

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
September 16, 2009**

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
David Pierro, Vice Chairman
Michael Montesano
Maria DiSalvo
Charles Cook

**Zoning Board of Appeals
September 16, 2009 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 Gerald Herbst, Board Member Lars Olenius, Carl Lodes, Attorney with Town Attorney's Office Curtiss & Leibell and Rich Williams, Town Planner.

Chairman Buzzutto called the meeting to order at 7:01 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 stated Sarah, will you call the roll.

The Secretary did roll call.

Roll Call:

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

1) CHRISTOPHER SCIARRA CASE #20-09

Mr. Christopher Sciarra was present.

Chairman Buzzutto stated okay. The agenda would be... We'll have to start with Mr. Sciarra. I'm not going to wait [referring to the fact that no other applicants before Mr. Sciarra were present at the time].

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, September 16, 2009 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Christopher Sciarra Case #20-09 – Area Variance

Applicant is requesting an area variance pursuant to §154-27 (8) of the Patterson Town Code, Permitted accessory uses, in order to construct and place a 36' x 60' x 24' 10" barn in his front yard. This property is located at 44 Cushman Road (R-4 Zoning District).

Chairman Buzzutto stated Mr. Sciarra. You want to come up and present your... You want to raise your right hand, Sir. Do you swear the testimony you provide tonight will be the truth, the whole truth.

Mr. Christopher Sciarra stated yes.

Chairman Buzzutto stated okay. Alright, you heard what was read. Is that basically...did anything change from what you have mind.

Mr. Sciarra stated no. I've submitted to the Board some plans for...

Chairman Buzzutto stated yes, we have those.

Mr. Sciarra stated for the barn. About in December we bought the property about four years ago; it will be four years in December. And we were looking to make that our home, my wife and my two children. And we have horses. We currently live in Carmel and we have three horses there. And that was to give them a little bit more room to go. And we're building a house there currently and we'd like to be able to put a barn up on the property and if you look at the way the property goes, it's...See, the house is placed far back and the way that the property goes, it seems like the only real logical place is to put it in the front.

Chairman Buzzutto stated in other words, your property indicates that you have more front yard than you have backyard. Is that what...

Mr. Sciarra stated that's correct.

Chairman Buzzutto stated okay.

Mr. Sciarra stated as of right now, it's...

Chairman Buzzutto stated all your property is in the front.

Mr. Sciarra stated yes.

Chairman Buzzutto stated okay.

Board Member Burdick stated when you were...Because the house in under construction now.

Mr. Sciarra stated yes.

Board Member Burdick stated when you were planning on the house, did you know that you needed the barn...

Mr. Sciarra stated yes we did.

Board Member Burdick stated for the horses.

Mr. Sciarra stated yes.

Board Member Burdick stated why didn't you put the house up front and put the barn in the back.

Mr. Sciarra stated based on the time with the...when my...the engineer was in there, and talking with the various code and Building Departments, the house needed to be placed back there because there are some wetlands...some Town wetlands that are in the area, and that is where my engineer and everybody said that that was the best location and the Town, at the time, said that that would be the best place to place the house.

Chairman Buzzutto stated well, the thing is if you have wetlands there, why is it not going to be wetlands where the barn is going to be.

Mr. Sciarra stated no, there's a part...If you look on map that I have. I have one that I can put up there, as I said [referring to putting plans on the board]. Is this portion that's a buffer, the portion (inaudible – papers shuffling) I think somewhere around 7 or 8 acres of the almost 15 acre property is designated as wetland area. And we would put the...That area is off to one side of the property and the barn maybe away from that area.

Board Member Bodor stated now, but if the barn can be up there in the front where you're proposing to put it, why couldn't the house have been there. A barn and a house, they're both structures of good size.

Board Member Olenius stated is this based maybe upon septic. My only guess.

Mr. Sciarra stated that's...Again, this came is when the...When we took over the project, is it was already plans in with the Building Department for a previous house that was there when we purchased the property. So based on all the engineering reports that...Septic needed to be in that location in order to keep it up and away from the wetlands and...

Board Member Olenius stated and I'm assuming there's no septic associated with the barn.

Mr. Sciarra stated that's correct. There's no plumbing, it's just (inaudible – papers shuffling).

Board Member Bodor stated did I just understand you just said it had been previous to you owning this property, there had been a plan to put a residence on the property at the location where you are now building.

Mr. Sciarra stated that's correct.

Board Member Bodor stated and you just went ahead and decided you wanted to put your house where someone previously...

Mr. Sciarra stated yes, we basically...

Board Member Bodor stated had investigated, so to speak.

Mr. Sciarra stated what...Actually, everything was all through...there were just a few portions that needed to go through the Building Department, like some things that were on the particular plan for when we purchased the property. Of course the house that we had in mind and that they had in design, we wanted it to be a little, you know...

Chairman Buzzutto stated previous owner. Did they have any foundations or anything built on it...

Mr. Sciarra stated no.

Chairman Buzzutto stated yet.

Mr. Sciarra stated no, the land was not even clear.

Chairman Buzzutto stated so it was in it's...

Board Member Burdick stated so it had a preapproval for this house and septic, and you went along with that. Did you at any time discuss with your engineer about the need for the barn and whether or not the house could be moved up front.

Mr. Sciarra stated yes. That was all discussed with Harry Nichols and he was...they said it needs to be there.

Chairman Buzzutto stated Carl, why don't you sit at the table. It would be easier for you [referring to Carl Lodes moving to the front and out of the audience]. Sorry. I don't mean to interrupt you.

Board Member Bodor stated and the house is currently under construction.

Mr. Sciarra stated yes it is.

Board Member Bodor stated and the garage that's indicated here, is that...Where is that at.

Mr. Sciarra stated that's under construction also. That has...

Board Member Bodor stated it's a detached garage.

Mr. Sciarra stated it's a detached garage.

Chairman Buzzutto stated where is that at.

Board Member Bodor stated right here [referring to a survey]. This is Cushman [Road] right here. Right here is Cushman. Where does the driveway go in.

Mr. Sciarra stated it's going to go in...It's on the left-hand side at kind of the edge of the property.

Chairman Buzzutto stated you have a sheet...a map.

Mr. Sciarra stated I have it.

Chairman Buzzutto stated why don't you just put it up on the board there.

Mr. Sciarra stated I can do it that. It's a lot easier.

Board Member Bodor stated is this delineating the wetlands over here [referring to the survey].

Mr. Sciarra stated Cushman Road's down here. Basically the driveway is going to...come out...comes in like this and curves and then it goes to the house like so.

Board Member Bodor stated to access the barn off the same driveway.

Mr. Sciarra stated yes. The barn is going to be...it's about maybe 15 feet off the current driveway where it is.

Board Member Bodor stated okay.

Mr. Sciarra stated I tried to take some pictures of it and it was a little difficult to try and catch everything on...

Board Member Bodor stated and that garage that you're building, what's the distance to the side line there. Do you know.

Mr. Sciarra stated if I remember correctly, it's at least 45 feet. It's within the...We had Terry Bergendorff come in for everything was set in place.

Board Member Bodor stated the line that's weaving back and forth on the right-hand side with the letters "A" and...

Mr. Sciarra stated yes.

Board Member Bodor stated is that...

Mr. Sciarra stated oh, I'm sorry. That's the wetlands.

Board Member Bodor stated that's delineating the wetland...

Mr. Sciarra stated that's delineating the wetlands...

Board Member Bodor stated okay.

Mr. Sciarra stated and then as per Code, there's a 100 foot buffer around that area that I can't...that I do not plan to...I can't go and touch that. So basically, the barn is going to be about probably close to 100' even away from that buffer.

Board Member Burdick stated how far is the barn from Cushman [Road]. Do you know.

Mr. Sciarra stated a guess would probably be 300 to 400 feet.

Board Member Burdick stated and how many stalls are you planning on.

Mr. Sciarra stated it's going to be an 8 stall barn. Basically the size of an 8 stall barn. There's going to be 4 stalls for horses, 2 stalls that we have for basically for hay and supplies, and there would be one room for feed room...basically the size of one stall for our feed room and one stall for tack room.

Chairman Buzzutto stated very good, but that property in the front though, why couldn't the house have been put there though. Why...

Mr. Sciarra stated I never got a good reason at the time other than that...I think the only purpose was that I think the septic area was the main concern. And I think the elevations...

Board Member Olenius stated Sir, I don't mean to interrupt you. Could take the microphone because the secretary has to read them into the minutes and so...You can take it out and go over there [referring to the microphone]. Just so she doesn't...just so she can hear what you're saying for the...

Board Member Herbst stated (inaudible – to distant).

Board Member Olenius stated he said 300. About 300.

Chairman Buzzutto stated this whole parcel's pretty flat though. Isn't...

Mr. Sciarra stated for the most part, it's...

Chairman Buzzutto stated or the part that I'm looking here.

Mr. Sciarra stated yes. It's fairly...It slopes. It basically starts at the end here and kind of slopes and the back area...Actually, this is kind of the highest area right here. So, since I was looking at it today. Actually looking at it, the back area is maybe almost 15 to 20 feet above where the house actually is. It's like we're kind of a little bit on a hill.

Chairman Buzzutto stated on the left, looking at that [referring to the survey], on the left, how close is the residence on the left to you there.

Mr. Sciarra stated the residence is actually, on the left-hand side, their home is...

Chairman Buzzutto stated way down there.

Mr. Sciarra stated is in the front of the property.

Chairman Buzzutto stated would that be visible for the people, the barn. Stuff like that.

Mr. Sciarra stated no.

Chairman Buzzutto stated no.

Mr. Sciarra stated there's actually a buffer there. And actually, they have a barn right in this area, approximately.

Chairman Buzzutto stated yes.

Mr. Sciarra stated and what we did was we kept a buffer with all the trees.

Chairman Buzzutto stated so these are for horses to use.

Mr. Sciarra stated this is for horses.

Chairman Buzzutto stated just for horses.

Mr. Sciarra stated just our pleasure horses.

Chairman Buzzutto stated yes. Are you going to have any...What do they call those things. The rinks, or the...

Board Member Burdick stated do you have a riding ring or a training ring or anything like that.

Chairman Buzzutto stated but they have a name or something for them.

Mr. Sciarra stated yes. Probably, right now, we don't really have any plans for it. Basically what we would be doing is having some pasture area up here, on both sides of the driveway. If there was anything for a riding ring, it would be grass. Neither one of us are competing riders. It would be maybe back here or even up closer to the barn. We haven't...

Chairman Buzzutto stated I don't know, but how far from the wetlands is horses permitted. Isn't there some kind of a code on that. Rich, get up.

Rich Williams stated sure. 100 feet. There are additional setbacks...

Chairman Buzzutto stated 100 feet. From the buffer or from the wetlands.

Rich Williams stated from the wetlands. From the edge of the wetlands, there's 100' setback.

Chairman Buzzutto stated right.

Rich Williams stated you really want to keep the horses out of there.

Chairman Buzzutto stated right.

Rich Williams stated the horses have to be...

Mr. Sciarra stated right.

Rich Williams stated you know, the wet areas are going to affect their hooves.

Chairman Buzzutto stated yes.

Rich Williams stated but there are additional setbacks for formal riding rinks and areas that you would store manure, which, you know, haven't been talked about here.

Board Member Burdick stated so, that's a good question though.

Rich Williams stated but it doesn't look like it's going to be a big issue.

Chairman Buzzutto stated yes.

Board Member Burdick stated do you have any idea how you will be stockpiling the manure.

Mr. Sciarra stated we're going to have a container service.

Board Member Burdick stated you are. Great.

Mr. Sciarra stated yes.

Board Member Burdick stated so it's kind of like...It's like a dumpster.

Chairman Buzzutto stated oh, okay.

Board Member Burdick stated and they'll be mucking out the stables, putting it in there so it will be contained.

Chairman Buzzutto stated no runoff from that will get into wetlands.

Board Member Burdick stated other than what the horses are doing naturally in the pasture...

Chairman Buzzutto stated right. Naturally in the pasture.

Board Member Burdick stated but from mucking out the stables they'll have it in this dumpster...

Chairman Buzzutto stated yes.

Board Member Burdick stated container which keeps everything contained. So you said that this is...the horses are for your own pleasure.

Mr. Sciarra stated yes.

Board Member Burdick stated not commercial.

Mr. Sciarra stated no.

Board Member Burdick stated not going to be boarding any horses.

Mr. Sciarra stated no plans to do that.

Board Member Burdick stated three horses now. Two.

Mr. Sciarra stated we have three horses.

Board Member Burdick stated where's the property in relation to like Baldwin [Road]. I'm trying to think on Cushman [Road] where this located. Are you familiar where Baldwin is. Is it...

Mr. Sciarra stated that's going to be the...That's...

Board Member Burdick stated if you're coming off [Route 311].

Mr. Sciarra stated well, across the street is...The easiest one is across the street is Timothy Hutton's house.

Board Member Burdick stated okay.

Mr. Sciarra stated it's 75. There's...We would be maybe...as Cushman starts from 311, I don't even think it's a ½ a mile.

Board Member Burdick stated okay.

Mr. Sciarra stated but Baldwin would be probably twice...

Board Member Burdick stated way...

Mr. Sciarra stated there's, I think...

Board Member Burdick stated okay.

Mr. Sciarra stated two more homes. Two or three more homes before Baldwin.

Board Member Burdick stated okay. I have an idea where it is.

Chairman Buzzutto stated Cushman is off 311. Where...

Board Member Burdick stated yes. I was...excuse me [referring to coughing]. Trying to figure out where this property is along Cushman.

Chairman Buzzutto stated yes.

Board Member Burdick stated and it's not very far.

Chairman Buzzutto stated you get to Cushman though, you would get down 311 and...

Board Member Bodor stated down by the church.

Board Member Burdick stated yes. By the church.

Chairman Buzzutto stated okay.

Board Member Burdick stated it's not very far up there, so it's like before Senator Leibell's property...

Chairman Buzzutto stated oh, isn't that where Montgomery lives or something like that.

Board Member Burdick stated this is before Montgomery's old...

Chairman Buzzutto stated yes.

Board Member Burdick stated which is now the Karell's, which is...

Chairman Buzzutto stated yes, okay.

Board Member Burdick stated before that, I believe.

Chairman Buzzutto stated oh, yes. I've been up there. Yes.

Mr. Sciarra stated that's what we liked about it, is that it was all horses there and just...

Chairman Buzzutto stated is that a paved road there, or dirt.

Mr. Sciarra stated which.

Chairman Buzzutto stated Cushman [Road].

Mr. Sciarra stated Cushman is paved.

Chairman Buzzutto stated it is paved. Yes. You have any more input on that. I think...

Board Member Burdick stated Rich, what's the zoning for horses. How many per acre. Is there something in the Code.

Rich Williams stated you need a minimum of 3 acres, then you can have one horse for every 2 acres.

Board Member Burdick stated okay.

Chairman Buzzutto stated per 2 acres.

Board Member Burdick stated and did we pass the regulation into...Sorry Carl.

Carl Lodes stated it's okay.

Board Member Burdick stated where the wetlands would be taken out to consider that because it's not useable.

Rich Williams stated yes. We don't...

Board Member Burdick stated okay.

Rich Williams stated consider that.

Board Member Burdick stated okay. Just for your own information...

Mr. Sciarra stated no, no.

Board Member Burdick stated if you don't know that.

Mr. Sciarra stated no, no.

Board Member Burdick stated okay.

Mr. Sciarra stated it's...When we were doing this years ago, that was one of the purposes. We only wanted a maximum of four horses anyway.

Board Member Burdick stated okay.

Mr. Sciarra stated and we needed to know that we needed to have a minimum of 8 useable acres and then I believe, 1 acre, unless it's changed, 1 acre for the house.

Board Member Burdick stated okay.

Mr. Sciarra stated so I needed 9 acres, and I believe useable on this, one of the conditions of the sale was that was that. I think we're around almost 9 $\frac{3}{4}$ acres.

Board Member Burdick stated okay. Just as long you know that and you don't get a surprise later on if you try to get more horses.

Mr. Sciarra stated no. That's...

Board Member Burdick stated okay.

Chairman Buzzutto stated where's the well going to be for the property.

Mr. Sciarra stated the well is actually right over...

Chairman Buzzutto stated oh, it's way out over there.

Mr. Sciarra stated it's right in this area.

Chairman Buzzutto stated it's far enough away from the barn and...

Mr. Sciarra stated yes.

Chairman Buzzutto stated and you've got access. Well, that's where the driveway's going to be, to the (inaudible).

Mr. Sciarra stated the driveway's going coming in here, it's on the other side of the driveway.

Chairman Buzzutto stated right. So nothing can have runoff into the well.

Mr. Sciarra stated no.

Chairman Buzzutto stated alright.

Mr. Sciarra stated and I also made them put the casing of the well...I'm going put...

Board Member Burdick stated you went higher than regs [regulations]...

Mr. Sciarra stated (inaudible – too many talking).

Chairman Buzzutto stated smart.

Board Member Burdick stated have a little bit of slope around it.

Mr. Sciarra stated yes.

Board Member Burdick stated and stuff.

Chairman Buzzutto stated I'd like to take a look at this.

Board Member Bodor stated okay.

Board Member Herbst stated I think we should. Absolutely.

Board Member Olenius stated I'd like to.

Chairman Buzzutto stated yes.

Board Member Olenius stated I'd like to see it.

Chairman Buzzutto stated alright. What we'll do is we're going to table this for tonight. We're going to take a site walk on it.

Mr. Sciarra stated yes.

Chairman Buzzutto stated we usually look at the property. See what it looks like because we can look at this [referring to the survey] and still out there is different.

Mr. Sciarra stated right.

Chairman Buzzutto stated that's all agreeable with the Board.

Board Member Burdick stated yes.

Board Member Bodor stated yes.

Chairman Buzzutto stated we'll set up a time. Sarah will be in touch with you.

Mr. Sciarra stated okay.

Chairman Buzzutto stated so we'll table it for tonight.

Board Member Olenius stated that only thing we would ask, if possible, is if you could stake the four corners of the barn of where you...

Mr. Sciarra stated exactly.

Board Member Olenius stated where you plan to site it.

Mr. Sciarra stated actually, I've already staked it; it's there. The pictures don't show it. And, yes it is.

Board Member Olenius stated just so we have an idea because obviously I saw your foundation in one of the pictures so we can see where the house is going to be. Just so we have a relation distance wise. Thank you.

Mr. Sciarra stated thank you.

Board Member Burdick us there any time that's not good for you.

Mr. Sciarra stated when do you guys...When does the Board usually...In the daytime, or...

Board Member Burdick stated we would still have enough time to go after work, right.

Chairman Buzzutto stated I think we still have enough after work, yes.

Board Member Burdick stated if we meet at like 5:15 [p.m.], we'd still enough daylight.

Board Member Olenius stated typically 5:15 would be the earliest, so we get there at that time.

Board Member Burdick stated is that okay.

Board Member Herbst stated it's still light enough at 5:15 now.

Board Member Olenius stated yes.

Mr. Sciarra stated Mondays and Wednesdays I work from home. And...

Board Member Burdick stated so that would be more convenient then.

Mr. Sciarra stated those are there, but the other two days...the other days my wife works from home. So, we kind of always have...

Board Member Olenius stated okay.

Board Member Herbst stated well, which would you rather have home; you or your wife.

Mr. Sciarra stated no, no. It's...

Board Member Herbst stated it doesn't matter.

Mr. Sciarra stated if I'm home...I work on Long Island.

Board Member Burdick stated so it would be easier if we did it on a Monday or Wednesday when you'd be home. Okay.

Mr. Sciarra stated but my wife...

Chairman Buzzutto stated let me ask you a question. Would it be easier for you to be there.

Mr. Sciarra stated at this point, it probably would be easier.

Chairman Buzzutto stated you would know more. Not meaning anything she don't know, but...

Mr. Sciarra stated no. No, I think she would feel more comfortable if I was there.

Chairman Buzzutto stated you would have ready answers. Okay, fine.

Mr. Sciarra stated she could answer. She knows as much as I do on this.

Chairman Buzzutto stated okay.

Board Member Burdick stated we'll try to accommodate that and...

Chairman Buzzutto stated yes.

Board Member Burdick stated and if for some reason we can't, we could always do a Saturday if that...

Mr. Sciarra stated there's that. And then also, if it's a particular day, I could certainly get out of work a little...

Board Member Burdick stated okay.

Mr. Sciarra stated early so we could try and get what we need to do.

Board Member Olenius stated we have...We have more than a month because the October meeting got pushed back already, so...

Board Member Bodor stated yes.

Board Member Olenius stated we should be able to get there on a Monday or a Wednesday.

Board Member Burdick stated yes.

Board Member Olenius stated I'm pretty sure, just (inaudible). Just the coordination.

Board Member Burdick stated the next meeting is...

Mr. Sciarra stated yes. That's okay. I understand.

Board Member Burdick stated the 26th.

Board Member Olenius stated the 27th.

Board Member Burdick stated the 27th.

Board Member Bodor stated the 27th.

Chairman Buzzutto stated okay, we'll set up the meeting and once we decide, Sarah will be in touch with you to let you know what it will be and we'll set it up that way. And if Monday's more convenient for you, then we'll do it that way. Okay.

Mr. Sciarra stated that's a preference.

Chairman Buzzutto stated okay.

Mr. Sciarra stated I can probably make these things happen, so thank you.

Board Member Olenius stated well, if we can, we'll try and to do it for a Monday...

Board Member Burdick stated definitely.

Board Member Olenius stated because we need a rain date, so a...

Board Member Burdick stated yes.

Board Member Olenius stated Wednesday is a rain date.

Board Member Burdick stated yes, that would work.

Board Member Herbst stated well, I don't know whether the 27th is okay for me or not until I check my board at home because it sounds like there's something we have. It might be in the afternoon and I can still make it at 5:30, so we'll see.

Board Member Olenius stated we changed that last month.

Board Member Herbst stated what.

Board Member Burdick stated October 27th is the next meeting.

Board Member Olenius stated next meeting.

Board Member Burdick stated is the next Zoning Board meeting.

Board Member Olenius stated that's what we're talking about.

Board Member Herbst stated yes, but you're talking about the 27th now for the site walk.

Board Member Olenius stated no, no, no.

Board Member Burdick stated no.

Board Member Bodor stated no.

Board Member Burdick stated we were saying that we have plenty of time because the next...

Board Member Herbst stated oh.

Board Member Burdick stated Zoning Board meeting isn't until October 27th.

Board Member Herbst stated okay. I thought you were setting up the 27th. I was...

Board Member Burdick stated no.

Board Member Herbst stated okay, fine.

Mr. Sciarra stated okay.

Board Member Olenius stated thank you very much.

Mr. Sciarra stated thank you for your time.

Board Member Burdick stated thank you.

Chairman Buzzutto stated thank you for your presentation.

2) JOHN DODD CASE #19-09

Mr. John Dodd was present (arrived at 7:15 p.m.)

Chairman Buzzutto stated and you are.

Mr. John Dodd stated John Dodd.

Chairman Buzzutto stated Dodd.

Mr. Dodd stated Dodd, yes.

Chairman Buzzutto stated okay. Let's see. Dodd...John Dodd. Sarah, would you read the...

The Secretary read the following legal notice:

John Dodd Case #19-09 – Area Variance

Applicant, who is acting on behalf of Martin Fallman, is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, for lot size. Applicant and the owner of the property wish to do a lot line adjustment. The Code requires 4 acres in the R-4 Zoning District; Property is currently 1 acre; Property will be 0.7403 acres; Variance requested is for 3.2597 acres. This property is located at 4030 Old Route 22 (R-4 Zoning District).

Chairman Buzzutto stated you want to come up to the mic, Sir.

Mr. Dodd stated sure.

Chairman Buzzutto stated state your name and address.

Mr. Dodd stated yes. John Dodd. 4010.

Chairman Buzzutto stated and you were here once before.

Mr. Dodd stated yes. I had done some work. It was preexisting, nonconforming so I needed zoning to...

Chairman Buzzutto stated yes. How long ago was that.

Mr. Dodd stated four years ago. Five years ago.

Chairman Buzzutto stated okay. You want to raise your right hand, Sir.

Mr. Dodd stated sure.

Chairman Buzzutto stated you swear the testimony you provide tonight will be the truth, the whole truth.

Mr. Dodd stated yes.

Chairman Buzzutto stated okay. Now you heard what Sarah had read in there. What...Is there anything different from what she read and what you have in mind for a lot line adjustment.

Mr. Dodd stated yes.

Board Member Bodor stated why are we doing this. Why do we want this.

Mr. Dodd stated the area to be conveyed, as you see your maps, is in the middle between myself and Marty Fallman. It's a property that basically neither one of us kind of knew what was there. I've used the property for...I don't know if (inaudible – papers shuffling). His house is up here, situated on a hill, high above me. And apparently the (inaudible – papers shuffling) it's basically unusable earth because it's (inaudible – papers shuffling) properties. It's a, I'd say, greater than 60 degree slope that goes up to where he is, and it just comes down to a valley, a low point, and it goes up then to my house. So, it's been property that I've been actually putting logs and wood on and etcetera, for years. And I talked to Marty and he's in, you know, he's okay with everything. And we're going to...he wants to convey that portion which turns out to be about ¼ of an acre.

Chairman Buzzutto stated and the lot line adjustment is specifically for what use. A wall, or a retaining wall.

Mr. Dodd stated no, no, no.

Chairman Buzzutto stated what's it for.

Mr. Dodd stated it's...What do you mean. We're changing the property line. In other words...

Chairman Buzzutto stated property line, yes.

Mr. Dodd stated yes. In other words, his property really, I mean it's an unusable portion of the property that he's had...

Chairman Buzzutto stated yes.

Mr. Dodd stated all these years. You know, like I said, he's up here at a height above me to the right. It slopes down. Like I said, it's quite a bit of a slope down, and then it comes down lower, and then it goes back up to my property. I've been using it for years. I've been using it for...I've been there for twenty-something years.

Chairman Buzzutto stated maybe I didn't get what you said the first time, why is this necessary.

Mr. Dodd stated we're changing the lot line. In other words...

Chairman Buzzutto stated yes, I know you're changing it, but why.

Mr. Dodd stated because Marty is actually...He's actually put the house...before, he actually put the house up for sale. He's looking to change the size of his property. He's conveying that ¼ of an acre to me.

Board Member Burdick stated basically that section, if I understand what you were saying before, is unusable to him but usable to you.

Mr. Dodd stated yes.

Chairman Buzzutto stated okay.

Mr. Dodd stated I confirmed with the Board of Health, it's...I don't have the paperwork, I'll probably pick it up tomorrow, the mylar, to be signed off on by Rob. I don't know if that the right first name. But Rob or Rod. I spoke...

Board Member Burdick stated at the Health Department.

Mr. Dodd stated yes.

Board Member Burdick stated Rob Morris.

Mr. Dodd stated it could be, yes. He's, yes, I think he's the senior guy. The guy that's...

Board Member Burdick stated he's the Director of Environmental Health.

Mr. Dodd stated I did a site walk with the guy today. Joe...

Board Member Burdick stated Paravati.

Mr. Dodd stated Paravati. Thank you. Yes. I spoke with Joe today and he said if he gets it back in time...He didn't get it back I guess by the time his day ended and Rob...You know, the day ended too soon before he could actually get the thing signed off on. Otherwise, I would have had it here for you.

Board Member Bodor stated what was the purpose of the Health Department getting involved.

Mr. Dodd stated that's what I thought I had to do. Am I right.

Rich Williams stated yes. He's required for a lot line adjustment. Anytime you do a lot line adjustment, we have the Health Department review the plans and sign off and make sure that there's no issues with the wells or the septic.

Mr. Dodd stated right. Yes.

Board Member Olenius stated okay.

Chairman Buzzutto stated okay.

Mr. Dodd stated so they were, you know, no problem with that. Thank you Rich.

Chairman Buzzutto stated now you tell me where the lot line adjustment is.

Board Member Bodor stated alright. This is where it is now [referring to the survey].

Chairman Buzzutto stated this is...

Board Member Bodor stated this goes here.

Chairman Buzzutto stated okay.

Board Member Bodor stated this is Mr. Fallman. This is all his property. What they want to do is take this much of it and put it over into Mr. Dodd's property.

Chairman Buzzutto stated oh, I see. So from...

Board Member Bodor stated it will increase...

Chairman Buzzutto stated right now, his property is over here, right.

Board Member Bodor stated right. He's going to add this.

Chairman Buzzutto stated oh, I can understand now.

Mr. Dodd stated you see where the line is now...

Chairman Buzzutto stated yes.

Mr. Dodd stated it's where that ridge is really. Where your right hand is.

Board Member Bodor stated yes.

Chairman Buzzutto stated yes.

Mr. Dodd stated that's kind of where that high point is. Pretty much, yes. It's all high ground up there.

Chairman Buzzutto stated how does that work out with the tax maps. Does that re-register through the tax department.

Rich Williams stated sure. They're going to create a plat (inaudible) readjustments and it gets filed over at the County. And then the County Real Property Department takes that plan, and they adjust the property lines on that.

Board Member Burdick stated pieces will be merged together into one tax map number.

Chairman Buzzutto stated one tax. Okay.

Board Member Burdick stated yes.

Chairman Buzzutto stated so it will all become one parcel.

Mr. Dodd stated I don't know how they do it with the tax maps.

Chairman Buzzutto stated I don't know, that's why I'm asking.

Board Member Burdick stated yes.

Mr. Dodd stated I know that the mylar is the official document...

Chairman Buzzutto stated yes.

Mr. Dodd stated which I'm waiting for.

Board Member Bodor stated it will increase your property like a third more; what you're going to...

Mr. Dodd stated it's 25%.

Board Member Bodor stated 25%. Oh, alright.

Mr. Dodd stated yes.

Board Member Bodor stated it looks like 30%.

Mr. Dodd stated it's about ¼ of an acre.

Board Member Bodor stated yes.

Mr. Dodd stated I think it has the actual number of the conveyance somewhere up there [referring to the survey].

Board Member Bodor stated it may somewhere.

Mr. Dodd stated point...I can't read it right now. I'm going to look over your shoulder.

Carl Lodes stated sure.

Board Member Burdick stated .2623.

Mr. Dodd stated what was it.

Board Member Burdick stated .2623.

Board Member Bodor stated oh, okay. So about ¼.

Mr. Dodd stated yes. Okay. Yes, there you go.

Chairman Buzzutto stated and what use will you be using this land for.

Mr. Dodd stated I have...there's actually a...You look here, there's a gravel road.

Chairman Buzzutto stated yes.

Board Member Bodor stated yes.

Mr. Dodd stated that gravel road actually goes up into my property. And then I heat my house with wood, so there's wood piles...I have wood piles there and things. You know, I have logs or whatever I'm splitting wood, that type of thing of nature on that side.

Chairman Buzzutto stated but no structure will be put on that.

Mr. Dodd stated no.

Chairman Buzzutto stated sheds or anything like that. Nothing like that.

Board Member Olenius stated we took a site walk to your home when we went there.

Mr. Dodd stated yes.

Board Member Olenius stated did you put like a glass room or something on your deck or...

Mr. Dodd stated I had a glass room, yes.

Board Member Olenius stated and you were removing that and redoing your deck...

Mr. Dodd stated right.

Board Member Olenius stated or something.

Mr. Dodd stated well, yes. No, I had a glass solarium. I had a roof...

Board Member Olenius stated right.

Mr. Dodd stated that was leaking. So I had to remove it.

Chairman Buzzutto stated yes.

Mr. Dodd stated and then I enclosed it with, you know, construction. 2 x 6's.

Board Member Olenius stated okay. Because I think I parked in this gravel drive, that's why...I remember walking around.

Mr. Dodd stated yes. Maybe. I know you guys parked on the road. Exactly. Oops [Mr. Dodd's cell phone rang].

Chairman Buzzutto stated what's your pleasure on this. You want to walk this one. Nice music [referring to the cell phone ring].

Mr. Dodd stated I thought Marty was going to be here. Mr. Fallman that is.

Board Member Bodor stated did you mention that he had his house on the market, or is it still on the market or what.

Mr. Dodd stated yes. It still is, yes. With the way the market is, I don't know how that goes.

Board Member Herbst stated at this point he hasn't got a buyer.

Mr. Dodd stated no.

Board Member Herbst stated so if we did another site walk, there's still enough time.

Mr. Dodd stated no, actually it's (inaudible – too distant).

Chairman Buzzutto stated do you want to see this one also or you want to...

Board Member Herbst stated I haven't seen it so...I wasn't on the Board when you all went.

Chairman Buzzutto stated oh, okay.

Mr. Dodd stated you weren't all there.

Board Member Bodor stated no.

Mr. Dodd stated I know you were there.

Board Member Herbst stated no, I was on the Town Board then.

Mr. Dodd stated oh. Okay.

Board Member Herbst stated and we didn't make any site walks.

Board Member Burdick stated well, the four of us did [referring to Board Member Burdick, Board Member Bodor, Board Member Olenius and Chairman Buzzutto].

Mr. Dodd stated the four of you did.

Board Member Bodor stated we did, the four of us.

Mr. Dodd stated I remember the four of you. But I'm not sure. I know I've seen you at other meetings, so I wasn't sure. I kept thinking of where you were before. You were on the Town Board.

Board Member Herbst stated yes. Eight years on that.

Board Member Bodor stated you said that land is low, is it wet in there.

Mr. Dodd stated well, it is a depression I mean, you know, there is...it gets rainwater in there. It may get wet there. Not like wetlands if that's what you're saying. Across the street is all wetlands.

Board Member Bodor stated is it.

Mr. Dodd stated yes.

Board Member Bodor stated yes it is, that's right.

Mr. Dodd stated yes.

Board Member Bodor stated yes.

Mr. Dodd stated it's all...

Chairman Buzzutto stated it calls for an area variance...not minus but plus, right. A variance would be for more area rather than...

Rich Williams stated no. No. The variance here is currently (inaudible) is for the adjacent property...

Chairman Buzzutto stated right.

Rich Williams stated who is being reduced in size, below what is permitted by Code.

Chairman Buzzutto stated okay.

Board Member Bodor stated right.

Rich Williams stated it's already a nonconforming lot, it's becoming more nonconforming. It's the requirement they need an area variance to do this lot line adjustment.

Chairman Buzzutto stated okay. So why isn't that applicant here though.

Rich Williams stated Mr. Dodd is here representing.

Chairman Buzzutto stated you're representing. Okay.

Rich Williams stated he had signed the paperwork to allow Mr. Dodd...

Chairman Buzzutto stated so the area variance applies to this lot.

Board Member Bodor stated yes.

Rich Williams stated correct.

Chairman Buzzutto stated got you.

Rich Williams stated right.

Board Member Bodor stated which is currently below Code...

Rich Williams stated right.

Board Member Bodor stated and will drop even further below by losing that.

Mr. Dodd stated it's 4 acres... We have four acres, right, for the Town.

Chairman Buzzutto stated well some is four.

Board Member Burdick stated yes. Some areas.

Board Member Bodor stated some areas. But, yes, you're in the R-4 Zoning District.

Mr. Dodd stated I think I'm R-4, yes.

Board Member Bodor stated yes you are. And it's currently 1 acre. And if that lot line adjustment goes through, it will drop down to .7403 acres.

Mr. Dodd stated right. We'll both be pretty much equal.

Board Member Bodor stated yes.

Chairman Buzzutto stated so is it customary that you take property and make it non...lot line for 4 acres. Is that customary to do it that way. To make a lot property...

Board Member Bodor stated it's already substandard Buzzy...

Chairman Buzzutto stated it is.

Board Member Bodor stated according to Code. Yes, it is. Because of zoning changes and all too. You know, that's a lot of it. It's already below the 4 acres which the...

Chairman Buzzutto stated even without that.

Board Member Bodor stated and now...It's only 1 acre. With that all, it's 1 acre.

Chairman Buzzutto stated okay. Alright.

Board Member Bodor stated okay.

Board Member Burdick stated with the lot line adjustment...

Board Member Bodor stated it's going to take like 1/3 of it away almost; 25%, whatever.

Board Member Burdick stated but at that point, both of them will be about 3/4 of an acre.

Board Member Bodor stated right.

Board Member Burdick stated Mr. Dodd currently has a little over 1/2 acre now.

Chairman Buzzutto stated right.

Board Member Bodor stated so it's going to kind of equalize...

Board Member Burdick stated equalize.

Board Member Bodor stated those two properties. And see on this little map. If this is...This is the Fallman property here and that's Dodd. And they come like...

Chairman Buzzutto stated yes. Okay.

Board Member Bodor stated it kind of cuts, you know, the...The adjustment would take that little tab from there almost and add it on the Dodd.

Chairman Buzzutto stated okay.

Board Member Bodor stated there's no one else in the area that is below an acre.

Mr. Dodd stated I don't know.

Board Member Bodor stated there's not. I'm looking at this [referring to a paper with property sizes]. 1.66 [acres], 2.36, 1.42, 1.05; that's the closest.

Mr. Dodd stated yes, I don't know what they are up on...

Board Member Bodor stated well, I'm looking at the map you gave us. This little guy.

Mr. Dodd stated (inaudible – papers shuffling) there might be.

Board Member Bodor stated maybe, but that's off here.

Mr. Dodd stated that's the next block up.

Board Member Bodor stated yes.

Mr. Dodd stated it's like 2 houses down. It depends on how far you look. Yes, because the new subdivision Apple Hill, I think they were...when that went in, they were probably acre lots. I don't really know. I don't remember. I think they were (inaudible). The houses might have been an acre. I'm not sure because I never really looked at the tax map. It goes to the age of, you know, the properties I guess.

Board Member Bodor stated this was in with tonight's stuff [referring to the paper with the property sizes].

Chairman Buzzutto stated yes. I got it. Well, you got (inaudible). You want to vote off, you want...

Board Member Olenius stated okay. I remember the property.

Chairman Buzzutto stated I don't think there's anything to look at.

Board Member Bodor stated no.

Chairman Buzzutto stated okay. Close the public hearing.

Board Member Burdick stated second.

Chairman Buzzutto stated all in favor.

Board Member Herbst stated I'll make a motion to close it.

Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated so be it.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
John Dodd, Case #19-09
For an Area Variance for Lot Size

WHEREAS, *Martin Fallman* is the owner of real property located at 4030 Old Route 22 (R-4 Zoning District), also identified as **Tax Map Parcel # 35.-5-12, and**

WHEREAS, the Patterson Planning Board has received an application for a lot line adjustment...

Chairman Buzzutto stated is there anybody in the audience that would want to say something. Okay, I just wanted to see.

Rich Williams stated you closed the public hearing Buzz.

Chairman Buzzutto stated yes. Okay.

(Board Member laughs)

Chairman Buzzutto stated yes, you're right. Okay, go ahead.

Board Member Olenius continued to read the following resolution:

WHEREAS, the Patterson Planning Board has received an application for a lot line adjustment between the properties owned by John Dodd at 4010 Old Route 22 (*TM# 35.-5-10*) and Martin Fallman at 4030 Old Route 22 (*TM# 35.-5-12*), and

WHEREAS, *John Dodd* 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, for lot area in order to allow for a lot line adjustment, and

WHEREAS, §154-7 of the Patterson Town Code requires a lot size of 4 acres in the R-4 Zoning District; *John Dodd's* property is currently 0.5204 acres and will become 0.7827 acres with the proposed lot line adjustment, and

WHEREAS, *Martin Fallman's* property currently is 1 acre; Property will be 0.7403 acres; *Variance requested is for 3.2597 acres*, 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 16, 2009* 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 said property is currently vacant*.
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the properties are relatively landlocked, and this will equalize the size of the two properties in question*.
3. the variance requested *is* substantial *however not so much so as to cause a denial*.
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because no structures are scheduled to be built on said lot; it's just vacant land*.
5. the alleged difficulty necessitating the variance *was not self-created and is not sufficient* so

as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *John Dodd* for an *area variance of 3.2597 acres for lot size* as required in §154-7 of the Patterson Town Code; Schedule of regulations, in order to allow for a lot line adjustment between Martin Fallman's property (*TM#35.-5-12*) and John Dodd's property (*TM#35.-5-10*).

Board Member Herbst 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.

Mr. Dodd stated thank you.

Chairman Buzzutto stated you can see the Building Department tomorrow.

Mr. Dodd stated yes.

Chairman Buzzutto stated you're all set.

Mr. Dodd stated okay.

Board Member Burdick stated he doesn't need to see the Building Department.

Chairman Buzzutto stated oh yeah.

Board Member Olenius stated he's not building anything.

Board Member Burdick stated he's not building anything.

Chairman Buzzutto stated okay.

Mr. Dodd stated yes, no. I have to get the thing signed. Thank you.

Chairman Buzzutto stated okay, good luck.

Board Member Olenius stated good luck.

Mr. Dodd stated okay.

3) RIMALDI CASE #17-09

No one representing Rimaldi was present.

Chairman Buzzutto stated we don't have Rimaldi here, so...

Board Member Herbst stated what are you going to do about Rimaldi.

Chairman Buzzutto stated Rimaldi, he was notified. He...

Board Member Bodor stated we don't need to have him here.

Board Member Burdick stated yes. We did the site walk, but they already presented once.

Chairman Buzzutto stated yes.

Board Member Burdick stated we were just waiting for the...

Chairman Buzzutto stated for the SEQR.

Board Member Bodor stated waiting for the SEQR.

Board Member Olenius stated SEQR, yes.

Board Member Bodor stated we got it.

Chairman Buzzutto stated which we have. Can we go with that without anyone here.

Carl Lodes stated yes.

Board Member Bodor stated close the public hearing and move forward.

Chairman Buzzutto stated close the public hearing. Okay. Nobody in the audience would be...

Board Member Burdick stated nope. There wasn't anybody before anyway.

Chairman Buzzutto stated okay.

Board Member Herbst stated you can just go ahead and approve it then.

Board Member Burdick stated well, we're going to vote on it.

Chairman Buzzutto stated yes.

Board Member Herbst stated yes, well I mean approve it or disprove it. Whatever...

Board Member Burdick stated yes.

Chairman Buzzutto stated yes, we'll...

Board Member Burdick stated we're going to take action tonight.

Board Member Herbst stated yes.

Chairman Buzzutto stated okay. Pull out all the papers on it.

Board Member Bodor stated do we want to read the public notice or no. It's a held over.

Chairman Buzzutto stated I think should read the public notice on it.

Carl Lodes stated you can read it or waive it. Either one.

Chairman Buzzutto stated as long as it goes into the minutes.

Carl Lodes stated yes. As long as it goes into the minutes.

Chairman Buzzutto stated yes.

The Secretary stated do you want me to read it.

Chairman Buzzutto stated no, as long...

Carl Lodes stated no, just as long as it's in the minutes. Yes.

Chairman Buzzutto stated as long as it's in the minutes, that's all.

Board Member Bodor stated we just don't want to mess up.

Carl Lodes stated yes.

Georgio & Rosa Rimaldi Case #17-09 – Special Use Permit and Area Variance; Held over from July 21, 2009 and August 19, 2009 meeting

Applicants are requesting a Special Use Permit as required by §154-110 of the Patterson Town Code; Local retail centers, in order to expand the retail use of the site by the addition of a second building. The Applicants are also requesting an area variance pursuant to §154-110 for lot size. The Code requires 5 acres; Applicants have 3.68 acres; variance requested is for 1.32 acres. This property is located at 2011 Route 22 (C-1 Zoning District).

Board Member Bodor stated okay. I make a motion to close the public hearing on the Rimaldi case.

Board Member Burdick stated second.

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

Chairman Buzzutto stated okay.

Board Member Bodor stated do we have anything. Is Lars working on something.

Chairman Buzzutto stated yes.

Board Member Bodor stated thank you.

Board Member Burdick stated what would we do without Lars.

Chairman Buzzutto stated what would Jerry do without Lars.

Board Member Bodor stated never mind Jerry, all of us.

Board Member Burdick stated I feel like we hazed him into though.

(Board Members laugh).

Board Member Bodor stated I'll do the second one.

Chairman Buzzutto stated okay.

Board Member Burdick stated I think you can go tag, you're it, to your right.

(Board Members laugh).

Board Member Olenius stated I don't have the heart. Okay. I'm going to do the one marked #1.

Board Member Bodor stated I'll do #2.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Georgio & Rosa Rimaldi, Case #17-09
*For an Area Variance for Construction of a Second Building***

WHEREAS, *Georgio and Rosa Rimaldi are* the owners of real property located at 2011 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel # 35.-4-60, and**

WHEREAS, §154-110 of the Patterson Town Code; Local retail centers, states that a retail center may be permitted by special use permit in the C-1 Zoning District, provided that the parcel of property containing the center is five or more acres, and

WHEREAS, *Georgio and Rosa Rimaldi* have made application to the Patterson Zoning Board of Appeals and requests an area variance pursuant to §154-110 of the Patterson Town Code for the expansion of the retail use of the site by the addition of a second building to be on 3.68 acres; ***variance requested is for 1.32 acres,*** and

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

WHEREAS, the Patterson Planning Board, who was acting as Lead Agent, determined that the proposed action will not have significant effects on the environment and issued a negative SEQRA declaration on September 3, 2009, and

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *July 21, 2009, August 19, 2009 and September 16, 2009* and a site walk was conducted on *July 27, 2009*, to consider the application.

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 there are adjacent retail centers within this commercial zone already.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the property on either side and to the rear have landlocked them and bound them to this 3.68 acre parcel that they have and cannot be expanded upon.*
3. the variance requested *is not* substantial *for the area in question.*
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 district was designated for commercial use.*
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 *Georgio and Rosa Rimaldi* for an *area variance of 1.32 acres for lot size requirements* as set forth in §154-110 of the Patterson Town Code; Local retail centers, in order to *expand the retail use of the site by the addition of a second building on a lot of 3.68 acres.*

Board Member Herbst 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 should that be noted in the minutes that Mr. Rimaldi is not here. Would that be...

Carl Lodes stated well, I'm sure...No comment was made, no presentation was made. But you can note it in the minutes.

Chairman Buzzutto stated yes. Note that he was not. Okay.

Board Member Bodor stated okay. I have another reso. This is for a special use permit for a retail center.

Chairman Buzzutto stated that's #2.

Board Member Bodor read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Georgio & Rosa Rimaldi, Case #17-09
*For a Special Use Permit for a Retail Center***

WHEREAS, *Georgio and Rosa Rimaldi are* the owners of real property located at 2011 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel #35.-4-60**, and

WHEREAS, *Georgio and Rosa Rimaldi have* made application to the Patterson Zoning Board of Appeals for a Special Use Permit as set forth by §154-110 of the Patterson Town Code; Local retail centers, in order to expand the retail use of the site by the addition of a second building, and

WHEREAS, §154-110 of the Patterson Town Code states that on a site of no less than five acres, a special use permit may be granted, after public hearing by the Board of Appeals, in the Commercial (C-1) District along Route 22 only, for a retail center, provided that:

- A. The total area of all buildings shall not exceed 75,000 square feet. The proposed building will be 4,500 square feet, bringing the total area of the buildings to 6,995 square feet.
- B. Any building is located at least 60 feet from any side or rear property line. The proposed building will be greater than 60' from any side or rear property line.
- C. All other requirements of the particular district are conformed to, except that maximum impervious coverage shall be limited to 65%. The proposed impervious coverage is 19.1%.
- D. All uses permitted uses in the General Business (GB) Districts, including indoor theaters and fast-food establishments, may be permitted.

WHEREAS, the Zoning Board of Appeals acknowledges that the property is 3.68 acres, not 5 acres as required, and have *granted* an area variance of 1.32 acres, and

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

WHEREAS, the Patterson Planning Board, who was acting as Lead Agent, determined that the proposed action will not have significant effects on the environment and issued a negative SEQRA declaration on September 3, 2009, and

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *July 21, 2009, August 19, 2009 and September 16, 2009* and a site walk was conducted on *July 27, 2009*, to consider the application.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby ***grants*** the application of ***Georgio and Rosa Rimaldi***. for a Special Use Permit as stated in §154-110 of the Patterson Town Code, Local retail centers, to allow for the construction of a second building in order to expand the retail use of the site.

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 does she have Posner on here [referring to the resolution].

Board Member Herbst stated yes, you got Posner on here.

Chairman Buzzutto stated you've got Posner on here.

(Board Member laughs).

Board Member Herbst stated is he still in Patterson, does anybody know.

Chairman Buzzutto stated how'd he get in there.

The Secretary stated I don't know.

Board Member Olenius stated you didn't check your Microsoft Word, did you.

Chairman Buzzutto stated Marty, how you doing.

Board Member Herbst stated look, I can take all kinds of insults, but please.

Chairman Buzzutto stated was the other one wrong [referring to the other resolution]. Oh, the other one's alright.

Board Member Bodor stated the other one was okay, yes.

Chairman Buzzutto stated yes. I'll tell Marty he was absent again.

Board Member Bodor stated that computer genie did that.

Chairman Buzzutto I'll just tell Marty, hey, you were absent again. Okay. What do we got. Any other business or anything. Other business. No other business. Go ahead.

4) OTHER BUSINESS

a) Cell tower

The Secretary stated I'm not sure if you want to discuss setting a new date for the next cell tower meeting.

They haven't submitted yet, but just since you're all here...

Chairman Buzzutto stated yes.

The Secretary stated because they'll probably submit by October. I did call the Rec Center to see what available dates they had in October, and they really only had one day that works for you. They had two, but one was October 21st, which I know doesn't work for you guys. But the one day that does work...

Chairman Buzzutto stated when is the meeting.

The Secretary stated is October 28th, which is a Wednesday, and it's the day after your regular meeting. They don't really have anything available in November either, so that's really the only day.

Chairman Buzzutto stated well, which one do you want to take, the first one or the...

Board Member Bodor stated I can't do the first one. That was the 21st.

Chairman Buzzutto stated the 21st.

Board Member Bodor stated that's why we changed the meeting.

The Secretary stated and the 14th is out because Town Board is using the Rec Center for...

Chairman Buzzutto stated and the next one will be after the regular meeting.

The Secretary stated it would be the day right after the regular meeting.

Chairman Buzzutto stated right after it. Well, that's okay.

Board Member Burdick stated I'm okay with it.

Board Member Bodor stated that's alright, yes.

Chairman Buzzutto stated that's okay with you.

Board Member Herbst stated what's the date on that one.

Board Member Bodor stated 28th.

Chairman Buzzutto stated the 28th.

Board Member Herbst stated the 28th.

Board Member Bodor stated the regular meeting is going to be the 27th, which is a Tuesday.

Board Member Herbst stated and this will follow the next day.

Board Member Bodor stated yes.

Board Member Herbst stated that's fine. I have no problem with that.

Chairman Buzzutto stated that's a special [meeting], right.

The Secretary stated yes. They haven't submitted, but I just figure that while everybody's here I'll...

Chairman Buzzutto stated but they probably will, yes.

Board Member Bodor stated but they...we talked about the October meeting.

The Secretary stated right.

Board Member Bodor stated so.

Board Member Herbst stated and that's the Rec Center, right.

The Secretary stated yes.

Board Member Herbst stated okay. That's fine.

Board Member Burdick stated we need to set up for...

Board Member Olenius stated is that 7 p.m. also.

The Secretary stated yes.

Chairman Buzzutto stated that's at the Rec, right.

The Secretary stated yes.

Board Member Bodor stated yes.

b) Site Walk

Board Member Bodor stated yes, while you have the calendars out, let's look at a site walk date.

Chairman Buzzutto stated okay.

Board Member Bodor stated a Monday or a Wednesday.

Chairman Buzzutto stated okay. We said Monday would be the first...

Board Member Burdick stated Monday or...yes. Monday and Wednesday.

Chairman Buzzutto stated well, Wednesday would be the rain date, wouldn't it.

Board Member Bodor stated yes.

Board Member Herbst stated this is yours, right.

Chairman Buzzutto stated and what date would the Monday be, the...

Board Member Burdick stated any Monday or Wednesday is fine for me. So, I don't know if anybody has any conflict.

Board Member Bodor stated the 28 and 30 [of September]. Or 21 and 23.

Board Member Burdick stated you're in September.

Board Member Bodor stated yes.

Board Member Burdick stated you want to do it this month. Okay.

Board Member Bodor stated well...

Board Member Burdick stated well, probably the earlier the better, because it's going to...

Chairman Buzzutto stated yes. It's starts getting dark, yes.

Board Member Burdick stated start getting darker.

Board Member Olenius stated is the 29th a Tuesday.

Board Member Burdick stated yes.

Board Member Bodor stated yes.

Board Member Burdick stated September.

Board Member Olenius stated that's the only date that's bad for me.

Board Member Burdick stated but if we do a Monday and a Wednesday...

Board Member Olenius stated actually, yes, that's fine.

Board Member Burdick stated you can do either side of it.

Board Member Olenius stated yes. No, Tuesday. That's the only day that...and Thursday the 21st is bad. But Mondays and Wednesdays for the next two weeks are fine.

Board Member Bodor stated should we shoot for 28, rain date 30. Or do you want to back it up to 21 and 23.

Chairman Buzzutto stated any date is good with me, I don't care.

Board Member Burdick stated it doesn't matter to me. Either one of those is good.

Board Member Olenius stated why don't we get it over with.

Board Member Bodor stated 21 and 23.

Board Member Herbst stated I'll let you all talk and then tell me what you're talking about.

Board Member Olenius stated the 21st.

Board Member Bodor stated alright, the 21st. Monday, September 21st.

Board Member Herbst stated the 21st of this month.

Board Member Olenius stated yes.

Board Member Bodor stated September, yes.

Board Member Olenius stated is that good.

Board Member Bodor stated is that good. And then we'll put the 23rd...

Board Member Herbst stated tentatively, yes, it's good until I...as I said, I have to check my board at home.

Board Member Burdick stated you need to...

Board Member Bodor stated you know what. You need to bring your board.

Board Member Burdick stated bring your board with you.

(Board Member laughs).

Board Member Herbst stated that's a pretty big board.

Board Member Bodor stated I don't care. Bring it.

Board Member Herbst stated no, usually I do have it, a note, but I left that in the car so we can forget that.

Board Member Bodor stated alright, the 21st is the day and the 23rd is the rain date.

Board Member Herbst stated okay. 21st.

Board Member Bodor stated and we'll meet up on...we're going to Cushman [Road], right.

Board Member Burdick stated yes.

Board Member Herbst stated we're going to Cushman, so where...

Chairman Buzzutto stated that would be number...

Board Member Burdick stated was it 44.

Chairman Buzzutto stated 44.

Board Member Burdick stated 44, I think.

Board Member Olenius stated that's next Monday, right.

Board Member Burdick stated yes.

Board Member Olenius stated yes.

Board Member Bodor stated yes.

Board Member Olenius stated okay.

Board Member Herbst stated okay, so Monday...

Board Member Bodor stated 44.

Board Member Herbst stated the 21st at...

Board Member Olenius stated what did we say, 5:15 [p.m.].

Board Member Bodor stated 5:15, can we do that.

Board Member Olenius stated are you back on winter hours.

Board Member Burdick stated yes. This week we started it.

Board Member Herbst stated 5:15.

Board Member Bodor stated alright, 5:15 Monday the 21st at 44 Cushman Road.

Board Member Burdick stated that's right off [Interstate] 84, so I can...

Board Member Herbst stated and the rain date is...

Board Member Bodor stated the 23rd.

Board Member Herbst stated 23rd.

Board Member Bodor stated yes.

Board Member Herbst stated okay.

Chairman Buzzutto stated it's right off 84.

Board Member Burdick stated well, for me to get from work.

Chairman Buzzutto stated oh, for you.

Board Member Burdick stated so, yes, 5:15 is fine.

Chairman Buzzutto stated okay.

Board Member Bodor stated she's going to whip on down there.

Board Olenius stated yes, you kind of don't want to be on the highway at that point.

Chairman Buzzutto stated (inaudible – too many talking) where the tower was there maybe.

Board Member Olenius stated here she comes.

Chairman Buzzutto stated okay.

Board Member Bodor stated okay.

c) Discussion of Cell Tower Meeting Procedures

Chairman Buzzutto stated on the meeting of the cell tower to discuss that, can we go into a work session and discuss what we're going to do and have a reso made up at the following meeting.

Rich Williams stated certainly you could have a reso made up at the following meeting. I'm not sure what you want to do as far as a work session. Do you want to close the public hearing so you stop taking public comment.

Chairman Buzzutto stated well...

Rich Williams stated and discuss...

Chairman Buzzutto stated yes. Well, maybe we shouldn't close the public hearing right away.

Board Member Olenius stated I'm speaking for myself, but I'm pretty confident that I'm going to want to site walk where they're...

Chairman Buzzutto stated yes.

Board Member Bodor stated yes.

Board Member Olenius stated because I have an idea, but I want to see it.

Board Member Burdick stated yes, I agree.

Chairman Buzzutto stated but that...well...

Board Member Burdick stated well we, I mean, we have to request a balloon test and all of that kind of stuff.

Chairman Buzzutto stated we'll request a balloon test. So it would be...

Board Member Bodor stated well, we're not doing a reso right away.

Board Member Burdick stated yes.

Chairman Buzzutto stated so, probably in November, that would come up.

Board Member Burdick stated we're probably...

Chairman Buzzutto stated so it probably wouldn't be until December that the...

Board Member Burdick stated we're a ways...

Board Member Bodor stated we're months away...

Board Member Burdick stated months away from that.

Chairman Buzzutto stated yes.

Board Member Burdick stated we're months away from a reso I would think.

Chairman Buzzutto stated yes.

Board Member Burdick stated you know, the next meeting if they present something, we're going to try to set up the balloon test and the site walk...

Chairman Buzzutto stated yes.

Board Member Burdick stated will probably, you know...

Board Member Olenius stated same day.

Board Member Bodor stated yes.

Board Member Olenius stated usually, right.

Board Member Burdick stated yes.

Chairman Buzzutto stated well, I would like the reso written by, you know...because I think there's going to be some...

Board Member Olenius stated somewhat eloquent.

(Cell phone ringing)

(Laughter).

Chairman Buzzutto stated yes.

Board Member Bodor stated whose cell is that now. You know there's a note on the door there that says no cell phones should be turned on.

Board Member Herbst stated that's right. They're supposed to be turned off.

Board Member Burdick stated I have mine on vibrate; I'm on call.

Board Member Bodor stated we need to make it bigger on the wall or something.

Chairman Buzzutto stated did you hear a cell phone ringing.

(Board Member laughs).

Board Member Bodor stated it's yours.

Chairman Buzzutto stated (inaudible). Okay. Yes, I hear you.

Board Member Bodor stated I think what he's trying to say is that he wants you to start thinking about that reso.

Chairman Buzzutto stated I think the PLCC is going to start a little...

Board Member Bodor stated well, start thinking about it.

Carl Lodes stated I'll think about it right through Thanksgiving and right into Christmas.

Board Member Bodor stated yes, right. Right.

Carl Lodes stated okay.

Chairman Buzzutto stated that's what I have in mind.

Carl Lodes stated okay.

Chairman Buzzutto stated in case this PLCC takes it to court.

Board Member Herbst stated why would they do that.

Chairman Buzzutto stated because they already have an agreement with the...

Board Member Herbst stated go and spend all the money that they got.

Chairman Buzzutto stated well...

Rich Williams stated if you deny their application, they have grounds.

Chairman Buzzutto stated which one, on the South Shore [Drive].

Rich Williams stated PLCC application. I would assume that the Board is going to make a decision on the Putnam Lake cell tower, you're going to approve one of the applications.

Chairman Buzzutto stated we're going to approve, well...

Board Member Bodor stated but we don't know how this is going to...how they're going to come in.

Rich Williams stated no, I'm saying...

Chairman Buzzutto stated yes.

Rich Williams stated I don't know which application you're going to approve, but you're going to approve one of the applications. You're probably going to deny the other application, and that's really the tricky reso.

Board Member Bodor stated that's the tricky one.

Chairman Buzzutto stated well, but they said that they were going to hold that and...

Carl Lodes stated can we go into executive session if you're going to talk about that. I mean, you're on the record here.

Chairman Buzzutto stated okay.

Board Member Burdick stated so make a motion to close the meeting.

Carl Lodes stated make a motion to close the meeting and go into executive session.

Board Member Olenius stated do you want to approve the minutes first.

Carl Lodes stated nobody here.

Board Member Olenius stated do you want to approve the minutes before we do that.

Board Member Bodor stated we can come back and do that.

Chairman Buzzutto stated okay.

Board Member Bodor stated since we're this far along.

BOARD GOES INTO EXECUTIVE SESSION

Board Member Bodor stated return to the public meeting from executive session.

Chairman Buzzutto stated okay.

d) Minutes

Board Member Bodor stated we have two sets of minutes...

Chairman Buzzutto stated yes.

Board Member Bodor stated to approve. August 19th, which was the regular meeting, and August 25th, which was the cell tower meeting. You did a nice job, Sarah.

The Secretary stated thank you.

Chairman Buzzutto stated very good, yes.

Board Member Bodor stated I make a motion to approve both sets of minutes as presented.

Board Member Olenius stated I'll second.

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

Board Member Bodor stated anything else. Something else Rich.

Rich Williams stated no, Ma'am.

Board Member Bodor stated oh, I thought you had something going on there.

Chairman Buzzutto stated anything else in the woodwork. What's with Patterson Crossing.

Rich William stated are we adjourned.

Board Member Bodor stated no, we're not adjourned yet.

Chairman Buzzutto stated yes.

Board Member Burdick stated make a motion to adjourn.

Chairman Buzzutto stated yes.

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

Meeting was adjourned at 8:01 p.m.