

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
September 15, 2010**

AGENDA & MINUTES

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**ZONING BOARD OF
APPEALS**

Howard Buzzutto, Chairman
Mary Bodor, Vice Chairwoman
Marianne Burdick
Lars Olenius
Gerald Herbst

PLANNING BOARD

Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Thomas E. McNulty
Ron Taylor

**Zoning Board of Appeals
September 15, 2010 Meeting Minutes**

Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

Present were: Chairman Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Lars Olenius, Board Member Gerald Herbst, Carl Lodes, Attorney with Town Attorney's Office Curtiss & Leibell and Rich Williams, Town Planner.

Chairman Buzzutto called the meeting to order at 7:03 p.m.

There were approximately 2 members of the audience.

Sarah Wagar was the secretary for this meeting and transcribed the following minutes.

Chairman Buzzutto led the salute to the flag.

Chairman Buzzutto stated I remember the time I told everybody to stand for the National Anthem...

[Laughter]

Chairman Buzzutto stated and Missy says Buzzy, if you think I going to sing it, you're crazy.

Roll Call:

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

1) ROBERT PINCHBECK CASE #15-10

No one was present for the application.

The Secretary read the following legal notice:

Robert Pinchbeck Case #15-10

The Secretary stated do you want me to just...

Chairman Buzzutto stated we'll table that one. He's not here. Everybody, he gave you notice that he wouldn't be here because of surveyors.

The Secretary stated yes.

Chairman Buzzutto stated okay, so we'll just hold that one over.

The Secretary stated okay.

Chairman Buzzutto stated do we have to take a motion on that one.

Carl Lodes stated no.

Chairman Buzzutto stated no.

Carl Lodes stated you can just table it.

2) GETTY PETROLEUM MARKETING, INC. CASE #20-10

No one was present for the application.

Chairman Buzzutto stated alright. Then we'll go to...The next one would be...You want to read the next one.

The Secretary stated okay.

The Secretary read the following legal notice:

Getty Petroleum Marketing, Inc. Case #20-10 – Area Variances; Held over from the August 30, 2010 meeting

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize the existing kerosene and propane sales area. Sales areas will be 5' from the side property line; The Code requires a 20' side yard setback in the C-1 Zoning District; Variances requested are for 15' for both the kerosene and propane sales area. Applicant is also proposing a dumpster area 5' from the side property line; Variance requested is for 15'. Applicant is also requesting an area variance pursuant to §154-67(2) of the Patterson Town Code; Signs in business districts. The main sign is 38.65 square feet; The Code states that the sign shall not exceed 25 square feet; Variance requested is for 13.65 square feet. This property is located at 3230 Route 22 (C-1 Zoning District).

Chairman Buzzutto stated alright. Getty is not here, either. So we'll table that. I don't know. Should we read these all through now so we don't have to read them again later.

Board Member Bodor stated we don't have to read it later.

Chairman Buzzutto stated we don't have to read it later.

Board Member Bodor stated it's already been read.

Chairman Buzzutto stated it's already been read. Okay. So we'll just hold this one until the other two get done.

3) ROBERT STANTON CASE #21-10

No one was present for the application.

Chairman Buzzutto stated so the next one would be...Stanton is not here.

Board Member Bodor stated read him so that you don't have to do it later.

Chairman Buzzutto stated yes. Okay.

The Secretary read the following legal notice:

Robert Stanton Case #21-10 – Special Use Permit and Area Variance; Held over from the August 30, 2010 meeting

Applicant is requesting a Special Use Permit as required by §154-105 of the Patterson Town Code; Accessory Apartments and an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order construct a new 3 bedroom, single family dwelling with a one bedroom accessory apartment. The Code requires the building in which the accessory apartment is constructed to be at least 5 years old and the owner occupy the dwelling for at least one year prior to the initial application for the Special Use Permit, with the exception that the accessory apartment will be used for a person(s) related by blood or marriage and that a special or unique hardship exists. The Code requires a minimum of 75' for road frontage; Applicant can provide 60'; Variance requested is for 15'. This property is located at 70 Newburgh Road (RPL-10 Zoning District).

Chairman Buzzutto stated okay. Stanton is not here yet. They didn't say they wouldn't be here. They...

The Secretary stated no.

Chairman Buzzutto stated okay. So, we'll have to go with...The next one would be...

4) **JOHN RAGONESI CASE #22-10**

Mr. John Ragonesi was present.

The Secretary stated John Ragonesi.

Chairman Buzzutto stated John Ragonesi.

The Secretary read the following legal notice:

Case #22-10 – Area Variance; Held over from the August 30, 2010 meeting

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct an addition consisting of a great room and deck. The Code requires a minimum side yard setback of 15'; Applicant can provide 10'. This property is located at 16 Warren Drive (RPL-10 Zoning District).

Chairman Buzzutto stated okay. John, we took a site walk on your property and...Let's see. Found that...I couldn't find anything obstructing the...That has two front yards, right, that...

Board Member Bodor stated yes. That property has two front yards.

Chairman Buzzutto stated yes, that was in question but that's okay because of two front yards. Okay.

Board Member Bodor stated it looked like a good plan.

Mr. Ragonesi stated thanks.

Board Member Bodor stated you marked it out so we could see what you wanted to do.

Mr. Ragonesi stated yes.

Board Member Bodor stated and it looks like it will enhance your property.

Chairman Buzzutto stated yes.

Board Member Bodor stated give you more space.

Mr. Ragonesi stated it should look good.

Board Member Bodor stated that's my feeling. And actually, the variance is due to the fact that it's a nonconforming situation.

Mr. Ragonesi stated right.

Board Member Bodor stated you were already...

Chairman Buzzutto stated yes.

Board Member Bodor stated you're not going out any closer to the...

Mr. Ragonesi stated right.

Board Member Bodor stated sideline. You're just going back from the existing residence.

Mr. Ragonesi stated right.

Board Member Bodor stated so that's why the side yard setback...

Mr. Ragonesi stated yes. Because it's still 15 and I have to come in for it.

Board Member Bodor stated that's right.

Mr. Ragonesi stated I figured I'd try that because I want to keep it the same as the other side of the house.

Board Member Bodor stated right.

Mr. Ragonesi stated if it didn't work, I would just knock it in like they were asking...

Board Member Bodor stated yes.

Mr. Ragonesi stated or like they had suggested.

Board Member Bodor stated this way it's going straight back.

Mr. Ragonesi stated yes.

Chairman Buzzutto stated and the height...

Board Member Bodor stated following a line.

Chairman Buzzutto stated and the height was going to be the same...

Mr. Ragonesi stated yes.

Chairman Buzzutto stated with the A-frame up on top.

Mr. Ragonesi stated yes. No basement. No second floor. I don't know how they're going to pitch it. I mean, you know...

Chairman Buzzutto stated yes, well...

Mr. Ragonesi stated the pitch may be a little higher than the other one. I'm not quite sure. But definitely nothing but one ceiling.

Chairman Buzzutto stated yes. Right. Okay.

Mr. Ragonesi stated that's it.

Chairman Buzzutto stated does any of the Board have any more questions on that particular...Do we have any input from the audience. Alright. I'd like to close the public hearing.

Board Member Bodor stated I'll second the motion.

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

Chairman Buzzutto stated you have a...

Board Member Olenius stated I do, Sir.

Chairman Buzzutto stated do you have it.

Board Member Olenius stated yes.

Chairman Buzzutto stated okay, good.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
John Ragonesi, Case #22-10
Enlargement of a Nonconforming Building

WHEREAS, *John Ragonesi* is the owner of real property located at 16 Warren Drive (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.79-1-85**, and

WHEREAS, *John Ragonesi* 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 an addition to his house consisting of a great room and a deck, 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 15' side yard setback; Applicant can provide 10'; 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 30, 2010 and September 15, 2010***, and a site walk was conducted on ***September 9, 2010***, to consider the application; and

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

1. the proposed application ***will not*** produce an undesirable change in the character of the

neighborhood *because the proposed addition to the home will continue with the preexisting sideline of the existing home.*

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the existing home is already inside the setback requirements as currently stated within the Code.*
3. the variance requested *is not* substantial *due to the already preexisting setbacks on 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 most of the proposed addition is going in place of an already existing deck which is being removed.*
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 *John Ragonesi* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct an addition consisting of a great room and deck.

Board Member Bodor stated I'll second it.

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

Resolution carried by a vote of 5 to 0.

Mr. Ragonesi stated that sounded official. Thanks.

[Laughter]

Board Member Olenius stated good luck.

Board Member Bodor stated it is official.

Mr. Ragonesi stated it is. Well, everybody have a nice holiday. Thanks a lot. Appreciate it.

Board Member Olenius stated you, too.

Board Member Bodor stated thank you.

Board Member Burdick stated good luck.

Board Member Olenius stated good luck with that.

Board Member Bodor stated good luck.

Mr. Ragonesi stated thank you.

5) DANIEL VENEZIA CASE #23-10

Mr. Daniel Venezia was present.

Chairman Buzzutto stated okay. The next one would be Daniel...

The Secretary read the following legal notice:

Daniel Venezia Case #23-10 – Area Variance

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to enlarge the existing rear deck to 12' x 43'. The Code requires a minimum 30' side yard setback; the dwelling is situated 22' and 26', respectively, from the side property lines. This property is located at 70 Highview Drive (R-1 Zoning District).

Chairman Buzzutto stated okay. Do you...Raise your right hand, Sir. Do you swear the testimony you provide tonight will be the truth, the whole truth.

Mr. Daniel Venezia stated yes, I do.

Chairman Buzzutto stated okay, fine. Okay, you heard what was on the agenda and legal notice. Does that...

Board Member Bodor stated are you Mr. Venezia.

Mr. Venezia stated yes.

Board Member Bodor stated your name please.

Mr. Venezia stated Daniel Venezia.

Board Member Bodor stated and address.

Chairman Buzzutto stated address.

Mr. Venezia stated 70 Highview Drive.

Board Member Bodor stated thank you.

Chairman Buzzutto stated okay. Is that the same or is there anything added to what was read into the minutes on the legal notice.

Mr. Venezia stated no. That's perfect.

Chairman Buzzutto stated that's the way it...

Mr. Venezia stated that's perfect what it says.

Chairman Buzzutto stated alright...

Board Member Bodor stated there is a deck there already and you're just wishing to enlarge it.

Mr. Venezia stated yes. It's currently 23' x 10' right now.

Board Member Bodor stated okay. And you would like to make it...

Mr. Venezia stated I would like to make it bigger.

Board Member Bodor stated and what will be the finished size.

Mr. Venezia stated 12' x 43'.

Board Member Bodor stated 12 x 43.

Mr. Venezia stated yes.

Board Member Olenius stated how wide is your existing home.

Mr. Venezia stated the house itself is 50'.

Board Member Olenius stated 50'.

Mr. Venezia stated yes, the width.

Board Member Olenius stated so it's not the full width of the house.

Mr. Venezia stated no.

Board Member Olenius stated it's inside of it.

Mr. Venezia stated I have pictures if that helps out.

Chairman Buzzutto stated fine, yes.

Board Member Bodor stated yes, you have pictures. We love pictures.

Mr. Venezia stated the best I could with what was there.

Board Member Bodor stated thank you.

Chairman Buzzutto stated Highview [Drive]. Is that off Ferris, Highview.

Board Member Bodor stated Bullethole [Road].

Board Member Burdick stated or Fair Street. Depending on which...

Chairman Buzzutto stated oh, yes.

Board Member Burdick stated side.

Chairman Buzzutto stated I remember we were up there for something.

Board Member Bodor stated the new piece comes out to Fair Street.

Chairman Buzzutto stated I think it was a handicapped that we went out there for.

Board Member Burdick stated yes. There was an accident or something in the family.

Chairman Buzzutto stated yes.

Board Member Bodor stated yes.

Mr. Venezia stated the pictures with the yellow tape is just pretty much a footprint of what the new deck would be; How far it would go.

Board Member Bodor stated the old deck looks like it's in need of repair.

Mr. Venezia stated yes. It's just for the dog to get in and out, that's about it.

Board Member Bodor stated are the adjoining lots occupied. Are there residences on those.

Mr. Venezia stated yes. Yes there are.

Board Member Bodor stated oh, I see right here there's one, in this picture. As I'm asking you the question. Yes, don't go up and down the stairs.

Mr. Venezia stated you see it broke. The dog did that. And he's only about 50 pounds.

Board Member Bodor stated oh my. Okay.

Board Member Olenius stated it states in your application that the dwelling is situated 22 feet and 26 feet from the sidelines on...I'm assuming that's 22' on one side, 26' on the other side.

Mr. Venezia stated yes. Looking from the back of the house, the right side is 22' and the left side is 26'.

Board Member Olenius stated okay. Now my question to you is if the deck is not the full width of the rear of the house, how much will the deck encroach on the sidelines on either side when completed. Because it's...

Mr. Venezia stated it's going...

Board Member Olenius stated narrower than the house.

Mr. Venezia stated right. It will, well, it's going to come out 12' from the back of the house.

Board Member Olenius stated yes. But that doesn't make it necessarily encroach on the sidelines.

Mr. Venezia stated only on one sideline it will actually go in farther, the right side.

Board Member Olenius stated okay.

Mr. Venezia stated it will come out...I don't know the distance. Whatever out within...

Board Member Olenius stated will it be more than the corner of the home is now on that sideline. Will it encroach more than that.

Mr. Venezia stated you'll probably...You might be able to see it if you look...if you stand from the side of the house.

Board Member Olenius stated I only ask because I can see from your survey that the houses...

Mr. Venezia stated it's a little crooked, yes, it's a little crooked on the property. That's the side that...

Board Member Olenius stated oh, it's noted on this other...

Board Member Bodor stated yes. This one survey, does this clarify.

Board Member Olenius stated yes. So I...

Board Member Bodor stated is that what you're looking at now.

Board Member Olenius stated looked at the top one. I didn't look at the bottom one. The deck is actually going to be...

Board Member Bodor stated it's not the full back of the house.

Board Member Olenius stated it's not going to...But it's not going to encroach as much as the home does.

Board Member Bodor stated that's right.

Board Member Burdick stated Lars...

Board Member Olenius stated it's going to be less.

Board Member Burdick stated those pictures might help with the marks right there.

Board Member Bodor stated look at those.

Board Member Olenius stated okay.

Chairman Buzzutto stated oh yeah.

Board Member Bodor stated no, the house is extending beyond the proposed deck on both sides.

Board Member Burdick stated yes.

Board Member Olenius stated right. It's not like the deck is going to be even closer than the current house is.

Board Member Burdick stated no.

Board Member Bodor stated no. Not according to this picture.

Board Member Burdick stated and not according to the layout that he provided in the pictures.

Board Member Bodor stated yes, right. Here's this one. This one here.

Board Member Burdick stated yes. The left side is...

Board Member Bodor stated here's the...

Board Member Burdick stated significantly narrower than the house.

Board Member Olenius stated I like the yellow tape, that's good.

Chairman Buzzutto stated well, it turns out that the deck is going to be the same footprint as the other one except that it's going to extend out further.

Board Member Bodor stated no.

Chairman Buzzutto stated is that...

Board Member Bodor stated yes.

Chairman Buzzutto stated yes. It's going...

Board Member Bodor stated but it's not going to go beyond the house.

Chairman Buzzutto stated that's right.

Board Member Bodor stated if you look at this one here...

Chairman Buzzutto stated well that's basically...

Board Member Bodor stated here's the end of the house, here's the end of the house. It's going to be 6' from the...

Chairman Buzzutto stated right.

Board Member Bodor stated one end of the house and 1' from the other end of the house.

Chairman Buzzutto stated I think it's just going to come out further out this way.

Board Member Bodor stated out to the back further.

Chairman Buzzutto stated right.

Board Member Bodor stated right. Into the backyard.

Chairman Buzzutto stated okay. What's this.

Board Member Bodor stated are you alright. Do you see that now, Lars.

Board Member Olenius stated yes. I do. I just wasn't sure...

Board Member Bodor stated it's on this, too, actually.

Board Member Olenius stated yes, I like this, actually, this other survey.

Board Member Bodor stated yes.

Board Member Olenius stated I hadn't noticed. It must have been stuck together because I saw the first one, not the new drawings. It makes it much easier.

Board Member Bodor stated thank you for taking pictures of it taped out, too.

Chairman Buzzutto stated yes.

Board Member Bodor stated it's good.

Board Member Olenius stated judging from this picture, your neighbors houses have relatively large decks, too. As I look through the...

Mr. Venezia stated the one...Yes. The one...the two over that I can see, yes, they're pretty big.

Board Member Olenius stated it's a pretty good distance from the sideline, too, that house. It's not like right on top.

Chairman Buzzutto stated you're looking for 12' x 43'. The setback 30'. 22' by...

Board Member Olenius stated and you're well screened on driveway side it looks like, judging by this picture.

Chairman Buzzutto stated yes.

Mr. Venezia stated what's that.

Board Member Olenius stated the driveway side of your property, you're well screened from your neighbor on that side.

Mr. Venezia stated yes, the driveway side. Yes, you can't see...

Board Member Olenius stated I see quite a few trees there.

Mr. Venezia stated yes. Yes, that side...

Chairman Buzzutto stated you're basically rebuilding the deck because the one that's there now is...

Mr. Venezia stated yes.

Chairman Buzzutto stated finished. It's going to be...

Mr. Venezia stated that's beyond...

Chairman Buzzutto stated torn down.

Mr. Venezia stated that's coming down, yes.

Chairman Buzzutto stated or you're going to replace it.

Mr. Venezia stated that's coming down completely, yes.

Chairman Buzzutto stated but that's why you're doing it, because the deck is...

Mr. Venezia stated yes.

Chairman Buzzutto stated in poor shape.

Mr. Venezia stated the deck is in very bad shape.

Chairman Buzzutto stated where'd I see that. I don't think there's anybody from the audience that has any input. But I'll ask. Any input from the audience. No. Okay.

Board Member Herbst stated Sarah, you want to hand them back to (inaudible).

Chairman Buzzutto stated does the Board have anymore questions on this.

Board Member Olenius stated it seems pretty clear-cut to me...

Chairman Buzzutto stated yes.

Board Member Olenius stated from the submission of the packet.

Board Member Burdick stated yes.

Board Member Bodor stated yes.

Board Member Olenius stated I don't...

Board Member Burdick stated I agree.

Board Member Bodor stated yes.

Chairman Buzzutto stated okay.

Board Member Bodor stated especially with the pictures.

Chairman Buzzutto stated okay, so I'll make a motion to close the public hearing.

Board Member Burdick stated second.

Chairman Buzzutto stated all in favor. Motion passed by a vote of 5 to 0.

Chairman Buzzutto stated public hearing closed. Okay. Who has the...

Board Member Olenius stated I can do it.

Chairman Buzzutto stated you got that again. You're great. I like you.

[Laughter].

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Daniel Venezia, Case #23-10
Enlargement of a Nonconforming Building

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

WHEREAS, *Daniel Venezia* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of a nonconforming building, in order to enlarge the existing rear deck to 12' x 43', 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 30' side yard setback; Applicant's dwelling is situated 22' and 26' from the side property lines; 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 *September 15, 2010* to consider the application; and

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

1. the proposed application *will not* produce an undesirable change in the character of the neighborhood *because the proposed deck in entirety in the rear yard and mostly replacing an existing structure and not expanding any closer to the sideline than the existing home.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the positioning of the existing home which is already encroaching in to the current Code setback requirements.*
3. the variance requested *is not* substantial *nor sufficient so as to cause a denial of the requested variance.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the increase in impervious coverage is still well within limits due to the size of the property and the fact that the existing deck is going to be removed; it's not an addition to the existing deck, it's in place of the existing deck.*
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 *Daniel Venezia* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to enlarge the existing rear deck to 12' x 43'.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay.

Board Member Bodor stated you can go home and build your deck once you get a building...

Mr. Venezia stated do I have to come back for a permit still.

Board Member Bodor stated yes.

Mr. Venezia stated thank you very much.

Chairman Buzzutto stated okay. Good luck.

Board Member Olenius stated good luck.

Mr. Venezia stated good night.

ROBERT STANTON CASE #21-10 CONTINUED

Mr. Robert Stanton was now present.

Chairman Buzzutto stated okay. All set. About to go with Mr. Stanton.

Mr. Robert Stanton stated yes.

Board Member Olenius stated I remain recused...

Chairman Buzzutto stated that's right.

Board Member Olenius stated for this case.

Board Member Burdick stated Chairman, I'd like to just state for the record that I believe the Applicant is a state police officer. Is that correct. My niece's husband is also a state police officer, did work out of the Brewster barracks. So there may be familiarity with the Applicant. I don't think that would cause a problem in my part, but I just wanted that for the record.

Mr. Stanton stated okay.

Chairman Buzzutto stated okay. Very good.

Mr. Stanton stated I do have the new layout from the Board of Health.

Chairman Buzzutto stated okay. We've already had read the legal notice. Well, it's the same from the previous meeting. Nothing was changed from the (inaudible).

Mr. Stanton stated correct.

Chairman Buzzutto stated okay. Now the reason for building this is strictly to accommodate your...Is it your relatives.

Mr. Stanton stated correct. My parents.

Chairman Buzzutto stated parents. A small apartment, an accessory.

Mr. Stanton stated that is correct.

Board Member Bodor stated could you explain the reason for accommodating your parents, because part of the Special Use Permit for this states:

“With the exception that the accessory apartment will be used for person(s) related by blood or marriage and that a special or unique hardship exists.”

So we need to hear from you what that special or unique hardship...

Mr. Stanton stated okay.

Board Member Bodor stated is that...

Mr. Stanton stated the main issue is based on health care. Both my parents do have a health issue which I did explain to you at the site.

Board Member Bodor stated explain it for the record now, if you would.

Mr. Stanton stated they both are suffering from cancer at this time. My mother has colon cancer, my father has prostate cancer. And based on that and the high cost of health care with nursing homes, they figured that probably the best thing that I can assist in taking care of them because they have taken care of me for my early adult, so time to repay the favor for them.

Chairman Buzzutto stated and where do they reside now.

Mr. Stanton stated right now in the Town of Somers.

Chairman Buzzutto stated Town of Somers.

Mr. Stanton stated yes. They're also in a lake community just like Putnam Lake area, they're in Lake Lincolndale. They have a smaller house there that they want to...

Chairman Buzzutto stated it's like assisted living.

Mr. Stanton stated it's a regular residence but they're trying to liquidate all their assets so they don't have anything in their name.

Chairman Buzzutto stated but they're not getting any care now.

Mr. Stanton stated no. Not...Well, their regular medical care, correct.

Board Member Bodor stated but there's no one coming in. They don't need the assistance of a home health aid or a nurse...

Mr. Stanton stated not right now.

Board Member Bodor stated coming into their house.

Chairman Buzzutto stated not right now.

Mr. Stanton stated no, this would be for...

Board Member Bodor stated they're able to live on their own...

Mr. Stanton stated correct.

Board Member Bodor stated without additional persons coming in.

Mr. Stanton stated that's correct. I would be there to assist them if they need any assistance in the future.

Chairman Buzzutto stated and the building that was on that property now, there's no accommodations there that they could...

Mr. Stanton stated there is no building on this property now.

Chairman Buzzutto stated well, the house that we've seen there. The one that you were mowing the lawn on and stuff like that.

Mr. Stanton stated right.

Chairman Buzzutto stated that's yours.

Mr. Stanton stated that's mine. That's going to be either rented out or sold in the future.

Chairman Buzzutto stated oh, I see. But you couldn't accommodate them there eventually.

Mr. Stanton stated no. It's not large enough.

Chairman Buzzutto stated yes, okay.

Board Member Bodor stated you're also seeking a variance for the road frontage. Has there been any attempt to purchase extra yardage so that you wouldn't have to come to us to ask for that variance.

Mr. Stanton stated there's nothing available because to the left and right there's two separate residence that in Putnam Lake, you have very small lots, so they're at their max already.

Board Member Bodor stated alright. And the properties on each side of the 60' opening...

Mr. Stanton stated correct.

Board Member Bodor stated are already built on. Is that correct.

Mr. Stanton stated correct.

Chairman Buzzutto stated well, I thought the property that was on the right side...no, the left side, facing us, was your property anyway.

Mr. Stanton stated correct. It's my property but it's not a very large lot. It's only...And there's a well...

Chairman Buzzutto stated separate tax and everything.

Mr. Stanton stated separate tax maps and everything. Everything's separate.

Chairman Buzzutto stated alright.

Mr. Stanton stated and if I do sell it, you know, it's going to be someone else's property.

Rich Williams stated that's what you need to tell them.

Mr. Stanton stated okay. They're in separate, different names.

Chairman Buzzutto stated oh, they're...

Mr. Stanton stated the residence that I own there and then the property, is in different names. So there's not a conflict...

Board Member Bodor stated well, those two parcels have different names on them.

Mr. Stanton stated correct. Yes.

Board Member Bodor stated there's the hundred...1.99 acres and then this is separate.

Mr. Stanton stated correct.

Board Member Bodor stated titled separately.

Mr. Stanton stated correct.

Chairman Buzzutto stated well, the road frontage you're asking for...

Board Member Bodor stated is 15'...

Chairman Buzzutto stated 15'.

Board Member Bodor stated variance, if I'm correct. I think so. They have 60 [feet], and need 75 [feet].

Chairman Buzzutto stated yes. Let's see what else we've got here.

Board Member Bodor stated I will say it's a lovely piece of property.

Mr. Stanton stated thank you.

Board Member Bodor stated nice, big piece of property. And what you've done with it already, working on the terrain and all, it certainly sets it all.

Mr. Stanton stated yes. A lot of work.

Board Member Bodor stated it's on top of the world there.

Chairman Buzzutto stated it was beautiful.

Board Member Bodor stated I have to, as an aside too, it has nothing to do with anything, but when we were there, the wind was blowing and it was quite cool. The next property we went to was down at the lake level almost, we took off our jackets down there because it was warm.

Chairman Buzzutto stated yes, it was warm.

Mr. Stanton stated no kidding.

Board Member Bodor stated yes, the temperature difference was amazing because there was a breeze up above, too.

Mr. Stanton stated makes sense.

Board Member Bodor stated yes.

Chairman Buzzutto stated if a variance is granted on that, when would this be available to live in.

Mr. Stanton stated I'm in the process right now to...working with a modular home company. Also in the process to go through Putnam County Savings Bank to get a loan. And as long as those go through, which I don't see a problem with, then I'm going to wait out doing it in the winter, and then start in the spring.

Chairman Buzzutto stated yes. Well, if you start in the spring, it would be ready by...

Mr. Stanton stated I would say around this time next year.

Chairman Buzzutto stated yes. So midsummer or late summer. Or early fall.

Mr. Stanton stated correct.

Chairman Buzzutto stated okay. And then your parents would move in immediately.

Mr. Stanton stated as soon as they can sell their house and they would definitely come in.

Board Member Bodor stated suppose they're not able to sell that house for a couple years.

Mr. Stanton stated if it's...Then I guess I wouldn't have them in there until I can get it done. There's no reason to have anybody else in there until I can have it done.

Board Member Bodor stated yes. But you see, this is obviating the fact that they need the care. If they need the care then they need to move whether their house is sold or not.

Mr. Stanton stated right.

Board Member Bodor stated you see where coming from.

Chairman Buzzutto stated yes.

Board Member Bodor stated the hardship piece.

Mr. Stanton stated correct.

Board Member Bodor stated so whether their house is sold or not, if they need care, they need to be removed from that house.

Mr. Stanton stated it makes sense.

Board Member Bodor stated and a special condition of this situation, because the house is not owner occupied for a period of time prior to the accessory apartment being created, there's that piece that I read before about a unique hardship. And this is where I'm backtracking to.

Mr. Stanton stated right. I just don't know what their future is, you know, with their health issues. To what extent; It could be a more positive thing or a negative thing. But right now, they're, you know, they're not...They're very nervous about what could possibly happen based on them not doing the proper checkups with their health issues over the years. So I want to make it...accommodate them, in case worst case scenario, something might happen. I'd like to have that, you know...

Chairman Buzzutto stated well...

Mr. Stanton stated that facility there in case...

Chairman Buzzutto stated could the house be built...I mean, how am I going to put this. Could the house be built and not create the accessory apartment until they are ready, they would come before us to...Would that be feasible. Say it would be two years before they could come to live with you. Because that...I'm trying to say something...

Board Member Bodor stated couldn't the downstairs be left...not have the kitchenette in it.

Chairman Buzzutto stated yes.

Board Member Bodor stated have a...You can have a bathroom in the basement of a house, a finished basement.

Mr. Stanton stated yes.

Board Member Bodor stated a playroom, an open space playroom. It's not an accessory apartment.

Chairman Buzzutto stated no.

Board Member Bodor stated with no kitchenette in there. It's certainly is not an accessory apartment. So, then we wouldn't be looking at an accessory apartment...

Chairman Buzzutto stated that's what I'm trying to...

Board Member Bodor stated yes. Just a large open space with a bathroom...

Chairman Buzzutto stated yes.

Board Member Bodor stated ready to accommodate the need when it's there.

Mr. Stanton stated it would make sense. I think I was just more anxious to get it done and get it finished with and, you know, it would be a lot cheaper for me to get everything done at once than to wait later on, whether they'll be there or not.

Chairman Buzzutto stated but I think the Code...

Carl Lodes stated especially when. The special and unique hardship...

Board Member Bodor stated is not...

Chairman Buzzutto stated not the same...

Board Member Bodor stated there today.

Carl Lodes stated right.

Chairman Buzzutto stated you can build it and then wait until you need it...

Carl Lodes stated and then they can just...

Chairman Buzzutto stated and come to us before...for a Special Use Permit or whatever you want to call it.

Carl Lodes stated yes. Right. No, I agree.

Chairman Buzzutto stated I mean, I don't know.

Carl Lodes stated no, I agree with it. At this present time...

Chairman Buzzutto stated that's what I'm trying to...I couldn't put it into...

Carl Lodes stated right.

Chairman Buzzutto stated whatever.

Carl Lodes stated well, you did.

Board Member Burdick stated I agree with you guys, but if anybody's gone through this themselves, they know how quickly these conditions can change. And I would just be concerned that if it, you know, took a turn for the worst quickly, if he would have enough time...

Board Member Bodor stated well, that's true, too.

Board Member Burdick stated to do that. I mean, he's...

Board Member Bodor stated but...

Mr. Stanton stated it would make it much easier to know that it's there and they can come in as soon as they're ready to come in and not have the issue of trying to find someone to build or construct it, whatever it is, in case they do have...

Chairman Buzzutto stated you could have it almost 90%...

Board Member Burdick stated so you're saying give the approval, just keep the kitchen out of it.

Chairman Buzzutto stated yes. Well...

Board Member Burdick stated is that basically what we're saying.

Chairman Buzzutto stated yes.

Board Member Bodor stated then it's not an accessory apartment.

Chairman Buzzutto stated then it's not, yes.

Board Member Burdick stated so all that would...

Board Member Bodor stated it's just a large room...

Board Member Burdick stated have to be done is the kitchen.

Board Member Bodor stated with a bathroom. Yes, just set in the kitchenette.

Chairman Buzzutto stated yes.

Board Member Bodor stated couldn't it be finished off and ready to hook up.

Carl Lodes stated well, that's what I'm saying. You can have it almost just about... You know, the piping...

Board Member Bodor stated it's just not...

Carl Lodes stated it's just not...

Board Member Bodor stated it's just not an apartment.

Chairman Buzzutto stated not yet.

Carl Lodes stated again...

Chairman Buzzutto stated when it's needed...

Carl Lodes stated yes.

Chairman Buzzutto stated they come before us and it would be however long you have to do whatever you got to do to accommodate it.

Board Member Burdick stated so do all of the plumbing and everything...

Mr. Stanton stated plumbing and wiring...

Chairman Buzzutto stated yes.

Mr. Stanton stated right.

Board Member Burdick stated just don't do the installation.

Board Member Bodor stated don't make it an apartment.

Board Member Burdick stated just don't put the...

Chairman Buzzutto stated see, this application...

Board Member Burdick stated appliances in.

Chairman Buzzutto stated sort of puts us on the spot, really, with the...It's supposed to be 3 years old or 5 years old.

Carl Lodes stated five.

Chairman Buzzutto stated it's supposed to be lived in.

Board Member Bodor stated construction to be at least 5 years old. Owner occupied for at least one year prior to the initial application.

Chairman Buzzutto stated yes.

Board Member Bodor stated with the exception that the accessory apartment will be used for persons related by blood or marriage and that a special or unique hardship exists. Will exist. Probably. But today it doesn't exist, and this is what I'm stuck with. I don't know. That's my thought.

Chairman Buzzutto stated well, that's the way I feel about it. I mean, you could get all the permits to do what you've got to do and then come to us later and ask for the special permit make it an accessory apartment which would be...you would have everything 90% done.

Mr. Stanton stated okay.

Chairman Buzzutto stated it's my opinion. I don't know.

Board Member Bodor stated Jerry, you got any input.

Board Member Herbst stated well, I can see his point, too...

Board Member Bodor stated yes.

Board Member Herbst stated that, you know, the more you delay on it the higher things are going to go. And so I can see if he's already got somebody working at that whatever time you start this that it's more reasonable to do...

Chairman Buzzutto stated well, we're not delaying it.

Mr. Stanton stated worst case scenario, if it was completed and it was done and they didn't move in until six, seven month later, it would just be a vacant apartment. It wouldn't be used. There would be nothing there. It would just be ready to go.

Chairman Buzzutto stated it would be ready to go.

Mr. Stanton stated right.

Chairman Buzzutto stated you just have to come before the Board...

Board Member Bodor stated that's true, too.

Chairman Buzzutto stated to get the approval...

Mr. Stanton stated right.

Chairman Buzzutto stated for the...

Mr. Stanton stated but at least when I'm doing that, building the project and all the guys are in there, at least they can knock it out, it's all done so I don't worry about it.

Chairman Buzzutto stated that's right, yes.

Mr. Stanton stated about construction, maybe possibly higher costs. So it's done and then if it's vacant for six months...

Chairman Buzzutto stated see, then it becomes an emergency or...

Mr. Stanton stated right. Well, if it's vacant for six months, but everything's done, then it will be done. I don't have to worry about last minute construction. Last minute, you know...

Chairman Buzzutto stated get the approvals on the codes or whatever, at that time instead of now. And that's my opinion. I mean, am I...

Mr. Stanton stated I mean, overall it would be easier that it would be done, I won't have nothing to worry about in case there was a more serious issue or if...I mean, their house could be ready to move in at six months...

Chairman Buzzutto stated yes.

Mr. Stanton stated I might have to find them something else which I wouldn't want to, but I'm trying to get going on this so they don't have a...

Chairman Buzzutto stated it's just that we don't want to open up a situation where everybody and their brother will be building and asking for a...

Mr. Stanton stated correct.

Chairman Buzzutto stated immediate...

Mr. Stanton stated which I understand.

Chairman Buzzutto stated yes.

Mr. Stanton stated but if their house sells, you know, prior to me doing the house or in eight months and then, you know, I wouldn't...I mean, overall I just believe that it would be easier if it were all said and done; everything was finished and then as soon as they were ready...

Chairman Buzzutto stated well, that you could do, basically. Well, except you would have to leave something off...something out so it's not an apartment. Something simple like a stove or something like that.

Board Member Bodor stated you know what, we can...well. Yes, but...

Chairman Buzzutto stated go ahead.

Board Member Bodor stated let's get rid of the, you know, let's not...I'm focusing on unique. And it's not unique. Special. Let's...Special or unique. A special hardship does exist. It's just not to the point where it's real, real serious yet. You know, they don't need the care. But it is a special hardship. You know, currently, that they are not in good health.

Mr. Stanton stated correct.

Board Member Bodor stated if we take, you know, if we take the completion of that apartment out of here, this just changes the whole thing. That's what I'm looking at. I'm trying to get back to this.

Chairman Buzzutto stated yes, but you could set up the rooms almost to the point where you could just hook up a pipe or something and make it...come before the Board for the approvals. Something simple and quick.

Board Member Bodor stated yes.

Chairman Buzzutto stated I don't know. Rich, do you have any ideas on something like that. You've...

Rich Williams stated as far as...

Chairman Buzzutto stated well, on what we're trying to cut out.

Mr. Stanton stated what makes it an apartment compared to not making it an apartment. If I...

Chairman Buzzutto stated I don't know. That's what I want to find out.

Mr. Stanton stated okay. If I could do everything and maybe just not put the stove in until they're ready.

Rich Williams stated you could probably do all the roughing on the utilities, it's not...

Chairman Buzzutto stated well, that's what I...

Rich Williams stated an apartment. You know, if it doesn't have, you know, the kitchenette in there. It doesn't have the stove or the refrigerator...

Mr. Stanton stated right.

Rich Williams stated it doesn't have the kitchen. But if, you know...

Mr. Stanton stated but...

Rich Williams stated the apartment is still there.

Mr. Stanton stated right. So I can do everything except for putting the kitchen or putting the refrigerator in, the stove.

Rich Williams stated I believe that's the case. I mean, that would need to be confirmed by the Building Inspector. But it...

Chairman Buzzutto stated yes.

Rich Williams stated but I believe that to be the case that you can do the rough in.

Chairman Buzzutto stated well, that's what I mean. So it would be something simple for him to do later if the point comes where his parents need to be taken in immediately. So everything would be 90% done. Just hook it up, come before us and get the approval for the accessory apartment.

Mr. Stanton stated right. So I can get everything done except for...

Chairman Buzzutto stated yes.

Mr. Stanton stated for the stove, microwave, refrigerator.

Chairman Buzzutto stated but that's my opinion. I don't know.

Rich Williams stated I think so.

Carl Lodes stated I think the Building Inspector would say, because I agree, he just have it...just keep those three appliances...

Chairman Buzzutto stated yes.

Carl Lodes stated basically out of it.

Mr. Stanton stated yes.

Carl Lodes stated and then have it all wired and...

Board Member Bodor stated keep them in the garage...

Mr. Stanton stated yes.

Board Member Bodor stated ready to move.

Chairman Buzzutto stated I would rather stay away from the accessory apartment at this time.

Carl Lodes stated I agree.

Chairman Buzzutto stated and...But you could have everything ready, I mean, it's...

Mr. Stanton stated right.

Chairman Buzzutto stated not that we're stopping you from building it...

Mr. Stanton stated right.

Chairman Buzzutto stated but just to grant you that at this time without you living in it or something like that, or being built. I don't know, what do you think Jerry.

Board Member Herbst stated I agree with that.

Chairman Buzzutto stated so how will we put that into a resolution.

Board Member Bodor stated well this request was for a special use permit for an accessory apartment. And if we go with what we're talking about, then this...

Carl Lodes stated it's just you really would just have to worry about the area variance.

Mr. Stanton stated what would the difference mean...I mean, what would the difference be if I had the approval for accessory apartment next September or now, compared to a year from now. What would the difference be.

Chairman Buzzutto stated well, you'd be living in the dwelling yourself, right.

Mr. Stanton stated correct.

Chairman Buzzutto stated it would be occupied. Right now it's not occupied.

Mr. Stanton stated there's nothing there.

Chairman Buzzutto stated so what happens now is that your accessory apartment and you living there comes at the same time. And according to the Code, you're supposed to, what, three years.

Board Member Bodor stated five years old.

Carl Lodes stated five.

Chairman Buzzutto stated five years.

Board Member Bodor stated five years old and a year owner occupied.

Chairman Buzzutto stated yes. So we've got to have some leeway not to give the approval on the accessory apartment at this particular time.

Board Member Burdick stated we're just trying to minimize the variance.

Chairman Buzzutto stated yes.

Mr. Stanton stated right.

Board Member Burdick stated that's what we're trying to do.

Mr. Stanton stated okay.

Chairman Buzzutto stated and we're not trying to stop you from delaying from building or anything like that, it's just that, like Rich said, you could have everything (inaudible) in the garage like that, ready to go. It's like we opened up like, what do you call it, Pandora's box. Everybody would be building and asking for the same thing. And they'd say, well, you did it for this one. It's my opinion. I don't know.

Board Member Bodor stated well, I'm just concerned that, you know, being, you know, concerned I hope they remain in good health.

Mr. Stanton stated I hope so.

Board Member Bodor stated and concerned that...

Mr. Stanton stated I want them around for a long time.

Board Member Bodor stated they're not going to be able to get rid of the house while they're in good health...

Mr. Stanton stated right.

Board Member Bodor stated and that, you know, here you've come in, with good intentions, of preparing a place for them to come to when they do need assistance and when the house has sold. But it hasn't happened yet.

Mr. Stanton stated right.

Board Member Bodor stated so, I don't know what to do with this reso now.

Carl Lodes stated I think you still only have to just deal with area variance.

Board Member Bodor stated just do the area variance.

Carl Lodes stated yes. Because he has...He's got the right to get a permit for that.

Board Member Bodor stated he has to have this withdrawn.

Carl Lodes stated you could ask to withdraw it as part...

Chairman Buzzutto stated yes.

Carl Lodes stated without prejudice.

Chairman Buzzutto stated okay. Now when it comes in, it would come under a new application for the accessory apartment.

Carl Lodes stated yes.

Board Member Bodor stated yes.

Carl Lodes stated yes. Because he can get a permit for the house, that's not the issue. It's the accessory apartment.

Chairman Buzzutto stated that's right. Yes, just for the apartment.

Carl Lodes stated so you'd just come back and give...

Chairman Buzzutto stated go for the variance...

Carl Lodes stated just come back, like you said, and just put the appliances in it and you're ready to go. So I think you just have to deal with the area variance.

Board Member Bodor stated yes. We'll deal with that. But let's...This request for...Do you understand.

Mr. Stanton stated yes, I understand.

Board Member Bodor stated okay. I'm going to respectfully request that you withdraw this application currently...

Mr. Stanton stated okay.

Board Member Bodor stated for the Special Use Permit for an accessory apartment, without prejudice.

Mr. Stanton stated sure.

Board Member Bodor stated okay. Is that agreeable.

Mr. Stanton stated not a problem.

Chairman Buzzutto stated I don't think it's going to hold you up on anything.

Mr. Stanton stated no. I mean, I got...

Chairman Buzzutto stated it's just that the accessory apartment will be done at a later date.

Mr. Stanton stated right.

Chairman Buzzutto stated after the house is built, after you live in it, stuff like that. And it fits in with the things that we abide by, the codes. Can you...

Board Member Bodor stated yes.

Chairman Buzzutto stated that resolution there.

Board Member Bodor stated alright, we have a resolution.

Board Member Bodor read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Robert Stanton, Case #21-10
*For an Area Variance for Construction...***

Chairman Buzzutto stated oh, we have to close the...

Carl Lodes stated that's what I was saying. Did you close...

Board Member Bodor stated he didn't. We didn't.

Carl Lodes stated the meeting has to be closed.

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

Board Member Bodor stated I'll second it.

Chairman Buzzutto stated all in favor. Motion carried by a vote of 4 to 0.

Chairman Buzzutto stated so be it.

Board Member Bodor stated okay.

Board Member Bodor continued to read the following resolution:

For an Area Variance for Construction of a Single-family Dwelling

WHEREAS, *Robert Stanton* is the owner of real property located at 70 Newburgh Road (RPL-10 Zoning District), also identified as **Tax Map Parcel # 25.54-1-28**, and

WHEREAS, Robert Stanton has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code in order to construct a three bedroom, single-family dwelling, and

WHEREAS, §154-7 of the Patterson Town Code requires a minimum of 75' of road frontage in the RPL-10 Zoning District; Applicant has 60'; ***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 30, 2010 and September 15, 2010*** and a site walk was conducted on ***September 9, 2010***, to consider the application; and

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

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because the area is quite undeveloped and the Applicant has 1.99 acres. The adjoining properties to the frontage are currently not available; One side of the opening is owned by someone else and the other side is owned by another named parcel and there's a well there that can't be interloped upon.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because this is the only opening to a road that the property has and that is all that's available.***
3. the variance requested ***is not*** substantial. ***It's for 15'; required is 75'; Applicant has 60'.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because of the large sized parcel that the Applicant is dealing with.***
5. the alleged difficulty necessitating the variance ***was not self-created nor is it 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 ***Robert Stanton*** for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***of 15' from the required 75' for road frontage for the construction of a four bedroom, single-family dwelling on a lot with a road frontage of 60'.***

Board Member Herbst stated second.

Board Member Bodor - yes
Board Member Burdick

Board Member Burdick stated I just have a question. Do we want to say a five bedroom, because he can construct the bedrooms downstairs without putting in the kitchenette, correct.

Board Member Bodor stated it was to be one bedroom downstairs. The five count came because...

Mr. Stanton stated what it is, it's the downstairs apartment is considered...it's only one bedroom, but because there's a kitchen in there it's considered bedroom because of water usage. So the main house is three bedrooms, the downstairs, according to the Board of Health, is two bedrooms, but there's only one actual bedroom down there. So the kitchen is considered a bedroom, not because it's going to be taken out and made a bedroom, it's because of the water usage.

Board Member Burdick stated so do we need to say four bedroom...

Mr. Stanton stated four bedroom.

Board Member Burdick stated because there's going to be...

Carl Lodes stated yes, or it could...

Board Member Burdick stated he constructs the bedroom downstairs, it will be four bedrooms.

Mr. Stanton stated okay.

Board Member Bodor stated alright. I'll amend that it's for the construction of a four bedroom, single family dwelling throughout.

UPON ROLL CALL:

Board Member Burdick...

Board Member Burdick stated we need a second.

The Secretary stated Jerry did.

Board Member Burdick stated sorry, I didn't hear you. Second. Did you second it.

Board Member Herbst stated well, I seconded it.

Board Member Burdick stated okay.

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

Resolution carried by a vote of 4 to 0.

Chairman Buzzutto stated that's considered like a flag lot. Would you consider it a flag lot.

Board Member Bodor stated not really. I guess. I don't know. A flag lot usually has a longer driveway, doesn't it.

Chairman Buzzutto stated okay, fine.

Board Member Bodor stated anyway. So you know where things are at. You're okay with all of that.

Mr. Stanton stated yes. Of course. It makes sense.

Chairman Buzzutto stated with delaying the accessory apartment. That's the only thing.

Mr. Stanton stated you've got it.

Chairman Buzzutto stated thank you.

Mr. Stanton stated thank you very much.

Board Member Bodor stated you're welcome and good luck.

Mr. Stanton stated thank you.

Chairman Buzzutto stated good luck.

Mr. Stanton stated thank you very much. Take care.

Board Member Bodor stated I want to see this all when it's finished.

Mr. Stanton stated I know.

Board Member Burdick stated do you need any of these copies back [referring to plans].

Mr. Stanton stated no, I don't need them unless you guys don't need them. That's fine, you know what I mean.

Board Member Burdick stated in case you need them.

Chairman Buzzutto stated you got one.

Board Member Bodor stated since you paid for them.

[Laughter]

Board Member Burdick stated yes.

Mr. Stanton stated thanks.

Chairman Buzzutto stated nicely done.

Board Member Bodor stated it's very nicely done. It's a beautiful rendering. Yes.

Chairman Buzzutto stated good luck to you.

Board Member Bodor stated okay.

GETTY PETROLEUM MARKETING, INC. CONTINUED

Chairman Buzzutto stated we don't have anybody else here. Petroleum...Or Getty's not here. I don't...oh wait.

Board Member Bodor stated Rich, have we heard anything from Petroleum...from Getty.

Board Member Olenius stated apparently the Town Planner stated to me while I was recused that his vehicle broke down on his way to attend here. So he's being towed back to Albany currently, so we'll have to have a postponement or a table until the next meeting.

Board Member Bodor stated okay. Due to car trouble, the Applicant is not able to be with us.

Chairman Buzzutto stated okay.

Board Member Bodor stated so we'll put him off till next time.

Chairman Buzzutto stated okay.

Mr. Stanton stated have a good night.

Chairman Buzzutto stated thank you.

Board Member Bodor stated thank you. Same to you. Good luck.

Chairman Buzzutto stated I hope I didn't stir up a whole bunch of...Because the apartment that...

Board Member Burdick stated no, I think...

Chairman Buzzutto stated I thought it would be better to do it that way.

Board Member Herbst stated so that's it. We don't have any more.

Board Member Burdick stated do we have any other business.

Board Member Bodor stated any other business, folks.

Board Member Olenius stated not that I know of.

Board Member Bodor stated okay.

Chairman Buzzutto stated alright, so...

6) OTHER BUSINESS

a) Minutes

Board Member Bodor stated we have minutes. No.

Chairman Buzzutto stated yes, we have the minutes from the August.

Board Member Bodor stated July 21st.

Board Member Herbst stated it's July not August.

Chairman Buzzutto stated alright.

Board Member Bodor stated did everyone not get an opportunity to look at them.

Board Member Herbst stated don't make the mistake that I made, Buzz.

Chairman Buzzutto stated okay. Alright, the approval of the minutes.

Board Member Bodor stated I'll make a motion to approve the minutes with the correction that was mentioned...

Board Member Herbst stated I'll second.

Board Member Bodor stated one sheet. All in favor. Motion carried by a vote of 5 to 0.

Board Member Bodor stated okay, that's it. Anything else.

Chairman Buzzutto stated so we'll just carry these other two over.

Board Member Burdick stated in other times that we've had situations like this or someone's had an accident...

Chairman Buzzutto stated I think it worked out pretty good though.

Board Member Burdick stated so we've allowed them to...

Board Member Bodor stated I make a motion to adjourn the meeting.

Board Member Burdick stated accessory apartment.

Board Member Olenius stated I'll second.

Meeting was adjourned at 7:57 p.m.