

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
October 16, 2013**

AGENDA & MINUTES

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| 1) Design Concepts Engineering, P.C. Case #14-13 | 1 | Public hearing continued; Application held over |
| 2) Harold & Patricia Haviland Case #16-13 | 2 – 5 | Public hearing opened & closed Renewal of Special Use Permit for an Accessory Apartment granted |
| 3) Nick Nelson Case #17-13 | 5 – 17 | Public hearing opened & closed; Area Variances for an existing greenhouse and proposed shed granted |
| 4) Other Business | | |
| a) Minutes | 17 | September 18, 2013 minutes approved |
| b) Kathleen Pettey Recommendation | 17 – 19 | ZBA recommends Town Board reject offer to settle |

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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

PLANNING BOARD

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

**Zoning Board of Appeals
October 16, 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 Tagliafierro, Attorney with Town Attorney’s Office and Richard Williams Sr., Town Planner.

Chairman Olenius called the meeting to order at 7:00 p.m.

There were approximately 4 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, PC CASE #14-13

No one was present.

Chairman Olenius stated we don’t have....Apparently Design Concepts, Patterson Fire Department Case #14-13 is going to require another hold over in light of their still waiting for information from the Town Board. So, I’ll just...Do I have to make a motion for that.

Nancy Tagliafierro stated yes. You did last time.

Chairman Olenius stated yes. I'll make a motion that we hold it over one more month.

Board Member Herbst stated second.

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

The Secretary stated okay.

Chairman Olenius stated yes.

2) HAROLD & PATRICIA HAVILAND CASE #16-13

Mr. Harold Haviland and Mrs. Patricia Haviland were both present.

The Secretary read to following legal notice:

NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS of a public hearing to be held on Wednesday, October 16, 2013 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Harold & Patricia Haviland Case# 16-13 – Accessory Apartment Renewal

Applicants are requesting to renew their accessory apartment pursuant to §154-105 of the Patterson Town Code; Accessory apartments. This property is located at 27 Kenwood Road (RPL-10 Zoning District).

Chairman Olenius stated want to come up to the mic. Just state your name for the record.

Mr. Harold Haviland stated Harold Haviland.

Chairman Olenius stated and your address, too. I'm sorry.

Mr. Haviland stated 27 Kenwood Road, Patterson, New York.

Chairman Olenius stated I know we've seen you here before because I actually remember. My memory's getting better. The Building Inspector came out again.

Mr. Haviland stated no.

Chairman Olenius stated no.

Mr. Haviland stated no. No reason to. Nothing has changed.

Chairman Olenius stated okay.

Board Member Bodor stated should they have an updated...

Chairman Olenius stated I don't know.

Board Member Bodor stated because that's from the original one [referring to the Compliance Checklist].

Chairman Olenius stated good question. You do the water tests on your own Mr. Haviland.

Mr. Haviland stated maybe. I very possibly did. When you say I took the sample...

Chairman Olenius stated that's... Yes.

Mr. Haviland stated yes. I think Yorktown Labs probably did the testing.

Chairman Olenius stated is that required.

Mr. Haviland stated the Board of Health wants it.

Chairman Olenius stated the Board of Health. Okay. Oh, your Board of Health approval was dated... You had that done again.

Mr. Haviland stated yes.

Chairman Olenius stated for your septic and everything.

Mr. Haviland stated yes.

Chairman Olenius stated I knew I saw something. Oh, they recertified the bedroom counts. That's where I saw them. Mr. Williams.

Rich Williams stated Sir.

Chairman Olenius stated just because I feel like leafing through the Town Code; is it required if there's been no changes for the Building Inspector to reinspect the accessory apartment.

Rich Williams stated I don't believe so. I believe it's at his discretion.

Chairman Olenius stated okay. Thank you. I have current dates from the Health Department on bedroom counts and whatnot. So I just wanted to double check.

Board Member Bodor stated this was done a year ago. This [20]13.

Chairman Olenius stated the what.

Board Member Bodor stated this is a year ago [referring to the Health Department approvals].

Chairman Olenius stated is there a reason you had that done a year ago, Mr. Haviland.

Mr. Haviland stated what ones.

Chairman Olenius stated the Health Department.

It's every three years.

Mr. Haviland stated they have the requirement and when it comes due we take care of it.

Chairman Olenius stated ok. So it's just not on the same timeframe as the Town.

Mr. Haviland stated right. Exactly.

Chairman Olenius stated okay. I'm very impressed; you're almost here to the day five years ago. Wish I could keep a calendar like that.

Board Member Bodor stated yes. You're still in residence in part of the house; in the major part.

Mr. Haviland stated correct.

Board Member Bodor stated and that's a full time residence for you.

Mr. Haviland stated yes.

Chairman Olenius stated you have anything else.

Board Member Buzzutto stated no. I think it's pretty well.

Chairman Olenius stated I'd like to make a motion to close the public hearing.

Board Member Burdick stated second.

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

Chairman Olenius stated okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Harold & Patricia Haviland, Case #16-13
*For a Renewal for an Accessory Apartment***

WHEREAS, *Harold & Patricia Haviland* are the owners of real property located at 27 Kenwood Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.54-1-20**, and

WHEREAS, *Harold & Patricia Haviland* made application to the Patterson Zoning Board of Appeals for a renewal for an accessory apartment as set forth in §154-105 of the Patterson Town Code; Accessory apartments, and

WHEREAS, the said application was reviewed by the Zoning Board of Appeals on *October 16, 2013*, and

WHEREAS, all the conditions of the original permit are still satisfied, and

WHEREAS, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearing and finds that the *Applicant substantially complies with the requirements set forth in §154-105 of the Patterson Town Code for Renewal for an Accessory Apartment*, and

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Harold & Patricia Haviland for a renewal for an Accessory Apartment* as set forth in §154-105 of the Patterson Town Code; Accessory apartments, and

BE IT FURTHER RESOLVED, that the variance granted herein is subject to the following special conditions:

1. Those conditions that exist in the Town Code for Accessory Apartments which include a renewal in five years. (A copy of that section of the Code is attached to this resolution).

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated guess we'll see you in five years. Thank you for coming out.

Mr. Haviland stated thank you ladies and gentlemen.

3) **NICK NELSON CASE #17-13**

Mr. Nick Nelson was present.

The Secretary read the following legal notice:

Nick Nelson Case #17-13 – Area Variances

Applicant is requesting area variances pursuant to §154-27 A(9)(a) and §154-27A(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to construct a 14'x 18' shed forward of the dwelling and to legalize an existing 8'2"x 6'5" greenhouse which is located forward of the dwelling. The Code does not permit structures to be located in the front yard. Applicant has two front yards. This property is located at 248 Lake Shore Drive (RPL-10 Zoning District).

Chairman Olenius stated Mr. Nelson. You can clip it. There's clips on top of the thing on there [referring to clipping a board with pictures and plans to the bulletin board]. Unless you are going to want to point to it or you can take the mic out and go up there and point at it.

Mr. Nick Nelson stated I don't know if you'll be able to see it if it's all the way over here.

Chairman Olenius stated tip it in for us.

Mr. Nelson stated a little better.

Chairman Olenius stated I just need you to state your name and address for the record please.

Mr. Nelson stated sure. It's Nick Nelson. 248 Lake Shore Drive, Brewster, New York.

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

Mr. Nelson stated I'll try.

Chairman Olenius stated thank you. So explain to us your predicament here.

Mr. Nelson stated I actually didn't know that both my back and front yard were considered front yards. I called the Building Department a few years ago when I wanted to construct a small greenhouse for my wife. They gave me the regulations and said I didn't need to come in for a permit. But I don't think I really conveyed to them that I was between two streets or he didn't know it. So I constructed it. And in researching this, I found out that I was in violation. So I figured I'd lump them all together and ask for approval and ask for a shed at the same time. My...I kind of need a shed for a few reasons. One: my basement's really small. I don't like having gas cans and things down there. And my parents are relocating to Florida so there's a bunch of items that they have that are coming my way. I don't have room. And I figured that that would be a sufficient to fit some of the items and the rest would still stay in my basement. So it right now conforms to setbacks if it was to be a backyard and it meets all the other building regulations.

Chairman Olenius stated so you have enough backyard that you can get it away from the side and...

Mr. Nelson stated correct.

Chairman Olenius stated a not technically the front yard but...

Mr. Nelson stated I guess it has a 10' setback.

Chairman Olenius stated yes.

Mr. Nelson stated and in the folder what I tried to do...Is it alright if I come over here.

Chairman Olenius stated absolutely. Oh, can you just take the mic with you...

Board Member Bodor stated take the mic.

Chairman Olenius stated just so it gets picked up for the record.

Mr. Nelson stated what I tried to do was try to save your Board a site meeting, if I could. So I took a bunch of photos. I also went in the backyard. You can see one of the photos I took driveway markers and made them 8 to 12 foot tall and used surveying tape. It looks extremely ridiculous right now in my backyard but...And then I went around: On the street, my neighbors' yards and took pictures, and you could barely see it along the road. One of the pictures shows that I have a lot of trees and vegetation along the street. You can see the top part of the greenhouse and you can see the greenhouse from my neighbor's yard: Anthony Cioppa. He's here today. But other than that, it kind of nestles right in to that part of the yard and disappears.

Chairman Olenius stated so this...That's the greenhouse you were just discussing. Am I right.

Mr. Nelson stated both.

Chairman Olenius stated okay.

Mr. Nelson stated the greenhouse you can see a little bit more from the street behind. The shed in the placement when I did the marking tape, I could barely see it to photograph it. So it's making it really difficult to actually have it show up on too many of the pictures.

Chairman Olenius stated so will the shed be stick built or would it be delivered like on a sled.

Mr. Nelson stated right now, I have prices to have it delivered and just drop it in place. You know, I'm a landscape contractor. I might have a little time over the next month or two to build it myself. That's yet to be determined.

Chairman Olenius stated I only ask because sometimes when that's necessary it takes away some of the screening that's currently in place like natural vegetation because you have to create some type of a roadway to get...

Mr. Nelson stated actually, the shed company...Because it's not too far off of the street, I'm paying extra to have a crane.

Chairman Olenius stated oh.

Mr. Nelson stated I didn't even know that was available. Otherwise there'd be no way that... You can't access the backyard. You can't get to it.

Chairman Olenius stated that's... Judging by your pictures, and I'm familiar with your location...

Mr. Nelson stated yeah. The street's probably 8' higher than where the shed will be, if not more. And with the vegetation and having a fence in my backyard. I... Yes, there would be no way that they could get back there. They'd have to drive over my septic of somebody's... It wouldn't be possible.

Chairman Olenius stated your septic is in the rear yard or the front yard.

Mr. Nelson stated front yard.

Chairman Olenius stated is this in fact a picture of your house on the assessment card; the front of your house.

Mr. Nelson stated yes.

Chairman Olenius stated so you... As I recall, you have a pretty steeply sloping driveway up.

Mr. Nelson stated um.

Chairman Olenius stated not steeply, but...

Mr. Nelson stated yes.

Chairman Olenius stated you're elevated from the road...

Mr. Nelson stated quite a bit.

Chairman Olenius stated that your driveway is off of.

Mr. Nelson stated correct.

Chairman Olenius stated and you're below the road that your road frontage is on.

Mr. Nelson stated correct.

Chairman Olenius stated you're kind of built on to...

Mr. Nelson stated yes.

Chairman Olenius stated the middle of the hill.

Mr. Nelson stated you drive up. It's all (inaudible – papers shuffling) to park on, so.

Board Member Buzzutto stated how far's the property from Fairfield [Drive].

Mr. Nelson stated I think it's on...It might be on one of those maps. I think it's not the property directly behind me but the one behind that if I'm not mistaken.

Board Member Buzzutto stated pretty close.

Mr. Nelson stated oh, that whole side of the Lake is relatively close to Connecticut.

Board Member Buzzutto stated yes.

Mr. Nelson stated I don't know how many feet away, per say.

Board Member Buzzutto stated that's what I was looking at for (inaudible).

Chairman Olenius stated that's the Connecticut State line right there.

Board Member Buzzutto stated do they have to be notified in a case like this, if they're less than 500' in. No.

Chairman Olenius stated it's not our municipality, right. It's only 500' within the municipality of the Town.

Rich Williams stated rules stop at the Connecticut border.

Chairman Olenius stated rules stop at Connecticut.

Board Member Buzzutto stated okay.

Chairman Olenius stated for the record, too, I...As part of the packet, there were two references...notes from...Are these adjacent neighbors, would be my question.

Mr. Nelson stated yes. There's three [handing the Chairman another letter].

Chairman Olenius stated oh, there's three.

Mr. Nelson stated two were the ones that are to the right and left and one's directly behind me on the other side of Hudson [Road].

Chairman Olenius stated so all surrounding properties...

Mr. Nelson stated correct.

Chairman Olenius stated basically. You're going to need a copy of that for the record [handing The Secretary the third letter the Applicant handed him]. And all are in favor.

Mr. Nelson stated correct.

Board Member Buzzutto stated is this 14' x 18' shed in (inaudible). This wood planter, what's that mean.

Mr. Nelson stated what's that.

Board Member Bodor stated there's an existing wood planter on the property line it looks like.

Board Member Buzzutto stated oh, that's existing.

Mr. Nelson stated yes. Along the property line...

Board Member Buzzutto stated oh, yeah. Okay.

Mr. Nelson stated there's a few...The plants are surrounded by wood. It's...I think somebody in the past might of had a vegetable garden or something. But now they're shrubs.

Board Member Buzzutto stated well I see another one down here [referring to a planter on the plans].

Mr. Nelson stated yes, they go up the whole left side of my property.

Board Member Bodor stated what's on the adjoining property in the vicinity of where you would like to put that shed. Is there...

Mr. Nelson stated it's lawn. Right now it's unmowed lawn.

Board Member Bodor stated okay. There's nothing...there's no structures over there.

Mr. Nelson stated no structures.

Board Member Bodor stated like a residence or...

Mr. Nelson stated no. The residence is closer in line with my house.

Board Member Bodor stated okay. Up front.

Mr. Nelson stated it's a back yard...

Board Member Bodor stated okay.

Mr. Nelson stated essentially. Or front yard, however you want to look at that.

Board Member Bodor stated it's the back-front yard.

Mr. Nelson stated correct.

Chairman Olenius stated there's a lot of that in Putnam Lake. So you're proposing the shed be, it looks like, approximately 10' off your property line. But looking at your survey it's almost 20' to the edge of pavement. I'm making a guess a here off your scale.

Mr. Nelson stated I think it's actually a little bit more than 20 [feet].

Chairman Olenius stated a little bit more.

Mr. Nelson stated because I think the...My property line to the pavement here is definitely more than the 10' offset.

Chairman Olenius stated okay.

Mr. Nelson stated so it's probably 22, 23 [feet].

Chairman Olenius stated and do you accurately know where your...I mean, this is a relatively new survey, where your property line is.

Mr. Nelson stated the fences that are shown on that survey...

Chairman Olenius stated yes.

Mr. Nelson stated are currently on my property.

Chairman Olenius stated okay.

Mr. Nelson stated so I took all the measurements from that setting up the staking.

Chairman Olenius stated so you know you are in fact...That's what I'm getting at.

Mr. Nelson stated yes.

Chairman Olenius stated you, in fact, will meet those setbacks.

Mr. Nelson stated yes.

Chairman Olenius stated oh, was this a subdivided lot or something.

Anthony Cioppa stated did a lot line adjustment.

Board Member Burdick stated lot line adjustment.

Mr. Nelson stated yes.

Chairman Olenius stated oh, okay.

Mr. Nelson stated the...Both properties were owned by the parents. Their son lived in one house, they lived in the other. And when they went to sell the house, their patio was built over the property line so they switched two lots so that they didn't need to rip up the patio.

Chairman Olenius stated I see.

Board Member Bodor stated oh.

Anthony Cioppa stated Nick's oversized patio.

Chairman Olenius stated oh, so now you have a relatively straight property line. Because I'm looking and it was kind of up and...

Mr. Nelson stated yes. Actually...

Chairman Olenius stated prior...

Mr. Nelson stated right now it's a rectangle.

Chairman Olenius stated yes.

Board Member Bodor stated it is straight.

Chairman Olenius stated yes.

Board Member Bodor stated yes.

Mr. Nelson stated I think it's 80 x 200'.

Board Member Bodor stated it's a rectangle...

Chairman Olenius stated yes.

Board Member Bodor stated instead of a...

Chairman Olenius stated it's a straight rectangle. Was that when this survey was done, for that lot line adjustment.

Mr. Nelson stated yes. This was, I guess, through the Planning Department. They're the ones that...

Chairman Olenius stated oh, see. I didn't flip it over and read [referring to the lot line adjustment plans]. I apologize. I've been staring...

Mr. Nelson stated no, no. That's fine.

Chairman Olenius stated at the small picture instead of unfolding it to everyone.

Mr. Nelson stated yes. Right before I purchased the property, that was finished.

Chairman Olenius stated okay.

Board Member Bodor stated your septic is not indicated on this [referring to the plans]. Oh, I see it.

Nancy Tagliafierro stated no, it is.

Board Member Bodor stated never mind. It is on the side. I'm looking at the front-front, front-front yard. It's on the side. Okay.

Mr. Nelson stated the tank's here and the fields are down...

Board Member Bodor stated yes.

Mr. Nelson stated along the driveway.

Board Member Bodor stated is there existing, still, another small shed in the backyard or in the side yard.

Mr. Nelson stated originally that was the outhouse.

Board Member Bodor stated that was an outhouse.

Mr. Nelson stated I believe it was the original outhouse.

Board Member Bodor stated okay. Is it no longer in...

Mr. Nelson stated it's there.

Board Member Bodor stated still there.

Mr. Nelson stated there's roses grown over it and stuff.

Board Member Bodor stated okay.

Mr. Nelson stated it's kind of...It's got garden equipment in it.

Board Member Bodor stated

Chairman Olenius stated do you have anything else on this. Does anybody from the audience have any input on this case.

Anthony Cioppa stated no. I was just here to Definitely I see the site has the same troubles I do. Humping stuff back and forth and, you know, it's not an easy yard to deal with.

Chairman Olenius stated alright. Thank you. You guys have anything else.

Board Member Buzzutto stated well, the thing is oversized. Don't you have to get permits to go over on the size on that.

Chairman Olenius stated that's the reason...application for the permit.

Board Member Buzzutto stated that's there. Okay. For the permit.

Chairman Olenius stated yes. The permit was denied because of the...

Board Member Buzzutto stated oh, yes. Because of the size. Yes, okay.

Chairman Olenius stated variance...

Board Member Buzzutto stated is the shed going to be put on level ground or is it going to be backfilled or anything like that.

Mr. Nelson stated no. Just level ground. Right now there's a, maybe, a 14" slope...

Board Member Buzzutto stated yes.

Mr. Nelson stated in that area, which is going to be leveled and put on level ground.

Board Member Buzzutto stated okay. Make a motion to close the public hearing if everybody's set.

Chairman Olenius stated I'll second it. All in favor. Motion carried by a vote of 5 to 0.

Chairman Olenius stated alright. We'll start with the greenhouse in the front yard.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Nick Nelson, Case #17-13
For an Area Variance for an Existing 8'2" x 6'5" Greenhouse in the Front
Yard

WHEREAS, *Nick Nelson* is the owner of real property located at 248 Lake Shore Drive (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.57-1-7, and**

WHEREAS, *Nick Nelson* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27A(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to legalize the existing 8'2" x 6'5" greenhouse which is located in a front yard as shown on the lot line adjustment plans submitted, and

WHEREAS, §154-27A(12)(a) of the Patterson Town Code states that an accessory structure used for the personal use of the residents of the premises shall not be located in the front yard.

WHEREAS, the Applicant has two front yards, 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 ***October 16, 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 structure in question is well screened and below the road level in what would typically be considered the rear yard.*
- 2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the fact the property in question has frontages on two opposite ends of the property.*
- 3. the variance requested *is not* substantial *in light of the fact that the driveway entrances for said house are on the opposite road frontage.*
- 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 of such size that impervious coverage doesn't come into play.*
- 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 *Nick Nelson for an area variance* pursuant to §154-27A(12)(a) of the Patterson Town Code; Permitted accessory uses, *in order to legalize the existing 8'2" x 6'5" greenhouse which is located in a front 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 |

Resolution carried by a vote of 5 to 0.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Nick Nelson, Case #17-13
For an Area Variance for a 14' x 18' Shed in the Front Yard

WHEREAS, *Nick Nelson is* the owner of real property located at 248 Lake Shore Drive (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.57-1-7, and**

WHEREAS, *Nick Nelson* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27A(9)(a) of the Patterson Town Code; Permitted accessory uses, in order to place a 14' x 18' shed in a front yard as shown on the lot line adjustment plans submitted, and

WHEREAS, §154-27A(9)(a) of the Patterson Town Code states that a small building principally constructed of wood, stone or a cementitious material, or a combination of these materials, whose primary use is for a workshop, or the storage of yard equipment and/or nonhazardous material, either of which is intended for use solely on the parcel on which the building is located, shall not be located in the front yard, and

WHEREAS, the Applicant has two front yards, 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 *October 16, 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, as stated by the submitted letters from the adjacent neighbors, it will only enhance the value of said property.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the layout of the property and the fact that the property in question has frontages on two streets at opposite ends of said property.*
3. the variance requested *is not* substantial *in light of the fact that they are using the other road frontage for primary access into and out of the property.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the yard is of such a size that impervious coverage calculations don't come into play.*
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 *Nick Nelson* for *an area variance* pursuant to §154-27A(9)(a) of the Patterson Town Code; Permitted accessory uses, *in order to place a 14' x 18' shed in a front yard.*

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 well, good luck.

Board Member Burdick stated good luck.

Mr. Nelson stated oh, I appreciate it. Have a good night.

Chairman Olenius stated and thank you for your packet. It was very well put together.

Mr. Nelson stated oh, thank you.

Chairman Olenius stated

3) OTHER BUSINESS

a) Minutes

Chairman Olenius stated alright, I want to start with the easy one and I want to make a motion to approve the minutes as submitted [referring to the September 18, 2013 minutes]. They were nice light reading. Thank you.

The Secretary stated yes.

Board Member Burdick stated second.

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

Board Member Buzzutto stated okay.

Chairman Olenius stated okay.

Nancy Tagliafierro stated everyone's gone now.

b) Kathleen Pettey Recommendation

Chairman Olenius stated I make a moosh...A moosh. A motion to...

[Laughter]

Chairman Olenius stated move into executive session at this point.

Nancy Tagliafierro stated you should state the purpose.

Chairman Olenius stated for the propose of discussing...

Nancy Tagliafierro stated pending litigations (inaudible – too many speaking).

Chairman Olenius stated pending litigation between Ms. Pettey and the Town.

The Secretary stated do we need a second.

Nancy Tagliafierro stated yes.

Board Member Burdick stated second.

The Secretary stated okay.

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

Board moved into executive session.

Board adjourned executive session at 7:55 p.m.

Chairman Olenius stated so there was a...How do I phrase this properly.

Nancy Tagliafierro stated a discussion amongst the Zoning Board of Appeals Members...

Chairman Olenius stated and the consensus was from that discussion to not...to reject accepting a settlement with regards to the Pettey case.

Rich Williams stated to recommend to the Town Board...

Nancy Tagliafierro stated Town Board that they reject the settlement offer.

Chairman Olenius stated and recommend that the Secretary drafts a memo saying as such.

Board Member Bodor stated a memo to the Town Board.

Chairman Olenius stated to the Town Board.

Board Member Buzzutto stated will a copy of this go to her also.

Rich Williams stated no.

Board Member Buzzutto stated no.

Rich Williams stated Town Board will make a decision, they'll convey it to the attorneys. It's the attorneys that contact her.

Board Member Buzzutto stated so actually she won't know it...She won't know anything until after the Town Board handles it.

Rich Williams stated yes.

Board Member Buzzutto stated okay, good.

Board Member Bodor stated I'll second the motion.

Board Member Buzzutto stated it gives us time to run.

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

Board Member Buzzutto stated she kind of screwed us over for many, many years.

Rich Williams stated you're on record.

Board Member Burdick stated we're on the record.

Board Member Buzzutto stated oh.

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

Board Member Buzzutto stated I make a motion to take that off the record.

[Laughter]

Chairman Olenius stated I'll make a motion to close the meeting.

Board Member Bodor stated I'll second that.

Chairman Olenius stated all in favor.

Meeting adjourned at 7:58 p.m.