

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
September 19, 2012**

AGENDA & MINUTES

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2) Mohammed Kiswani Case #25-12	10 – 19	Public hearing closed; Area variances granted for impervious coverage and side and rear setbacks for 27' pool granted
3) Suzanne Bruce Case #30-12	19 – 20 32	Public hearing opened; Application tabled until October 17, 2012.
4) David Fernandes Case #31-12	20 – 26	Public hearing opened and closed; Area variance granted for enlargement of a non-conforming for a two story addition.
5) Antonio Piccolino Case #32-12	26 – 31	Public hearing opened and closed; Area variance granted for side yard setback for 14' x 20' storage shed
6) Other Business a) Director of Code Enforcement Generator Memo	32 – 35	Discussion of memo; ZBA agrees with parameters
7) Minutes	35 - 36	August 22, 2012 approved

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TOWN OF PATTERSON
PLANNING & ZONING OFFICE

ZONING BOARD OF APPEALS
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Zoning Board of Appeals
September 19, 2012 Meeting Minutes

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

Present were: Chairman Lars Olenius, Board Member Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Gerald Herbst, Richard Williams Sr., Town Planner, Nicholas Lamberti, Director of Code Enforcement, and Nancy Tagliafierro, with the Town Attorney's Office, Hogan & Rossi.

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

There were approximately 7 members of the audience.

Michelle Lailer was the secretary for this meeting and transcribed the following minutes.

Chairman Olenius led the salute to the flag.

Roll Call:

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

Chairman Olenius stated Mr. Gestri is here so, go ahead.

1) JACK GESTRI CASE #21-12

Mr. Jack Gestri was present.

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 19, 2012 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Jack Gestri Case #21-12 – Area Variances: Held over from July 18, 2012 and August 22, 2012 Meetings

Chairman Olenius stated Mr. Gestri.

Mr. Gestri stated yes, Mr. Chairman.

Chairman Olenius stated how are you this evening.

Mr. Gestri stated I'm fine, how about you.

Chairman Olenius stated okay, this is a hold over, so you've already been sworn in and we've already read your full legal, so we can dispense with those formalities tonight. We've been out a couple times to your property...

Mr. Gestri stated yes.

Chairman Olenius stated site walking and everything...

Mr. Gestri stated we're buddies.

Chairman Olenius stated yeah, in an effort to mitigate the number of variances, we had a discussion about the possibility of combining the two smaller sheds and creating one larger structure.

Mr. Gestri stated yes.

Chairman Olenius stated do you have anything on that for us...

Mr. Gestri stated absolutely.

Chairman Olenius stated do you have any ideas or...

Mr. Gestri hands out a plan to the Board Members.

Chairman Olenius stated a man of action, multiple copies.

Mr. Gestri stated you always have to be prepared. That's okay, I'll walk around you. Okay, on the material sheet, I am going to create three T's, made out of 2 by 4's, in the front I am going to have a 24" by 71" door, paneled, on the back I am going to have 24" by 71" half inch plywood and that will enclose the complete structure together. On the top, as you can see on the bottom part, I looked into a white PVC sheet of roofing, which is attached by three brackets on the top of each T, so that should be pretty secure. If you go to the next page, you see the front to back and you see how it's going to be attached, shed on the left, shed on the right, five screws, spacing sixteen inches apart from the top to the bottom on both sides, that locks in the T into position. The front T is going to be set a half inch higher than the back T and then the mid T will be a quarter of an inch from the back and that allows for the water to runoff the back of the sheds.

Chairman Olenius stated very good, it looks like you did your homework or you went to building school.

Mr. Gestri stated no, my wife said I looked pretty good on the writing but my handwriting is horrendous.

Chairman Olenius stated much better than some architects I've seen and you're okay with that...

Mr. Gestri stated oh, absolutely.

Chairman Olenius stated doing that, that just allows us to not have to force you for that third variance for the separation, the 15' between the accessory structures, you know by making that one structure, now technically you have two accessory structures on your property...

Mr. Gestri stated right.

Chairman Olenius stated and which the other one, it was more than that, I think I measured it out at 42' from what this one is, which is more than adequate for the spacing...

Mr. Gestri stated great.

Chairman Olenius stated just for fire preservation and what not, so the firemen can get around easily through there. I'm trying to...

Board Member Buzzutto stated the back will be secured against the same as the front...

Mr. Gestri stated yes, it will be screwed into the T...

Board Member Buzzutto stated five on each side, and the back five.

Mr. Gestri stated right.

Board Member Buzzutto stated well that's practical.

Board Member Bodor stated does this plan call for the two sheds to remain where they are...

Mr. Gestri stated yes.

Board Member Bodor stated joined together with the hallway type thing in the middle.

Mr. Gestri stated right, right, so it's mechanically connected.

Board Member Bodor stated you didn't give any thought to moving them to the interior of your property.

Mr. Gestri stated we discussed that at the first site meeting, we discussed it at the second site meeting that to move the sheds would be really a major problem, the sheds are she in a drop back position, where the back of the property falls off so the rear of the actually shed is on two cinder blocks where underneath that would be sand to level it and then in the center of the shed you have another cinder block that is set, also in sand and then the front of the shed is set on ground level. In addition to that you have a frame that goes on top of everything and of course the idea of taking apart the shed, all the bolts and screws and whatever, to move it would be a real major problem.

Board Member Buzzutto stated well you wouldn't have to take it apart to move it though, would you.

Mr. Gestri stated yes, you would, it weighs a ton. It's plastic but it's that heavy plastic, as a matter of fact, when they delivered the product to me, I could not drag the box it was good thing that they actually kept it pretty close because I had to take it apart and bring it up piece by piece.

Board Member Bodor stated it was just my thought is since you have a sizeable piece of property there, those sheds could be one on each side of the little arbor or entry way to the lower garden that you have there and that would, it would balance the look of the backyard, this is lopsided, you've got them over in a corner together, that's my personal opinion and that's why I asked the question.

Board Member Buzzutto stated the overall structure, capacity or interior, still falls within the limit of less than 144 square feet.

Mr. Gestri stated yes, we went over that at the site walk.

Board Member Buzzutto stated we went over that.

Chairman Olenius stated it's a 112 square feet.

Board Member Buzzutto stated a 112 square feet, that's what he's going to have.

Chairman Olenius stated that's what it will be once this is...

Board Member Buzzutto stated yeah, it's just for the minutes, so we know...

Mr. Gestri stated sure.

Chairman Olenius stated once this is completed, so you would still be under, you won't need to require a building permit or anything, however, should this be approved I'll probably request that the Building Inspector go out and verify...

Mr. Gestri stated sure.

Chairman Olenius stated that you indeed have done it. How long do you think a project like this would take you to do.

Mr. Gestri stated a week, about a week.

Chairman Olenius stated we usually put a conditional time limit, you know, on the resolution that it's completed within a certain amount of time, that's why I was...

Mr. Gestri stated well barring anything you know, unusual happening, I can't see...

Chairman Olenius stated its typically 30 days.

Mr. Gestri stated 30 days is fine.

Chairman Olenius stated okay, I didn't know if you were going to say you had vacation for 3 weeks over the next 30 days or something like that.

Mr. Gestri stated when you're retired, what do they say, you're always on vacation.

Chairman Olenius stated full time vacation.

Mr. Gestri stated you saw what I do in the back, I'm never on vacation but I'm saying I should be able to have it done in 30 days, sure.

Board Member Buzzutto stated no, we're just saying it's not going to take you 30 days of actual work but people prolong things and...

Mr. Gestri stated no, no, I'm looking at a day's work, that's all it is, a day's work but it has to be painted so that's going to take a little bit more time.

Chairman Olenius stated that honestly wouldn't be part of it, if it wasn't painted yet, it wouldn't affect his verification that it's mechanically connected...

Mr. Gestri stated well it has to look like...

Chairman Olenius stated that's really what I was gearing at.

Board Member Buzzutto stated okay.

Chairman Olenius stated anybody in the audience have anything further on this case. Hearing none.

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

Board Member Bodor stated what about the tent.

Chairman Olenius stated the text...

Board Member Bodor stated that's included...

Chairman Olenius stated the tent like structure had the separation and everything...

Board Member Bodor stated right, it's still in the front yard.

Chairman Olenius stated correct, yeah, they were going to because they are both, it's the same discussion.

Board Member Bodor stated right, I just asked the question.

Chairman Olenius stated we did discuss actually, possibly, potentially adding more screening to that tent like structure on the first site walk...

Board Member Bodor stated yes we did.

Mr. Gestri stated yes we did and here we go with the next picture, I was just waiting.

Chairman Olenius stated I forgot about that.

Mr. Gestri stated you don't need it.

Chairman Olenius stated no, please, let me see what you have.

Mr. Gestri stated sure.

Chairman Olenius stated I was so preoccupied with the...

Board Member Bodor stated thank you.

Mr. Gestri stated you're welcome. I'm going around, relax. So what you're looking at are three different kinds of camouflage, that netting can go over basically the whole part of the tent that would be seen from Cornwall Hill [Road] and some of those camouflage's go over the whole top. I did three variations, you know I didn't know how you wanted to see that, so each one of those would be something that I could purchase, put it over the top and bungee it in, as far as the length of time, I think you had asked me that Chairman, how long that would last, it would last as long as the canvas on the tent would last and that's probably how long the tent would be there, once that canvas deteriorates, depending upon how expensive that material would be replace, that would probably be the life of the tent, at that point I probably won't need the tractor anymore. I'm getting older.

Chairman Olenius stated what is this made out of, some type of polyester or something.

Mr. Gestri stated yeah, I'm sure it is a synthetic piece, again they use this type of camouflage for blinds, for hunting blinds, so they set it up on a structure, usually a hut, they throw it over the hut and they have this visual view of a field, but it's a camouflage, it does a very nice job of hiding and it would be something that would be almost immediate, so you wouldn't have to wait for trees to grow, you would get an immediate loss of view, it would just look like a forest.

Board Member Bodor stated but in the dead of winter, it's going to be very obvious.

Mr. Gestri stated I'm not too sure about that, that's what they use it for in winter, for hunting, so I would assume that that would not be the case.

Chairman Olenius stated I guess that's why it's got a lot of colors...

Mr. Gestri stated right, it mixes up; it folds itself into the surrounding area.

Board Member Buzzutto stated I think when you said screening; I thought you were referring to hemlocks and something like that.

Chairman Olenius stated that was this initial discussion, continuing that hemlock row but I can, Mr. Gestri looked at this for like an immediate...

Board Member Buzzutto stated yeah, okay.

Mr. Gestri stated I mean, if you want to go with the trees that's fine, I just thought this might be a better solution.

Board Member Buzzutto stated well...

Chairman Olenius stated I see where you were coming from, you're looking for an immediate solution. I think in the Board's mind, we were just thinking how the line of evergreens that you have coming down past the smaller sheds, you know.

Mr. Gestri stated it's going to get lost there, the trees, the pine trees that you were referring to, would definitely get lost in that section there because you have the larger trees in front of it, so I thought this might be a better way.

Board Member Buzzutto stated it looks too military.

Mr. Gestri stated oh, it's not going to be military; it will just blend right in.

Board Member Buzzutto stated it might have an aircraft under there.

Board Member Herbst stated that a boy Buzzy, only you could come up with that.

Board Member Buzzutto stated oh well, it's a lot cheaper, that's for sure.

Chairman Olenius stated yeah I guess actually, from a cost effective standpoint, this is probably cheaper than...

Mr. Gestri stated it's going to run about \$85 to \$95 dollars.

Chairman Olenius stated which is probably what one evergreen tree would be.

Board Member Buzzutto stated unless you use a (*inaudible*).

Chairman Olenius stated yeah.

Board Member Buzzutto stated okay.

Chairman Olenius stated you guys have any comments on, anything.

Board Member Burdick stated no more.

Board Member Buzzutto stated I have nothing.

Chairman Olenius stated all right, make a motion to close the public hearing then.

Board Member Herbst stated second.

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

Chairman Olenius stated okay.

Board Member Buzzutto stated let's see which one we've got here.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Jack Gestri, Case #21-12
For an Area Variance for an Existing 10' x 20' Tent-Like Structure and Two 7' x 7'
sheds to Remain in the Front Yard

WHEREAS, *Jack Gestri* is the owner of real property located at 172 Somerset Drive (R-4 Zoning District), also identified as **Tax Map Parcel #13.-3-111, and**

WHEREAS, *Jack Gestri* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to legalize a 10' x 20' tent-like structure and two 7' x 7' sheds in the front yard, along Cornwall Hill Road, and

WHEREAS, §154-27(12)(a) of the Patterson Town Code states that a shed and other accessory structures shall not be located in the front yard.

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 ***July 18, 2012, August 22, 2012, and September 19, 2012, and site walks were conducted on August 16, 2012 and September 13, 2012,*** to consider the application; and

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

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because the said property has two front yards and the area designated for these structures is a fair distance from the adjoining home sites.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because of the topography of the rear yard and the slopingness and the wetlands buffer at the very rear.***
3. the variance requested ***is not*** substantial ***because of the fact that the property does have two front yards.***
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 a large parcel with sloping topography and a wetlands buffer below.***
5. the alleged difficulty necessitating the variance ***was self-created however is not sufficient*** so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby ***grants*** the application of ***Jack Gestri*** for ***an area variance*** pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to allow for a 10' x 20' tent-like structure and two 7' x 7' sheds to remain in the front yard, along Cornwall Hill Road.

WITH THE FOLLOWING CONDITIONS:

1. The two 7' by 7' sheds shall be mechanically attached to create and develop one 7' by 16' shed on the property.
2. The some type of appropriate screening will be provided for the tent like structure and;
3. That the Building Inspector shall be apprised after at 30 day time period to make a visitation to verify that the mechanical connections have been made between the two sheds.

Mr. Gestri stated would you like to call when it's finished, okay.

Board Member Buzzutto stated maybe they don't know why the lot has two front yards, maybe they don't, I mean the audience, maybe they don't realize why there's two front yards. I mean maybe they don't know why there's two front yards because it's on two roads, it's a corner lot, in case they didn't know, okay.

Board Member Burdick stated second.

Board Member Bodor	-	no
Board Member Burdick	-	yes
Board Member Buzzutto	-	yes
Board Member Herbst	-	yes
Chairman Olenius	-	yes

Resolution carried by a vote of 4 to 1.

Board Member Buzzutto stated okay.

Mr. Gestri stated thank you very much.

Chairman Olenius stated you're welcome, so just notify the, Cheryl in the Building Department when it is complete so Mr. Lamberti can make an appointment with you to come out and verify.

Mr. Gestri stated okay, sure, thanks a lot.

Chairman Olenius stated all right, thank you.

Board Member Buzzutto stated thanks for your cooperation, it was great.

Chairman Olenius stated yes.

Mr. Gestri stated my please, actually the next time you guys were to come, I would have definitely had something to drink and eat.

Board Member Bodor stated Mr. Gestri, do you want these photos back.

Mr. Gestri stated no, you can keep them.

The Secretary stated I need a copy of the photos and his plan, thank you very much, Chairman.

Chairman Olenius stated I wrote the case number at the top too.

The Secretary stated thank you.

Board Member Bodor stated there you go.

Mr. Gestri stated take care, thank you.

Chairman Olenius stated I'm sorry; I wasn't following what you were saying.

Board Member Buzzutto stated I said maybe in the people in the audience don't know why there's two front yards, because it's on a corner lot.

Chairman Olenius stated I got you.

Board Member Bodor stated just for clarification.

Chairman Olenius stated I thought somebody asked or...

Board Member Buzzutto stated no, maybe they would, I didn't know that for a long time.

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

Mr. Mohammed Kiswani was present.

The Secretary read the following legal notice:

Mohammed Kiswani Case #25-12 – Area Variances: Held over from August 22, 2012

Chairman Olenius stated Mr. Kiswani, how are you this evening.

Mr. Kiswani stated good, how are you.

Chairman Olenius stated very good, thank you. So we took a little site walk out to your property there, you were kind enough to go through some options with us. I know the Building Inspector also paid a visit to you just to verify some measurements and what not we were discussing because your initial submission was for a 24' pool and then it ended up being a 27' round pool, so I think some of the initial calculations on your initial application were for a 24' round pool, so we just wanted to verify you were willing to take away a certain part of your deck, existing deck area to accommodate the larger pool so we don't infringe on the easements...

Mr. Kiswani stated yes.

Chairman Olenius stated any more than a 24' round pool would have done.

Mr. Kiswani stated yes.

Chairman Olenius stated I did, also for the record verify with the Building Inspector for the calculations for impervious coverage did include that sidewalk and fire pit area, so the calculations on the legal's were

accurate, that was brought up at the last meeting by your Homeowner's Association, I believe. Sorry, I'm checking with the numbers, there was a memo from the Building Inspector actually. Memo dated September 18th, it should be submitted for the record in the file...

The Secretary stated it is.

Chairman Olenius stated it is, thank you. Placement of, it just states briefly that the placement of the pool requires the existing deck be modified and made smaller to accommodate the Town's property setback requirements, he has reviewed the details with Mr. Kiswani who is agreeable to cut a minimum of 3' deep crescent shaped cut out with a radius of 13 ½' to accommodate the larger pool and by doing so the impervious coverage will not change from the original calculations for the 24' pool because it is absorbed by the partial removal of the deck and it states here that it was agreed to by you...

Mr. Kiswani stated yes.

Chairman Olenius stated is that true.

Mr. Kiswani stated yes.

Chairman Olenius stated there was also some discussion while we were out there, with you about possibly putting some plantings in for some screening, the sides of your property, I don't know what your Homeowner's Association allows. We, I think we came to the conclusion that fences were not allowed in your bylaws.

John Harnaga stated I can answer that.

Mr. Kiswani stated I'm not sure, how to go...

Chairman Olenius stated can you come up to the microphone please, just state your name for the record.

John Harnaga stated John Harnaga, Vice President of the Homeowner's Association, we do not allow fences, you can put in shrubbery to block like, what is it, those, those evergreen bushes, those small ones or you know screening...

Chairman Olenius stated like arborvitae.

John Harnaga stated arborvitaes, arborvitaes...

Chairman Olenius stated or something like that.

John Harnaga stated yeah, you could put something like that up, yes, we don't allow fences.

Chairman Olenius stated I thought that came up, somebody on the site walk, so we're trying to think of something to mitigate you know, the other side yards from...

John Harnaga stated right, yeah.

Chairman Olenius stated you know, the full affect that a pool might have.

John Harnaga stated right.

Chairman Olenius stated you know, so as not to harm their way of life basically...

John Harnaga stated yeah, as long as it's planting...

Chairman Olenius stated you know, give a little bit of, because I understand the one...

John Harnaga stated not a fence, that's perfect, you know...

Chairman Olenius stated there is a large tree there but you know I'm concerned with spring and fall that there might not be foliage on there...

Mr. Kiswani stated yeah there's a tree...

Chairman Olenius stated you might need some type of evergreen; you know that would have...

John Harnaga stated yeah, I'm not sure if that's an evergreen, that you have that large tree or...

Board Member Bodor stated it seemed to be a maple tree or something.

Mr. Kiswani stated I'll put in shrubs...

John Harnaga stated oh a maple tree, yeah.

Board Member Bodor stated yeah, I don't know, one of those but a couple properties down, I did notice had a hedge of something down there...

John Harnaga stated right.

Board Member Bodor stated I didn't go and check them out.

John Harnaga stated a lot of, some of the properties they do have you know arborvitaes, I know with my property, I did recently put in a pool and the, you know I have a fence of trees, going down the property.

Chairman Olenius stated that's it, no one would see it.

Board Member Bodor stated I think it's a good idea for, you know, number one it kind of marks the property...

John Harnaga stated right.

Board Member Bodor stated number two it's a buffer for sound too.

John Harnaga stated yes.

Board Member Bodor stated as little as they may be initially...

John Harnaga stated absolutely, for privacy too, you don't want...

Board Member Bodor stated a pool is a magnet for noise so.

John Harnaga stated right, absolutely.

Chairman Olenius stated and just for your information because it was brought up by the Homeowner's Association, that I don't know if you heard me, that's why we had Mr. Lamberti go out to verify there was still sufficient distance between the buffer areas and the easements...

John Harnaga stated the easements, that's what I'm here for, just to make sure, I mean we don't, like I said we don't object to the pool, we just want to make sure that the easements are covered, that they're not encroached on.

Chairman Olenius stated Mr. Lamberti, could you just come up for one second and just stated your findings here, it looked me like we had about 15' to the rear easement for the sewer and 23' to the drainage easement, I don't know, do you need to see it, is that still accurate.

Nick Lamberti stated yeah and what really required me to go and take a look at it is because the report was that the pool size had changed, they added 3' to the diameter of the pool and so that required that you know, he cut a little bit further into his deck. Actually when I discussed this, the pool is actually less than 27' he told me, so we calculated it to be 27' anyway.

Chairman Olenius stated so there's a little bit more of a cushion there is that what you're stating.

Nick Lamberti stated there is a little more of a cushion; I guess you said it was less 27' around.

Mr. Kiswani stated it's a just a foot and a half, they told me it's a foot and a half foot bigger than the 24' all around...

Nick Lamberti stated all around would be 27', so that would not really change of the dimension that we had already calculated...

Chairman Olenius stated because...

Board Member Bodor stated because you've moved it in.

Nick Lamberti stated moved it in, yeah.

Board Member Bodor stated the pool's outer edge is still where it was originally.

Nick Lamberti stated exactly.

John Harnaga stated so you're pushing it, you're going into the corner over there.

Mr. Kiswani stated no, I'm going into the deck now...

Nick Lamberti stated into the deck.

Mr. Kiswani stated we're going in here.

Nick Lamberti stated yeah.

Mr. Kiswani stated this whole deck; we're going to cut the whole thing.

John Harnaga stated so you're going to go right in the corner.

Mr. Kiswani stated yeah we're going to put this to the...

Nick Lamberti stated well actually the pool is shifted a little bit and is more into the deck, so...

John Harnaga stated okay, so this is, that will be far from the easement.

Mr. Kiswani stated it's better that way anyway because I don't want to build another deck to this.

Nick Lamberti stated right.

Mr. Kiswani stated it worked out perfectly.

Chairman Olenius stated so we sent him out to verify to protect the interest of the Homeowner's Association too.

John Harnaga stated and the easement on the right side, right.

Nick Lamberti stated yes, well this is where you have the drainage easements, so you have 23' to the...

John Harnaga stated okay so that's more than enough and then over here with the sewer easement.

Nick Lamberti stated yeah, right, he has to stay behind here and here he has 15' from the property line that he meets.

John Harnaga stated right and we'll have how far, right and how far will it be about from the sewer, the sewer, is this the line.

Nick Lamberti stated this is the line for the sewer easement, right here.

John Harnaga stated right.

Nick Lamberti stated we're keeping, I don't have the measurement with me, I'd have to call you back with it, we just have the dimensions from the property line to the pool.

John Harnaga stated okay.

Chairman Olenius stated the property line is to the easement though, isn't it or does he down the, into the easement.

Nick Lamberti stated the sewer easement is right here and there is a line that's drawn here that shows where the pool is staying behind.

Chairman Olenius stated but wouldn't have be his property line, to the edge of the easement.

Nick Lamberti stated he has to stay within the easement but the property line is determined here.

Chairman Olenius stated oh, I see what you're saying.

Board Member Buzzutto stated this here is the...

Board Member Bodor stated its roughly, it looks like, just calculating it from these other measurements, like 6' here but this has been shifted too.

John Harnaga stated so the sewer pipe is actually going through his property line.

Board Member Bodor stated apparently so.

Nick Lamberti stated yes, yeah.

Board Member Bodor stated yeah.

John Harnaga stated the way the builder built it.

Board Member Bodor stated yes, the easement is there.

Chairman Olenius stated but he still appears he's not up to that, up to the easement line...

Nick Lamberti stated no, no, he's not going to be...

Board Member Bodor stated he's not.

Chairman Olenius stated on either side.

Nick Lamberti stated he will not encroach the easement.

John Harnaga stated we just want to make sure just in case any repair, any emergency repair, we can get in there...

Nick Lamberti stated yeah, then you have access to the sewer easement.

Mr. Kiswani stated if you need to do that, then we'll move it.

John Harnaga stated well not to move the pool.

Mr. Kiswani stated we'll move it out, you have to do what you have to do, you know.

Board Member Buzzutto stated do these setbacks have to be between here and here.

Chairman Olenius stated just by their bylaws and their thing, that's what we were discussing...

Board Member Buzzutto stated yeah.

Chairman Olenius stated because you can't be right up to it.

Board Member Buzzutto stated you can't be right up to it.

Chairman Olenius stated which he isn't.

Board Member Buzzutto stated no, he's...

Chairman Olenius stated that's like a common septic field up there or...

John Harnaga stated yes, we have a common septic.

Nick Lamberti stated and common water too.

John Harnaga stated and common water, as well.

Nick Lamberti stated this is yours.

Chairman Olenius stated thank you, thank you very much.

Nick Lamberti stated okay.

John Harnaga stated okay.

Mr. Kiswani stated I'm good.

Chairman Olenius stated does anybody else from the audience have any, hearing none.

Board Member Buzzutto stated are you going to abide by the safety features that were brought up by Nick about the ladder, the...

Nick Lamberti stated the pool.

Mr. Kiswani stated we have a professional, people are going to come and build the whole...

Board Member Buzzutto stated you said they have to be...

Mr. Kiswani stated so, it will be done right.

Nick Lamberti stated well he'll have a permit for that and if he doesn't do it then we don't give him a C.O., so he'll have to do it.

Chairman Olenius stated you're having it professionally installed, that's what you said, you're not doing it yourself.

Mr. Kiswani stated no, I'm not going to do it on my own, believe I've got enough to do.

Chairman Olenius stated you have enough to do.

Mr. Kiswani stated yup.

Chairman Olenius stated I don't have anything further on this case.

Board Member Buzzutto stated no, I've seen it, it looks good to me, very cooperative.

Chairman Olenius stated I make a motion that we close the public hearing then.

Board Member Burdick stated second.

Chairman Olenius called for all in favor. The motion carried by a vote of 5 to 0.

Mr. Kiswani stated thank you.

Chairman Olenius stated wait...

Board Member Bodor stated wait, wait...

Chairman Olenius stated we're not done yet.

Mr. Kiswani stated I'm sorry, I thought we were moving.

Board Member Bodor stated we've got to read it (*inaudible*).

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
*Mohammed Kiswani Case #25-12***

For an Area Variance for Impervious Coverage for a 27' Above Ground Pool

WHEREAS, *Mohammed Kiswani* is the owner of real property located at 60 Meadowbrook Court (R-1 Zoning District), also identified as **Tax Map Parcel #3.19-1-76, and**

WHEREAS, *Mohammed Kiswani* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to install a 27' above-ground pool to be attached to the existing wood deck in the rear yard, and

WHEREAS, §154-7 of the Patterson Town Code requires ≤12% impervious surface coverage in the R-1 Zoning District; Applicant currently has 29.27%; Applicant is proposing 33.67%; ***variance requested is for 21.67%***, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***August 22, 2012 and September 19, 2012, and a site walk was conducted on September 10, 2012,*** to consider the application; and

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

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because there are several other properties within this cluster subdivision that already do have pools or large decks, outdoor activity space within their rear yards.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the fact that it is a cluster subdivision and the lots are small.***

3. the variance requested *is* substantial *however, not so much to cause a denial in light of the fact of an interpretation this Board made on November 15, 2004, with regards to all properties within the Meadowbrook Cluster Subdivision to share the deeded open land equally among all properties, with regards to impervious coverage.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because as previously stated there is designated open land that all homeowners within the development share.*
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 *Mohammed Kiswani* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 21.67% in addition to the 12% impervious coverage allowed in the R-1 Zoning District*, in order to allow for the installation of a 27' above-ground pool to be attached to the existing wood deck in the rear yard.

WITH THE FOLLOWING CONDITION:

1. Some type of native plane screening be provided along the property lines to provide a buffer between adjoining properties.

Board Member Burdick stated second.

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

The resolution passed by a vote of 5 to 0.

Chairman Olenius stated one more.

Chairman Olenius read the follow resolution:

IN THE MATTER OF THE APPLICATION OF
Mohammed Kiswani, Case #25-12
For Area Variances for a 27' Above Ground Pool

WHEREAS, *Mohammed Kiswani* is the owner of real property located at 60 Meadowbrook Court (R-1 Zoning District), also identified as **Tax Map Parcel #3.19-1-76, and**

WHEREAS, *Mohammed Kiswani* has made application to the Patterson Zoning Board of Appeals for area variances, pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to construct a 27' above-ground pool to be attached to the existing wood deck in the rear yard, and

WHEREAS, §154-7 of the Patterson Town Code requires a 30' side yard setback; Applicant will have 23'; ***Variance requested is for 7'***, and

WHEREAS, §154-7 of the Patterson Town Code requires a 50’ rear yard setback; Applicant will have 15’; ***Variance requested is for 35’***, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***August 22, 2012 and September 19, 2012, and a site walk was conducted on September 10, 2012***, to consider the application; and

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

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***due to the fact that most houses in the subdivision have some type of outdoor living space in their rear yards that they enjoy.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the fact that it’s a cluster subdivision and the lots are quite small.***
3. the variance requested ***is*** substantial ***however, not so much to as a cause a denial of the requested variance due to the fact that there is shared open land for the entire cluster subdivision.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because as previously stated there is shared open land for the entire cluster subdivision, I think it’s in the amount of several hundred acres, I can’t recall.***
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 ***Mohammed Kiswani*** for ***area variances*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***for a variance of 7’ from the 30’ required for a side yard setback, and a 35’ variance from the 50’ required for a rear yard setback***, in order to construct a 27’ above-ground pool to be attached to the existing wood deck in the rear yard.

Board Member Burdick stated second.

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

The resolution passed by a vote of 5 to 0.

3) SUZANNE BRUCE CASE #30-12

Mr. & Mrs. Bruce did not appear.

Chairman Olenius stated go ahead Michelle.

The Secretary read the following legal notice:

Suzanne Bruce Case #30-12 – Area Variances: Held over from August 22, 2012

Chairman Olenius stated is anybody here for the Bruce's today.

Nick Lamberti stated I don't see them.

Chairman Olenius stated okay, do you want to, we'll hold it until the end of the meeting to see if somebody shows up, we'll pass them for now.

4) DAVID FERNANDES CASE #31-12

Mr. David Fernandes and Mr. Eduardo Faxas were present.

The Secretary read the following legal notice:

David Fernandes Case #31-12

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to allow for the construction of two story addition to an existing one story dwelling. The Code requires a front yard setback of 40'; Applicant will have 20'. The property is located at 286 Route 292 (R-4 Zoning District).

Chairman Olenius stated Mr. Fernandes...

Mr. Fernandes stated yes.

Chairman Olenius stated how are you this evening.

Mr. Fernandes stated good.

Chairman Olenius stated could you raise your right hand for me, do you swear that the testimony you provide tonight will be the truth and the whole truth.

Mr. Fernandes stated I do.

Chairman Olenius stated thank you very much, can you just state your name and address just for the record.

Mr. Fernandes stated David Fernandes, 286 Route 292.

Chairman Olenius stated what are you looking to do sir, explain to us a little bit.

Mr. Fernandes stated putting an addition on the side of my house.

Chairman Olenius stated judging by the application there, is it you don't have much of a front yard, is that what it is, the existing home is...

Mr. Fernandes stated front, yes.

Chairman Olenius stated within the...

Mr. Fernandes stated less than 50'.

Chairman Olenius stated it looked like from the pictures that you submitted, I can't swear to it, it looked like you had an up sloping property as well.

Mr. Fernandes stated yes.

Chairman Olenius stated because you had a large acreage...

Mr. Fernandes stated yes.

Chairman Olenius stated but it looked like it was all kind of...

Mr. Fernandes stated yeah, it tapers up.

Chairman Olenius stated are you near where the radio tower is, like that entrance.

Mr. Fernandes stated yes.

Chairman Olenius stated are you the adjoining property.

Mr. Fernandes stated two houses, two houses up.

Chairman Olenius stated two houses up, on the same side of [Route] 292 though.

Mr. Fernandes stated on the same side.

Chairman Olenius stated okay. You, judging by your pictures and your survey that you submitted and everything, it didn't look like you were intending to go any further forward than the existing house is...

Mr. Fernandes stated right.

Chairman Olenius stated it was just straight up and out to the side yard a little bit.

Board Member Bodor stated the existing, the existing house is that a one store or two stories.

Mr. Fernandes stated two story.

Board Member Bodor stated it's a two story, okay and you're going to build next to that a two story addition.

Mr. Fernandes stated yes, right alongside, actually a section of the house is coming down.

Board Member Bodor stated a section of the existing house is coming down, that one story section that's on the side.

Mr. Fernandes stated right.

Board Member Bodor stated you have two stories, one story...

Mr. Fernandes stated one story.

Board Member Bodor stated and then you're going to take that one story down and put two over here.

Mr. Fernandes stated and put two up.

Board Member Bodor stated the bedroom count will not change.

Mr. Fernandes stated no.

Chairman Olenius stated you're stick building this or is going to be a modular or...

Mr. Fernandes stated no, I'm stick building it.

Board Member Bodor stated are you going to do the work yourself.

Mr. Fernandes stated for the most part.

Board Member Bodor stated oh, is that your trade.

Mr. Fernandes stated well I'm actually a mason but I do carpentry.

Board Member Bodor stated okay, you're in the building trades.

Chairman Olenius stated oh I see, on the two story part now, you have one bedroom on the first floor and two above that.

Mr. Fernandes stated two above that, yes.

Chairman Olenius stated so you're just basically creating a larger living area on the first floor, with the living room, dining room, kitchen, moving the kitchen over.

Mr. Fernandes stated the two bedrooms, actually the three bedrooms will be in the other section of the house because they're real small.

Board Member Olenius stated what's the exterior going to look like when it's done, is it going to be like a ranch or a cape or...

Mr. Faxas stated it's more like a...

Mr. Fernandes stated two story ranch.

Mr. Faxas stated two story kind of colonial.

Chairman Olenius stated can I just have your name for the record sir.

Mr. Faxas stated my name is Eduardo Faxas.

Chairman Olenius stated oh, you were the architect, I saw you, okay.

Mr. Faxas stated the architect.

Chairman Olenius stated so like, kind of like a raised ranch or colonial type look.

Mr. Faxas stated it's more like in that direction than a ranch.

Chairman Olenius stated yeah I guess, you're going to have a center when you're done with the stairs right in front of you.

Mr. Fernandes stated yeah.

Chairman Olenius stated it looks like...

Mr. Fernandes stated hall and stairs.

Chairman Olenius stated no garage anything, just all living space.

Mr. Fernandes stated just living and storage.

Board Member Buzzutto stated will the new addition have a basement under it.

Mr. Fernandes stated a partial basement.

Board Member Buzzutto stated partial.

Mr. Fernandes stated the section that I'm going to keep has a basement.

Chairman Olenius stated so there's enough room there for mechanicals so whatever you need.

Mr. Fernandes stated yes, that's where they are.

Board Member Buzzutto stated right. Are all these stonewalls on your property.

Mr. Fernandes stated yes.

Board Member Buzzutto stated they are, you have a lot of stonewalls over there. The house was built in 1900.

Mr. Fernandes stated 1800, 1850.

Board Member Buzzutto stated what, 18, oh my god.

Mr. Fernandes stated it was re-done in 1960.

Board Member Buzzutto stated 1960...

Chairman Olenius stated 1850, those are improvements.

Board Member Buzzutto stated over the years, 1850.

Chairman Olenius stated wow.

Board Member Buzzutto stated it's almost as old as me, yeah. Have to speed myself up here a little bit.

Nick Lamberti stated in dog years right.

Chairman Olenius stated does anybody from the audience have anything on this, hearing none.

Board Member Bodor stated close the public hearing.

Board Member Burdick stated second.

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

Chairman Olenius stated okay.

Board Member Herbst stated is that mine or yours [to Board Member Buzzutto]

Chairman Olenius read the follow resolution:

IN THE MATTER OF THE APPLICATION OF
David Fernandes, Case #31-12
Enlargement of a Nonconforming Building (Dwelling Addition)

WHEREAS, *David Fernandes* is the owner of real property located at 286 Route 292 (R-4 Zoning District), also identified as **Tax Map Parcel #3.-1-49, and**

WHEREAS, *David Fernandes* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of a nonconforming building, in order to construct a two story addition to the north side of his one story dwelling, and

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

WHEREAS, §154-7 of the Patterson Town Code requires a 40' front yard setback; Applicant has 20'; and

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

WHEREAS, a public hearing was held on the application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***September 19, 2012*** to consider the application; and

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

1. *the proposed application will not produce an undesirable change in the character of the neighborhood because the improvements will only enhance the look of the existing structure.*
2. *the benefit sought by the applicant cannot be achieved by any other feasible means because the house was sited, the existing home is within 20' of the front yard setback as it was constructed back in 1850.*
3. *the variance requested is not substantial in light of the fact that it's a very large property, it just happens to have the house all the way forward as was done in the past, deep past.*
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 addition is going on top of the existing structure and not expanding the impervious coverage on the lot.*
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 *David Fernandes* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct a two story addition to the north side of his one story dwelling.

Board Member Burdick stated second.

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

The resolution passed by a vote of 5 to 0.

Chairman Olenius stated good luck to you.

Mr. Fernandes stated okay.

Chairman Olenius stated the Building Department will be notified.

Board Member Bodor stated would you like a set of these back.

Mr. Fernandes stated keep them.

Board Member Bodor stated we have no use of them, maybe just a remembrance, when it's all done you can look back and say that's what it was.

Mr. Fernandes stated see what it used to look like, thank you.

Chairman Olenius stated thank you, good luck, the Building Department will have a copy of this so you can move forward with Mr. Lamberti.

Mr. Fernandes stated okay, thank you.

Chairman Olenius stated as it goes on, all right, good luck to you. Go ahead, Michelle.

5) ANTONIO PICCOLINO CASE #32-12

Mr. Antonio Piccolino was present.

The Secretary read the following legal notice:

Antonio Piccolino Case #32-12

Applicant is requesting area an variance pursuant to §157-27 A. (12)(b) of the Patterson Town Code; Permitted accessory uses, in order to allow for the construction of 14' by 20' storage shed. The Code requires a side yard setback of 20'; Proposed is 9'; Variance requested is for 11'. The property is located at 180 Bullet Hole Road (R-4 Zoning District).

Chairman Olenius stated Mr. Piccolino.

Mr. Piccolino stated hello everyone.

Chairman Olenius stated how are you.

Mr. Piccolino stated good thanks.

Chairman Olenius stated could you raise your right hand for me, do you swear the testimony you provide tonight will be the truth and the whole truth.

Mr. Piccolino stated yes.

Chairman Olenius stated thank you very much, state you name and address for the record also.

Mr. Piccolino stated Antonio Piccolino, 180 Bullet Hole Road.

Chairman Olenius stated thank you very much, so what are looking to do here Mr. Piccolino.

Mr. Piccolino stated putting up a little shed for my three kids, so we can put some furniture and lawn mowers and bikes and all that good stuff.

Chairman Olenius stated I saw your photos that you submitted, conveniently showed all the toys and apparatus.

Mr. Piccolino stated we filled up the shed already.

Chairman Olenius stated yeah. I think if I come up the hill, Bullet Hole and I pass, it's not Tommy Thurber whatever the road is there...

Mr. Piccolino stated I'm right across from the fire house.

Chairman Olenius stated oh, you're that far down.

Mr. Piccolino stated the cedar house.

Chairman Olenius stated oh, you weren't where I thought you were at all.

Board Member Burdick stated I can't picture it and I've lived on the road my whole life, so...

Chairman Olenius stated when he says across from the fire house, now at least I have a better reference...

Board Member Burdick stated the substation.

Mr. Piccolino stated yeah, if you're coming up the hill, I'm the house that sits right here.

Chairman Olenius stated okay.

Mr. Piccolino stated you can't miss me.

Chairman Olenius stated I don't know why I had you placed down further, more towards Patterson.

Mr. Piccolino stated my property is, I have 3 acres but it's only 160' by 800' and we were trying to figure out, Cheryl was great, we were trying to figure out where we could put it and that's the best place we could figure.

Chairman Olenius stated oh, you have a very deep property.

Mr. Piccolino stated yeah and then it slopes down, it just goes straight down, it's a cliff back there and you can't even get in there.

Chairman Olenius stated on yours, okay...

Mr. Piccolino stated yeah.

Board Member Bodor stated it goes down to a stream in the back.

Mr. Piccolino stated I wish it was, it's just water, it's not even...

Board Member Bodor stated it just wetlands.

Chairman Olenius stated is this your home, the file photo home.

Mr. Piccolino stated yeah.

Chairman Olenius stated it is, okay.

Mr. Piccolino stated yeah.

Chairman Olenius stated that just gave me a different, that's why I thought you were in a different spot because I thought your backyard went up as opposed to down.

Mr. Piccolino stated yeah, that seems like, that's the picture from when we bought it, it looks like.

Chairman Olenius stated okay and it's not going to be forward of the existing structure.

Mr. Piccolino stated no.

Chairman Olenius stated it's just going to be at the end of the driveway.

Mr. Piccolino stated yeah.

Chairman Olenius stated I'm guessing and it affects the side yard, obviously because you're property as you stated, is 800' deep but narrow...

Mr. Piccolino stated 160' wide.

Board Member Bodor stated is that another small shed further back, is that in existence.

Mr. Piccolino stated no, that was with the prior owner, they, it's gone, there's nothing there.

Board Member Bodor stated it's gone and the dog kennel, you still have that.

Mr. Piccolino stated no, that's gone too.

Board Member Bodor stated no dog.

Mr. Piccolino stated no that's gone too, she took everything.

Board Member Burdick stated it looks like there is a lot screening along the side of the property, towards your neighbors.

Mr. Piccolino stated yeah, there are evergreens, the evergreens are already there and my neighbor next door, he's the only one that it would and we talked about it obviously when the letters went out.

Chairman Olenius stated is his home close to the property line or...

Mr. Piccolino stated I think we're about the same, equidistance and his pool is there and the trees are set right in the middle.

Chairman Olenius stated again, it's so well screened, at least from the photos and they are evergreens, so they're not going to be...

Board Member Burdick stated you can kind of see the roof of the other house...

Chairman Olenius stated yes.

Board Member Burdick stated they're not real close.

Mr. Piccolino stated no the houses, I would think, my house is 15' plus the, we're 45' from the line and he's got to be another, maybe even 60' feet away.

Chairman Olenius stated oh, I can see it now from this shot looking up your driveway, I can kind of see it, see the side of the house.

Mr. Piccolino stated you won't even see the shed from the street, there is no way of seeing it.

Chairman Olenius stated the trees seem, the screening trees that we're speaking of, seem pretty mature too, about how tall are they.

Mr. Piccolino stated he, we help him, he cuts them every couple of years, they've got to be I don't know 40', well no, not that high, 30-something.

Chairman Olenius stated they're as high as the roof of your home, it looks like.

Mr. Piccolino stated no less, they have to be less.

Chairman Olenius stated okay. You're getting this on a trailer, I see you submitted a...

Mr. Piccolino stated yeah its pre-fab, we were going to build it but it doesn't make any sense to build it, they're pretty neat, I should go work for them and sell them...

Chairman Olenius stated oh it's very nice, it was difficult to see from the...

Board Member Bodor stated it's nice looking.

Mr. Piccolino stated yeah, that black and white doesn't, yeah that's them.

Board Member Bodor stated it's pretty nice looking.

Chairman Olenius stated that's beautiful.

Mr. Piccolino stated yeah.

Board Member Buzzutto stated this is from Wingdale.

Mr. Piccolino stated Amish built, no, this is place up, they're everywhere, in Kingston, the best one I found is up in Kingston, they all look the same but the constructions not, you have to look at them.

Board Member Buzzutto stated you have to prep the foundation with gravel or something, stone...

Mr. Piccolino stated yeah I'm going to put a 6 by 6 around, you know just a little you know tempered base of stone and that's it, they come in, they'll just level it off for you.

Board Member Buzzutto stated yeah, it's not going to be hardwired or anything is it.

Mr. Piccolino stated no, no, no.

Board Member Buzzutto stated it's just a...

Chairman Olenius stated it's a storage shed.

Mr. Piccolino stated yeah, just a storage thing.

Chairman Olenius stated it's beautiful.

Mr. Piccolino stated thank you, it's, we were going to build it but it's not worth building it.

Chairman Olenius stated no, not if it comes off the trailer looking like that, it's...

Mr. Piccolino stated no, your back doesn't hurt after that's done.

Chairman Olenius stated I was going to ask if anybody in the audience had anything...

Mr. Piccolino stated there's nobody here.

Chairman Olenius stated but seeing none.

Board Member Bodor stated there's nobody here. I'll make a motion to close the public hearing if everyone's ready.

Board Member Buzzutto stated second.

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

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Antonio Piccolino, Case #32-12
For an Area Variance for a 14' x 20' Storage Shed

WHEREAS, *Antonio Piccolino* is the owner of real property located at 180 Bullet Hole Road (R-4 Zoning District), also identified as **Tax Map Parcel #34.-4-46, and**

WHEREAS, *Antonio Piccolino* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to construct a 14' x 20' storage shed, and

WHEREAS, §154-7 of the Patterson Town Code requires a 20' side yard setback; Applicant currently has 41'; Applicant will have 9'; ***Variance requested is for 11'***, 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 19, 2012*** to consider the application; and

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

6. the proposed application *will not* produce an undesirable change in the character of the neighborhood *because the shed will not be very visible from the road or from any adjacent properties, due to existing screening, mature screening.*
7. the benefit sought by the applicant *cannot* be achieved by any other feasible means *due to the existing topography of his property, as it slopes steeply downward at the rear.*
8. the variance requested *is* substantial *however not so much so as to cause a denial of the requested variance.*
9. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the siting of the shed is immediately off the existing driveway and the property is of considerable size, 4 acre property.*
10. the alleged difficulty necessitating the variance *was self-created, however is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Antonio Piccolino* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 11' from the 20' required for a side yard setback*, in order to construct a 14' x 20' storage shed.

Board Member Burdick stated second.

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

The resolution carried by a vote of 5 to 0.

Chairman Olenius stated alright sir, place your order.

Mr. Piccolino stated that's it.

Chairman Olenius stated see Mr. Lamberti about...

Board Member Buzzutto stated Mary, are you alright.

Chairman Olenius stated your permit, you know.

Mr. Piccolino stated that's all done already.

Chairman Olenius stated that's, you're all set, now it can totally be done.

Mr. Piccolino stated oh okay, perfect. Thank you guys, have a good night.

Board Member Burdick stated good luck.

Chairman Olenius stated good luck with it, thank you.

Board Member Buzzutto stated can we act on the Bruce...

Board Member Herbst stated we're missing one person.

Chairman Olenius stated we had an applicant not show up and it was a re-visit, I mean I personally would prefer to hold it over until one of them can come, I'd rather not act on if they're not here.

Nancy Tagliaferro stated yeah, I'd say don't act on it just to be safe. I've never had that come up before, didn't get to that.

Chairman Olenius stated did you, sorry, Mr. Williams, you didn't hear from the Bruce's by any chance, did you. They no-showed today, so...

Rich Williams stated are we on the record, off the record I heard their kids ate them but no, I did not. Listen, actually I saw Mr. Bruce in Home Depot a week ago and he said he was coming, so I don't know what happened.

Chairman Olenius stated I'm going to make a motion to hold this over one more month and hopefully, maybe the Secretary can contact him about that time give him the new date for October's meeting.

The Secretary stated sure.

Board Member Buzzutto stated the motion.

Board Member Burdick stated I'll second that motion.

Chairman Olenius asked for all in favor. Motion carried by a vote of 4 to 0. [Board Member Bodor stepped out of the room].

Chairman Olenius stated just so they're duly notified of what...

Board Member Herbst stated are we going to put a stipulation in that the kids stay home.

Chairman Olenius stated I kind of alluded to that at the site walk.

6) OTHER BUSINESS

a) Director of Code Enforcement Generator Memo

Chairman Olenius stated now, to the matter of Mr. Lamberti's...

Board Member Bodor stated just have to get through it.

Chairman Olenius stated memo regarding the backup generators, I read through it, I tend to agree with the fact that I think we're going to get overloaded due to our utilities recent failures with some of the storms, repairing our lines lately, it seems like we've already been hit about three or four times and I think it's just

going to get worse, is my personal opinion and I think designating them as equipment, you know, when they are under a certain size is justifiable so they don't have to come before us for everything and the fact that Mr. Lamberti made a note that it was two or fewer of the smaller propane tanks, you know, any larger like submarine style tank would still require something but the regular stand up ones that you typically have for an oven, a dryer, many homes in the area have those already. I think it's acceptable to me, as long as the people don't exceed you know these things and we, that's the way it would be written, I'm assuming, right, exactly as the memo is, any generator over 25 Kw or...

Rich Williams stated it's essentially and he didn't exactly phrase the letter the way I'd hoped he would and it essentially an administrative determination on the difference...

The Secretary stated can you come closer.

Rich Williams stated on the difference between equipment and structures. Any, you know, he gave notice to the ZBA and if you didn't agree with that then you know, we could certainly reverse that.

Chairman Olenius stated he would, people would still be coming to him for permits and he would just be kind of guiding them as to the fact that you know, if they said boy I'd like a 500 gallon tank, he could say well you know what, if you get two 125 gallon tanks, then you don't have to go for a variance but if you're so inclined, you could.

Rich Williams stated correct.

Chairman Olenius stated and he would, so he would also be under purview to make sure that they're legally installed, away from windows and...

Rich Williams stated absolutely.

Chairman Olenius stated to those guidelines.

Rich Williams stated they'd still have to go through all the gas inspections.

Chairman Olenius stated we're not letting any of that drop, so.

Rich Williams stated absolutely not.

Chairman Olenius stated I'm very comfortable with this, being that it's still going to be overseen but we don't have rule on every single one that comes in.

Board Member Bodor stated no and I agree with you that we're going to see more and more of them, it's a way of live these days.

Chairman Olenius stated I think we're up to 5 this year already.

Board Member Bodor stated I think so.

Chairman Olenius stated at least 4 that I can think of off the top of my head, I was thinking it was 5 and I think it's just a, they said it's going to be a bad winter and if it is here comes the spring, I'm sure we'll have 20, so I'm...

Board Member Buzzutto stated you're okaying or agreeing with the unit itself but not setbacks, if he wants to put it someplace where the setback, it still has to come before us.

Chairman Olenius stated not if it's equipment.

Board Member Buzzutto stated oh, equipment.

Rich Williams stated what, essentially what we're doing Buzzy is we're drawing a line saying everything that falls below that line...

Board Member Buzzutto stated okay.

Rich Williams stated is going to be considered equipment because it's small, it can be picked up, it can be moved...

Nancy Tagliaferro stated as opposed to a structure, which would require a variance.

Rich Williams stated as opposed to a structure, exactly.

Board Member Buzzutto stated okay.

Chairman Olenius stated if they are over this size, when they get to like the size of a shed or something...

Board Member Buzzutto stated yeah.

Chairman Olenius stated obviously but the smaller ones that we've been dealing with...

Board Member Buzzutto stated yeah.

Chairman Olenius stated you know, they're really no more intrusive than a transformer in your front yard that the power company provides, you know what I mean, they're really not much bigger than a garbage can, so.

Rich Williams stated or an air conditioning unit.

Chairman Olenius stated an air conditioning unit is a perfect example.

Board Member Buzzutto stated it sounds good to me.

Chairman Olenius stated do I have to make a motion to accept this.

Nancy Tagliaferro stated no.

Chairman Olenius stated it's just kind of a discussion, right.

Rich Williams stated as I said, my opinion was that it's an administrative determination that ultimately can be overturned by the ZBA if you so choose.

Chairman Olenius stated as it stands right now, I'm fully behind it.

Rich Williams stated I'll explain that one later.

Nancy Tagliaferro stated I understand what you're saying, I'm just thinking that perhaps, you know, if everyone is in agreement to clarify it going forward the next time you're making revisions to the building code...

Rich Williams stated to the Zoning Code.

Nancy Tagliaferro stated you would add that into your definitions section.

Rich Williams stated right.

Board Member Buzzutto stated well it's a money saving thing, they won't have to pay for the application, they won't have to get permission, it's a smart, I think it's good.

Chairman Olenius stated well they need permits but they wouldn't have to pay the fee...

Board Member Buzzutto stated they need permits but they wouldn't...

Chairman Olenius stated for us for another.

Board Member Buzzutto stated that's good.

Chairman Olenius stated no site walks thankfully...

7) MINUTES

Chairman Olenius stated and I did get a chance to read the minutes.

The Secretary stated were they that bad.

Chairman Olenius stated no, I just turned into Mr. Rogan about 50 times.

The Secretary stated I thought I caught myself, I'm so sorry, I will go back.

Chairman Olenius stated I mean wording wise, everything was fine but I am Mr. Rogan, it was less than that.

The Secretary stated I'm sorry, it's such a habit.

Chairman Olenius stated but no, I know, fair enough. So I make a motion to accept them, not as is, just revised to the proper chairman in the statements there.

The Secretary stated I'm sorry.

Nancy Tagliaferro stated you got my name right.

Chairman Olenius stated you're actually worse, the fix 6 or 7 pages, it's really bad, then it gets really good and then like 6 pages from the end you started to drift off again.

The Secretary stated I was trying so hard too.

Chairman Olenius stated I will make a motion to accept, once you make those revisions, otherwise they were fine.

The Secretary stated okay.

Board Member Burdick stated second.

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

The Secretary stated I'll send them to you for your review before I stamp them.

Chairman Olenius stated you know, actually the first couple times I read over it and then all of a sudden like the third one, I was like...

The Secretary stated and I think that's, I started catching myself as I going through, it's such habit, I got everybody else right.

Chairman Olenius stated you did.

The Secretary stated sorry, you're a target.

Chairman Olenius stated that's okay. Is that all the business we have.

Board Member Bodor stated I'll make a motion to adjourn if there's no other business.

Chairman Olenius stated I'll second it.

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

The meeting adjourned at 8:08 p.m.