

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS  
August 22, 2012**

**AGENDA & MINUTES**

**APPROVED**

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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  
Thomas E. McNulty, Vice Chairman  
Michael Montesano  
Ron Taylor  
Edward J. Brady, Jr.

**Zoning Board of Appeals  
August 22, 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 Nancy Tagliaferro, Attorney with Town Attorney’s Office.

Chairman Olenius called the meeting to order at 7:02 p.m.

There were approximately 10 members of the audience.

Michelle Lailer 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) JACK GESTRI CASE #21-12**

Chairman Olenius stated I don’t think that we’re going to make you reread the legal for the Jack Gestri case in that they had submitted a letter asking to be held over...

Board Member Buzzutto stated okay.

Chairman Olenius stated until the next meeting, legal was read in the last, July meeting, so we'll go to number four. Read the legal please...

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 22, 2012 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

**Jack Gestri Case #21-12 – Area Variances: Held over from July 18, 2012**

Chairman Olenius stated they've requested to be held over, so you don't have to, you can go right to...

The Secretary stated okay, will you guys make a motion to table it.

Chairman Olenius stated oh all right, I'll make a motion to table it until the next meeting, as the applicant's request.

Board Member Bodor seconded the motion.

Board Member Buzzutto stated what is that number two.

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

Chairman Olenius stated no, the first one.

Board Member Buzzutto stated oh, Gestri...

Chairman Olenius stated last site walk.

Board Member Buzzutto stated okay.

**2) MOHAMMED KISWANI CASE # 25-12**

Mr. Christopher Gonch was present to represent the applicant.

The Secretary read the following legal notice:

**Mohammed Kiswani Case #25-12**

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct a 27' above ground swimming pool. The Code requires a side yard setback of 30'; Applicant currently has 29'; Proposed is 23'; Variance requested 7'. The Code requires a rear yard setback of 50'; Applicant currently has 30'; Proposed is 15'; Variance requested 35'. The Code requires that not more than 12% of the lot be covered by impervious surface; Applicant currently has 29.27%; Applicant is proposing 33.67% coverage; Variance requested 21.67%. This property is located at 60 Meadowbrook Court (R-1 Zoning District).

Chairman Olenius stated Mr. Kiswani.

Mr. Gonch stated I'm sorry, I'm representing them, they are away on business if that's okay.

Chairman Olenius stated okay.

The Secretary stated can you just step up to the microphone please.

Mr. Gonch stated sure.

The Secretary stated thank you.

Mr. Gonch stated do you need ID.

Board Member Bodor stated do you see...

Board Member Buzzutto stated what was his, what did you...

Mr. Gonch stated my name.

Board Member Buzzutto stated no, what did you say.

Chairman Olenius stated he's...

Mr. Gonch stated the Kiswani's are away on business right now, they asked if I could step in.

Board Member Buzzutto stated oh okay, I didn't, okay.

Board Member Bodor stated may we have your name please sir.

Mr. Gonch stated sure, Christopher Gonch, G-O-N-C-H.

Chairman Olenius stated yeah, it's here. You can move that up to the middle if you'd like, if it's more comfortable for you, I think it was over there from the last display.

Board Member Herbst stated is it on, it's awful low.

Chairman Olenius stated okay Mr. Gonch so, oh, do you swear the testimony you provide tonight be the truth and the whole truth.

Mr. Gonch stated I do.

Chairman Olenius stated so tell us a little bit about the application here, we heard the legal already.

Mr. Gonch stated I saw the site where they are proposing to put the pool...

Chairman Olenius stated are you the contractor.

Mr. Gonch stated no, I'm not, I'm just a friend of the family's, it was a last minute that they couldn't be here so they asked if I could step in.

Chairman Olenius stated oh, oh, I see, do you live in the subdivision.

Mr. Gonch stated I don't, I live on Lakespring Drive which is quite a ways away.

Board Member Buzzutto stated you are authorized to fill in for them.

Chairman Olenius stated yes.

Mr. Gonch stated they gave me power to do so.

Board Member Buzzutto stated they gave you, okay.

Board Member Bodor stated now on the original application the pool is mentioned that it's 24 feet and yet I did see a letter, the size has been expanded to 27 feet but it's not going to impact the side line because they are taking some of the, it's attached to the deck or close to the deck, they'll take a piece...

Mr. Gonch stated it's going to be right up against the deck.

Board Member Bodor stated right up against the deck, they are taking more from the deck to slide that in, is that my understanding...

Mr. Gonch stated yes ma'am, that's true. Yes ma'am, they are going to cut the deck out to fit it in.

Board Member Bodor stated okay and this is an above ground pool.

Mr. Gonch stated an above ground pool, yes ma'am.

Chairman Olenius stated is there screening on the sidelines between the adjacent, this property and the adjacent properties.

Mr. Gonch stated screening as such as a...

Chairman Olenius stated shrubs, hedges.

Mr. Gonch stated shubbage, yeah there is shrubbery on both sides.

Chairman Olenius stated we've looked at numerous homes up there and I, I know I've been to this one, actually, I think the prior owner...

Mr. Gonch stated okay.

Chairman Olenius stated and I know most of them did have some type of privacy screening or something.

Mr. Gonch stated whether it's hollys or (*inaudible – mumbling*)

Chairman Olenius stated if I'm entering the subdivision from Route 292, is it the cluster that's to the right or to the left.

Mr. Gonch stated to the left.

Chairman Olenius stated to the left.

Mr. Gonch stated right.

Chairman Olenius stated has an construction begun at this point.

Mr. Gonch stated as far as pool wise, definitely not, no sir.

Chairman Olenius stated I'm look at their survey, they are going to be, it looks, it appears from the survey they are going to be far enough away from this sewer easement, so as not to impact that.

Mr. Gonch stated that's a common sewer right.

Chairman Olenius stated yes.

Mr. Gonch stated I'm sure it's, well in my opinion.

Chairman Olenius stated judging by the submitted survey plans, it looks like it is well off the edge of it.

Board Member Buzzutto stated what kind of protection are they going to have around the pool to keep the kids out or whatever.

Mr. Gonch stated on the deck itself, there's going to be all, it's going to be gated with a lock and around the pool itself, he plans to put fencing, so I believe it's off the pool a little bit the fencing, whether it's five foot or six foot, I don't know.

Chairman Olenius stated this is the pool I'm guessing, that they're installing.

Mr. Gonch stated I guess it's...

Chairman Olenius stated 54 inches high.

Mr. Gonch stated does that require fencing on top of the 54 [inches].

Chairman Olenius stated we'll have to check with Code Enforcement. Mr. Williams, above ground pools...

Rich Williams stated I would leave it as the fencing is going to be consistent with the requirements for the New York State Building Code.

Chairman Olenius stated thank you sir. I don't have a lot on this because we've been out there so many times to look at very similar...

Board Member Budrick stated we've made decisions for those...

Chairman Olenius stated cases from the attorneys is done, I just looked that up. Do you guys have anything else...

Board Member Buzzutto stated I haven't, no that's...

Chairman Olenius stated does anybody in the audience have any comment on that.

**Lisa Blenkle** stated I do.

Chairman Olenius stated come on up, please. Could you please state your name and you address for the record please.

**Lisa Blenkle** stated my name is Lisa Blenkle, I live at 56 Meadowbrook Court which is two houses down from the subject property and I am here tonight as the president of the Homeowners Association and what I wanted to do was to first of all say that you know the HOA does not have an objection to pool, I want to make that clear but I did want to make sure that easements are protected that we have. We have a drainage easement going down the side of the property and I brought a copy of the development map that shows the easements, I'm not sure if you have that.

Chairman Olenius stated that's what I was referencing before in my questioning because...

**Lisa Blenkle** stated here's the two properties, this is theirs and this is their abutting, 11 and 12.

Chairman Olenius stated theirs is 11...

**Lisa Blenkle** stated theirs is 11, right.

Chairman Olenius stated okay, I can, they have submitted to this Board a survey, which reflects the sewer easement to rear...

**Lisa Blenkle** stated right.

Chairman Olenius stated which I was making reference which it appears to be well off and the drainage easement to this side, which is even further off of, that's why I was asking if this location was accurate which it appears the way it's intruding into the deck.

**Lisa Blenkle** stated I think that deck that may be on there, I'm not sure if that reflects the expanded deck that was done, the deck is larger than what I believe, I'm not, I believe that existing deck is larger than what was put on the house because the edge goes to the edge of the back of the house now.

Chairman Olenius stated okay, well then in light of that we probably have to go out and take a look at it.

Board Member Bodor stated have to go take a look at it.

**Lisa Blenkle** stated and there is also, I had a question too on the impervious and this is more of an educational thing for us an HOA and me as the president and I just need to make sure that our easements are protected and on the impervious surface variance request, you know I understand it's like any groundwater stuff that goes down, so that we, there is you know, the request is so that it's 33 or change percent, there was apparently a fire pit that was constructed there that goes back, Unilock bricks that went around and I just wanted to know too if that was taken into consideration given the fact we've got a drainage easement that goes right down the side.

Chairman Olenius stated let me see, the denial from the Building Department, I don't see it on the denial, it doesn't state whether that was calculated or not, so we will find out about, I can tell you that this Board

made an interpretation in 2004 regarding this cluster subdivision in which we were, the amount of open space that's provided to be shared by all the properties, we were allowing it to be, because the lots were so small as a cluster, we were allowing all of them to share that so the burden of the impervious coverage didn't fall on each person individually because of the guaranteed open land that you have...

**Lisa Blenkle** stated right.

Chairman Olenius stated that covers the amount of homes that are in there...

**Lisa Blenkle** stated okay.

Chairman Olenius stated you know, to the Code standards that there is plenty of impervious coverage surrounding you...

**Lisa Blenkle** stated okay, so if they had a constructed a, it's like a Unilock path that goes back with a big Unilock fire pit...

Chairman Olenius stated it needs to be calculated in this calculation.

**Lisa Blenkle** stated okay.

Chairman Olenius stated and we will...

**Lisa Blenkle** stated and the setback requirements for that has to be taken into consideration as well.

Chairman Olenius stated we're going to have to, we're going to go out and look at it now...

**Lisa Blenkle** stated okay.

Chairman Olenius stated we'll also have to have the Code Enforcement Officer go out and verify those distances too.

**Lisa Blenkle** stated all right, again you know, I want to state that we don't have the objection to the pool just as the president of the HOA, it's my obligation to ensure that our easements are maintained so that we have access to the drainage and to our sewer...

Chairman Olenius stated that's why I made reference to it too when I looked at the survey...

**Lisa Blenkle** stated right.

Chairman Olenius stated because I want to make sure of that too but I didn't know that, you know, I don't have the personal knowledge that you were stating...

**Lisa Blenkle** stated right.

Chairman Olenius stated with regards to maybe, a possibly enlarged deck or, you know...

**Lisa Blenkle** stated right.

Chairman Olenius stated any of these other facts or a fire pit...

**Lisa Blenkle** stated and I just, by looking at what you showed me there, it looks like that that, you know, that's just my opinion, you know I can't tell you for a fact that that's the case but...

Chairman Olenius stated okay, well I appreciate you bringing it up because we wouldn't have, we go by what's submitted in front of us, you know...

**Lisa Blenkle** stated right.

Chairman Olenius stated so now it gives us a reason to go out and take a look...

**Lisa Blenkle** stated okay.

Chairman Olenius stated and make sure everything is up to the standards of the Code, so...

**Lisa Blenkle** stated all right, great, thank you, thanks.

**Lisa Cantor** stated I have...

Chairman Olenius stated sure, come up and state your name please and address.

**Lisa Cantor** stated Lisa Cantor, 62 Meadowbrook Court, right next door.

Chairman Olenius stated okay.

**Lisa Cantor** stated again no objection to a reasonable size pool, I think 27 feet is way too big for the yard, they have four young children but again and I am right next door, there is one tree, there is no protection in between our two houses.

Chairman Olenius stated okay.

**Lisa Cantor** stated and as a property owner in that small subdivision, I would rather see a smaller pool to be honest but again I don't object to one...

Chairman Olenius stated okay.

**Lisa Cantor** stated because there is an easement that if a truck has to go through, it has to go on my yard and their yard and that's the electric and sewer and then the other easement is directly behind my house as well, going that way onto their property, so...

Chairman Olenius stated all right.

**Lisa Cantor** stated just wanted to put that on there for the record...

Chairman Olenius stated thank you, we take all that into consideration.

**Lisa Cantor** stated okay, that's pretty much it, okay, thank you.

Chairman Olenius stated okay, all right, thank you, anybody else, hearing none.

Board Member Buzzutto stated will the owner be at the next meeting.

Mr. Gonch stated he will be at the next meeting.

Board Member Buzzutto stated so he can answer questions more specifically, okay (*Inaudible – spoken over*).

Chairman Olenius stated will they be returning anytime...

Mr. Gonch stated I believe early next week.

Chairman Olenius stated okay because we prefer if they're there if we're going for a site walk, you know, the Secretary will make an appointment with them or whatever but...

Board Member Buzzutto stated okay.

Chairman Olenius stated just so they can explain it in their words to when we're looking.

Mr. Gonch stated I believe they'll be there Monday.

Chairman Olenius stated all right, so I'm going to make a motion to table this in lieu of a site walk, date to be determined.

Board Member Burdick seconded the motion.

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

Chairman Olenius stated okay, thank you for your time.

Mr. Gonch stated thank you.

Chairman Olenius stated obviously let them know we'll be in touch.

Mr. Gonch stated okay, thank you very much.

Chairman Olenius stated thank you.

### 3) **MICHELE MORIN CASE 26-12**

Ms. Michele Morin was present.

Chairman Olenius stated you can read the next one.

The Secretary read the following legal notice:

#### **Michele Morin Case #26-12**

Applicant is requesting area variances pursuant to §157-27 A. (12)(b) of the Patterson Town Code; Permitted accessory uses, in order to allow for the installation of a pad and generator, and propane tank 7' and 10', respectively, from the rear property line. The Code requires

that structure be a minimum of 25' from the rear property line; Variances requested are 18' for the pad/generator and 15' for the propane tank. The property is located at 220 Quaker Road (R-4 Zoning District).

Chairman Olenius stated Mrs. Morin.

Ms. Morin stated yes, hello.

Chairman Olenius stated how are you.

Ms. Morin stated well thank you.

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

Ms. Morin stated sure, Michele Morin, 220 Quaker Road in Patterson.

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

Ms. Morin stated I do.

Chairman Olenius stated thank you very much, so explain to us a little bit...

Ms. Morin stated yes, my property, my house was built 1750 and is right up against, not in certain portions, right up against the stone wall which is boundary of my property, so I imagine that that just means that the house is grandfathered in terms of being that close to the boundary line. I had two people, Rich was one of them, from Planning, to see where we could possibly put it, the generator and the propane tanks so that it would be within Code and it just isn't possible other than the documentation that you see there, I think that that, I put pictures there so you could have an idea as to what the property looks like.

Chairman Olenius stated it appeared to be very long and narrow with a lot of road frontage...

Ms. Morin stated yes.

Chairman Olenius stated am I correct.

Ms. Morin stated yes, it's actually, I mean it's more narrow than it is long but it's not that narrow, it is a full acre so there is quite a bit of land.

Chairman Olenius stated so I see there is a note here from the Building Inspector that the building permit was issued for this installation but after site inspections the locations changed and the proposed location is more practical and conducive to the procedure, the work was halted and now you're seeking a variance to complete.

Ms. Morin stated yes, where we wanted to put the propane tanks and where it would have been hidden and perfect was more than 150 feet from the road which is therefore, makes it impossible for the propane to be delivered because their hoses are not that long, so the number of places where we actually could put the propane tanks were very limited. Also, because of line of sight in terms of where you have to place those tanks, I had other places that I would have preferred that would have been okay with the propane people but I was told because it's not line of sight in terms of the house that it was not possible and that's a pity

because actually I would have liked that but given what I was told by the inspectors, I think this is the best place to put it.

Chairman Olenius stated we had a case a couple of months ago that was the same thing and I remember that that it had to be 100 feet from the roadway...

Ms. Morin stated yes.

Chairman Olenius stated as a requirement, that one in Putnam Lake...

Board Member Bodor stated right. Based upon the original plan, the installation was begun, is that correct.

Ms. Morin stated it was.

Board Member Bodor stated okay, how far along...

Ms. Morin stated the generator is actually installed...

Board Member Bodor stated it is...

Ms. Morin stated and if you, I have a picture of it, I mean where the generator is, there's a v in the stone wall in the back, so that you can see.

Chairman Olenius stated so you're just waiting on, that's why that was inspected and now that's when they realized that...

Ms. Morin stated yes.

Chairman Olenius stated okay.

Ms. Morin stated yes and I put a picture of the generator, I'm not sure that the generator was actually okayed there, I think it must have been, to tell you the truth I don't know but I know you have all the paperwork right there from everybody so...

Chairman Olenius stated is there anybody directly behind you.

Ms. Morin stated there is not and I was told that it is not buildable behind, it is a very, very large property and the incline is pretty steep and therefore it is not buildable.

Board Member Buzzutto stated does the generator have to be that close to the house.

Ms. Morin stated I would like it to not be that close but apparently that is pretty much what it has to be because of what I don't know but so many people came out to look at it and that seemed to be the best place to put it.

Board Member Bodor stated that was the final recommendation by all these people.

Ms. Morin stated thank you, I should have said it that way that was perfect, and the final recommendation was that the generator should be put in that spot.

Board Member Bodor stated being that it's so close to the house, you know that...

Board Member Buzzutto stated with it being propane, it still gives off like the carbon monoxide I would think.

Ms. Morin stated I asked that very question, it was something I was interested in of course and I was told by the people who installed it, they should know really, that it was the proper number of feet away from the window and that there is no danger what so ever.

Chairman Olenius stated I read that in your submission here too...

Ms. Morin stated yes.

Chairman Olenius stated I can't find it now...

Board Member Buzzutto stated look in the...

Nancy Tagliaferro stated it's on the bottom of the first page of the Generac document, the last paragraph.

Chairman Olenius stated ah, yes, thank you.

Board Member Bodor stated there some danger of fumes being that this is so close, it's going to be noisy too, that makes noise when it's running.

Ms. Morin stated from what I understand, there was very little choice given where the house is and I just, I just can't face another winter without having something, so it seemed to me that, I think it runs only when there's no, when there's no power and in which case I'll take the noise.

Board Member Bodor stated you'll take the noise.

**Robert DiRusso** stated excuse me, can I make a comment.

Board Member Bodor stated in a moment sir.

**Robert DiRusso** stated oh sure, sorry.

Chairman Olenius stated this model is only 62 decibels, we've been down this road, I think like 78 [decibels] was a normal conversation at 15 feet or something, so this is even lower than what we've been looking at.

Board Member Burdick stated yeah.

Board Member Bodor stated that good.

Board Member Burdick stated it's smaller.

Chairman Olenius stated and that's a full load too.

Ms. Morin stated we did, we picked a model that was as quiet as possible.

Board Member Buzzutto stated is this the actual picture of the unit itself.

Ms. Morin stated yes, that's it.

Board Member Buzzutto stated is it installed already.

Ms. Morin stated it is installed.

Board Member Buzzutto stated oh it is installed.

Ms. Morin stated yes and you have paperwork there I'm sure, from the guy who installed it, explaining, I don't know what exactly but...

Chairman Olenius stated we did actually.

Board Member Buzzutto stated oh.

Chairman Olenius stated you lose power a lot out there.

Ms. Morin stated yes and the last big storm just did me in, I have insulin in the refrigerator and I just cannot get without having a refrigerator. It was very anxiety provoking, I finally just had to leave home and not know what was happening, like everybody it was anxiety provoking.

Board Member Buzzutto stated the people who install it, didn't they ask about permits and so forth.

Chairman Olenius stated yes, I read that in.

Ms. Morin stated they did, they did indeed.

Board Member Buzzutto stated oh you did, okay.

Chairman Olenius stated it's here, this came from the Building Inspector that she had the permit, everything was going and then the Gas Inspector and he went out there...

Board Member Buzzutto stated oh I see.

Chairman Olenius stated and realized the initial location was no good, that's why...

Board Member Buzzutto stated I, okay, I see.

Chairman Olenius stated she did everything legally to this point.

Board Member Buzzutto stated to that point.

Chairman Olenius stated well, she's still doing everything legally, I didn't mean to infer...

Board Member Buzzutto stated well I don't mean...

Ms. Morin stated you never know.

*Board Laughs*

Board Member Herbst stated let me see...

Chairman Olenius stated so Mrs. Morin, this survey that you've submitted here...

Ms. Morin stated yes.

Chairman Olenius stated this is accurate, this is where you're looking to install it from your...

Ms. Morin stated yes, I mean, when I say, I didn't measure the number of feet exactly, it's right above there.

Chairman Olenius stated but that area.

Ms. Morin stated exactly.

Chairman Olenius stated okay, I just wanted to make sure...

Ms. Morin stated yes.

Chairman Olenius stated because I know you said there were several.

Ms. Morin stated yes, no, that's the area that I was told by the Inspector who came out to look at the grounds and he said that that would be possible with a variance.

Chairman Olenius stated okay. Okay, somebody from the audience have a comment...

**Robert DiRusso** stated I know it's a really minor comment.

Board Member Bodor stated you need to come.

Robert DiRusso stated it's your first meeting for me, so I don't know your protocol.

Chairman Olenius stated that's okay.

Robert DiRusso stated Robert DiRusso 55 Somerset Drive and I don't, I don't know this woman and I've been in Patterson for a number of years but I don't know where your home is but you had made a comment about the loudness of the generator. It sounds like this is, is this a Generac or one of those...

Ms. Morin stated a Generac.

Robert DiRusso stated it's a Generac, its propane fired and they are relatively, it's not the one we're used to hearing when there was storm and someone has gone out to their garage and they start up one of the gas powered ones that are very loud, these are relatively quiet. It goes on with propane and kick on when the power goes out, so that was the only comment.

Board Member Bodor stated thank you very much.

Chairman Olenius stated thank you.

Board Member Buzzutto stated thank you. So the big question would be delivery of, refueling in the propane tank.

Chairman Olenius stated that's the issue, that's where this variance is coming from...

Board Member Buzzutto stated okay.

Chairman Olenius stated because her initially location, that didn't require one was too far for the truck to reach with the hose. Is that all you're waiting on right now Mrs. Morin, is the propane tanks...

Ms. Morin stated yes, yes.

Chairman Olenius stated what do you think.

Board Member Bodor stated I'm okay with it.

Chairman Olenius stated gentlemen, anything. We have nobody else from the audience, make a motion to close it.

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

Board Member Burdick seconded the motion.

Chairman Olenius called for 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**  
***Michele Morin Case #26-12***  
***Area Variances For a Pad and Generator, and Propane Tanks***

**WHEREAS, *Michele Morin*** is the owner of real property located at 220 Quaker Road (R-4 Zoning District), also identified as **Tax Map Parcel #15.-1-47, and**

**WHEREAS, *Michele Morin*** has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27 A. (12) (b) of the Patterson Town Code, Permitted accessory uses, in order to allow for the installation of a pad and generator, and propane tank, and,

**WHEREAS, §154-27 A. (12) (b) of the Patterson Town Code** requires a 25' rear yard setback for accessory structures in the R-4 Zoning District; the pad/generator will be 7' from the rear property line; ***Variance requested is for 18'***, and

**WHEREAS, the propane tank** will be 10' from the rear property line; ***Variance requested is for 15'***, 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 22, 2012** to consider the application; and

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

1. the proposed application **will not** produce an undesirable change in the character of the neighborhood **because it is sited at the rear of the property, out of the view of any adjoining neighbors with a steep slope rising on the adjacent rear property.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **because propane tank location is limited by delivery methods and has to be within a certain distance from roads and access.**
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 it's well over an acre property and it just happens to be long and narrow, thus requiring the rear yard variance.**
5. the alleged difficulty necessitating the variance **was self-created, however is not sufficient** so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby **grants** the application of **Michele Morin** for **area variances** pursuant to §154-27 A. (12) (b) of the Patterson Town Code; Permitted accessory uses, **for variances of 18' and 15' from the 25' required for a rear yard setback**, in order to allow for the installation of a pad and generator, and propane tank to be installed 7' and 10' from the rear property line, respectively.

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.

Ms. Morin stated thank you so much I appreciate it.

Chairman Olenius stated good luck with that, you can continue now and relax this winter.

Board Member Burdick stated Mrs. Morin would you like your photos back.

Ms. Morin stated I don't know what I'm going to do with them but sure, thank you for that.

Board Member Bodor stated you can have some more.

Ms. Morin stated that's okay.

Board Member Bodor stated we don't know what to do with them either.

Ms. Morin stated okay, I might as well take them but whatever.

Board Member Buzzutto stated I want to keep mine for the record.

Ms. Morin stated absolutely.

Board Member Herbst stated I'll give you mine, if you want it.

Board Member Buzzutto stated no...

Ms. Morin stated I don't need them, if you have a file and you need to keep them, that's fine, thank you very much.

**4) MEREDITH JACKEL CASE #27-12**

Mr. Darren Rapisarda was present to represent the applicant.

Chairman Olenius stated go ahead.

The Secretary read the following legal notice:

**4) Meredith Jackel Case #27-12**

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to allow for the construction of a second story addition over an existing garage. The Code requires a front yard setback of 40'; Applicant will have 35'. The property is located at 103 Bullet Hole Road (R-4 Zoning District).

Mr. Rapisarda stated how are you doing.

Chairman Olenius stated how are you.

Mr. Rapisarda stated my name is Darren Rapisarda, I live at 103 Bullet Hole Road.

Chairman Olenius stated are you representing Mrs. Jackel...

Mr. Rapisarda stated yeah, my wife.

Chairman Olenius stated okay.

Mr. Rapisarda stated the house is just in her name.

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

Mr. Rapisarda stated I do.

Chairman Olenius stated thank you very much, so explain to us a little bit about what you want to do.

Mr. Rapisarda stated well the family got a little bigger, we're looking for a little more space, we have the room there and we're just looking to go up, at 300, like 350-360 square feet.

Chairman Olenius stated is this in fact your house from the file photo.

Mr. Rapisarda stated yes, yup.

Chairman Olenius stated so it's kind of like a salt box right now.

Mr. Rapisarda stated yes, it's going to be a story and a half just like the house, the addition, so it won't be any higher, it's going to be like a few inches lower.

Board Member Bodor stated alright, what is going up, the garage.

Mr. Rapisarda stated above, yes, we are going to take it down because the building is so old, down to the foundation and we're going to build up and then do a half a story up above.

Board Member Bodor stated okay, so the current residence is not changing.

Mr. Rapisarda stated no, we're not touching that, it's the little building on the right of the picture.

Board Member Bodor stated that's the garage, from the garage...

Mr. Rapisarda stated yes.

Board Member Bodor stated that's where the new piece is going to go.

Mr. Rapisarda stated yes, right there.

Board Member Bodor stated okay.

Mr. Rapisarda stated I took a lot of pictures, she said if I made a good visual it would help.

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

Mr. Rapisarda stated yes, I got everything.

Board Member Bodor stated alright, I see on these pictures this yellow tape...

Mr. Rapisarda stated she said to put the tape to show the property line, so you guys could have a visual.

Board Member Bodor stated okay, the property line is in there, it's not at roadside.

Mr. Rapisarda stated no, that's the problem.

Chairman Olenius stated oh now that all makes sense.

Board Member Bodor stated I'm looking at all the...

Mr. Rapisarda stated I just tried to do the best visual I could.

Chairman Olenius stated because it did look, I recognized your home from the application, I've driven by there and I said boy I thought they had more than 40 feet to the...

Mr. Rapisarda stated yeah, it's about 80 feet to the road but for some reason...

Chairman Olenius stated okay, it's just where the survey line is...

Mr. Rapisard stated yeah, exactly.

Chairman Olenius stated for center line, okay.

Board Member Bodor stated and this clearly shows the garage area and there is...

Mr. Rapisarda stated yes.

Board Member Bodor stated like a little something between.

Mr. Rapisarda stated just like a little breezeway...

Board Member Bodor stated breezeway...

Mr. Rapisarda stated you go to the main house and...

Board Member Bodor stated and all this is going to be replaced.

Mr. Rapisarda stated just that building, not the one that connects...

Board Member Bodor stated not that little thing.

Mr. Rapisarda stated just that little rectangle, yeah.

Board Member Bodor stated yeah.

Chairman Olenius stated and it's for a family room or something or...

Mr. Rapisarda stated well it's going to have to be a bedroom I found out.

Chairman Olenius stated okay.

Board Member Burdick stated so how many bedrooms will be...

Mr. Rapisarda stated two.

Board Member Burdick stated two.

Mr. Rapisarda stated it has to remain at two.

Board Member Bodor stated and this is another garage on the property, that remains.

Mr. Rapisarda stated yes, the previous owner.

Board Member Bodor stated okay.

Board Member Burdick stated and what's above the garage here.

Mr. Rapisarda stated just storage.

Board Member Burdick stated just storage.

Mr. Rapisarda stated I have the Building Department out there, the Assessor's office, everybody was out to see the property.

Board Member Burdick stated the property is always beautifully maintained.

Mr. Rapisarda stated that's my wife, thank you.

Board Member Burdick stated it's beautiful.

Mr. Rapisarda stated she'll be happy, I always tell her you make too much work for yourself.

Board Member Burdick stated well I'm a gardener too so I understand all the work she has but it is beautiful, I live near there, it always looks beautiful.

Chairman Olenius stated I did look at your plans before and everything but I just wanted to verify, you are going basically straight up off that structure...

Mr. Rapisarda stated yes.

Chairman Olenius stated there's no big cantilevers or overhangs or...

Mr. Rapisarda stated no, same exact footprint.

Board Member Bodor stated it's the existing footprint going up.

Mr. Rapisarda stated yes, just straight up.

Chairman Olenius stated just straight up. So that is currently a family room.

Mr. Rapisarda stated the guy, yes, that's why I had everybody out to check out the property.

Chairman Olenius stated okay.

Mr. Rapisarda stated I had Nick out and the woman from the Assessor's office.

Chairman Olenius stated so it looks like a garage...

Mr. Rapisarda stated yeah, the door is there, yes.

Chairman Olenius stated okay, because I saw, I was reading existing first floor plan, it said...

Mr. Rapisarda stated yeah.

Chairman Olenius stated you know, family room already, that's where I was getting a little bit confused too, okay.

Mr. Rapisarda stated that's when it came out they wanted to look at the garage up above and everything, to see what's in the house.

Chairman Olenius stated so you're putting a master bedroom...

Mr. Rapisarda stated no, it's there, that's existing.

Chairman Olenius stated that's existing.

Mr. Rapisarda stated we're just putting some egress windows in the master...

Chairman Olenius stated oh, okay.

Mr. Rapisarda stated from what I was understanding I didn't need, the variance is just for the structure because we're in it.

Board Member Bodor stated now this second floor plan for the addition, what's up there.

Mr. Rapisarda stated nothing, it's attic stairs, you can just, some storage right now.

Board Member Bodor stated okay, that's why I can't find anything.

Mr. Rapisarda stated yeah.

Board Member Bodor stated okay, so it's going to be storage, like attic space.

Mr. Rapisarda stated yeah well now when we go up, it will be living space, that's why I had to go to Health Department to get the approval.

Board Member Bodor stated alright, so what is going to be up there.

Mr. Rapisarda stated that's going to be a bedroom.

Board Member Bodor stated that's going to be a bedroom, okay.

Mr. Rapisarda stated okay.

Board Member Bodor stated because all I can find here is entertainment room or family room.

Mr. Rapisarda stated well we spoke to the guy previous before everything and that's what he put on...

Board Member Bodor stated oh okay.

Mr. Rapisarda stated but the Health Department is going to be a bedroom.

Chairman Olenius stated so the two top floors...

Mr. Rapisarda stated will be the bedrooms.

Chairman Olenius stated they won't connect though.

Mr. Rapisarda stated no.

Chairman Olenius stated you have to go down...

Mr. Rapisarda stated yes.

Chairman Olenius stated gotcha because the breezeway area is staying, second story.

Mr. Rapisarda stated yes, exactly, so you have to walk through.

Board Member Bodor stated you have two bedrooms now.

Mr. Rapisarda stated yes.

Board Member Bodor stated and you will have two.

Mr. Rapisarda stated yeah well we have to take down walls when we do the addition as per the Health Department.

Board Member Buzzutto stated this survey shows all the structures that's on the property.

Mr. Rapisarda stated yes, the garage, is the garage, I don't know if the garage, is the garage penciled in because the previous owner got a variance for that.

Board Member Buzzutto stated no, I don't see it there.

Mr. Rapisarda stated to the right side of the property.

Board Member Bodor stated it's proposed on this survey...

Board Member Buzzutto stated oh it's proposed yeah.

Board Member Bodor stated but it's there.

Mr. Rapisarda stated yeah I guess he did it, that's from like '74 or something, well the survey is original from '74.

Chairman Olenius stated does anybody from the audience have any input for this application, hearing none.

Board Member Buzzutto stated I remember going through this....

Chairman Olenius stated yeah, it was noted on the denial, that...

Board Member Buzzutto stated I don't see it on here.

Chairman Olenius stated right here on the zoning denial, it's noted.

Board Member Buzzutto stated okay.

Chairman Olenius stated the shed apparently is within setbacks, it's noted on the denial that it is.

Mr. Rapisarda stated yeah, she said, she mentioned something, she wrote something on the paper.

Chairman Olenius stated it wasn't on the survey but...

Mr. Rapisarda stated oh it's not on that, oh okay...

Chairman Olenius stated but you've noted it, it's been noted.

Board Member Buzzutto stated that's what I'm saying, I just didn't see it, I see it here but I didn't see it on the survey.

Chairman Olenius stated it must have met all the setbacks though because she didn't request anything even though she noted or Nick noted it, I'm not sure.

Board Member Buzzutto stated okay, good deal.

Mr. Rapisarda stated no, she, the secretary, she...

Chairman Olenius stated Cheryl.

Mr. Rapisarda stated yes.

Board Member Buzzutto stated okay, gotcha, this doesn't look like the Bullet Hole Road that I know, where is this.

Board Member Bodor stated way up at the end there.

Board Member Burdick stated over by [Interstate] 84.

Board Member Bodor stated by [Interstate] 84.

Mr. Rapisarda stated as soon as you go under 84...

Board Member Bodor stated on the left hand side.

Board Member Buzzutto stated yeah but the, oh okay.

Chairman Olenius stated towards the Carmel side.

Board Member Bodor stated it's a very, very old farm house...

Mr. Rapisarda stated yeah.

Board Member Bodor stated you would know it if you...

Chairman Olenius stated I have nothing else.

Board Member Bodor stated close the public hearing.

Chairman Olenius stated I just wanted to, do you guys have anything.

Board Member Buzzutto stated no, I just wanted to get that one thing clear about the shed.

Board Member Bodor stated okay.

Board Member Burdick stated mmhmm.

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

Board Member Burdick stated second.

Chairman Olenius asked for 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**  
***Meredith Jackel Case #27-12***  
***Enlargement of a Non-Conforming Building***

**WHEREAS, *Meredith Jackel*** is the owner of real property located at 103 Bullet Hole Road (R-4 Zoning District), also identified as **Tax Map Parcel #34.13-1-66, and**

**WHEREAS, *Meredith Jackel*** has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of a nonconforming building, in order to construct a 16' x 21' second story addition to the principal dwelling, and

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

**WHEREAS, §154-7 of the Patterson Town Code** requires a 40' front yard setback; Applicant has currently has 35'; 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 22, 2012**, to consider the application; and

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

1. the proposed application *will not* produce an undesirable change in the character of the neighborhood *because it is merely going to enhance the look the existing home, not increasing the footprint just going up an extra story on one side of it.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because increasing the footprint of the existing home would require potentially more variances.*
3. the variance requested *is not* substantial *in light of the fact that there is extensive front yard, it's just the way the survey line from the highway comes in exceptionally close to the already established property.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because as previously stated the footprint is not expanding, it's merely adding a second story to an existing structure.*
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 *Meredith Jackel* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct a 16' x 21' second story addition to her dwelling which will be 35' from her front property line.

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.

Mr. Rapisarda stated that's it, do I wait for something in the mail or do I go to Health Department now...

The Secretary stated I'll mail it to you.

Mr. Rapisarda stated and then what do I, do I have to bring it in.

Chairman Olenius stated the Building Department will be notified though too, I would say...

The Secretary stated the Building Department will be notified as well, so then they can issue the permit.

Mr. Rapisarda stated I'll just ask is, can I go in Friday or does it take longer.

The Secretary stated it depends if Antoinette is in tomorrow or not because the Town Clerk has to sign off on this as well.

Mr. Rapisarda stated okay, alright.

Board Member Bodor stated take your pictures.

Mr. Rapisarda stated thank you very much, have a nice night, take care.

Chairman Olenius stated good luck.

Board Member Bodor stated good luck.

**5) PATTERSON LIBRARY CASE #28-12**

Mr. Don Ferraro was present to represent the application.

The Secretary read the following legal notice:

**Patterson Library Case #28-12**

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct a 160 sq. ft. storage shed. The Code requires a rear yard setback of 10'; Proposed is 1'; Variance requested is for 9'. The property is located at 1167 Route 311 (GB Zoning District).

Chairman Olenius stated how are you.

Mr. Ferraro stated Don Ferraro, 54 Sunset Drive, Patterson and I am representing the library.

Chairman Olenius stated you need a little storage shed over there.

Mr. Ferraro stated yes.

Chairman Olenius stated not enough room in the building even though the courts have left you.

Mr. Ferraro stated well we did our expansion, we did provide for a new storage room but as usual when you expand you need more room and that's why we wanted the shed outside to store things like chairs, additional chairs, tables, and material like that.

Chairman Olenius stated I didn't think you'd be putting classic books in there, you know, I figured it was for stuff like that, maintenance items, things of that nature and the reason for it being so close to the property line.

Mr. Ferraro stated well the way we sited it was to maximize the existing park area, if you notice it's tucked back in the corner, we want to be able to get maximum use out of the lawn area for programs and things of that nature and that was the best place to site it, it's in an area that's really not usable for that type of thing, it's really the only place that we could site it without it interfering in our programs outside.

Chairman Olenius stated is this going to be a pre-built..

Mr. Ferraro stated yes.

Chairman Olenius stated a pre-fabricated like a roll off.

Mr. Ferraro stated yes.

Chairman Olenius stated what is on the property directly behind, over the property line there.

Mr. Ferraro stated is the Great Swamp, the Peterson property fronts up to there.

Chairman Olenius stated it's kind of wetlands though too, isn't it, it's not like a developable area or anything.

Mr. Ferraro stated no, it's wetlands all around there.

Chairman Olenius stated I do like your little garden area in the back, I will say I bring my daughter there frequently to get books from school and what not and while she's inside looking I sometimes just go sit, gather my thoughts.

Mr. Ferraro stated yeah, it's a nice place, people are really enjoying it.

Chairman Olenius stated is that shed going to be large enough to meet your needs.

Mr. Ferraro stated probably not.

Chairman Olenius stated for the time being though...

Mr. Ferraro stated for the time being.

Board Member Buzzutto stated what's the maximum without a permit, 240...

The Secretary stated 144 square feet.

Chairman Olenius stated 144...

Board Member Buzzutto stated 144, oh okay.

Chairman Olenius stated I was trying to think 12 by 12, I knew I had the size in my head.

Board Member Buzzutto stated oh 12 by 12.

Chairman Olenius stated anybody from the audience have any input, hearing none. I don't have a whole lot on this just because I know the property so well and I know it's very limited as to where you, any place else to site it...

Board Member Burdick stated same for me Lars.

Board Member Buzzutto stated well there's nothing back there but wetlands, right.

Board Member Bodor stated that's right.

Chairman Olenius stated right.

Board Member Bodor stated just a great big expanse.

Chairman Olenius stated and most of the rest of property is paved and parking.

Mr. Ferraro stated right.

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

Board Member Burdick stated second.

Chairman Olenius asked for 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**  
***Patterson Library Case #28-12***  
***Area Variance for 160 sq. ft. Shed***

**WHEREAS, *Patterson Library*** is the owner of real property located at 1167 Route 311 (GB Zoning District), also identified as **Tax Map Parcel #3.-1-83, and**

**WHEREAS, *Patterson Library*** 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 160 square foot storage shed, and

**WHEREAS, §154-7 of the Patterson Town Code** requires a 10' rear yard setback; Applicant will have 1'; ***Variance requested is for 9'***, and

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

**WHEREAS,** a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***August 22, 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:

6. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because the shed will be well screened at the rear of the property.***
7. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the fact of parking areas are already in place, as well as a garden area and gazebo.***
8. the variance requested ***is not*** substantial ***however not so much so as to cause a denial.***
9. the proposed variance ***will not*** have an adverse effect or impact on the physical or

environmental conditions in the neighborhood or district *because it is tucked out of the way, the property is completely surrounded by wetlands which will forever be undeveloped.*

10. the alleged difficulty necessitating the variance *was self-created however is not sufficient* so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Patterson Library for an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 9' from the 10' required for a rear yard setback*, in order to construct a 160 square foot storage shed.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Mr. Ferraro stated thank you.

Chairman Olenius stated good luck.

Mr. Ferraro stated thank you.

**6) ANTHONY NACERINO CASE #29-12**

Mrs. Ginny Nacerino was present to represent the application.

The Secretary read the following legal notice:

**Anthony Nacerino Case #29-12**

Applicant is requesting a Special Use Permit pursuant to §154-107.1 of the Patterson Town Code; Livery and taxicab services, in order to operate a livery service out of his residence. This property is located at 38 Somerset Drive (R-4 Zoning District).

Mrs. Nacerino stated good evening everyone.

Chairman Olenius stated good evening.

Mrs. Nacerino stated I'm Ginny Nacerino as you all know, I apologize for my husband could not be here this evening due to his work schedule.

Chairman Olenius stated well being that you're on the deed submitted to us, I'm sure will allow you to speak too.

Board Member Buzzutto stated did she take the oath.

Mrs. Nacerino stated absolutely.

Chairman Olenius stated could you give your name and address for the record.

Mrs. Nacerino stated Ginny Nacerino, 38 Somerset Drive, Patterson.

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

Mrs. Nacerino stated I do.

Chairman Olenius stated thank you. So, tell us a little story about your husband.

Board Member Buzzutto stated oh jeez, don't do that.

*Laughter*

Board Member Herbst stated Ginny you're in trouble.

Mrs. Nacerino stated my husband has a private car service, it's not a taxi service, it's not really per se a livery service, it's a private car service whereby he services private clients such a businessmen or private, just regular people who may be taking a trip and that's basically his clientele. He is an owner/operator, it's limited to just one car which is unmarked, he does no advertising, I have some photos here, if they, the car is garaged and has no markings in any way, shape, or form and that's about it.

Chairman Olenius stated so the car is stored inside the garage, it's not in the...

Mrs. Nacerino stated yes.

Chairman Olenius stated it's not a stretch limousine.

Mrs. Nacerino stated no.

Chairman Olenius stated just a regular Town Car.

Mrs. Nacerino stated no, just a regular four door sedan.

Board Member Buzzutto stated he has all the licenses and insurance and so forth...

Mrs. Nacerino stated yes, he does.

Board Member Buzzutto stated to operate this vehicle, right.

Mrs. Nacerino stated yes, he does.

Chairman Olenius stated and he's been doing this for how many years.

Mrs. Nacerino stated over 30 [years].

Board Member Herbst stated that's what it is...

Board Member Buzzutto stated that's the limo, well it's not a limo.

Board Member Herbst stated it's a car, this isn't a limo.

Mrs. Nacerino stated it's just a car, the fine line in between the livery in the sense that you need the property insurance to transport anyone other than your family. So, if you have any, it's only for protection, the livery part is the protection part when you transport strangers in your car.

Board Member Burdick stated and he goes and picks clients up, they don't come to your home and leave their vehicle there.

Mrs. Nacerino stated nobody comes to my home, there is no other vehicle that comes to my home, there is no intention on having any other vehicle at this stage of our lives to put any more cars in place or anything like that.

Chairman Olenius stated I will state for the record too, there's three letters from neighbors, 17 Somerset, 42 Somerset, and 11 Hampshire Court, with no objections to the current situation. Does anybody else from the audience have a comment on this.

Robert DiRusso stated yeah...

Chairman Olenius stated just come up to the mic please.

Robert DiRusso stated hi again, Robert DiRusso, 55 Somerset Drive, I do have an objection because I don't know a lot about it, it does change the character of the neighborhood now we're, I moved into a residential neighborhood now we have a commercial entity operating in the neighborhood. I don't know if someone has a business like that and now we have a precedent, anyone else can open a business like that, it would be hard to keep them opening an additional car service business because we already have one in the subdivision. Now, he's got his permits in place, apparently he's been doing this for 30 years, I'm just concerned because if he's been doing it for that long and no one's known about it, why now, unless he's going to expand it, if he has to proper permits in place, what's to keep him from broadening the business, what if his business picks, are we going to have limos or other cars parked out on the street. So, it does change the character of the neighborhood, I mean, if I didn't know about it, you know he may be operating there now, I don't know but now that I know I really can't turn a blind eye to what does this mean for the future, what does it mean for when I go to sell my property and people are looking around the neighborhood finding out what the zoning is in the neighborhood, so that's my concern and so I think that before you rubber stamp this a go ahead and I don't want to take away from the Nacerino's is make sure all the questions are answered first, I don't know what the implications are of something like this in the neighborhood...

Chairman Olenius stated just so you're aware sir...

Robert DiRusso stated yes.

Chairman Olenius stated this is come to light recently and we've had a number of owner/operators come before us because it occurred, they are limited to one car in a residential area...

Robert DiRusso stated okay...

Chairman Olenius stated by Town Code.

Robert DiRusso stated in our Town.

Chairman Olenius stated yes.

Robert DiRusso stated okay.

Chairman Olenius stated and now they're required to have a special use permit which they weren't necessarily required to have before, this is, that's the reason for this hearing and everything.

Robert DiRusso stated so that's, that's been the change, so he's been operating for all these years, it's just that...

Mrs. Nacerino stated okay, may I just respond to some of your comments.

Robert DiRusso stated yeah, yeah.

Mrs. Nacerino stated Bob's my neighbor, I think we met once...

Robert DiRusso stated once.

Mrs. Nacerino stated I don't know what kind of car you drive, I don't think you know what kind of car I drive, so we don't really pass each other on the road. With the Zoning Board it's always a case by case scenario, so it's not that this would be something, if there was another situation that would arise in our development, that would be also reviewed, my husband in this particular case is one car, has been one car, that is not going to change, so the consideration is not hypothetical based on what if we have more cars and what if this business expands. This business is not going to expand, it's one private car, it's not any bigger than your vehicle, it's not any bigger than any other four door sedan...

Robert DiRusso stated I understand, I'm just...

Mrs. Nacerino stated and in our development I think there may be something that may impact greater than a regular car that live closer to you than perhaps this one particular car, so when we're, when I'm asking for the consideration of the Zoning Board, I'm asking for consideration based on my circumstances, not hypothetical circumstances that may occur and if that would occur in the future, this would be the venue where that applicant would come forward and present the facts whether there'd be cars which wouldn't be permitted at all, so just to alleviate some of your fears...

Board Member Buzzutto stated this is the car here.

Mrs. Nacerino stated and I'd like you the read the letter into the record just for...

Robert DiRusso stated no, I...

Board Member Buzzutto stated this is the car.

Nancy Tagliafierro stated I just, I can also confirm...

Robert DiRusso stated yeah, yeah, yeah.

Nancy Tagliafierro stated as the attorney for the Board, the Board doesn't set precedent, there is nothing that they do here that would bind them to any future decisions, they do review each case on a case by case basis.

Robert DiRusso stated understand, now, because I'm not an attorney but, I'm a banker but is that not, does that not create a precedent when you're, it doesn't...

Mrs. Nacerino stated no, it's case by case.

Nancy Tagliafierro stated no, no.

Robert DiRusso stated it's not, so if someone comes in here and argues it, well in, wouldn't the...

Nancy Tagliafierro stated they are not, beholdng to anything they've done in the past because they review each case on it's own merits.

Robert DiRusso stated so you're saying if someone else wanted to do something and it was objected against, they couldn't turn around and say we're going to sue you now because you're objecting and you're prejudice against us because...

Nancy Tagliafierro stated that's exactly what I'm telling you.

Robert DiRusso stated really.

Mrs. Nacerino stated its case by case.

Robert DiRusso stated okay, so now what you're telling me Ginny is that he's actually been operating out of your home since before I was there and it's just now because of...

Mrs. Nacerino stated in the light, in the light of new restrictions, correct.

Robert DiRusso stated what Mr. Olenius said is that because of this, okay.

Mrs. Nacerino stated yeah, yeah.

Robert DiRusso stated all right in that case then, if nothing is going to change, when I saw that...

Mrs. Nacerino stated nothing, that is a pledge to you.

Robert DiRusso stated when I had seen that in the mail, right away I'm thinking, okay so now we're having a business moving and I'm thinking of cars coming in and out all the time.

Mrs. Nacerino stated no, no.

Robert DiRusso stated so this is just because it was something that was changed in the Town that currently requires that...

Mrs. Nacerino stated yes.

Chairman Olenius stated and just so you know, this is a special use permit, it has to be renewed every five years also, so something gets reviewed, it's not a lifetime type thing, it gets reviewed...

Mrs. Nacerino stated we're winding down Bob, we're not winding up.

Robert DiRusso stated okay, okay, alright thank you, thanks for clarifying.

Mrs. Nacerino stated okay, thank you.

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

Chairman Olenius stated I don't know, does anybody else have anything, just want to make sure, hearing none, okay go ahead now, sorry.

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

Board Member Burdick stated second.

Chairman Olenius asks for all in favor.

Board Member Buzzutto stated I don't want to hear no move, I got no more.

Mrs. Nacerino stated thank you.

Board Member Buzzutto stated where's the reso on that.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Anthony Nacerino, Case #29-12***  
***For a Special Use Permit for Operating a Livery Service***

**WHEREAS, *Anthony Nacerino*** is the owner of real property located at 38 Somerset Drive (R-4 Zoning District), also identified as ***Tax Map Parcel #23.-1-35***, and

**WHEREAS, *Anthony Nacerino*** has made application to the Patterson Zoning Board of Appeals for Special Use Permit as set forth in §154-107.1 of the Patterson Town Code; Livery and Taxi Cab Services, and

**WHEREAS, §154-107.1** states that a special permit may be granted by the Zoning Board of Appeals in the R-4, R-2, R-1 or RPL-10 zoning district, for the accessory use of a parcel or lot to operate a livery service or taxi cab service, subject to the standards and conditions of §154-107.1, and

**WHEREAS,** the proposed action constitutes an unlisted action under 6 NYCRR Part 617, and

**WHEREAS,** that the Patterson Zoning Board of Appeals has reviewed the environmental assessment form and other documentation and finds the proposed action ***will not*** have significant effects on the environment for the following reasons:

1. There ***will not*** be substantial change in existing air quality, ground or surface water quality or quantity, traffic or noise levels.

2. There *will not* be substantial increase in potential for erosion, flooding, leaching or drainage problems.
3. There *will not* be removal or destruction of large quantities of vegetation or fauna.
4. There *will not* be substantial increase in traffic or the use of existing infrastructure.
5. There *will not* be significant impairment of the character or quality of architectural or aesthetic resources of the existing neighborhood character.

**WHEREAS**, a public hearing was held at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *August 22, 2012* to consider the application; and

**WHEREAS**, the Zoning Board of Appeals finds that there is adequate off-street parking for the vehicles used in the operation of the livery service, which is in addition to the parking required for the single family residence as evidence by submitted photos as part of the application;

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

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

**WHEREAS**, the Zoning Board of Appeals finds that the operation of a livery service out of the residence as heretofore set forth is a reasonable use of the property, and

**WHEREAS**, The Patterson Zoning Board of Appeals finds that the Applicant has met the requirements for the issuance of a Special Use Permit in accordance with §154-107.1 of the Patterson Zoning Code, subject to any conditions contained herein.

**NOW THEREFORE BE IT RESOLVED** that the Patterson Zoning Board of Appeals and issues a *negative* SEQRA declaration, and

**BE IT FURTHER RESOLVED**, the Patterson Zoning Board of Appeals wishes to *grant* the request of *Anthony Nacerino* for a Special Use Permit *to allow for the operation of a livery service out of the residence in the R-4 Zoning District as set forth in §154-107.1* of the Patterson Town Code; Livery and Taxi Cab Services, and

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

1. Those conditions and standards as set forth by §154-107.1 of the Patterson Town Code; Livery and Taxi Cab Services, incorporated by reference hereto, which includes a renewal in (5) five years.

Board Member Buzzutto stated will these letters in favor be entered into the minutes.

Chairman Olenius stated they will be entered into the minutes.

Board Member Buzzutto stated see the letters in favor here, so, okay.

Chairman Olenius stated you got that.

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.

Mrs. Nacerino stated thank you.

Chairman Olenius stated thank you.

Mrs. Nacerino stated good night.

Chairman Olenius stated thank you for coming out.

**7) SUZANNE BRUCE CASE #30-12**

Mr. & Mrs. Bruce were present to represent the application.

Chairman Olenius stated go right ahead, I'm sorry.

The Secretary read the following legal notice:

**Suzanne Bruce Case #30-12**

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to legalize a patio. The Code requires a side yard setback of 30'; Applicant can provide 17'. Applicant is also requesting an area variance pursuant to §154-15 A. of the Patterson Town Code; Fences, stone walls and masonry walls, in order to install a 6' fence on top of a 4' retaining wall. The Code states

that a fence shall not exceed 6' from ground level along the side yard; Proposed is 10'; Variance requested is for 6'. This property is located 91 Highview Drive (R-1 Zoning District).

Chairman Olenius stated good evening.

Mrs. Bruce stated hi, how are you.

Chairman Olenius stated Mrs. Bruce, can you state your name and address for the record please.

Mrs. Bruce stated Suzanne Bruce, 91 Highview Drive.

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

Mrs. Bruce stated yes.

Chairman Olenius stated thank you.

Caleb Bruce stated Caleb Christopher Bruce.

Mrs. Bruce stated Caleb Christopher Bruce, too.

Chairman Olenius stated your name sir, just as...

Mr. Bruce stated Stephen.

Chairman Olenius stated Stephen Bruce.

Mr. Bruce stated yes.

Chairman Olenius stated so tell us a little about what you're looking to do here because I think we're all a little bit confused.

Mrs. Bruce stated Violet Bruce...

Mr. Bruce stated we were approved on raising on driveway...

Austin Bruce stated Austin Bruce, Austin Bruce.

Mr. Bruce stated last month when we were here and we were just putting a fence along the side, right now though the property is on a slope so at the beginning of the wall is about, maybe about six inches and at the end of the wall it's about four feet, so we were just going to run a fence along the side of the driveway, butting up to the neighbors lawn, okay, so we didn't want to, with the six foot limit, again it would be two feet and then it would be five and a half feet, you know, so you're looking at a fence that's going like this, so when we were here last month, we basically...

Chairman Olenius stated I'm sorry, you said, I don't think you were here last month.

Mr. Bruce stated no, again with the raising of the driveway...

Mrs. Bruce stated not with you guys with the other...

The Secretary stated they were in front of the Planning Board at the beginning of the month...

Chairman Olenius stated oh Planning Board.

Mr. Bruce stated but they had all come up to the house...

Mrs. Bruce stated the pictures of the driveway...

Mr. Bruce stated and basically what they said was the neighbor has a fence, just go at their height and just run it across.

Mrs. Bruce stated that I gave, do you have them.

The Secretary stated they are two different files, they don't coincide.

Mr. Bruce stated which again would probably be about four and a half to five feet, you know from where my wall is, the top of my wall right now.

Mrs. Bruce stated we just want to put it because going into our backyard, we just want to enclose it so the kids don't run up to the road, there's people speeding through Highview [Drive] all the time.

Board Member Buzzutto stated you have to talk into the mic, it goes into the minutes.

Mrs. Bruce stated oh, I'm sorry, I'm sorry. Okay, we just want to put it up for the safety of the children because Highview, there's often people speeding through, so we don't want them, running up to the road, so our purpose is, if we only have a two or a three foot fence, they can certainly climb over it, we want to be able to have them safe when they are coming in and out of our yard.

Chairman Olenius stated Highview is off of Bullet Hole [Road].

Mr. Bruce stated yes.

Mrs. Bruce stated yes, yes...

Chairman Olenius stated like approaching Fair Street.

Mrs. Bruce stated yes and off of Fair Street, people cut through though, even though there is no thru traffic and all these signs.

Chairman Olenius stated I'm just trying, in my mind to realize where you were. So we were here, in front of the Planning Board for a driveway permit.

Mr. Bruce stated yes, yes.

Mrs. Bruce stated we needed a partial waiver.

The Secretary stated they did a dimensional.

Mrs. Bruce stated because it's only, yes, it was three feet from the property line as opposed to the...

The Secretary stated ten feet.

Mrs. Bruce stated usual ten that's required, so they did approve it for us and now we just want to get the approval to possibly put the fence right on top of that.

Chairman Olenius stated so you have to fill in your property.

Mrs. Bruce stated we had to level it, yes.

Chairman Olenius stated create this driveway...

Mr. Bruce stated exactly, again, it's on a slope so we had a door on the side of the house, so now we're able to just walk out into the driveway instead of going down.

Mrs. Bruce stated and actually they noted that previously it wasn't up to Code because there was no parking for two cars, so we kind of put it up to Code by doing that.

Board Member Buzzutto stated is that right on the end of Highview, Bullet Hole or Fair Street or...

Mr. Bruce stated yeah, you make the right on Bullet Hole off of Fair Street and then the first left.

Board Member Buzzutto stated the first left, yeah, okay.

Mr. Bruce stated yes.

Board Member Buzzutto stated we were up there a long time ago for a handicap permit, I think for somebody, was that right Marianne.

Board Member Burdick stated yes, a long time ago Buzz.

Board Member Buzzutto stated I think.

Board Member Burdick stated yup, okay.

Board Member Bodor stated I'm having trouble understanding where you want to put this fence, along the side line.

Mrs. Bruce stated well the wall, the retaining wall we built and then we have steps going down into our backyard...

Mr. Bruce stated the fence basically, the side of our house to our neighbors property it probably about 11 or 12 feet, so when we built the wall three feet off the property line to the driveway, so the fence is going to run along the side of the house, from front to back.

Board Member Bodor stated along the side of the house or along the property line.

Mr. Bruce stated on the property line, along the side of the house.

Board Member Bodor stated okay because it's not indicated on here, that's why I can't figure it out.

Mr. Bruce stated where is that.

Board Member Bodor stated the survey that you provided, I see the patio and driveway...

Mr. Bruce stated well basically the driveway is right along the side here, okay, this side right here yeah so again we're just putting a fence up right here.

The Secretary stated no, no, don't touch (to one of the Bruce's children).

Mrs. Bruce stated on top of the wall.

Mr. Bruce stated from the beginning of the house to the back end of the house.

Board Member Bodor stated just that distance, that's where you want the fence.

Mr. Bruce stated and again, it's on a slope, so when we started the retaining the wall right here, it's about six inches off the ground and then to the back corner of the house, it's about four feet and the neighbor has a fence right now running along there already and again that comes up about four to five feet, so we were just going to then match their height of their fence and then run it along the top of our wall.

Board Member Bodor stated alright but the length of this fence is the length of, the depth of the house...

Mr. Bruce stated from front to back, yes.

Board Member Bodor stated that's it, it's only a couple panels or whatever.

Mr. Bruce stated it's probably going to be about three and a half, four panels and then once I get to the, once I get here, then I'm actually on regular ground so if I ever decide to put up a fence, it's just going to be a six foot fence anyway.

Board Member Bodor stated but it's going to be right here, is where you're going to put it.

Mr. Bruce stated that's it, yup and then again, I'm going to, I'll keep the same length and just backoff the back end also, you know what I'm saying.

Board Member Bodor stated alright, how, you know, you took it, I understand your concern about the kids running out the road but how is that going to prevent them from running to the road.

Mr. Bruce stated no, that's what she's saying right here with this because again it's going to be an L-shaped fence, it has to go from there to the house, also...

Mrs. Bruce stated yeah, with a gate, yeah.

Mr. Bruce stated so basically when they're in the backyard, it's blocked off.

Board Member Bodor stated it's not very clear.

Chairman Olenius stated I have to just get it in my head because there is something about the patio too.

Mrs. Bruce stated that's another, that's in the back, that was a different...

Mr. Bruce stated the patio was, he had built a summer or two ago, again we didn't realize that it had to be 30 feet, so I guess when they came out and measured it 18 feet, again it's just right to the back side of the house, you know and they just extended it to the back side of the house.

Chairman Olenius stated okay, I think we're going to come out and take a look though, just so we can clarify in our heads what exactly is going on here...

Mr. Bruce stated okay.

Mrs. Bruce stated okay, can we show them the pictures from the Zoning Board meeting because you can see the driveway...

The Secretary stated I don't...

Mrs. Bruce stated with the posts there and everything.

The Secretary stated they're in the Planning Board file, so they are not part of the same file, I can go them if you'd like.

Mrs. Bruce stated so you can see, okay.

Chairman Olenius stated no, I want, we need a...

Board Member Bodor stated we need to go out and see it.

Chairman Olenius stated does anybody else from the audience have input on this case.

Board Member Buzzutto stated how close is your fence to their fence...

Board Member Burdick stated can you, excuse me, can you, your son is crawling underneath the dias.

Mr. Bruce stated excuse me.

Board Member Burdick stated thank you.

Board Member Buzzutto stated your fence...

Mr. Bruce stated well we don't have a fence yet, our proposed fence.

Board Member Buzzutto stated how close will that be to the neighbor's...

Mr. Bruce stated it's going to probably two to three feet.

Board Member Buzzutto stated is this like a spite fence or...

Mr. Bruce stated no it's going to be a wooden fence, I already have a wooden fence in my backyard...

Board Member Buzzutto stated no, there's no hostility between the neighbors.

Mrs. Bruce stated no, it just...

Mr. Bruce stated no again I don't want my kids, right now they have a fence that comes down, where the four foot wall at the end of the retaining wall, there is no fence at that point, I don't need my, they have a pool in their backyard, everything like that, I don't need my kids jumping off the four foot wall into the neighbors backyard.

Board Member Buzzutto stated okay.

Mr. Bruce stated they have about two panels that come down about halfway down where I built my retaining wall, again there is another panel that's not there and my kids have access to the lawn and again they have an in ground pool...

Nancy Tagliaferro stated you can't move this, it has to stay where it is (to one of the Bruce's children).

Mr. Bruce stated and everything like that so I don't need my children...

Board Member Buzzutto stated it sounds complicated, that's for sure.

Chairman Olenius stated okay, we'll come out and take a look at it, I'm going to close the or...

Mr. Bruce stated by coming out, would we have to come back to another meeting or you would be able to approve it...

Chairman Olenius stated we would just need one of you back at the next meeting...

Mr. Bruce stated okay but it's another month.

Chairman Olenius stated yeah.

Board Member Buzzutto stated yeah.

Chairman Olenius stated it's the...

Board Member Burdick stated the 19<sup>th</sup>...

Chairman Olenius stated the 19<sup>th</sup> of September.

Board Member Buzzutto stated the reso will state...

Chairman Olenius stated so we're going, I'm going to table this case in lieu of a site walk and we'll figure out a date, the Secretary will be in touch with you. Are there any days of the week that are better for you...

Mrs. Bruce stated I'm a teacher, so I'm home for the summer, before September.

Mr. Bruce stated do we need to be home or I mean, again it's...

Chairman Olenius stated it's helpful just so you can kind of point out what's going on, like exactly where you want it.

Board Member Burdick stated Lars did you ask if anybody else wanted to speak.

Chairman Olenius stated I did and I said hearing none.

Nancy Tagliafierro stated I couldn't hear you over the noise.

Chairman Olenius stated okay, so we'll be in touch with you.

Mr. Bruce stated okay, great.

Mrs. Bruce stated okay.

Chairman Olenius stated we'll make an appointment to come and see what you've got.

Mrs. Bruce stated okay, thank you.

Mr. Bruce stated thank you.

Chairman Olenius stated thank you.

Mrs. Bruce stated take care Michelle, thanks.

The Secretary stated bye.

Board Member Buzzutto stated what else is on here.

## **8) OTHER BUSINESS**

Chairman Olenius stated do we have any other...

The Secretary stated I'm sorry, what.

Chairman Olenius stated do you have any other business.

The Secretary stated do you have any other business.

## **9) MINUTES**

Chairman Olenius stated other than minutes. I did actually look through all four months of them and I did not note any discrepancies.

The Secretary stated I will let Sarah know.

Chairman Olenius stated I don't know if anybody else did.

Board Member Bodor stated no, they looked good to me.

Board Member Herbst stated no.

Chairman Olenius stated so I'm going to make a motion to accept the minutes from May 16<sup>th</sup>, June 20<sup>th</sup>, June 21<sup>st</sup>, and July 18<sup>th</sup>, as submitted.

Board Member Burdick stated second.

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

Chairman Olenius stated okay.

Board Member Buzzutto stated I was just wondering if we could have some discussion on Gestri, is it...

Chairman Olenius stated sure.

Board Member Buzzutto stated about the sheds that are on the property, the two sheds they have to be 15 feet apart, right, that's how it is, so, I don't know if he's aware of that or not.

Chairman Olenius stated that's a good point, that wasn't noted in the thing either, right.

Board Member Bodor stated nope.

Board Member Buzzutto stated and then the definition of a tent is not like what he describes that thing because all together difference because that might be a different type of structure than just a tent...

Board Member Burdick stated he was going through my purse.

Board Member Buzzutto stated so we have to mull that over a little bit.

Chairman Olenius stated did you, Marianne, did you make an appointment to go see that.

Board Member Burdick stated not yet and Jerry asked to go with me when I go back out.

Chairman Olenius stated yeah, he was unable to make the hill that one time, so he thought he could do it...

Board Member Burdick stated yeah, so was going to ask whenever we're both available, I'll ask Michelle to make the appointment.

The Secretary stated absolutely, whenever.

Chairman Olenius stated the Gestri's area aware of it, I told them...

The Secretary stated okay.

Chairman Olenius stated that you'd be in contact with them, it was only today that they were unavailable, I think they are actually available from tomorrow on...

Board Member Burdick stated okay.

Chairman Olenius stated like, you know for whatever you guys work out.

The Secretary stated whatever you guys work out, just let me know and I will absolutely call him and make an appointment for you.

Board Member Burdick stated okay.

Board Member Buzzutto stated both the sheds are in the front yard according to the...

Chairman Olenius stated correct.

Board Member Buzzutto stated right, so would the tent be in the front yard.

Chairman Olenius stated yes it is, yes.

Board Member Buzzutto stated so he's going to need a lot of variances to get him out of the hole there, I asked Rich about that this morning when I was in and he said that the definition on a tent is not like a children's tent, it's used for storage, so that puts it in a different category, so...

Chairman Olenius stated I am just looking right now just to see if I can find that definition of what's in the Code, I'm just curious.

Board Member Herbst stated see if you can find something about bringing little kids into the meetings too.

Board Member Buzzutto stated yeah, kind of annoying.

Nancy Tagliaferro stated I'll speak when we go off the record.

Board Member Buzzutto stated Rich looked that up for me today so...

Board Member Herbst stated there were two other men here, where did they go.

Board Member Buzzutto stated I don't know, they...

Board Member Herbst stated they went out when these people went out.

Board Member Buzzutto stated yeah.

Board Member Burdick stated is it one of those commercial cover-up type tents with the frame, with the steel frame...

Board Member Buzzutto stated I think so, I think with the frame...

Board Member Bodor stated it's not this way but yes, it is, it has a tent shape but yes, that's what it is. It's my understanding that originally he had down further in the wetland and he's already moved it because he was advised that this is wetland, official wetlands.

Board Member Burdick stated for some reason I didn't think they were permitted and just...

Chairman Olenius stated I thought they were permitted seasonally or something like that.

Board Member Buzzutto stated yeah, maybe we can get Rich to clear us up on that.

Chairman Olenius stated Mr. Williams...

Rich Williams stated sir.

Chairman Olenius stated could you enlighten us on tent structures.

Board Member Buzzutto stated well like I asked you this morning when I seen you, the...

Chairman Olenius stated like a temporary garage type tent structure.

Rich Williams stated I've got a couple other things I need to talk to you about...

Mrs. Nacerino stated okay.

Rich Williams stated so if you want to...

Mrs. Nacerino stated I'll wait.

Rich Williams stated okay.

Board Member Buzzutto stated I think it puts it into a different category than what he's saying it's used for.

Rich Williams stated well tent like structures are regulated just like, why that doesn't pick up, I didn't know that this was in, okay, tent like structures are regulated just any other accessory structures within the Town of Patterson, they are similar to a shed, they have a few other requirements under our Code, they have to meet all the setback requirements as per our Code, including the 15 foot setback that we had had the conversation about between, you know, similar accessory structures.

Board Member Buzzutto stated the tent, is that more than 15 feet from the two sheds.

Board Member Bodor stated the tent, yes, that is...

Chairman Olenius stated that probably is, yes.

Board Member Buzzutto stated that probably is.

Chairman Olenius stated yes.

Board Member Bodor stated that distance is okay, yeah.

Board Member Buzzutto stated okay, I don't know what the size of the tent is, that's come under the same 144 square feet, like a shed.

Rich Williams stated it doesn't come under the 140 square feet which is a trigger for getting a building permit for a shed...

Board Member Buzzutto stated right.

Rich Williams stated but we do have a limit as to the maximize size of a tent like structure of 240 square feet.

Board Member Buzzutto stated two hundred, I don't know what the size of that tent was though.

Chairman Olenius stated its 200 square feet, it's 10 by 20.

Board Member Buzzutto stated its 10 by 20, so.

Chairman Olenius stated and they're allowed up year round, I don't know why...

Rich Williams stated yes.

Chairman Olenius stated I thought I read something one time where they were seasonal or...

Rich Williams stated no, they're not seasonal, they're allowed year round, there are some other limitations under the New York State Building Code, you can't store petroleum containers, you can't store equipment in them, they have to have, if you're going, you know to store certain vehicles, they have to have concrete floors and impervious surface you know but that really has to do with the Building Department, not the zoning.

Chairman Olenius stated right.

Board Member Buzzutto stated okay.

Chairman Olenius stated the other two sheds, I can hear this question coming back to me already and I don't how familiar you are with it...

Rich Williams stated I have not been out the site, I...

Chairman Olenius stated I was just going, I just wanted to ask your opinion...

Rich Williams stated past familiarity.

Chairman Olenius stated from seeing this picture, they are currently spaced that far apart, were they to be butted together.

Rich Williams stated if they were permanently locked together, they are considered a single structure, if there's 5 feet between them, there's an issue.

Board Member Buzzutto stated what was the size of the shed individually.

Chairman Olenius stated these are only 10 by 10.

Board Member Bodor stated they are little things.

Chairman Olenius stated yeah, they're very small.

Board Member Buzzutto stated yeah, they were kind of small.

Board Member Bodor stated and I realized you know, that he's looking at a variance to put them, to leave them in the front yard and he still has them partially or maybe wholly in his front yard if he moved them over but I'd like to see them come in from the road, I think they're too close to the road where they are, he's got the space, if he didn't have the space but he does.

Board Member Buzzutto stated I just drove...

Chairman Olenius stated I think I'm going to try to return to the site...

The Secretary stated okay.

Chairman Olenius stated with the other two members too just to have a little discussion with Mr. Gestri and look at some things again because I wasn't looking but initially with those other options in place at the time.

Board Member Buzzutto stated yeah it was just something I just thought of that we shouldn't just drop it and if they move it, that will be it, I thought there were other complications here which there is...

Chairman Olenius stated well there may be, we may have to have Mr. Lamberti go back out again, too, maybe not, we'll see, maybe I'll bring my tape myself, check the distances in between.

Board Member Buzzutto stated you want the whole Board to go with you, do you want the whole Board or what...

Chairman Olenius stated if you'd like to, I don't...

Board Member Buzzutto stated it's alright with me, I don't care, I mean I'll talk to, I can do it...

Chairman Olenius stated thank you Mr. Williams.

Board Member Buzzutto stated yeah, thank you Rich.

Rich Williams stated you're welcome.

Board Member Herbst stated I think if you're going to go and you want the Board, then let's go as a Board.

Chairman Olenius stated okay.

Board Member Buzzutto stated well you and Marianne are going, anyway, so just the, I don't know if maybe a little difference but it don't make a difference...

Chairman Olenius stated you were there, I don't know, if you don't want to go again, that's fine.

Board Member Bodor stated I go by it every day.

Chairman Olenius stated yeah, it's entirely up to you.

Board Member Bodor stated I know what's there.

Chairman Olenius stated I just want to look at it and take a tape measure, in case there were things and sites I wasn't looking at it from those...

Board Member Buzzutto stated all I know is that we're permitting three of those, alright.

Chairman Olenius stated the last time.

Board Member Bodor stated yeah.

Board Member Buzzutto stated I guess the three of you can go and, okay, I'm satisfied.

Board Member Bodor stated you can go back out Buzzy and owing to the fact that you're the one that brought these things up.

Board Member Buzzutto stated yeah, okay, well we'll just decide, I wasn't satisfied, I mean the guy just sort of rubs me, friction.

Chairman Olenius stated alright, so we have to set up some dates for some site walks now, whose got their calendars out.

Board Member Burdick stated I do, not that it helped me last time I made appointments.

Chairman Olenius stated so September 19<sup>th</sup> is the next meeting, right.

Board Member Bodor stated yes.

Chairman Olenius stated we established that, Marianne you're summer hours end, soon or...

Board Member Burdick stated middle of September I think, I think the 14<sup>th</sup> is the last day.

Chairman Olenius stated okay, so we can probably still get some week, weeknights in then.

Board Member Burdick stated absolutely.

Chairman Olenius stated and we are going from Carmel to Meadowbrook, that's not far and then back to Cornwall, I still don't know if we'd be able to do all three in one day.

Board Member Herbst stated we're going to Carmel...

The Secretary stated well you would do, I would...

Chairman Olenius stated no, I'm sorry, not everybody is doing, you're right.

The Secretary stated I would say Bruce, Gestri, then Kiswani, to come around, come down Bullet Hole, take Cornwall and then out to [Route] 292.

Chairman Olenius stated start at Highview.

The Secretary stated yup.

Chairman Olenius stated what time can you get to Highview from Carmel, about, ballpark.

Board Member Burdick stated 4:15, 4:20.

Chairman Olenius stated oh we would have enough time to do all three in one night I guess, I think.

Board Member Burdick stated unless you wanted to go to Gestri, the one, Gestri, that one first without everybody and then hookup on the other two, is that what you said, no.

The Secretary stated no, I was saying to start at Carmel, to Highview...

Board Member Burdick stated and just go around.

The Secretary stated Cornwall and then come around.

Board Member Burdick stated but not everybody's going to Cornwall...

The Secretary stated I know that was the, they're kind of the middle of the other two.

Chairman Olenius stated yes let's...

Board Member Burdick stated it doesn't matter to me, I'm 15 minutes from any place.

Chairman Olenius stated we should probably dealing right now with Carmel and Meadowbrook, you're right...

Board Member Buzzutto stated yeah...

Chairman Olenius stated do those two together first and then Gestri either if we have time after that, if we think, the rest of us or another day...

Board Member Burdick stated we should have time...

Board Member Buzzutto stated do it all in one day if you can.

Chairman Olenius stated I think we should too.

Board Member Bodor stated I don't think any of these are going to take much time, Cornwall is going to be the most, walking up and down the hill.

Chairman Olenius stated yeah, yeah.

Board Member Bodor stated excellent.

Board Member Buzzutto stated so Highview at 4:15.

Chairman Olenius stated Highview at...

Board Member Buzzutto stated is that what you said.

Chairman Olenius stated you said you'd be there at 4:15, 4:20 something like that, so.

Board Member Herbst stated what day is this.

Board Member Bodor stated what day though.

Chairman Olenius stated what day is good for you guys.

Board Member Buzzutto stated well the meeting is on the 19<sup>th</sup>, so it has to be before that, I guess, any day is good for me, like I said, I've got the...

Board Member Bodor stated the next two weeks are not good for me, we have our school supply distribution next week and then I'm away the following week.

Chairman Olenius stated that works beautifully for me because those are going to be, I mean not that I wouldn't find time but they're going to be chaotic for me with school starting too.

Board Member Bodor stated so we're looking at the week of the 10<sup>th</sup>.

Board Member Buzzutto stated 9/11 would be out, you don't want to do it on that day, do you.

Board Member Bodor stated 9/11, no, no, we have a thing going on there too, I'm sorry.

Chairman Olenius stated how about the 10<sup>th</sup>, Monday the 10<sup>th</sup>.

Board Member Buzzutto stated the 10<sup>th</sup>, that's alright for me.

Chairman Olenius stated is that good.

Board Member Bodor stated good for me, Monday the 10<sup>th</sup>, 4:15.

Chairman Olenius stated yup.

Board Member Bodor stated at Highview.

Chairman Olenius stated Highview.

Board Member Herbst stated that's Monday, September 10<sup>th</sup>.

Chairman Olenius stated yes.

Board Member Bodor stated and a rain date.

Chairman Olenius stated I can't do that Wednesday I know but Thursday, I probably could.

Board Member Bodor stated Thursday, Thursday then, yeah.

Chairman Olenius stated what is that day, the 13<sup>th</sup>.

Board Member Bodor stated the 13<sup>th</sup>.

Chairman Olenius stated could we do the 13<sup>th</sup>, Thursday the 13<sup>th</sup> as a rain date guys.

Board Member Buzzutto stated for what.

Chairman Olenius stated just a rain date, in case it rains.

Board Member Herbst stated yeah, I'm sure we can.

Chairman Olenius stated is that okay with you.

Board Member Buzzutto stated that's the primary election day, I don't know if you want to do that or not.

Chairman Olenius stated that's primary day.

Board Member Buzzutto stated yeah, primary day, I don't know, if you don't think it's, the only thing is I'll be on call...

Board Member Bodor stated well do you have something that you're, you'll be able to...

Board Member Buzzutto stated I'll be on call, yeah, in case the machines break down or something like that.

Board Member Bodor stated well carry an umbrella with you and it won't rain.

Board Member Buzzutto stated yeah, okay...

Board Member Bodor stated okay.

Board Member Buzzutto stated alright, that's alright, make it for that because I'll have the cell phone with me and if they need me, I can scoot out.

Chairman Olenius stated so we're going to say 4:15 Bruce...

The Secretary stated okay.

Board Member Buzzutto stated rain date.

Chairman Olenius stated I think we'll say between 5:15 or 5 and 5:15...

Board Member Burdick stated 5 and 5:15...

Chairman Olenius stated between 5 and 5:15 for Kiswani...

The Secretary stated yup.

Board Member Bodor stated depending on where Bruce teaches that may be a problem for her...

Board Member Burdick stated that's what I was thinking.

Board Member Buzzutto stated and what day would that be.

Board Member Burdick stated do we know where she teaches.

The Secretary stated I can find out, I have her e-mail address.

Chairman Olenius stated if you can contact her and just see, if that doesn't work for whatever reason...

The Secretary stated and maybe her husband can be home instead of her, you know, it depends...

Board Member Bodor stated yeah.

Board Member Herbst stated the dates...

Board Member Buzzutto stated well we'll find out what the, Monday the 10<sup>th</sup> would be Highview at 4:15...

Board Member Herbst stated the 10<sup>th</sup> of September.

Chairman Olenius stated because otherwise if she says she can be home by 5, just switch them...

Board Member Burdick stated we can go the other way.

Board Member Herbst stated right.

Board Member Buzzutto stated yeah.

Chairman Olenius stated we'll do Kiswani at 4, 4:15...

The Secretary stated okay.

Board Member Herbst stated the 10<sup>th</sup> of September at 4:15...

Chairman Olenius stated you know, I think were flexible for that day and those times, so...

The Secretary stated okay.

Chairman Olenius stated so we'll leave that to your discretion.

The Secretary stated alright and I will let everybody know.

Chairman Olenius stated and you just let us know what order we have to go in.

The Secretary stated you go it.

Board Member Buzzutto stated on the 10<sup>th</sup>, Highview.

Board Member Herbst stated Highview...

Board Member Buzzutto stated yeah.

Chairman Olenius stated and then we'll attempt Gestri for the remaining members of the group around...

The Secretary stated like 6...

Chairman Olenius stated 6 o'clock, around 6.

The Secretary stated okay.

Board Member Bodor stated okay.

Board Member Buzzutto stated alright, let's go over that again, just so we get it all done...

Board Member Herbst stated alright I got...

Board Member Buzzutto stated Jerry's lost.

Board Member Herbst stated more than...

Chairman Olenius stated we've got Highview, as it stands right now, the Bruce case on Highview in Carmel...

Board Member Herbst stated Bruce, wait a minute...

Board Member Buzzutto stated Bruce.

Chairman Olenius stated at 4:15.

Board Member Buzzutto stated I got that.

Board Member Herbst stated at 4:15.

Chairman Olenius stated on Monday the 10<sup>th</sup>.

Board Member Herbst stated got that, okay, what's the next.

Chairman Olenius stated the next will be Kiswani in Meadowbrook, the cluster subdivision.

Board Member Buzzutto stated okay.

Board Member Herbst stated on the same date.

Chairman Olenius stated yes.

Board Member Herbst stated okay.

Chairman Olenius stated we'll just be travelling from one to the next.

Board Member Herbst stated that will be...

Chairman Olenius stated and then if you decide to want to return to that Gestri house, we'll be doing that following, everything on the same day. We just have a rain date of Thursday the 13<sup>th</sup> in case it rains on the 10<sup>th</sup>.

Board Member Bodor stated all set, make a motion to adjourn.

Chairman Olenius stated I'll second it.

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

The meeting adjourned at 8:32 p.m.