

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS  
September 18, 2013**

**AGENDA & MINUTES**

	Page	
<b>1) Design Concepts Engineering, P.C. Case #14-13</b>	1 – 3	Public hearing continued; Application held over
<b>2) Philip Tassi &amp; Julianne Sotomayor-Tassi Case #15-13</b>	3 – 12	Public hearing closed; Area Variances for 16'x32' pool granted
<b>3) Other Business</b>	13	
<b>a) Minutes</b>	15	June 19, 2013 & August 21, 2013 Minutes approved

**PLANNING DEPARTMENT**

P.O. Box 470  
1142 Route 311  
Patterson, NY 12563

Michelle Lailer  
Sarah Mayes  
*Secretary*

Richard Williams  
*Town Planner*

Telephone (845) 878-6500  
FAX (845) 878-2019



**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

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

**PLANNING BOARD**

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

**Zoning Board of Appeals  
September 18, 2013 Meeting Minutes**

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

Present were: Chairman Olenius, Board Member Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Gerald Herbst, Nancy Tagliaferro, Attorney with Town Attorney’s Office and Richard Williams Sr., Town Planner.

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

There were approximately 3 members of the audience.

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

Chairman Olenius led the salute to the flag.

Roll Call:

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

**1) DESIGN CONCEPTS ENGINEERING, P.C. CASE #14-13**

No one was present for the application.

The Secretary read the following legal notice:

**NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS** of a public hearing to be held on Wednesday, September 18, 2013 at 7:00 p.m. at the Patterson

Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

**Design Concepts Engineering, PC Case #14-13 – Area Variances & Use  
Variance – Held over from the July 17, 2013 and August 21, 2013 meetings**

Chairman Olenius stated I think that's fine because it's held over.

The Secretary stated yes.

Chairman Olenius stated it's already in the record. At the last meeting we suggested that Design Concepts and the Patterson Volunteer Fire Department seek an exemption from the Town Board in light of the use variance necessary for their proposed electronic sign. Apparently, some, I'm not going to...Secretary could enter the piece into the record; I'm not going to read the whole thing. It's just 154-67-A2 Exemptions.

A. The purpose of this section is to improve the general health, safety and welfare of the residents of the Town of Patterson by promoting the dissemination of the information to the residents of the Town of Patterson in emergency situations, and to provide a method for emergency service organizations in the Town of Patterson to provide with information relating to such organizations.

B. The following emergency service organizations shall be exempt from the provisions of this chapter regarding the type of sign, location and area of the sign to be placed upon the property of such emergency services organizations, subject to the restrictions set forth herein:

- (1) Volunteer Ambulance Corps.,
- (2) Fire Departments, and
- (3) Volunteer Fire Departments.

C. There shall only be permitted one free standing sign per lot on each property of the emergency service organizations listed in subsection B hereof. Such sign may be located on a vacant lot owned by such organization, as long as such vacant lot adjoins a lot upon which such organization has a building used for the operation of the organization.

D. Each sign erected pursuant to this section shall not exceed fifty (50) square feet in area and shall not exceed nine (9) feet in height.

E. The Town of Patterson shall be permitted to use any sign erected pursuant to this Section 154-67-A2 in order to disseminate information related to the general health, safety and welfare of the residents of the Town of Patterson.

It's currently under review. Nothing's been resolved to that point yet, but in light of it being an ongoing process, we're going to table...To make a motion to table this for another month till we get some feedback from interested parties.

Board Member Buzzutto stated I'll second that.

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

The Secretary stated alright.

Chairman Olenius stated that was fast.

**2) PHILIP TASSI & JULIANNE SOTOMAYOR-TASSI CASE #15-13**

Mr. Philip Tassi and Mrs. Julianne Sotomayor-Tassi were both present.

The Secretary read the following legal notice:

**Philip Tassi & Julianne Sotomayor-Tassi Case #15-13 – Area  
Variances – Held over from the August 21, 2013 meeting**

Applicants are requesting area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to install a 16' x 32' in-ground swimming pool with walkway and patio. The Patterson Town Code requires a minimum side yard setback of 40'; Applicant will have 19'; Variance requested is for 21'. The Code also requires a minimum 80' rear yard setback; Applicant will have 64'; Variance requested is for 16'. This property is located at 29 Teal Lane (R-4 Zoning District).

Chairman Olenius stated Mr. and Mrs. Tassi, welcome back.

Mr. Philip Tassi stated thank you. We figured we'd sit in the back of the room this time.

Chairman Olenius stated you have your choice of seats today. Could you just state your names and address for the record one more time.

Mr. Tassi stated Philip Tassi.

Mrs. Julianne Sotomayor-Tassi stated Julianne Sotomayor-Tassi.

Chairman Olenius stated and we are correct with the notice this time: 29 Teal Lane.

Mr. Tassi stated yes.

Mrs. Sotomayor-Tassi stated 29 Teal Lane.

Mr. Tassi stated 29 Teal Lane.

Chairman Olenius stated good. That's why I let the Secretary read the whole thing into the record again. I thank you for meeting us on the site walk. In my opinion, it made things a lot more clear. But we'll probably go over some of them again.

Mr. Tassi stated okay.

Chairman Olenius stated you said at the site walk that the proposed pool...I don't know how to express this, but the edges were not necessarily written in stone architecturally. You were going to follow the contour of the bedrock or...

Mr. Tassi stated right. If necessary.

Chairman Olenius stated if necessary.

Mr. Tassi stated right.

Mrs. Sotomayor-Tassi stated yes.

Chairman Olenius stated obviously you're seeking the maximum.

Mr. Tassi stated right.

Chairman Olenius stated but what you're seeking is what the maximum would be.

Mr. Tassi stated correct.

Chairman Olenius stated the worst case would be you would be shrinking...

Mr. Tassi stated shrinking it.

Mrs. Sotomayor-Tassi stated smaller. Yes.

Chairman Olenius stated it would actually be less than the requested variance.

Mr. Tassi stated yes.

Chairman Olenius stated the front of your property, which obviously you wouldn't want a pool in your front yard anyway, that was your septic area.

Mr. Tassi stated that's correct. The septic fields are all in the front of the house.

Chairman Olenius stated and you're well. Did we go over...

Mr. Tassi stated the well is in the back left-hand corner.

Chairman Olenius stated on the steeper...

Mr. Tassi stated behind the driveway.

Chairman Olenius stated slope. Okay.

Mr. Tassi stated on the steeper slope behind the driveway. Right. That's all the way

tucked...It's...

Chairman Olenius stated okay. I think the other thing that came up, that jumped out at me, was the fact that the way your rear property line backs up. The nearest house that we could visually see was not actually the adjacent property owner.

Mr. Tassi stated that's correct.

Chairman Olenius stated there is another property somehow sandwiched in between which was basically...

Mr. Tassi stated yes.

Chairman Olenius stated vacant yard. We couldn't actually see their residence.

Mr. Tassi stated right. Because they're actually on Apple...That house is on Apple...The people behind us are on Apple Hill which is quite a bit of ways.

Chairman Olenius stated and they're house is sited closer to Apple Hill...

Mr. Tassi stated that's correct.

Chairman Olenius stated road, I think, from what...Because we couldn't...I couldn't even see it when walking up in the back there with the amount of screening you had there; natural...

Mr. Tassi stated right.

Chairman Olenius stated screening. It's your intention to let that screening remain.

Mr. Tassi stated yes.

Mrs. Sotomayor-Tassi stated oh, yes.

Chairman Olenius stated for the most part.

Mr. Tassi stated yes.

Chairman Olenius stated the buffer, as well as on the adjacent neighbor's property...

Mr. Tassi stated yes.

Chairman Olenius stated there was some existing foliage there.

Mr. Tassi stated right. And we're going to probably going to keep that and possibly put in a little bit more...

Mrs. Sotomayor-Tassi stated more.

Mr. Tassi stated screening.

Chairman Olenius stated okay. And as I recall standing in the pool area, there was almost an upslope going to that adjacent neighbor's house, also on the side yard setback. The natural...

Mr. Tassi stated actually, it goes downhill, not up.

Chairman Olenius stated but wasn't there a little lip up between you and that property.

Mr. Tassi stated yes.

Board Member Burdick stated on the neighbor's property.

Chairman Olenius stated on...

Mr. Tassi stated on the neighbor's property.

Mrs. Sotomayor-Tassi stated yes.

Chairman Olenius stated it's on the neighbor's property though, but it wasn't a full downslope from...

Mr. Tassi stated no.

Chairman Olenius stated where the edge of your pool...

Mrs. Sotomayor-Tassi stated no.

Chairman Olenius stated would be. There was kind of a...

Mr. Tassi stated that's right.

Chairman Olenius stated earthen...Or stone, actually. I think you pointed out...

Mr. Tassi stated there is stone there...

Chairman Olenius stated a piece of stone there.

Mr. Tassi stated right.

Board Member Burdick stated and their house is lower than your house.

Mr. Tassi stated right. Their house is...From our property they're about...we're about mid-second story.

Chairman Olenius stated yeah. It looked like the pool...actual patio pool height was kind of...

Mr. Tassi stated above their...

Chairman Olenius stated yes.

Mrs. Sotomayor-Tassi stated right.

Chairman Olenius stated if you were standing there, you could look over their house pretty easily, even though there was natural screening there.

Mr. Tassi stated yes.

Chairman Olenius stated you had a fence in place...

Mr. Tassi stated yes.

Chairman Olenius stated that you said you intend to...

Mr. Tassi stated we're going to keep the fence and we're going to put self-closing hinges on the existing fence.

Chairman Olenius stated to make everything...

Mr. Tassi stated up to standard, yes.

Chairman Olenius stated up to Code for all that. I'm trying to hit all the high points in my head from the site visit.

Board Member Bodor stated you're doing okay.

Board Member Buzzutto stated you mentioned you were going to shrink it wherever the rock...outcrop of rocks are.

Mr. Tassi stated if it's necessary.

Board Member Buzzutto stated you're going to shrink there but are you going to expand it in other place to keep the 32' x 16'...

Mr. Tassi stated no I wouldn't. I'm pretty sure...Contractor's here. If we had to shrink it, it would just be squeezed...

**Applicant's Contractor stated** it would be squeezing it in a little bit.

Board Member Buzzutto stated but you're not going to...

Mr. Tassi stated we're not going to expand and make it any larger, no.

Chairman Olenius stated you're not going to encroach anymore on...

Board Member Buzzutto stated yes.

Mr. Tassi stated no.

Chairman Olenius stated the sideline.

Board Member Buzzutto stated no...

Mrs. Sotomayor-Tassi stated no. On the other side.

Board Member Buzzutto stated yeah, he can expand here but he's not going to expand over there [referring to a survey].

Mr. Tassi stated no.

Board Member Buzzutto stated okay.

Mr. Tassi stated it would just be...

Board Member Buzzutto stated it's going to still be...

Mr. Tassi stated shrinking.

Board Member Buzzutto stated 32' by...

Mr. Tassi stated 16'.

Mrs. Sotomayor-Tassi stated 16'.

Board Member Buzzutto stated it will be less than 32'...

Mrs. Sotomayor-Tassi stated yes.

Mr. Tassi stated it will be...

Board Member Buzzutto stated less...

Mrs. Sotomayor-Tassi stated it will be less.

Mr. Tassi stated or it will be...Actually, it will probably be 14' x 24'...

Board Member Buzzutto stated yes, okay.

Mr. Tassi stated instead of...

Board Member Buzzutto stated good deal. That's all I have.

Chairman Olenius stated I don't have anything further on this either. It's pretty cut and dry from last meeting.

Board Member Buzzutto stated construction will start this fall.

Mr. Tassi stated we hope so.

Mrs. Sotomayor-Tassi stated yes.

Board Member Buzzutto stated okay.

Chairman Olenius stated anything else, Jerry.

Board Member Herbst stated no. It was pretty clear.

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

Board Member Burdick stated second.

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

Chairman Olenius stated we'll start with the rear yard setback.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Philip Tassi & Julianne Sotomayor-Tassi, Case #15-13***  
***For an Area Variance for a Rear Yard Setback for a 16' x 32' In-Ground Pool***

**WHEREAS, *Philip Tassi and Julianne Sotomayor-Tassi*** are the owners of real property located at 29 Teal Lane (R-4 Zoning District), also identified as **Tax Map Parcel #35.-4-122, and**

**WHEREAS, *Philip Tassi and Julianne Sotomayor-Tassi*** have made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to install a 16' x 32' in-ground swimming pool with walkway and patio, and

**WHEREAS, §154-7 of the Patterson Town Code** requires an 80' rear yard setback; Applicant will have 64'; ***Variance requested is for 16'***, 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 21, 2013 and September 18, 2013 and a site walk was conducted on September 6, 2013*** 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 in question is well screened, naturally, from adjacent properties, both side and rear.***

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the topography of the Applicant's property: It's the only level area in the rear of the house.*
3. the variance requested *is not* substantial *because the Applicant will still have 64' to the rear of the property line.*
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 property is on a large lot and this will not greatly increase the impervious coverage.*
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 *Philip Tassi and Julianne Sotomayor-Tassi* for an *area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 16' from the 80' required for a rear yard setback in the R-4 Zoning District in order to install a 16' x 32' in-ground pool with a walkway around the pool and a patio 64' from the rear yard property line.*

Board Member Bodor stated second.

Board Member Buzzutto stated did you say 6 foot or 16 foot.

Board Member Burdick stated 16'.

Chairman Olenius stated 16.

Mrs. Sotomayor-Tassi stated 16.

Board Member Buzzutto stated you did say 16.

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

Resolution carried by a vote of 5 to 0.

Mr. Tassi stated thank you.

Chairman Olenius stated one more.

Board Member Bodor stated one more.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Philip Tassi & Julianne Sotomayor-Tassi, Case #15-13***  
***For an Area Variance for a Side Yard Setback for a 16' x 32' In-Ground Pool***

**WHEREAS, *Philip Tassi and Julianne Sotomayor-Tassi*** are the owners of real property located at 29 Teal Lane (R-4 Zoning District), also identified as **Tax Map Parcel #35.-4-122, and**

**WHEREAS, *Philip Tassi and Julianne Sotomayor-Tassi*** have made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to install a 16' x 32' in-ground swimming pool with walkway and patio, and

**WHEREAS, §154-7 of the Patterson Town Code** requires an 40' side yard setback; Applicant will have 19'; ***Variance requested is for 21'***, 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 21, 2013 and September 18, 2013 and a site walk was conducted on September 6, 2013*** 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 in question is well screened from the adjacent neighbor on the side.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the topography of the property and it's the only open space to the rear of the house in order to construct such an accessory.***
3. the variance requested ***is*** substantial ***however not so much so as to cause a denial of the variance.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because it's a relatively small footprint on a large lot with regards to impervious coverage.***
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 ***Philip Tassi and Julianne Sotomayor-Tassi*** for an ***area variance*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***for a variance of 21' from the 40' required for a side yard setback in the R-4 Zoning District in***

*order to install a 16' x 32' in-ground pool with a walkway around the pool and a patio 19' from the side yard property line.*

Board Member Bodor stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated okay. Now you're all set.

Mr. Tassi stated thank you very much.

Mrs. Sotomayor-Tassi stated thank you very much.

Chairman Olenius stated start digging a hole, let it settle over the winter.

[Laughter]

Mrs. Sotomayor-Tassi stated yes.

Mr. Tassi stated okay.

[Laughter]

Chairman Olenius stated hopefully you can swim in the spring.

Mr. Tassi stated hopefully. Thank you.

Chairman Olenius stated you're very welcome.

Mrs. Sotomayor-Tassi stated thank you.

Chairman Olenius stated good luck with that.

Mr. Tassi stated thank you.

Mrs. Sotomayor-Tassi stated thank you.

Mr. Tassi stated thank you.

Board Member Buzzutto stated do it in the spring. I think he'd rather swim in the pool then.

**3) OTHER BUSINESS**

Chairman Olenius stated is there any other business.

The Secretary stated no.

Chairman Olenius stated any of the Board have any other business.

Board Member Buzzutto stated nope.

Board Member Burdick stated I might have a conflict...

Chairman Olenius stated okay.

Board Member Burdick stated with the next meeting.

Chairman Olenius stated okay.

Board Member Burdick stated I have a 5 o'clock appointment and (inaudible) was going to be done in time for me to get here.

Chairman Olenius stated that is October 16<sup>th</sup>.

Board Member Burdick stated yes.

Chairman Olenius stated what is the outlook right now for number of cases for next month.

The Secretary stated possibly one that I know of so far.

Chairman Olenius stated so we would have, potentially, the hold over and possibly one new one, as you know right now.

The Secretary stated right. And it would just be a renewal.

Chairman Olenius stated when's the deadline.

The Secretary stated the deadline is October 1<sup>st</sup>.

Chairman Olenius stated okay.

The Secretary stated and it's just an accessory apartment renewal.

Chairman Olenius stated does anybody else have an issue with the 16<sup>th</sup>.

Board Member Buzzutto stated no. Not the 16<sup>th</sup>, no.

Chairman Olenius stated so we'd still have enough for a quorum even if you...

Board Member Burdick stated yes.

Chairman Olenius stated I'm...It's not that I'm unwilling to change the date...

Board Member Burdick stated no, I agree with you.

Chairman Olenius stated but I am traveling the weekend before that and I'm not returning till the 15<sup>th</sup>.

Board Member Burdick stated yes, but based on this schedule...

Chairman Olenius stated so...

Board Member Burdick stated I'll do my best to get...

Chairman Olenius stated if it's that light, too.

Board Member Burdick stated here but, you know...

Chairman Olenius stated if you could just let the Secretary know, you know, just so we have a heads up. Like if you say you're five minutes away, well, I'll hold the meeting for...

Board Member Burdick stated yes.

Chairman Olenius stated you know, a little bit.

Board Member Burdick stated yes. Because the appointment's local.

Chairman Olenius stated okay.

Board Member Buzzutto stated so October 16<sup>th</sup> is good.

Chairman Olenius stated we'll keep it the same. Yes, just...

Board Member Herbst stated it's October 15<sup>th</sup>, okay.

Board Member Buzzutto stated 16<sup>th</sup>.

Chairman Olenius stated if we start trying to move it...

Board Member Herbst stated what.

Board Member Buzzutto stated 16<sup>th</sup>.

Chairman Olenius stated I'm looking at my calendar.

Board Member Herbst stated 16,

Chairman Olenius stated and I don't have a lot of room to move, either, and then try to fit in with all the other boards and things that are going on. Where did I put that now.

**a) Minutes**

Chairman Olenius stated the minutes, I did have an opportunity to review both June and August, in light of the light case load and I'll make a motion to approve both June and August meeting minutes.

Board Member Burdick stated second.

Chairman Olenius stated all in favor.

Board Member Buzzutto stated aye.

Board Member Burdick stated aye.

Board Member Herbst stated aye.

Chairman Olenius stated all opposed.

Board Member Bodor stated I'll abstain because I didn't read them.

Chairman Olenius stated okay. That's fine.

Motion carried by a vote of 4 to 0.

Chairman Olenius stated and other than that, I'll make a motion to adjourn.

Board Member Burdick stated second.

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

Meeting was adjourned at 7:19 p.m.