

TOWN OF PATTERSON
ZONING BOARD OF APPEALS

August 19, 2015

AGENDA & MINUTES

- | | Page | |
|--------------------------------|---------|---|
| 1) Peter Ruisi Case #09-14 | 1 – 2 | Public hearing remained opened;
Applicant was not present – Application <u>tabled</u> pending
owners of Thunder Ridge filing a Use Variance application. |
| 2) William Clement Case #17-15 | 2 – 18 | Public hearing opened and closed;
Resolution – Area Variances for existing dwelling, existing
shed, and proposed deck extension <u>granted.</u> |
| 3) Daniel Finney Case #18-15 | 18 – 26 | Public hearing opened & closed;
Resolution – Area Variances to replace existing garage in FY
and FYSB <u>granted.</u> |
| 4) Daniel Venezia Case #19-15 | 26 – 35 | Public hearing opened & closed;
Resolution – Area Variance for SYSB to erect shed <u>granted.</u> |
| 5) Other Business | | |
| A) Minutes: August 19, 2015 | 35 – 38 | Minutes <u>approved</u> with changes. |

PLANNING DEPARTMENT

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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
August 19, 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, Board Member Fox, and Nancy Tagliafierro – Attorney with Town Attorney’s Office.

Chairman Olenius called the meeting to order at 7:02 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
Board Member Fox	-	Here
Chairman Olenius	-	Here

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, August 19, 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: It's my understanding that the owner of the properties will be working through that one, so, we'll hold it over once again.

2) William Clement (Bilrite Construction Corp.) Case #17-15

Two people were present to represent the application.

The Secretary read the following legal notice:

William Clement (Bilrite Construction Corp.) Case #17-15 – Area Variances

Applicant is requesting area variances for an existing house, shed, nonconforming lot, and to enlarge an existing rear entrance platform and add stairs/ramp access to the rear yard. This property is located at 159 Route 164 (R-1 Zoning District). Variances requested are as follows:

- House: Patterson Town Code §154-7; Schedule of regulations, requires a minimum front yard setback of 35'; Applicant has 8'; *Variance requested is for 27'*. Town Code requires a minimum side yard setback of 30'; Applicant has 8'; *Variance requested is for 22'*. Town Code requires a minimum lot area of 43,560 sq. ft.; Applicant has 8,500 sq. ft.; *Variance requested is for 35,060 sq. ft.* Town Code requires a minimum first floor living area of 1,000 sq. ft.; Applicant has 350.45 sq. ft.; *Variance requested is for 649.55 sq. ft.*
- Deck: Patterson Town Code §154-7; Schedule of regulations, requires a minimum side yard setback of 30'; Applicant can provide 11'; *Variance requested is for 19'*. Town Code requires a minimum rear yard setback of 50'; Applicant can provide 30'; *Variance requested is for 20'*.
- Shed: Patterson Town Code §154-7; Schedule of regulations, requires a minimum rear yard setback of 25'; Applicant has 7'; *Variance requested is for 18'*.
- Lot: Patterson Town Code §154-62B; Buildings on nonconforming lots, requires nonconforming lots owned by the same person, partnership or corporation be merged to minimize or eliminate the nonconformity of the lots or structures contained thereon. *Variance is requested to allow the lots to remain separate.*

Chairman Olenius: Mr. Clement, do you want to come up here? Could you just state your name and address for the record please?

Mr. Clement: William Clement.

Chairman Olenius: Could you just speak into the microphone? Just for the record, please.

Mr. Clement: Uh... 235 Ressique Road, Stormville, New York, 12582.

Chairman Olenius: Thank you very much. So, we did have the opportunity to visit your site, uh, previous to the meeting, to try and expedite this case, um... I thank you for meeting us out there. There's, obviously, a lot of things going on that were, apparently done/accepted prior to your purchasing the property, um... could you elaborate on that, though, a little bit?

Mr. Clement: Well, I had done my due diligence. I came to the town and, uh, spoke to everybody, and, uh... I'm not – I'm not even sure why I'm here, to be honest with you, uh... We came for a, uh, deck variance, and, uh, now we have to get all these other variances, um... here I am.

Chairman Olenius: And the other variances, just for the record, came to light when you approached the town for a building permit for the deck? Is...

Mr. Clement: That is correct.

Chairman Olenius: Is that correct?

Mr. Clement: That's correct.

Chairman Olenius: And none of these have ever come up...

Mr. Clement: That's correct.

Chairman Olenius: Prior to the...

Mr. Clement: That is correct, yes.

Chairman Olenius: The title search? Anything like that?

Mr. Clement: No. Only, uh... just – after I purchased the property and I applied for a, uh, building permit for the deck, that's when this all came up.

Chairman Olenius: And, I know we have a letter from the – the Town Planner, um... stating that – similar facts that... I don't know how many previous owners there were. I was looking at the assessment cards that were attached to your packet, and there were... numerous things have been done through the years.

[Referencing the "letter"/memo submitted by the Town Planner to the Zoning Board of Appeals dated July 1, 2015]

Mr. Clement: It's... I mean, it's actually unbelievable no zoning was done, uh... there was [sic] no trees in front of the property, um... I mean, for 7 years, uh, this – some zoning should have been done, and I'm very surprised that none was done.

Chairman Olenius: When was the original structure – was... I saw it in here... in 1940 or something...

- Board Member Carinha: Yeah...
- Board Member Bodor: *[Inaudible – papers shuffling]...*
- Chairman Olenius: How long have you been the owner now?
- Ms. Garvey: A couple of months?
- Mr. Clement: A few months.
- Chairman Olenius: A few months?
- Board Member Bodor: According to the letter from the Town Planner, the Assessor’s records show that in 1955, a garage with “not quite a bath, only a toilet” was constructed, so that’s the base of what we’re dealing with now.
- Chairman Olenius: And when was the second floor put on. Does this... *[Inaudible – speaking too softly]*
- Mr. Clement: I spoke to a neighbor – he actually stopped by. He was up here in the early [19]70s, and he’s always remembered the structure being a cottage. He’s never seen it as a garage.
- Chairman Olenius: So, the second story was on in the [19]70s?
- Mr. Clement: That is correct.
- Board Member Fox: Yeah, based on the letter the gap goes from [19]55 to [19]82...
- Board Member Carinha: [19]82, yeah...
- Chairman Olenius: Okay.
- Board Member Fox: So, somewhere between there...
- Mr. Clement: It was done in pencil. It was actually just “GAR—“, so...
- Nancy Tagliaferro: But, this says...
- Mr. Clement: It didn’t even state “garage”. It said “Gar”, so...
- Nancy Tagliaferro: “In 1990, Charles Thompson and William Murray purchased the ... parcel” and that same year “applied for and received a building permit... to add a second story.”
- Chairman Olenius: Second story...
- Nancy Tagliaferro: So, that was added in 1990.
- Board Member Fox: “...to the ‘structure’”.

Chairman Olenius: So, I'm wondering if that time they just converted something that was – maybe it was a higher roofline or something... So, in 1990 it was changed to “single-family residence” on the assessment cards, at least.

Board Member Carinha: And then in [20]09, there was another purchaser – Joseph Szilagyi? It said “the Town took no action to combine [both] parcels.”

Chairman Olenius: The Town took no what?

Board Member Carinha: “No action to combine the two.”

Chairman Olenius: To combine them.

Board Member Carinha: Yeah.

Chairman Olenius: Oh, I've got you... So, basically, this has fallen through the cracks here.

Board Member Bodor: Mm hmm.

Board Member Carinha: Yeah.

Chairman Olenius: *[Inaudible – speaking too softly]*... do you have a comment? No? Okay. You had that face; I wasn't sure. So, the bottom line is, what you're looking to do now is keep the lots separate, add the deck on the existing structure to access the rear part of the parcel because of the topography...

Mr. Clement: The steepness of it. Correct.

Chairman Olenius: The way it... it goes.

Mr. Clement: Yes.

Chairman Olenius: And, the second lot, you're hoping to build another single-family residence on it.

Mr. Clement: Yeah, it's over two acres. It's actually a very nice lot. It had a house on it previously. The house had burned down.

Nancy Tagliafierro: Which lot do you own in your individual name and which is a corporation?

Mr. Clement: The one to the right is, uh, my individual name.

Nancy Tagliafierro: Okay.

Mr. Clement: The one... uh, the small parcel we're talking about is under the corporate name.

- Nancy Tagliafierro: And, why was it done in two different ownerships?
- Mr. Clement: Uh, the... Town told me to do it that way.
- Nancy Tagliafierro: The Town told you to...
- Mr. Clement: Yes.
- Nancy Tagliafierro: Form a corporation and purchase the property?
- Mr. Clement: No, uh...
- Ms. Garvey: No, we had a corporation already.
- Nancy Tagliafierro: Okay.
- Mr. Clement: She's actually, uh...
- Ms. Garvey: Yeah, I'm part...
- Mr. Clement: The majority, uh...
- Ms. Garvey: Yeah.
- Mr. Clement: Shareholder in the corporation.
- Ms. Garvey: In the corporation, so... and for insurance purposes and things like that it's... our lawyer advised us to do things that way, so...
- Mr. Clement: We usually do that anyway. I mean, it's just a smart thing to do, um...
- Nancy Tagliafierro: Okay.
- Mr. Clement: If you have a vacant piece of property, uh, the only way to insure it is through your homeowner's insurance.
- Chairman Olenius: Interesting.
- Mr. Clement: You can't – you can't get insurance on a vacant piece of land. So, that's – it's very wise to put it under your individual name, and the corp – the, uh, structure – is under the corporate name.
- Nancy Tagliafierro: Okay.
- Chairman Olenius: So, what's it – the intention of the “cottage”, I'm going to call it, is for rental purposes or just to...

- Mr. Clement: Yeah, we're fixing it up, and...
- Ms. Garvey: We'll either rent it or sell it.
- Chairman Olenius: Oh, okay.
- Board Member Bodor: Can we have your name for the record, please?
- Ms. Garvey: Lenore Garvey.
- Board Member Bodor: Lenore Garvey?
- Ms. Garvey: Mm hmm.
- Chairman Olenius: I don't have anything...
- Board Member Bodor: I'm ready.
- Chairman Olenius; Do you guys have anything, or...
- Board Member Carinha: No.
- Chairman Olenius: Okay. I'll make a motion – anybody in the audience have any comment on this case? I'm hearing none. I'll make a motion to close the public hearing.
- Board Member Burdick: Second.
- Chairman Olenius: All in favor?
- Motion passed by a vote of 5 – 0.*
- Chairman Olenius: Okay. This is going to take a while.
- Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
William Clement (Bilrite Construction Corp.), Case #17-15
For an Area Variance to Keep Two Adjacent Lots Separate**

WHEREAS, *Bilrite Construction Corp.* is the owner of real property located at 159 Route 164 (R-1 Zoning District), also identified as **Tax Map Parcel #23.11-1-44**, and

WHEREAS, *William Clement* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-62B of the Patterson Town Code; Buildings on nonconforming lots, in order to keep two adjacent lots separate, and

WHEREAS, Lot One is located at 159 Route 164, also identified as Tax Map Parcel #23.11-1-44, and Lot Two is located at 155 Route 164, also identified as Tax Map Parcel #23.11-1-45, with both lots being located in an R-1 Zoning District directly adjacent to one another, and

WHEREAS, §154-7 of the Patterson Town Code; Schedule of Regulations, requires lots

located in the R-1 Zoning District to meet a minimum lot size of 43,560 sq. ft.; Lot One is 8,500 sq. ft., and is, therefore, nonconforming, and

WHEREAS, §154-62B of the Patterson Town Code requires nonconforming lots owned by the same person, partnership, or corporation be merged to minimize or eliminate the nonconformity of the lots or structures contained thereon; *Variance requested is to keep the adjacent lots unmerged*, 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 **August 19, 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 lots, for many years, never merged, um... through prior ownerships.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *in light of the fact that the, uh... in order to build another – how do I word this... the access is sufficient for the frontage for the smaller lot and there is enough frontage, as well, for the larger lot.*
3. the variance requested *is* substantial *with relation to the lot size, however, it's preexisting, nonconforming and has been in existence for many, many years.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, *again, in light of the fact that it has been as such for over fifty 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 *William Clement* for *an area variance* pursuant to §154-62B of the Patterson Town Code; Buildings on nonconforming lots, in order to allow the adjacent lots to remain unmerged.

Board Member Carinha: Second.

Board Member Burdick: I sec—

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

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF

**William Clement (Bilrite Construction Corp.), Case #17-15
For an Area Variance for Front Yard Setback to Legalize an Existing Dwelling**

WHEREAS, Bilrite Construction Corp. is the owner of real property located at 159 Route 164 (R-1 Zoning District), also identified as **Tax Map Parcel #23.11-1-44**, and

WHEREAS, William Clement 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 dwelling 8' the front yard property line, and

WHEREAS, §154-7 of the Patterson Town Code requires principal buildings to meet a minimum front yard setback of 35'; Applicant can provide 8'; **Variance requested is for 27'**, 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 **August 19, 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 it's been in the neighborhood for over fifty years.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means, **uh, in light of, uh, the siting of the house and its proximity to the road, and also the terrain behind the house.**
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's been in existence for so long.**
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 **William Clement** for **an area variance** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, **of 27' from the 35' required for a front yard setback**, in order to legalize an existing dwelling 8' from the front property line.

Nancy Tagliafierro: [To Mr. Clement and Ms. Garvey] If you guys want to sit down, this is going to take a while.

[Laughter.]

Board Member Fox: Second.

Board Member Carinha: Second.

Board Member Fox: Second.

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

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
William Clement (Bilrite Construction Corp.), Case #17-15
For an Area Variance for Side Yard Setback to Legalize an Existing Dwelling**

WHEREAS, *Bilrite Construction Corp.* is the owner of real property located at 159 Route 164 (R-1 Zoning District), also identified as **Tax Map Parcel #23.11-1-44**, and

WHEREAS, *William Clement* 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 dwelling 8' from the side yard property line, and

WHEREAS, §154-7 of the Patterson Town Code requires the principal building to meet a minimum side yard setback of 30'; Applicant can provide 8'; ***Variance requested is for 22'***, 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 **August 19, 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 it's been there so long.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means, ***uh, in light of the fact that the way the lot is sited.***
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's already existed there for over fifty 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 *William Clement* for ***an area variance*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***of 22' from the 30' required for a side yard setback***, in order to legalize an existing dwelling 8' from the side property line.

Board Member Burdick: Do we want to add about the site walk in there?

The Secretary: That's true.

Board Member Burdick: Because we – the other one, too. I didn't think it was...

Chairman Olenius: What was the date?

The Secretary: August the 3rd?

Chairman Olenius: 8/3?

The Secretary: Does that sound right?

Board Member Fox: Yeah.

Chairman Olenius: Can the secretary add that to all the prior resolutions...

The Secretary: Sure.

Chairman Olenius: For this one case, please? I think I need a second.

Board Member Bodor: Second.

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

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
William Clement (Bilrite Construction Corp.), Case #17-15
For an Area Variance for Lot Area to Legalize an Existing Dwelling**

WHEREAS, *Bilrite Construction Corp.* is the owner of real property located at 159 Route 164 (R-1 Zoning District), also identified as **Tax Map Parcel #23.11-1-44**, and

WHEREAS, *William Clement* 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 dwelling on an 8,500 sq. ft. lot, and

WHEREAS, §154-7 of the Patterson Town Code requires minimum lot area of 43,560 sq. ft.; Applicant can provide 8,500 sq. ft.; ***Variance requested is for 35,060 sq. ft.***, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York...

Audience Member: [Mobile phone ringtone] Hello?

Chairman Olenius continued reading the resolution:

... on *August 19, 2015* to consider the application; and, *and a site walk was conducted on...*

Audience Member: [Mobile phone ringtone] Hello?

Chairman Olenius continued reading the resolution:

...*August 3, 2015*; and

Audience Member: [Mobile phone ringtone] Hello?

Chairman Olenius continued reading the resolution:

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:

[Audience member's mobile phone noise continues.]

Chairman Olenius continued reading the resolution:

1. the proposed application *will not* produce an undesirable change in the character of the neighborhood *in light of the fact that it's been preexisting for such a long time.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *in light of the fact that this cottage was constructed so long ago, um... and zoning regulations have changed.*
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 so long.*
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 *William Clement* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 35,060 sq. ft. from the from the 43,560 sq. ft. required minimum lot size*, in order to legalize an existing dwelling on a 8,500 sq. ft. lot.

Board Member Burdick: Second.

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

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
William Clement (Bilrite Construction Corp.), Case #17-15
For an Area Variance for First Floor Living Area to Legalize an Existing Dwelling**

WHEREAS, *Bilrite Construction Corp.* is the owner of real property located at 159 Route 164 (R-1 Zoning District), also identified as **Tax Map Parcel #23.11-1-44**, and

WHEREAS, *William Clement* 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 dwelling with a first floor living area of 350.45 sq. ft., and

WHEREAS, §154-7 of the Patterson Town Code requires a minimum first floor living area of 1,000 sq. ft.; Applicant can provide 350.45 sq. ft.; ***Variance requested is for 649.55 sq. ft.***, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on **August 19, 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 it's been in existence for so long – it's a small house on a small lot.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because of the small size of the lot; no expansion is possible.***
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 half a century.***
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 *William Clement* for ***an area variance*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***of 649.55 sq. ft. from the from the 1,000 sq. ft. required first floor living area***, in order to legalize an existing dwelling with a first floor

living area of 350.45 sq. ft.

Board Member Burdick: Just add the site walk in there.

Chairman Olenius: Oh, I will. Sorry. The site walk was conducted on August 3, 2015.

The Secretary: Okay.

Board Member Carinha: Second.

Board Member Fox: Sec—

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

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
William Clement (Bilrite Construction Corp.), Case #17-15
For an Area Variance for Side Yard Setback to Enlarge an Existing Deck**

WHEREAS, *Bilrite Construction Corp.* is the owner of real property located at 159 Route 164 (R-1 Zoning District), also identified as **Tax Map Parcel #23.11-1-44**, and

WHEREAS, *William Clement* 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 enlarge an existing deck that will be 11' from the side yard property line, and

WHEREAS, §154-7 of the Patterson Town Code requires the attached deck to meet a minimum side yard setback of 30'; Applicant will be able to provide 11'; ***Variance requested is for 19'***, 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 ***August 19, 2015*** to consider the application, ***and a site walk was conducted on August 3, 2015***; 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 there is an existing smaller porch there already; it's just being used to connect at the rear of the house. It's not... visible to any neighbors.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible

means *due to the, uh... very small lot size.*

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 the deck is actually bridging over some existing, um... boulders.*
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 *William Clement* for *an area variance of 19' from 30' required for a side yard setback* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to enlarge an existing deck that will be 11' from the side property line.

Board Member Burdick: Second.

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

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
William Clement (Bilrite Construction Corp.), Case #17-15
For an Area Variance for Rear Yard Setback to Enlarge an Existing Deck**

WHEREAS, *Bilrite Construction Corp.* is the owner of real property located at 159 Route 164 (R-1 Zoning District), also identified as **Tax Map Parcel #23.11-1-44**, and

WHEREAS, *William Clement* 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 enlarge an existing deck that will be 30' from the rear yard property line, and

WHEREAS, §154-7 of the Patterson Town Code requires the attached deck to meet a minimum rear yard setback of 50'; Applicant will be able to provide 30'; *Variance requested is for 20'*, 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 **August 19, 2015** to consider the application, *and a site walk was conducted on August 3, 2015*; 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 existing home fully screens the proposed deck.*

- 2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *in light of the, uh, small size of the lot on which the structure is situated.*
- 3. the variance requested *is* substantial, *but, 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 this deck is connecting over existing ledge rock.*
- 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 *William Clement* for *an area variance of 20' from the 50' required for a rear yard setback* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to enlarge an existing deck that will be 30' from the rear property line.

Board Member Bodor: Second.

Board Member Bodor	-	Here... Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

Chairman Olenius: Okay.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
William Clement (Bilrite Construction Corp.), Case #17-15
For an Area Variance to Legalize an Existing Shed 7' From the Rear Yard Property Line

WHEREAS, *Bilrite Construction Corp.* is the owner of real property located at 159 Route 164 (R-1 Zoning District), also identified as **Tax Map Parcel #23.11-1-44**, and

WHEREAS, *William Clement* 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 shed 7' from the rear yard property line, and

WHEREAS, §154-7 of the Patterson Town Code requires accessory structures to meet a minimum rear yard setback of 25'; Applicant can provide 7'; ***Variance requested is for 18'***, 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 ***August 19, 2015*** to consider the application, ***and a site walk was conducted on August 3, 2015;*** and

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

1. the proposed application *will not* produce an undesirable change in the character of the neighborhood *because the shed is behind the principal structure and is well-screened.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *due to the small size of the lot and the topography of said 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 the shed has been in existence for quite some time already.*
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 *William Clement* for *an area variance of 18' from the from the 25' required for a rear yard setback* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize an existing shed 7' from the rear yard property line.

Board Member Carinha: Second.

Board Member Bodor: Second.

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

Mr. Clement: Wow.

[Laughter.]

Chairman Olenius: Well, good luck with everything. I hope everything works out for you now.

Mr. Clement: Thank you very much.

Ms. Garvey: Thank you.

Chairman Olenius: So, you should be well on your way to get the deck in before the summer's over...

[Laughter.]

Ms. Garvey: That's true.

Chairman Olenius: Good luck to you both.

Ms. Garvey: Thank you very much.

Mr. Clement: Thank you very much.

Chairman Olenius: You're welcome.

Board Member Burdick: Take care.

[Inaudible – papers shuffling.]

Mr. Clement: *[To audience member]* Have a good night now.

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

3. Daniel Finney (D.E.W. Construction) Case #18-15

Two people were present to represent the application.

The Secretary read the following legal notice:

Daniel Finney (D.E.W. Construction) Case #18-15 – Area Variances

Applicant is requesting area variances pursuant to §154-27B(4) and §154-7 of the Patterson Town Code in order to demolish and replace an existing garage in the front yard. Patterson Town Code §154-27B(4); Permitted accessory uses, does not allow for a structure to be located in front of the dwelling; Applicant wishes to demolish and replace the garage in the same location; *Variance is requested to allow for the construction of a new garage in front of the dwelling.* Patterson Town Code §154-7; Schedule of regulations, requires a minimum front yard setback of 35'; Applicant can provide 12'; *Variance requested is for 23'*. This property is located at 46 Burdick Road (R-1 Zoning District).

Chairman Olenius: Mr. Finney.

Mr. Finney: Yes, sir.

Chairman Olenius: Good evening.

Mr. Finney: How are you?

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

Mr. Finney: Daniel Finney. 66 East Forest Trail, Holmes, New York.

Chairman Olenius: Thank you very much. So, I'm about talked out, so I'm just going to ask you to explain your...

Mr. Finney: I could tell.

[Laughter.]

Chairman Olenius: Explain your situation to us.

Mr. Finney: Did you guys get a chance to go out and take a look, or...

Chairman Olenius: No.

Board Member Burdick: No.

Mr. Finney: Okay. I have pictures in there for you. It's a preexisting structure that's not in such great shape, and, uh... we really just want to take it down and put in a two-car garage for Janet to have a place to put her car in the winter when it snows. Her sister is also, probably, going to live with her, so, you know, it would be nice to have two-car instead of just one- garage.

The Secretary: I do have color photos if...

Mr. Finney: Oh, nice. Color photos.

The Secretary: Yeah.

[Laughter.]

Chairman Olenius: *[Inaudible – speaking away from microphone]* Was this at one point the primary structure on the lot maybe?

Mr. Finney: I don't think so, because everything I've seen so far just shows, uh, the trailer and that at the same time. I think her husband used to use that for, more or less, stuff to be stored in there, or... you know, like a storage shed more or less. It has a set of barn doors on the north side – or the left side – of the structure, which he used to access [it]. But, it's kind of like backwards from the garage, you know – from the driveway. So, I want to flip it the other the way so she can get in off the driveway.

Chairman Olenius: And how long was this structure in existence? Do you know when it was built? Any idea?

Mr. Finney: I wasn't around when it was built.

Chairman Olenius: Okay.

[Laughter.]

Mr. Finney: I'm sure it's quite old. I have relatives that live on that road, and I can remember that from way back.

Chairman Olenius: Okay... the survey shows a rather large, deep lot. Is there...

Mr. Finney: Right. It's very deep to the swamp.

Chairman Olenius: Can you explain to me why a garage couldn't be – or, the accessory structure couldn't be – placed behind the primary structure?

Mr. Finney: The actual garage behind? She's trying to keep it in the preexisting location, so she can just access it right off her front porch...

Chairman Olenius: Okay.

Mr. Finney: You know, if she steps down to her steps, uh... in the survey you can see – it's like 6 or 7 steps and I can put a 3068 door right there, so she can access it without having to go around the back of the house, because I – I don't think you could even get one on the side. It's just too close.

Chairman Olenius: Is it – the existing parking area...

Mr. Finney: Yeah.

Chairman Olenius: Close to this?

Mr. Finney: It's right next to it...

Chairman Olenius: It's – okay.

Mr. Finney: Yeah. I'm just going to tie the driveway right into the two-car garage... which will be minimal. I mean, you're looking at probably 8 – 10 feet worth of blacktop just to tie it in.

Chairman Olenius: Oh, the primary residence is... is like a mobile home?

Mr. Finney: Correct.

Chairman Olenius: Okay.

Mr. Finney: Yeah.

Board Member Bodor: And it's not too far behind that when you hit the swamp.

Mr. Finney: Oh, the swamp is pretty close.

Board Member Bodor: Yeah. So, that would...

Mr. Finney: Yeah – I don't think they would let us move it back there anyway, because of, you know, the DEC and all the laws and regulations today...

Nancy Tagliafierro: Wetlands...

- Mr. Finney: Yeah, the wetlands.
- Board Member Bodor: Yes. Definitely.
- Chairman Olenius: Oh, yeah.
- Mr. Finney: Well, it's right on the Great Swamp.
- Board Member Bodor: It's right there.
- Mr. Finney: Yeah.
- Board Member Bodor: I know where it is. That's why I was...
- Board Member Carinha: I assume the septic is in the back, too, then?
- Mr. Finney: The septic's in the back, yeah. The well is in the front.
- Board Member Fox: In the front corner... it reverts down there, but...
- Board Member Carinha: Yeah.
- Board Member Fox: It spills... If you look at this picture, I see the steps that he's talking about here...
- Chairman Olenius: Mm hmm.
- Board Member Fox: In relation to the garage.
- Mr. Finney: Yeah, he just – they just got, a , uh, permit to build the set of stairs. But, the old one was falling down, so her brother built her a set of stairs off of the house to go down into that area.
- Chairman Olenius: So, so my assumption is be [sic] you pull into the driveway, make a 90 degree turn into the garage door?
- Mr. Finney: *[Inaudible – too many speaking]* Yeah. Exactly... and then she could actually back out, and still have room to back the back of her car close to the house and still pull out the driveway.
- Chairman Olenius: So, it looks like – from the assessor's card – the trailer was “replaced” or what have you in 1980, but the “cabin/bungalow” was built in 1940.
- Mr. Finney: “Cabin/Bungalow”, huh?

[Laughter.]

Chairman Olenius: So, that's just off the assessor's card, so I'm... I'm assuming, as you've stated, that this has been in existence...

- Mr. Finney: It's been in existence a long time.
- Chairman Olenius: And judging by the architecture on the submitted draw – uh, pictures – as well...
- Mr. Finney: Right.
- Chairman Olenius: It's been around a while.
- Mr. Finney: Yeah. The ridge is quite – it's got at least, uh, an 8 – 12 inch drop in the middle of the ridge.
- Chairman Olenius: Okay.
- Mr. Finney: It's very – it's not very structurally-sound right now.
- Board Member Fox: Are you going to keep the electric service to it?
- Mr. Finney: Yeah, we're going to put power in it. Well, what I – what I'm going to do is tie the electric service into the... the house itself...
- Board Member Fox: Right.
- Mr. Finney: And then I'm going to run underground back to the, uh, actual garage, so she can have lights and, you know, garage door openers and...
- Board Member Fox: Yep.
- Chairman Olenius: It's got a separate service now? I thought I saw meters on the...
- Mr. Finney: There, you know...
- Mrs. English: *[From the audience]* Yes. It does.
- Mr. Finney: I didn't really notice, but there could be two...
- Mrs. English: Yes.
- Mr. Finney: *[To Mrs. English]* Is there two meters [sic]?
- Mrs. English: Mm hmm.
- Mr. Finney: Yes. There's two meters.
- Mrs. English: I want to take one out – one meter out.
- Chairman Olenius: Can we just have your name for the record, ma'am?

Mrs. English: Janet English.

Chairman Olenius: Janet English? Thank you very much.

Mrs. English: Mm hmm.

Chairman Olenius: Does anyone in the audience have a comment on this case? No? I'm hearing none. *[To the Board]* Is everybody – are we clear on this, or...

Board Member Bodor: Mm hmm.

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

Board Member Bodor: I second.

Board Member Burdick: I – sorry.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.

Chairman Olenius: Okay.

Mr. Finney: Is this a short one? Should I stand or should I sit?

[Laughter.]

Mr. Finney: Because I can't stand...

Chairman Olenius: This is much shorter, but you can sit if you like.

Mrs. English: Sit.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Daniel Finney (D.E.W. Construction), Case #18-15
For an Area Variance to Replace an Existing Garage in the Front Yard**

WHEREAS, *Janet English* is the owner of real property located at 46 Burdick Road (R-1 Zoning District), also identified as **Tax Map Parcel #4.-1-19**, and

WHEREAS, *Daniel Finney* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27B(4) of the Patterson Town Code; Permitted accessory uses, in order to replace an existing 16' x 24' garage with a 23' x 24' garage located in the front yard, and

WHEREAS, §154-27B(4) of the Patterson Town Code states that no accessory structure shall be placed in an area created by a line parallel with the street which extends through the front corner of the principal structure closest to the street, whose length is equal to the greatest

width of the principal structure, and which extends equally across the front of the principal structure, thence extending from the end of the line on an angle of 135 degrees for a distance of 80', and thence running parallel with the side yard line to the front yard line; Garage will be located in said area in front of the principal structure, 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

Board Member Fox: Excuse me – sorry. Is the garage going to be 23' x 24' or 24' x 24'?

Mr. Finney: It's 23 – I can't exceed more than 50% of the – the actual structure...

Board Member Fox: Okay, because...

Mr. Finney: And the structure is 1,106 square feet, so...

Board Member Fox: *[Inaudible – speaking away from microphone]* Sorry – I'm sorry...

Mr. Finney: Otherwise I would have made it 24' x 24'.

Board Member Fox: Go ahead. Sorry.

Chairman Olenius: Thank you for alliterating to that, too...

Board Member Fox: Sorry.

Mr. Finney: Yeah.

Chairman Olenius: And stay – and staying under that regulation.

Mr. Finney: You're welcome.

Board Member Fox: Sorry. Sorry to interrupt.

Chairman Olenius: That's okay.

[Laughter.]

Chairman Olenius continued reading the following resolution:

WHEREAS, a public hearing was held on the application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on **August 19, 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 a... newer structure will be**

replacing a considerably older one.

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *in light of the fact that the rear of the property is bordering on the Great Swamp.*
3. the variance requested *is not* substantial *in light of the fact that there is a preexisting garage that this one is just replacing.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because, with regards to impervious coverage, it's a swap from old to new.*
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 *Daniel Finney* for *an area variance* pursuant to §154-27B(4) of the Patterson Town Code, Permitted accessory uses, to allow for the construction of new 23' x 24' garage in the front yard of the property.

Board Member Burdick: Second.

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

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Daniel Finney (D.E.W. Construction), Case #18-15
For an Area Variance for Front Yard Setback to Construct a Garage**

WHEREAS, *Janet English* is the owner of real property located at 46 Burdick Road (R-1 Zoning District), also identified as **Tax Map Parcel #4.-1-19**, and

WHEREAS, *Daniel Finney* 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 construct a 23' x 24' garage 12' from the front property – front yard property line, and

WHEREAS, §154-7 of the Patterson Town Code requires a garage to meet a front yard setback of 35'; Applicant can provide 12'; **Variance requested is for 23'**, 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 **August 19, 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 newly-constructed garage will replace a much older, more dilapidated structure.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *in light of the fact that they're re-siting on the same site as an existing garage that has been in existence for a number of years.*
3. the variance requested *is* substantial *however, not so much so as to cause a denial of the requested variance.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because, as previously stated, it's re-siting on an existing footprint.*
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 *Daniel Finney* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 23' from the 35' required for a front yard setback*, in order to allow for the construction of a 23' x 24' garage 12' from the front property line.

Board Member Burdick: Second.

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

Chairman Olenius: Good luck. You can go see Mr. McCarthy [*Robert McCarthy, Building Inspector*] tomorrow.

Mr. Finney: Thank you very much.

Chairman Olenius: Get on your way.

Mr. Finney: Have a great night.

Board Member Burdick: You, too.

Chairman Olenius: You, too. Take care. [*To the Secretary*] Fire away whenever you're ready.

4. Daniel Venezia Case #19-15

One person was present to represent the application.

The Secretary read the following legal notice:

Daniel Venezia Case #19-15 – Area Variance

Applicant is requesting an area variance pursuant to §154-27A(12)(b) of the Patterson Town Code; Permitted accessory uses, in order to construct a 12' x 12' storage shed on a 14' x 14' concrete slab 12' from the side property line. Patterson Town Code requires a minimum side yard setback of 15'; Applicant will have 3'; *Variance requested is for 12'*. This property is located at 70 Highview Drive (R-1 Zoning District).

Chairman Olenius: Good evening. Just state your name and address for the record, please.

Mr. Venezia: Daniel Venezia, 70 Highview Drive, Carmel.

Chairman Olenius: Thank you. Explain to us a little bit about what you're looking to do.

Mr. Venezia: Just looking to get a pre-built, 12 [ft.] x 12 [ft.] shed, uh, put in the backyard about 15, 20' away from my deck, uh... my optimum location is just kind of just close to the side yard variance for my neighbor. I've got of got a small backyard stretch. I already have a playground there, a large tree, and... keeping it 15' away is just... it will be right in the center of the backyard.

Chairman Olenius: What's the reason for the, um, pad being over the size of the...

Mr. Venezia: I actually changed – I'm not going to do the concrete pad. I'm just going to do rock...

Chairman Olenius: Oh, okay.

Mr. Venezia: With the, you know, 2 x 4 – 2 x 6's to hold it in. They want something on there. They don't want to put the shed directly on the ground.

Chairman Olenius: Oh, this is one of those trailer-in sheds? Like, that comes on a trailer and just...

Mr. Venezia: Yeah. Yeah...

Chairman Olenius: They drop? Okay.

Mr. Venezia: Yep. They require something. They don't want just bare dirt.

Chairman Olenius: I've got you. How close is your, uh... the neighbor in question whose sideline you're affecting? How close is their house sited, too?

Mr. Venezia: Their house? Or just to – just their line?

Chairman Olenius: Their – their house to the line. Like, are they – do they have a decent separation from the property line?

Mr. Venezia: The... it's just as close as mine is, like to their, you know...

Chairman Olenius: Centered in the...

Mr. Venezia: Yeah...

Chairman Olenius: In their lot type of thing?

Mr. Venezia: Centered in their lot. Yes. Yes. I'm set back farther than them.

Chairman Olenius: Oh, their house is...

Mr. Venezia: Their house is up here. I'm back – I'm, you know...

Chairman Olenius: So, it wouldn't directly affect their view-scape because they're forward of you, or...

Mr. Venezia: Yeah. They have a shed in their own yard blocking and the tree line on that side is kind of heavy...

Chairman Olenius: Oh, there's a tree...

Mr. Venezia: I don't think they even see it.

Chairman Olenius: There's a tree line separating the...

Mr. Venezia: Yeah.

Chairman Olenius: Properties, too?

Mr. Venezia: Yeah. Wooded with, you know, weeds... bushes and stuff like that.

Board Member Burdick: And I'm sorry, I may have missed – I... I don't know if Lars already asked this – why is it so close? What's... why can't you move it further into the property?

Mr. Venezia: 15 feet would be like in the middle of my backyard, kind of, because... and I have a – a playground set. One of the wooden ones.

Board Member Burdick: Is – is your septic back there, as well?

Mr. Venezia: It's not going to be over the septic, but it is back there.

Board Member Burdick: But the septic is back in that area?

- Mr. Venezia: Yes, it's not in – not over the septic.
- Board Member Burdick: Okay.
- Board Member Bodor: You couldn't move it in some more? 3 feet to the line is pretty close.
- Mr. Venezia: Mm hmm. Well, I have a fence – I mean, I've already fenced the whole backyard anyway.
- Board Member Bodor: It doesn't matter. It's still close...
- Mr. Venezia: No, I understand. Yeah.
- Board Member Bodor: It's still close to the sideline, and you...
- Mr. Venezia: Right.
- Board Member Bodor: You know. You've got a playground back there and you've got your septic.
- Mr. Venezia: Mm hmm. I'd be over the septic if I moved it 5 more feet.
- Board Member Bodor: Your – your lot is fairly deep, though, too, isn't it? You've got... I don't know, how much to the... to the rear line.
- Mr. Venezia: There's a new deck on there, too, that comes out... what 12 [feet] and the stairs... the new deck probably comes 15 – 18 feet off the back of the house.
- Board Member Bodor: Is the new deck shown on this, because the – this...
- Mr. Venezia: It should be, I guess.
- Board Member Bodor: This survey just shows us the foundation for your house.
- Mr. Venezia: No, that's the new deck on there. Yeah. That's the new deck that's...
- Board Member Bodor: This doesn't even show a constructed structure. A – a full *[inaudible – too many speaking]*...
- Mr. Venezia: That's all I've ever had.
- Board Member Bodor: It's a foundation...
- Mr. Venezia: Yeah.
- Board Member Bodor: And then that's the deck?

Mr. Venezia: Yep.

Board Member Bodor: With stairs going down?

Mr. Venezia: Yeah, not – not all – not the full length, but that’s half down to the right side...

Board Member Bodor: I’m concerned that it’s so close to the side.

Mr. Venezia: Yeah.

Board Member Bodor: 3 feet is only...

Mr. Venezia: Right.

Board Member Bodor: Not – not that wide.

Mr. Venezia: It might be even more. I mean, that’s just like the rough – there’s like a rock wall separating our properties that’s probably 2 feet wide, and I put the fence a foot off of that when I had that. So, it could be more than 3 feet. But, I just – that was just a rough...

Board Member Carinha: So, there’s going to be a fence behind the deck – I mean, behind the, uh, shed there?

Mr. Venezia: There’s already a fence there...

Board Member Carinha: Alright...

Mr. Venezia: And around the whole backyard.

Board Member Carinha: And how far off the fence are you going to be?

Mr. Venezia: Uh...

Board Member Carinha: For...

Mr. Venezia: Probably 2 feet.

Board Member Carinha: Okay.

Mr. Venezia: Enough where I can walk around.

Board Member Carinha: So, like, the side – the side or the back of the shed...

Mr. Venezia: Side is the way.

Board Member Carinha: Is going to be like 2 feet off it?

Mr. Venezia: Yeah.

Board Member Carinha: Okay.

Mr. Venezia: Yeah.

Board Member Bodor: So, you're talking about a stone wall, and a fence within that stone wall?

Mr. Venezia: Mm hmm. Yes.

Chairman Olenius: I'm just confused now, because the variance you're requesting...

Mr. Venezia: Mm hmm.

Chairman Olenius: Oh, is for 12 feet. Okay. I had it in rev—

Mr. Venezia: 12 [feet], yeah.

Chairman Olenius: I had it reversed in my mind. That's why I was...

Board Member Burdick: Well, because the announcement – the announcement was flipped. It says that...

Mr. Venezia: Yeah, I didn't think it looked right. Yeah.

Board Member Burdick: It says that the concrete slab is 12 feet...

Chairman Olenius: Okay.

The Secretary: Oh, is that why?

Board Member Burdick: And it should say 3 feet in the...

Chairman Olenius: Okay.

Board Member Burdick: Announcement.

Chairman Olenius: That – that's where I was getting confused.

Board Member Burdick: Yeah.

Chairman Olenius: So, that's how you're getting your 3 feet, because you're 2 feet from the fence, the fence is 1 foot [sic] – 1 foot from the line...

Mr. Venezia: Mm hmm. Well, the rock wall.

Chairman Olenius: To the – okay...

Mr. Venezia: I'm sure the line's in the middle of that.

Chairman Olenius: Where you believe...

Mr. Venezia: Yeah.

Chairman Olenius: You're right. You're guessing.

Mr. Venezia: Yeah.

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

Mr. Venezia: And that's all I've had for like a... a map of the house. That – that little piece of paper...

Chairman Olenius: Okay.

Mr. Venezia: With not even a house on it.

Board Member Bodor: And, this is an old survey. It's from 1968.

Board Member Burdick: [19]68, yeah.

Mr. Venezia: That's – it... probably before the house – yeah, probably as the house was being built.

Board Member Fox: But, the survey shows the rock wall. It says “mean center stone wall” along that property line. So, it's not like the wall moved.

Chairman Olenius: Now, the sketch of the barn that you included says it's 10' x 12'.

Mr. Venezia: That's just a picture she had.

Chairman Olenius: Okay.

Mr. Venezia: They took right from this – it's actually 12 [ft.] x 12 [ft.].

Chairman Olenius: Okay. Similar architectural design?

Mr. Venezia: Yes. Same exact architectural design, just 12 [ft.] x 12 [ft.].

Chairman Olenius: I've got you.

Board Member Bodor: And the opening will be toward the front of the property, or toward the backyard – the side into the backyard?

Mr. Venezia: Uh... it will be – the doors would be facing the front, I guess. My front yard.

Board Member Bodor: Facing front.

Mr. Venezia: So, as I go up the driveway...

Board Member Bodor: It's straight back?

Mr. Venezia: I could see the doors. Yeah.

Chairman Olenius: Oh, so your driveway's on that side of the property...

Mr. Venezia: Yes.

Chairman Olenius: They can back right up and drop it in... place?

Mr. Venezia: Yep. Yes.

Chairman Olenius: I was going to ask is anybody from the audience had comment, but there is no one, so...

[Laughter.]

Chairman Olenius: Is your adjacent neighbor's shed on that side – on that property line also?

Mr. Venezia: Yes, it is.

Chairman Olenius: It is.

Mr. Venezia: It's, uh... it's like a – probably just the pumps and stuff for his in-ground pool.

Chairman Olenius: Okay.

Mr. Venezia: That's basically what's in there, I think.

Chairman Olenius: I'll make a motion to close the public hearing if no one has anything else.

Board Member Burdick: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.

Chairman Olenius: Okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
*Daniel Venezia, Case #19-15***

For an Area Variance for Side Yard Setback to Construct a Storage Shed

WHEREAS, Daniel Venezia is the owner of real property located at 70 Highview Drive (R-1 Zoning District), also identified as **Tax Map Parcel #34.13-1-41**, and

WHEREAS, Daniel Venezia 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 construct a 12' x 12' shed 3' from the side yard property line, and

WHEREAS, §154-7 of the Patterson Town Code requires accessory structures to meet a minimum side yard setback of 15'; Applicant has 3'; **Variance requested is for 12'**, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on **August 19, 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 shed is in the rear yard, and – as testified – the adjacent neighbor’s shed is in a similar location on the same property line.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means – **uh, once again, as taken in testimony – in light of the fact that the septic fields are in the rear yard currently to...in... constraining it from being brought over any further.**
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 is a, uh, moveable shed coming in, uh... the back of a truck.**
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 **Daniel Venezia** for **an area variance of 12' from the 15' required for a side yard setback** pursuant to §154-27A(12)(b) of the Patterson Town Code; Permitted accessory uses, in order to allow for the construction of a 12' x 12' shed 3' from the side property line.

Board Member Carinha: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes

Chairman Olenius - Yes

Chairman Olenius: Good luck, sir.

Mr. Venezia: Thank you.

Chairman Olenius: Have a good, uh, rest of your summer.

Mr. Venezia: Thank you.

5. Other Business

A) Minutes: July 15, 2015

Chairman Olenius: I read through the minutes. I did not see anything glaring to me, so...

Board Member Fox: I have a silly question. Was there a Mrs. Clement at the last month's meeting?

Board Member Carinha: Hmm...

Board Member Fox: Because there was few times that Mrs. showed up. I didn't know if there was a Mrs.

The Secretary: That's true. Well, I think the woman that was here with him was his...

Board Member Fox: Oh, there was a woman? I just had no idea.

The Secretary: Was his wife, so we've been calling her that, but, she stated her name differently at the meeting...

Board Member Fox: So, it might not be Mrs.... okay...

The Secretary: Tonight, so...

[Laughter.]

Board Member Fox: Consequently...

Chairman Olenius: Oh!

The Secretary: Right.

Chairman Olenius: I've got you. Now I...

Board Member Fox: Oh, okay.

Chairman Olenius: I couldn't remember what – we had that discussion after, as “Other Business”. That's why?

Board Member Fox: If she was Mrs. *[Inaudible – papers shuffling]*... That was the only thing. I was just like, “Was there a Mrs.?”

The Secretary: I – yeah, I can go back and...

Board Member Fox: No, I just – I didn't read. I skimmed, so I didn't really notice if she had mentioned her name and – at all. She just started speaking... like, at length, I guess, she was there. But, okay. And then I have one other question about when we read these – these things *[referring to the resolutions]*. Don't you think that a lot – well, not like in the Mr. Clement case, where he's buying the property and he's got all these, like, outstanding issues. But, like when he's building the deck, his difficulty is self-created, because he's choosing to make this deck, but, it's not necessarily sufficient to be denied.

Chairman Olenius: The only reason I said it was not self-created...

Board Member Fox: Or, like, a shed is...

Chairman Olenius: Was because he didn't create the lot size and the..

Board Member Fox: Oh, okay.

Chairman Olenius: And this... this trouble – that's where my frame of mine was in this...

Board Member Fox: That's what – that's where your...

Chairman Olenius: *[Inaudible – too many speaking]*

Board Member Fox: Or, like, with the shed. It is... it is self-created, but, you know, whatever... I – I'm just curious as to the rationale behind it. That's all. That's all – I'm not giving you a hard time...

Chairman Olenius: No, I... I...

Board Member Fox: You... *[Inaudible – too many speaking]*

Board Member Burdick: Well, no. That is a good question.

Chairman Olenius: It's a very good question.

Board Member Burdick: What's the intent of that in the resolution – the “self-created”? Is it, as Lars was saying, or...

Nancy Tagliafierro: I kind of agree more with Lars than with Stephanie only because then every time anybody wanted anything that required a variance, it would – you'd always have to say it was self-created...

Board Member Fox: Right.

Nancy Tagliaferro: Just because they wanted to do it.

Board Member Burdick: Mm hmm.

Board Member Fox: Right.

Board Member Burdick: So, it's based on, really, the... the conditions of the lot...

Nancy Tagliaferro: Right.

Board Member Burdick: That's [sic] preventing them from doing it.

Board Member Fox: Okay.

Chairman Olenius: That – that's where I was coming from...

Board Member Fox: Well, it's – it's funny, because when I have to right my thing, I do say that it is self-created because I'm doing it, but... it's the restraints that are causing me to do it, so...

Nancy Tagliaferro: Right.

Board Member Bodor: Right.

Board Member Fox: So, you know, okay.

Chairman Olenius: Right.

Board Member Fox: I was just...

Nancy Tagliaferro: Is there a motion about the minutes on the table or no?

Board Member Fox: Sorry.

Nancy Tagliaferro: Did we get that far?

The Secretary: There was a motion I just need a second.

Nancy Tagliaferro: That's what I thought.

Board Member Fox: Second.

Board Member Bodor: I'll second.

Chairman Olenius: All in favor?

The Secretary: With the changes.

Chairman Olenius: With the changes. Yes. All in favor?

Motion passed by a vote of 5 – 0.

Chairman Olenius: No site walk. Anything else? Anyone? I'm hearing none. I make a motion to adjourn.

Board Member Burdick: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.