Patterson Town Code also requires driveways and parking areas to meet a minimum side yard setback of 10'; driveway will be 2' from the side property line; *Variance requested is for 8'*. This property is located at 465 Doansburg Road (R-4 Zoning District).

Chairman Olenius confirmed that the Zoning Board had conducted a site walk on the property on August 1, 2016, noting that he did not realize that the proposed garage would be replacing a dilapidated structure in the same area that had already been removed; Mr. Hernandez stated that said structure was removed because it was "beyond repair". Mr. Delgado confirmed that the

existing driveway pavement would be extended to the proposed garage; Mr. Hernandez clarified that though a variance of 8' was being requested, the driveway would likely be farther than 2' from the side property line. Chairman Olenius observed that the existing driveway is already close to the property line, with Mr. Hernandez estimating that it is 5' from the side yard line; the extension, therefore, would not impede on the side yard line much more than it has already been impeded on by the existing driveway.

There was no audience input.

- Board Member Burdick made a motion to close the public hearing. Chairman Olenius seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance of 8' pursuant to §154-74A(5) of the Patterson Town Code in order to allow the existing driveway to be extended 2' from the side property line. Board Member Bodor seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance of 10' pursuant to §154-27A(12)(b) of the Patterson Town Code in order to allow a 24' x 24', two-story garage to be constructed 10' from the side property line. Board Member Bodor seconded the motion. *Motion passed by a vote of 5 – 0.*

**3. William West Case #14-16  
33 Lawrence Drive  
Tax Map #25.40-1-47**

William and Debra West were present to represent the application.

The Secretary read the following legal notice:

**William West: Case #14-16 – Area Variance**

Applicant is requesting an area variance pursuant to §154-27A(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to legalize a 14' x 20' shed on the property. Patterson Town Code states that accessory structures cannot be located in the front yard; *Applicant is requesting a variance to allow the shed to remain in the front yard.* This property is located at 33 Lawrence Drive (RPL-10 Zoning District).

Mr. West stated that he was informed by the Building Department that the shed adjacent to the house is approximately 3' forward of the principal dwelling; he stated that due to the topography of the site, he had brought in fill when the shed was originally installed 18 years ago and that the Building Inspector at the time had stated that the location was legal. Additionally, Mr. West stated that because the shed was a moveable structure, he was told that a permit was not necessary. Board Member Bodor questioned why the concrete pad for the structure could not have been placed further back on the property; Mr. West replied that land would have had to be cleared to locate the shed further back on the property, and confirmed that the well is located in front of the house, with the septic fields being located to the rear of the house.

Board Member Burdick noted that due to the number of trees around the shed, it is very well-screened; Mr. West confirmed that there is no neighbor to the rear of his dwelling, with the closest neighbor being downhill from his home approximately 5 lots away (by his estimate).

Board Member Burdick commented that the photos submitted by the Applicant illustrate that it would have been impossible to place the shed anywhere else on the property; Mr. West agreed, and Chairman Olenius confirmed that the property did indeed appear to be exceptionally sloping. Chairman Olenius and Board Member Bodor both remarked on the exceptional upkeep of the shed, especially given its age.

There was no audience input.

- Board Member Bodor made a motion to close the public hearing. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman Olenius made a motion to approve the application for an area variance pursuant to §154-27A(12)(a) of the Patterson Town Code in order to legalize a 14' x 20' shed located forward of the primary dwelling. Board Member Carinha seconded the motion. *Motion passed by a vote of 5 – 0.*

#### **4. Other Business**

##### **A. Minutes**

- Chairman Olenius made a motion to approve the minutes from the July 20, 2016 meeting. Board Member Bodor seconded the motion. *Motion passed by a vote of 4 – 0.*
- Chairman Olenius made a motion to adjourn. Board Member Bodor seconded the motion. *Motion passed by a vote of 5 – 0.*

Meeting adjourned at 7:27 p.m.