

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS  
October 17, 2012**

**AGENDA & MINUTES**

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<b>2) Suzanne Bruce Case #30-12</b>	19 – 23	Public hearing closed; Area variances for 10' fence and to legalize rear patio and the rear granted
<b>3) Watchtower Bible &amp; Tract Society Case #34-12</b>	23 – 37	Public hearing opened; Application tabled to be renoticed
<b>4) Daniel Godfrey Case #35-12</b>	37 – 45	Public hearing opened & closed Area variances granted for 2 <sup>nd</sup> story addition
<b>5) Minutes</b>	45 – 46	September 19, 2012 minutes approved

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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  
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Ron Taylor  
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**Zoning Board of Appeals**  
**October 17, 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, and Nancy Tagliaferro, with the Town Attorney's Office, Hogan & Rossi.

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

There were approximately 12 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.

Rich Williams stated do you have the application.

The Secretary stated oh crap, I don't even have the folder.

Rich Williams stated I'll get the folder.

The Secretary stated thanks.

Rich Williams stated you have the notices.

Roll Call:

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

Chairman Olenius stated the first item on our agenda tonight is Suzanne Bruce, I don't see her here, I don't expect anybody else representing her right now so we're going to push her to the back in hopes that she may arrive.

2) **NICHOLAS SHKRELI CASE #33-12**

Mr. Nicholas Shrekli and Mr. Isa Goshing were 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, October 17, 2012 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

**Nicholas Shrekli Case #33-12**

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 replacement of a front porch of the existing dwelling. The Code requires a front yard setback of 40'; Applicant will have 0'. Applicant is also requesting an area variance pursuant to § 154-7 of the Patterson Town Code; Schedule of regulations, in order to allow for the installation of a rear deck. The Code requires a rear yard setback of 80'; Proposed is 25'; Variance requested is 55'. The property is located at 150 Route 164 (R-4 Zoning District).

Chairman Olenius stated Mr. Shkreli, you want to come on up please.

Mr. Shkreli stated hello.

Chairman Olenius stated hello, could you just state your name and address.

Mr. Shkreli stated Nicholas Shkreli.

Chairman Olenius stated your address too.

Mr. Shkreli stated 150 Route 164, Patterson, New York.

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

Mr. Shkreli stated yes.

Chairman Olenius stated all right, thank you very much. You heard the notice there, is that pretty much in line with what you're looking to here.

Mr. Shkreli stated yes.

Mr. Goshing stated yes.

Chairman Olenius stated do you want to state your name for the record too sir.

Mr. Goshing stated Isa Goshing.

Chairman Olenius stated and you are...

Mr. Goshing stated I'm, we're friends.

Chairman Olenius stated okay, very good. I've driven by the property a couple times and have seen some big changes, your intention, I read through your thing here, you're making a single family home.

Mr. Shkreli stated single family, yes.

Chairman Olenius stated and apparently due to the pre-existing nature of the dwelling, some of the replacements and things you want to do are very close to the property lines.

Mr. Shkreli stated yes.

Chairman Olenius stated your front porch that you submitted here, these drawings, when I was looking through the packet, I had a little difficulty reflected them to the survey you submitted, where is the survey, here it is.

Mr. Goshing stated do you have the most recent survey.

Chairman Olenius stated I do not know if I do.

Mr. Goshing stated as built, you have the as built survey.

Chairman Olenius stated I do.

Mr. Goshing stated okay.

Chairman Olenius stated my biggest issue was that the numbers on mine at least, are hand drawn in on the survey and when I compare them to the plans here, it just doesn't seem to jive with me.

Mr. Goshing stated when we initially put in the plans, the deck was bigger because we were just going to exchange the existing deck but the existing deck went out a little further than the property line, so what we did, we shortened the front deck, so it's inside the property line. Our architect is going to be drawing the new plans and sending them in to you, to conform with the as built, the reason it's been drawn in pencil is because it's not actually built yet but there was an existing deck there that we took out and we're going to build a new one, of course.

Board Member Bodor stated you're referring to the front porch, not the deck, to me the deck is going to be another thing.

Mr. Shkreli stated yeah, no, the front porch.

Mr. Goshing stated yes.

Board Member Bodor stated so this is not what, what we see here is not what the architect is going to prepare as the final plan.

Mr. Goshing stated what you see there is what's going to be the final plan.

Board Member Bodor stated drawn on here.

Mr. Goshing stated yes.

Board Member Bodor stated what's the architect going to be presenting then.

Mr. Goshing stated well he's just going to put it on the plans.

Board Member Bodor stated on the official copy...

Mr. Goshing stated yeah, exactly.

Board Member Bodor stated as opposed to the hand drawn one.

Mr. Goshing stated yes.

Board Member Bodor stated which should have accurate measurements on it.

Mr. Goshing stated it should have accurate measurements now because we, we actually, we had a problem with the lines and we get an as built and we made him come out and stick the property.

Chairman Olenius stated my concerns is that the plan, it looks to me on the, that would be the north west corner, is closer to Route 164 than the other side, it's approximately 4' from the property line, as reflected on the survey you submitted and your plans that you submitted, shown the porch coming out 5' 6" from the structure, so that's...

Mr. Goshing stated there should be a letter there from the architect that's saying, plans are to follow, because our architect, it was really last minute.

Board Member Bodor stated so the official plans are still in the doing, we don't have them, what we're looking at are hand drawn...

Mr. Goshing stated no, you do have the official plans, as far as the decks go, we don't have the official plan yet.

Board Member Bodor stated the porch.

Mr. Goshing stated the porch, yes the porch.

Board Member Bodor stated okay and that's what we're talking about right now.

Mr. Goshing stated yes.

Chairman Olenius stated we do have your letter here, I'm sorry. I'm just going to tell you straight up I'm not very comfortable making a decision on this tonight without the actual plans matching up with the survey as submitted, I know you said they are forthcoming, so in light of that, let's talk about the rear deck for a little bit because that's a separate matter. Is or was there current, a deck on this property, prior to...

Mr. Goshing stated on the back.

Chairman Olenius stated yes.

Mr. Goshing stated no.

Chairman Olenius stated there was nothing in the back, okay and now you wish to put a 13 ½ by 41'...

Mr. Goshing stated 20'.

Chairman Olenius stated is 41' the distance then.

Mr. Goshing stated yes, the distance...

Chairman Olenius stated to the side line or the rear line.

Mr. Goshing stated the side line.

Chairman Olenius stated the side line, so it's 13 ½' by 20', the deck actually.

Mr. Goshing stated yes, yes.

Chairman Olenius stated I have a B and a C...

Board Member Bodor stated and an A also.

Chairman Olenius stated A doesn't show a rear deck at this point.

Mr. Goshing stated yes, that was the initial.

Chairman Olenius stated B shows the deck no wider than the existing home.

Mr. Goshing stated that's it.

Chairman Olenius stated this is the one.

Mr. Goshing stated that's the one.

Chairman Olenius stated okay, because this one looked...

Mr. Goshing stated no, no, that's not it, this is it.

Chairman Olenius stated so C I can disregard.

Mr. Goshing stated well, let me see...

Chairman Olenius stated sure.

Mr. Goshing stated yeah, you can disregard this one, that's more focused on the front one.

Chairman Olenius stated oh okay, I will keep that for the...

Mr. Goshing stated yeah.

Chairman Olenius stated so I'm looking at B when I'm talking about the rear.

Board Member Bodor stated and what are the measurements for the deck on B then.

Mr. Goshing stated I believe it's 20' by 13'.

Board Member Bodor stated 20 by 13, 20 across, 13 back.

Mr. Goshing stated yes, yes.

Chairman Olenius stated the existing structure is 20 feet wide, I'm assuming just by...

Mr. Goshing stated yes.

Chairman Olenius stated how it was drawn in there. You really did a lot of work.

Mr. Shrekli stated yeah.

Chairman Olenius stated what is behind your property, is there another dwelling behind there.

Mr. Goshing stated yes there is.

Mr. Shkreli stated on the left side of behind.

Chairman Olenius stated directly behind.

Mr. Shkreli stated directly behind, yes.

Chairman Olenius stated there is, how close would you say that property is to yours.

Mr. Goshing stated I don't know...

Board Member Bodor stated how close would the dwelling back there be.

Chairman Olenius stated the dwelling.

Mr. Goshing stated it's about 20' from the property line, his dwelling, it's the corvette guy, he rebuilds corvettes...

Board Member Bodor stated oh is it a dwelling or a garage.

Mr. Shkreli stated I think it might be a commercial...

Board Member Bodor stated commercial.

Mr. Goshing stated yeah, exactly.

Board Member Bodor stated is it a...

Mr. Shkreli stated because what he does is, he builds like corvettes in the back.

Mr. Goshing stated yeah, he rebuilds corvettes and stuff.

Board Member Bodor stated so it's not a residence...

Mr. Shkreli stated no, it's not a residence.

Board Member Bodor stated it's a workshop/garage type use.

Mr. Goshing stated yes.

Mr. Shkreli stated yes.

Board Member Bodor stated and that's all that's back there and then the railroad, right.

Mr. Goshing stated exactly, exactly.

Mr. Shrekli stated yeah, that's it.

Board Member Bodor stated and it drops down too, does it not.

Mr. Goshing stated yes, it does.

Rich Williams stated Mrs. Bodor, as a point of clarification it's both.

Board Member Bodor stated is it a residence too.

Rich Williams stated there's a residence back there, somebody lives there correct.

Mr. Goshing stated he...

Mr. Shkreli stated I think they live on this side...

Mr. Goshing stated on the right.

Rich Williams stated there is a house.

Mr. Shkreli stated all the way on the...

Rich Williams stated but there is a house back there along with that garage where he re-does corvettes.

Mr. Goshing stated well there's the garage...

Mr. Shkreli stated there's the garage and then the house is...

Mr. Goshing stated right behind that...

Mr. Shkreli stated all the way, like all the way in the front...

Rich Williams stated on the property.

Mr. Goshing stated on the property, yeah.

Mr. Shkreli stated on the property.

Rich Williams stated so it is both.

Board Member Bodor stated there is a residence back there too.

Rich Williams stated but it's set...

Mr. Shkreli stated it's set much more...

Board Member Bodor stated it's quite a ways over, right.

Mr. Shkreli stated yeah, yeah.

Mr. Goshing stated the garage is like over here behind our house and the house is here.

Mr. Shkreli stated and the house is like way past.

Mr. Goshing stated yeah.

Board Member Bodor stated the garage is what's most immediately behind your residence right.

Mr. Shkreli stated yeah.

Mr. Goshing stated yes, exactly.

Mr. Shkreli stated that's exactly.

Mr. Goshing stated and he loves what's going on there, he has no problem with it.

Board Member Bodor stated well he doesn't have to look up at what was there.

Mr. Goshing stated exactly.

Mr. Shkreli stated yeah, you know.

Board Member Bodor stated no one does.

Mr. Shkreli stated yeah, I know the whole block's very happy.

Board Member Bodor stated I know.

Chairman Olenius stated is there a staircase coming down from this proposed deck...

Mr. Goshing stated no.

Chairman Olenius stated there isn't, this was an initial...

Mr. Goshing stated yes, no stairway.

Chairman Olenius stated so that's where that other survey picture came from...

Mr. Goshing stated exactly.

Chairman Olenius stated okey dokey, I knew I saw something when I was looking through, that's why...

Mr. Goshing stated and as far as the porch goes, it's going to be exactly the same but just 4' inside, instead of 6'...

Mr. Shkreli stated just 4' it's going to be the same thing just 4' instead of, I think we had 6'.

Mr. Goshing stated because the initial porch was 6' in the beginning, in front.

Board Member Bodor stated the front porch was 6' wide.

Mr. Goshing stated yeah.

Chairman Olenius stated the old, the previous one.

Mr. Shkreli stated yeah, the old one.

Mr. Goshing stated yeah and we're bringing it back to 4', just, he doesn't want to have a problem with DEP in the future or anything.

Board Member Bodor stated well it was certainly right on the highway right of way, it was...

Mr. Goshing stated yeah, so that's why we brought it back.

Board Member Bodor stated built before the highway was widened too.

Mr. Shkreli stated exactly.

Board Member Bodor stated it's an old structure.

Chairman Olenius stated 1905, that's old...

Board Member Buzzutto stated this is going to be owner occupied.

Mr. Goshing stated yes, owner occupied, yes.

Mr. Shkreli stated yes.

Board Member Bodor stated that's a good picture.

Board Member Buzzutto stated is this higher than the original structure.

Mr. Goshing stated no.

Mr. Shkreli stated same height.

Board Member Bodor stated you know what's the difference Buzzy is it has a section going across, it's not just a triangular roof, it's got, what do you call, dormer type things...

Mr. Goshing stated dormers, exactly.

Mr. Shkreli stated and we made it bigger.

Board Member Bodor stated no, this piece going out here.

Chairman Olenius stated right but those, the roof line of this glass wall is the same height as the...

Mr. Goshing stated exactly the same, yeah, exactly.

Board Member Buzzutto stated it's even to me.

Board Member Bodor stated see the dormer here.

Chairman Olenius stated right. Just for reference, would this be the roof of the corvette place behind you know, in this photo you submitted.

Mr. Goshing stated no.

Mr. Shkreli stated no, I think that's a container.

Board Member Bodor stated no, it's down the road.

Mr. Goshing stated yeah, that was a container.

Chairman Olenius stated it was a container, oh okay.

Board Member Bodor stated it sets down, it's quite a ways down...

Chairman Olenius stated I remember now, I'm familiar with the building, I'm just not in my mind like...

Board Member Bodor stated your surroundings.

Chairman Olenius stated because you go, it's a circular driveway going down to the corvette place and then it drops down too, as well.

Mr. Goshing stated yeah.

Board Member Bodor stated yeah, yeah.

Chairman Olenius stated these are the plans that were submitted to the Building Department, these ones that were included here.

Mr. Goshing stated yes, yes, it's going to be the deck, the same exact porch, it's just going in 4' because existing was 6', the existing porch was 6', we're bringing it down to 4'.

Mr. Shkreli stated yeah it actually went over the property line.

Mr. Goshing stated and they're not giving us a problem, we didn't have to come to the Zoning Board because of the porch in the front, they said the side, this little, because we want to wrap it around...

Mr. Shkreli stated we want to have a wraparound porch around the house.

Mr. Goshing stated we want to wrap it around this side and this side.

Chairman Olenius stated so won't that in fact bring you even closer to the street.

Mr. Goshing stated no, because we're inside the line.

Chairman Olenius stated but if it's 4' from the corner of the existing home and you're coming out another 5'...

Mr. Goshing stated no, 4'.

Chairman Olenius stated this says 4' 9" and then another 2', that carries us to 6'...

Mr. Goshing stated that was the old one, yes and we're going to make into the B, I think it was.

Chairman Olenius stated because the way this is drawn, this point would be even closer because of the way the...

Mr. Goshing stated if I could see the as built survey, I'm sorry. We made sure to stay within the line, this is the line, so we're completely inside the line because over here, it's really off, you see on this side all the way to the left...

Chairman Olenius stated right.

Mr. Goshing stated and over here we made sure that we were completely inside the line.

Chairman Olenius stated so this 4' isn't actually from the corner of the building, it's from the corner of your proposed porch.

Mr. Goshing stated exactly.

Chairman Olenius stated that was my concern.

Mr. Goshing stated because the line comes, it's not straight, it comes like this, like an oval.

Board Member Bodor stated you're 4 1/2' puts it right up to the line.

Mr. Goshing stated yeah.

Board Member Bodor stated yeah you're not within it, you're right on it.

Board Member Buzzutto stated with the porch on there, how far are you from [Route] 164 back...

Board Member Bodor stated 4 ½'...

Board Member Buzzutto stated 4 ½'...

Board Member Bodor stated up to the right of way.

Chairman Olenius stated to the right of way, not to the actual blacktop.

Board Member Bodor stated not to the blacktop or the center line or anything.

Board Member Buzzutto stated that's still close though.

Mr. Goshing stated because the blacktop is like 8' away, 10' and it goes inside.

Chairman Olenius stated does anybody from the audience have any input on this case; hearing none. Oh, I see it was a concrete front stoop before and you pulled all that out.

Mr. Shkreli stated yeah.

Chairman Olenius stated is that where I'm seeing the difference here.

Mr. Shkreli stated and when I have it wrap around, I want the front entrance to be where the glass is, so like you walk up, I don't want the entrance to be on the side really, I want to like be able to park and then go in.

Chairman Olenius stated when you say the glass, what glass.

Mr. Goshing stated the entrance to the house.

Mr. Shkreli stated the entrance, I want this to be the entrance to the house because the front door is actually right here, so we want to have a porch right here to walk up the stairs and then make a right and then go into the front door.

Chairman Olenius stated oh okay.

Mr. Shkreli stated yeah, that's why we want to have...

Board Member Bodor stated no, I didn't get...

Chairman Olenius stated the front door is going to be...

Mr. Shkreli stated yeah.

Board Member Bodor stated on the back of the house.

Chairman Olenius stated well on the side of the house.

Board Member Bodor stated oh, that's a side elevation.

Mr. Shkreli stated what I really like, is like that's going to be like the front of the house for like me, so that's why I want to have the porch wrap around.

Board Member Bodor stated that's what this bump, that bump right there.

Mr. Shkreli stated that's the, the front door is going to be going right there.

Chairman Olenius stated the front door there, yeah.

Board Member Bodor stated got it.

Mr. Shkreli stated that's why we want the porch.

Chairman Olenius stated that's like you're parking area, the driveway area.

Board Member Bodor stated that's, okay, okay.

Chairman Olenius stated I know I got you.

Board Member Bodor stated that's off the side of the house actually.

Chairman Olenius stated twist it around, the survey.

Board Member Bodor stated okay, see under the dormer on the side.

Chairman Olenius stated right.

Board Member Bodor stated yeah, for some reason I was thinking that was the back of the house.

Mr. Shkreli stated oh no, that's the front, yeah, when I go to the house.

Board Member Bodor stated okay now I know what the bump is for. Now we have a letter here from Mr. Escaladas, is he the architect.

Mr. Shkreli stated yeah.

Board Member Bodor stated okay, he indicates here that new drawings indicated the stated conditions will follow, do we have those new drawings in this packet.

Mr. Goshing stated no you don't.

Board Member Bodor stated okay.

Mr. Goshing stated the new drawing considers what the other gentleman looked at before, it's just going to be the same exact deck with the 4'...

Mr. Shkreli stated instead of 6' it's going to be 4', so we're just shrinking it.

Board Member Bodor stated right but we don't have that official document.

Mr. Goshing stated not yet.

Board Member Bodor stated so we're missing that from our packet.

Mr. Goshing stated well it's going to be a 4' porch.

Mr. Shkreli stated it's going to be, everything is ideal, everything is the same except we're just going to shrink it.

Board Member Bodor stated gotcha but we don't have the official document that has been spoke about between our Code Enforcement Officer and your architect.

Mr. Goshing stated and our Code Enforcement Officer said that this would, this letter would be good enough for tonight's hearing and he goes just get it to me right away.

Board Member Bodor stated well we're supposed to have a complete packet the way things are to be, to make our decision based upon, that's why I'm questioning that.

Chairman Olenius stated I know, as I previously stated, that's the only reason I'm not very comfortable dealing with that front porch right now, I don't even have a letter from the Code Enforcement Officer stating, you know, he may very well have stated that to you but he didn't state it to us. In light, I'm just asking you counsel, in light of that could we make a determination tonight on the rear deck and not the front porch or do both determinations have to be made at the same time.

Nancy Tagliafierro stated I think you can make them separately.

Chairman Olenius stated I could make them separately.

Nancy Tagliafierro stated yeah.

Rich Williams stated Mr. Chairman, if you're comfortable with everything on the application, you could approve the front porch variance subject to the submission of the plans by a date certain, reviewed and approved by the Building Department, you could do that as well, rather than delay it another month, the problem is they're under construction...

Mr. Goshing stated the winter.

Chairman Olenius stated that's kind of why I'm sitting on the fence here about this whole thing, I don't really want to slow down your construction...

Nancy Tagliafierro stated right.

Chairman Olenius stated because it seems to be improving the neighborhood dramatically...

Mr. Goshing stated thank you.

Mr. Shkreli stated thanks.

Chairman Olenius stated we certainly don't want to put the brakes on for you but...

Mr. Goshing stated and the porch is going to make it a big difference, aesthetically wise it will look gorgeous.

Nancy Tagliafierro stated you can definitely approve it subject to that condition that Mr. Williams suggested.

Chairman Olenius stated in real time, how far out do you think these, until these new plans are ready.

Mr. Goshing stated a week, ten days.

Chairman Olenius stated a week.

Board Member Bodor stated the letter was dated I think...

Nancy Tagliafierro stated October 1<sup>st</sup>.

Board Member Bodor stated October 1<sup>st</sup>, right, today is the 17<sup>th</sup>.

Mr. Goshing stated I know but he went away, our architect went away and he's really, really busy and he's really good because he really drew a gorgeous plan and we love using him but he's extremely busy and he's like a one man show.

Mr. Shkreli stated I literally didn't change anything on the plans, like everything he put, I was fine with it.

Mr. Goshing stated he'll slip out.

Chairman Olenius stated do you think election day, November 6<sup>th</sup>, is unreasonable to have them in by.

Mr. Shkreli stated I think we can do that.

Mr. Goshing stated we could do it, yeah.

Chairman Olenius stated that was a date that was in my head that came to mind and is about 2 weeks away.

Nancy Tagliafierro stated yeah.

Chairman Olenius stated approximately, okay. You guys have anything else.

Board Member Bodor stated no.

Chairman Olenius stated you guys have anything else.

Board Member Buzzutto stated no, you can close the public hearing.

Chairman Olenius stated yeah, I'll make the motion to close the public hearing.

Board Member Buzzutto stated second.

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

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Nicholas Shkreli, Case #33-12***  
***For an Area Variance for Rear Deck***

**WHEREAS, *Nicholas Shkreli*** is the owner of real property located at 150 Route 164 (R-4 Zoning District), also identified as **Tax Map Parcel #23.11-1-42**, and

**WHEREAS, *Nicholas Shkreli*** 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 rear deck, and

**WHEREAS, §154-7** of the Patterson Town Code requires a 80' rear yard setback; Applicant will have 25'; ***Variance requested is for 55'***, 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 17, 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 it's, the deck is to the rear of the property, not intrusive to the nearest dwelling unit.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because the property is wider and shallower, as opposed to longer and deeper providing not much backyard area to begin with.***
3. the variance requested ***is*** substantial ***however not so much so as to cause a denial of the requested variance.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because the property is approximately, that figures...***

Board Member Burdick stated I think I saw .3 acres, is that what you're looking for...

Chairman Olenius stated yeah; ***the property is approximately 1/3 of an acre and this additional impervious coverage would not impact due to the overall size of the property.***

5. the alleged difficulty necessitating the variance was not self-created, *was self-created but is not sufficient* so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Nicholas Shkreli* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 55' from the 80' required for a rear yard setback*, in order to construct a rear deck.

Board Member Buzzutto stated will this interfere with the septic and the well on the property.

Mr. Goshing stated no.

Board Member Buzzutto stated no.

Mr. Goshing stated the septic is over to the left.

Board Member Buzzutto stated and the well, your water.

Mr. Goshing stated the well is to the right.

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.

Mr. Goshing stated thank you so much guys.

Mr. Shkreli stated thank you guys.

Board Member Bodor stated one more.

The Secretary stated one more.

Board Member Burdick stated one more.

Chairman Olenius stated we're not done yet, we have to do the front porch still, that was the back.

Mr. Goshing stated sorry.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
*Nicholas Shkreli, Case #33-12*  
***Enlargement of a Nonconforming Building***

**WHEREAS, Nicholas Shkreli** is the owner of real property located at 150 Route 164 (R-4 Zoning District), also identified as **Tax Map Parcel #23.11-1-42, and**

**WHEREAS, Nicholas Shkreli** 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 replace and extend the front porch to accommodate steps and wrap around porch, 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 currently has 4'; Proposed is 0';

**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 17, 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 proposed porch is replacing what had currently been there and is actually smaller in size than what was previously constructed.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the fact that the existing dwelling was built in 1905, long before setback requirements were in place.*
3. the variance requested *is* substantial *however not so much as to cause a denial.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because as previously stated with regards to impervious coverage, it's actually going to be smaller than what had been in place prior.*
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 *Nicholas Shkreli for an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to replace and extend the front porch to accommodate steps and wrap around porch which is 0' from his front property line.

**AND BE IT FURTHER RESOLVED,** this resolution is based on the following conditions:

1. New architects renderings reflecting the actually 4' frontage be submitted to the Building Department, no later than November 6, 2012.

Nancy Tagliaferro stated that was it.

Chairman Olenius stated and that was the only condition.

Board Member Burdick stated second.

Board Member Bodor	-	yes
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Board Member Bodor stated and thank you for everything you have done for the residence that had been existing there and the neighbor, continue to do so.

Mr. Goshing stated thank you.

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

Resolution carried by a vote of 5 to 0.

Mr. Shkreli stated thank you guys.

Chairman Olenius stated I agree with Mrs. Bodor too, please keep up the good work.

Mr. Goshing stated guys have a great evening, thank you so, so much.

Chairman Olenius stated good luck with everything.

Mr. Goshing stated thanks.

Board Member Buzzutto stated glass will totally cover because there were so many holes in the roof.

Chairman Olenius stated I did hear Mrs. Bruce, okay, let's.

**1) SUZANNE BRUCE CASE #30-12**

Mrs. Suzanne Bruce was present.

The Secretary read the following legal notice:

**Suzanne Bruce Case #30-12 – Area Variances: Held over from August 22, 2012 and September 19, 2012 Meetings.**

Mrs. Bruce stated I'm sorry Steve was working late so I had to bring the kids again.

Chairman Olenius stated that's okay, how are you.

Mrs. Bruce stated good, how are you.

Chairman Olenius stated good thanks. I don't suppose there's been any changes since we were out there to visit you.

Mrs. Bruce stated no, nope.

Rich Williams stated she's getting her shoe on.

Mrs. Bruce stated oh okay, she's there, okay.

Chairman Olenius stated we, the patio was extended, right...

Mrs. Bruce stated yes.

Chairman Olenius stated that was the one enlargement one and requesting the fence because of the slope of the land, correct.

Mrs. Bruce stated yes, yes because we had leveled it out and added steps, so basically we just want to put the fence for the safety of the kids and also for privacy, you know, between us and the neighbors.

Chairman Olenius stated right, oh that's right, it was a 6' fence on top of a 4' retaining wall...

Mrs. Bruce stated yes, so we need a 4' variance.

Chairman Olenius stated that's where we came with the 10' because we had the, right.

Mrs. Bruce stated because we're allowed 6' from the ground but need an extra 4'.

Chairman Olenius stated right because of the way the property or the driveway was built up at that point.

Mrs. Bruce stated do not touch it.

Chairman Olenius stated and obviously because that fence was attached to the retaining wall, I'm assuming that it's all wholly on your property.

Mrs. Bruce stated the retaining wall...

Chairman Olenius stated yeah.

Mrs. Bruce stated yes, yeah, we had, it was like 3 1/2' from the property line.

Chairman Olenius stated I thought we agreed on that before, I'm sorry I'm just kind of refreshing my own memory. Does anybody from the audience have any other input; hearing none. Are you guys good, I think we've gone through it enough times.

Board Member Bodor stated yes.

Board Member Buzzutto stated yeah.

Chairman Olenius stated okay, I make a motion to close the public hearing then.

Board Member Bodor stated second.

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

Board Member Herbst stated good idea, before the kids get loud.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Suzanne Bruce, Case #30-12***  
***Enlargement of a Nonconforming Building***

**WHEREAS, *Suzanne Bruce* is the owner of real property located at 91 Highview Drive (R-1 Zoning District), also identified as **Tax Map Parcel #34.13-1-36, and****

**WHEREAS, *Suzanne Bruce* 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 legalize an existing, attached patio to the rear of her 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 30' side yard setback; Applicant has 17'; 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, September 19, 2012, and October 17, 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 as stated it is an at-grade patio.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because said patio attaches to the side access to the home.***
3. the variance requested ***is not*** substantial ***in light of the fact that there is still a considerable side yard after the patio.***
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 lot is of such a size that impervious coverage doesn't come into play.***

5. the alleged difficulty necessitating the variance *was self-created* but *is not sufficient* so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Suzanne Bruce* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to legalize an existing patio to the rear of the dwelling.

Board Member Bodor stated I'll 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 one more quick one for the fence.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Suzanne Bruce, Case #30-12***  
***For an Area Variance for an 10' Fence***

**WHEREAS**, *Suzanne Bruce* is the owner of real property located at 91 Highview Drive (R-1 Zoning District), also identified as **Tax Map Parcel # 34.13-1-36, and**

**WHEREAS**, *Suzanne Bruce* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-15 A. of the Patterson Town Code; Fences, stone walls and masonry walls, in order to place a fence 10' from grade along her side property line. Due to the existing 4' retaining wall that the proposed fence will be fastened to, the fence will be 10' at the driveway level; and

**WHEREAS**, §154-15 A. of the Patterson Town Code states that a fence shall not exceed 6' in height from grade level along side and rear property lines; Applicant is proposing a fence 10' from grade; ***Variance requested is for 4'***, 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, September 19, 2012, and October 17, 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 the fence in question, basically abuts directly to the neighbor's fence, which is of similar design.***

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the retaining wall was necessary to maintain the driveway's integrity.*
3. the variance requested *is not* substantial *in light of the fact that the fence is being attached to a retaining wall, not literally coming 10' feet out of grade level.*
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 fence is being attached directly to the retaining wall, there is no other additional ground disturbance going to take place.*
5. the alleged difficulty necessitating the variance *was self-created, but is not sufficient* so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Suzanne Bruce* for an *area variance of 4' pursuant to* §154-15 A of the Patterson Town Code; Fences, stone walls and masonry walls, in order to place a fence 10' from grade along her side property line.

Board Member Bodor stated I'll 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 now you can tell your husband to get to work.

Mrs. Bruce stated thank you very much, I had one other question but I don't know if it's a question for Nick, we're going to put in a permit to convert our garage into a room, I told you guys that too but we want to reface the house prior to that, can we get rid of the door, re-frame it before we actually convert the garage.

Chairman Olenius stated definitely go to the Building Inspector, I urge you with something like that, yes.

Mrs. Bruce stated do that first, okay, okay, I wasn't sure because we're converting it, we figure we might have to wait for the refacing then because otherwise, they're putting stones up, so it might look like the garage would be outlined you know since they're going to frame around, it, so...

Chairman Olenius stated I would definitely, probably get your permit in place prior to doing anything.

Mrs. Bruce stated check with Nick on that, thank you very much everybody, have a good night.

Board Member Bodor stated good night.

Chairman Olenius stated you too. Have at it kid.

**3) WATCHTOWER BIBLE AND TRACT SOCIETY CASE #34-12**

Mr. Richard Eldred and Mr. Joel Heier were present.

The Secretary read the following legal notice:

**Watchtower Bible & Tract Society Case #34-12**

Applicant is requesting to an area variance pursuant to §154-15 A. of the Patterson Town Code; Fences, stone walls and masonry walls, in order to install a 6' fence along their frontage. The Code states that a fence shall not exceed 4' from ground level along the frontage; Proposed is 6'; Variance requested is for 2'. Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to allow for construction of buildings exceeding the 38' Height Limitation; Maintenance building; Proposed is 76'; Variance requested 38', Office building; Proposed is 90'; Variance requested 52', G Residence building; Proposed is 76'; Variance requested 38', North Addition to AV Building; Proposed is 47'; Variance requested 9', West Addition to AV Building; Proposed is 39'; Variance requested 1'. Applicant is also requesting to amend their special use permit pursuant to §154-99 F. of the Patterson Town Code; Schools and colleges, in order to allow for 521 additional parking spaces for the Educational Center. (R-4 Zoning District).

Chairman Olenius stated good evening.

Mr. Eldred stated good evening.

Chairman Olenius stated just state your name for the record please.

Mr. Eldred stated Richard Eldred, I work with Watchtower.

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

Mr. Eldred stated yes.

Chairman Olenius stated thank you very much, do you agree with what was read in the...

Mr. Eldred stated there's a couple of adjustments on the second page, the 521 additional parking spaces, is really 571 parking space which was in the application to the Zoning Board and is what we had presented to the Planning Board, so there is that adjustment and the other adjustment on the office building, we were going on the average from the ground to the top of the building which was 76' and at one point on the building it probably is 90', so I don't know which the Zoning Board...

Chairman Olenius stated you usually look for the maximum...

Mr. Eldred stated I see.

Chairman Olenius stated you know what I mean, depending on how your grade changes and what not, it's usually the maximum just to cover all the bases.

Mr. Eldred stated okay, I just wanted to clarify that, so those are the areas I think, we're willing to answer any questions or present whatever you'd like to see.

Chairman Olenius stated I was going through your packets here and it's considerable.

Mr. Eldred stated it is, we agree.

Chairman Olenius stated what do you have planned here, big changes, growing that fast.

Mr. Eldred stated we haven't added much for a number of years, some of the members of the Zoning Board, were on the Zoning Board when we originally before the Zoning Board back in '87 and '88, given our original variances and special use permit at that time. We did add an audio visual type building which is basically a recording studio for our visually and hearing impaired, we do masters that are then sent out to get copied and they are provided at no charge to the public, so we had made that adjustment and I was trying to think, we had to change the water plant because the water was hard so we had to put in a lime softening system so that required another for the water plant.

Chairman Olenius stated that sure is quite a facility you have up here judging by the...

Mr. Eldred stated any time anybody wants to come up, we're happy to show them around and show them what we have.

Chairman Olenius stated I'm going to start with the fence because that the portion of the thing that I'm looking here and I think my question is answered by your submission here but the new fence and gate is primarily, what would I say, to the south end of your property on [Route] 22, like where your main entrance is right now, your big stone sign, that grass area there.

Mr. Eldred stated yeah from Nin's place going north, that grassed area is our property and it goes up to our entrance drive and we come in on the entrance drive, beyond that we have a fence for the cattle.

Chairman Olenius stated so this fence that you're requesting ends at that cattle fence.

Mr. Eldred stated yeah.

Chairman Olenius stated that's as far as it goes, okay.

Mr. Eldred stated it's going to be somewhat similar to the horse hospital fence, that other fence that pharmaceutical place that's right next door, yeah. What gave rise to that, we were talking with the Sherriff's office and they had mentioned that probably if we could to get a little more security fencing out alongside the road, we tend to agree with them, we thought just past the grounds was adequate, it just seems like in this day and age you need a little more security.

Board Member Bodor stated have you had security issues through the years.

Mr. Eldred stated we have over time, they've been very limited because for somebody to come and carry something off, they've got to carry it quite a distance, it hasn't really been that much but we just thought it would be better to have a little something there.

Board Member Bodor stated and it's open fence, it's wrought like...

Mr. Eldred stated it would be an open fence similar to the horse hospital.

Board Member Bodor stated wrought iron or something with...

Mr. Eldred stated yeah and try to be somewhat decorative.

Chairman Olenius stated and this will follow your entrance roadway up to your guardhouse.

Mr. Eldred stated we'll have to come up the entrance roadway because when we have tractor trailer come in, they have to get off the road before they stop and we open the gate for them, so we're not going to put it right across road, it will have to come up and then across our drive and then back down to where the cattle fence is.

Chairman Olenius stated that's what I was getting at, so we have plenty of room for people to get off [Route] 22, it's not going to cause any backups on...

Mr. Eldred stated right.

Chairman Olenius stated [Route] 22, there's plenty of room to enter before the...

Mr. Eldred stated yeah, currently we have a watchmen's station back up our driveway quite a distance, this will be down a little further but still be room for more than one tractor trailer to park there.

Chairman Olenius stated or if you had buses coming in or anything like that.

Mr. Eldred stated buses, yeah, that sort of thing.

Chairman Olenius stated this is, comes here, goes to the guardhouse and comes back around, this is proposed, the fence...

Board Member Buzzutto stated oh this is, sort of...

Chairman Olenius stated this is Nina's here.

Board Member Buzzutto stated yeah.

Chairman Olenius stated so it's not, this is where the cattle fence starts, so it doesn't run the whole length of 22...

Board Member Buzzutto stated yeah.

Chairman Olenius stated this area there.

Board Member Bodor stated I see, it's indicated here relocated guardhouse, you're going to move that guardhouse down with the new fence.

Mr. Eldred stated we probably would move it a little bit, not too much but enough so they could see because we also have to have some way between the trucker there at the gate, we currently have that where we're at now, so that the watchmen's station would then be able to lift the gate or move it sideways, depending on which type we decided on.

Board Member Bodor stated because it's going to be gated then pretty close to the entrance, pretty close to 22 and there is no one stationed there...

Mr. Eldred stated no.

Board Member Bodor stated no, they're up at the guardhouse.

Mr. Eldred stated yeah.

Board Member Buzzutto stated is that guardhouse manned 24 hours a day.

Mr. Eldred stated no, at nighttime we have watchmen on duty and we have a button that people can press and you can communicate with our main lobby which is manned 24 hours a day and then they will open the gate for the person. They can actually see the car, give what information that person's looking for, if they're coming in to see somebody or make a delivery or things of that nature.

Board Member Buzzutto stated okay.

Board Member Herbst stated yeah, I see it.

Chairman Olenius stated okay, I, I don't know, I'm off the fence topic now, are you guys satisfied with the fence.

Board Member Bodor stated I'm okay with the fence, go ahead.

Chairman Olenius stated that was the easiest piece of the puzzle, so I wanted to get that one out of the way.

Board Member Buzzutto stated yeah.

Chairman Olenius stated now with regards, we'll go into it a little bit, talk about the heights of the proposed buildings you have here and I understand what you had stated previously that the one technically is 76' but we do measure the highest part, am I correct Mr. Williams, we go for wherever the grade drops off the lowest, that's where we take the measurement.

Rich Williams stated well it's actually, it's an average across the highest elevation of the building.

Chairman Olenius stated oh, it's an average across.

Rich Williams stated so when I measured it off on the office building, I measured it off at 90', if you want to come in and sit down and we can go through it...

Mr. Eldred stated that's fine.

Rich Williams stated and take a look but conservatively I felt it was 90' in elevation that we were looking at.

Chairman Olenius stated okay.

Mr. Eldred stated we're comfortable with that.

Chairman Olenius stated okay, (inaudible) wdo it for this one.

Board Member Buzzutto stated go through it...

Chairman Olenius stated so obviously my first reaction, as you probably would guess, at 90' my immediate concern is how close to the building could rescue vehicles get, I mean is there 50' of grass around the building or is there an access driveway directly adjacent to it or...

Mr. Eldred stated we bring in an access driveway right up close to the building, at least on two sides and there is something on all the side of the building.

Chairman Olenius stated there is, okay.

Mr. Eldred stated and on the backside, the building is not that high due to the terrain, so it's not 90' on the back of the building and you also have access from the back.

Chairman Olenius stated okay. Boy, that residence building is, a lot of dwelling units in there, looks like it by the number of windows.

Mr. Eldred stated pardon me.

Chairman Olenius stated how many dwelling units in the residence, G residence.

Mr. Eldred stated there are 289.

Chairman Olenius stated wow.

Board Member Bodor stated going in here.

Chairman Olenius stated yeah I was just looking that...

Board Member Bodor stated I know.

Chairman Olenius stated I started to count windows and I got dizzy, sorry I'm not trying to intrude on you, I figured everybody could see.

Board Member Bodor stated you're taking the whole thing here.

Chairman Olenius stated I know. So you're doing additions to a couple of existing buildings and then you're proposing new construction as well.

Mr. Eldred stated that is correct, the two additions to the audio video building give them a little more recording studio room there, so that they can continue with the mastering, we put together an orchestra to be recording the music for some of the songs, as well as we have studios for reading into the mics when we're preparing audio type things and we do sign language, we actually have a studio there where do the signing and they video tape to be used throughout much of North America and other locations. The actual master is done there but this location is...

Board Member Herbst stated I want to take a peek here.

Mr. Eldred stated providing to quite a few difference countries around here, we actually produce literature in over 600 languages.

Chairman Olenius stated whoa. Is that noted as auditorium on this set of plans I'm looking at, D existing auditorium or is that another...

Board Member Bodor stated no, AV is AV, its said right there.

Chairman Olenius stated I've got auditorium on this picture too.

Mr. Eldred stated I'll call on Joel to help with these cases.

Chairman Olenius stated I do have audio video services, I didn't look down, my hand was over it, I apologize.

Mr. Heier stated yeah, no problem.

Board Member Buzzutto stated the building that's 90' high, why does it have to be do high, the whole upper floor or a gable or something put on there or what.

Mr. Eldred stated well it does have a, have somewhat of a peak to the top roof but it's primarily floors that will be used and on the lower side of that building we have entrances into the parking garages that are underneath and I think the measurement was made from the lowest point we enter up to the highest point of the buildings.

Board Member Buzzutto stated the whole upper floor will be 90'.

Mr. Eldred stated the actual floor itself would be probably about 12' below that, where you would stand, at about 78' and the actual floors used by people would begin up probably I think there are three levels of parking in that building...

Mr. Heier stated I think three on that side.

Mr. Eldred stated so we're beginning up at about at least 24' so you've got about 52' of building that people would be working in.

Board Member Buzzutto stated what part of the property is this going to be placed on, in the...

Mr. Eldred stated in the orchard area.

Board Member Buzzutto stated oh, way up on top, the orchard is up...

Mr. Eldred stated yeah it would take up the orchard area.

Board Member Buzzutto stated is that up to the ski lift.

Mr. Eldred stated the ski lift is to the north of us but it's not the pasture going up toward the ski lift, Joel has got a picture that he can actually put up and show you and it's going right alongside on the other side of that circular driveway, it's going just to the north of that in the orchard area.

Board Member Buzzutto stated will it be visible from the road.

Mr. Eldred stated this will give you a feel for the visual from the road. If you'd like I can kind of point out these are all point of the area. The existing structures are on the right of the left picture, right in there, that's the existing office building in there and the additional buildings are immediately to the left of that, across the drive and the...

Chairman Olenius stated so you rendered them in already in these photos.

Mr. Heier stated correct.

Chairman Olenius stated oh okay, that's...

Mr. Heier stated I can show you the before if you want as well, we can do that.

Chairman Olenius stated that looks great, I thought that was what was existing.

Mr. Heier stated sorry.

Chairman Olenius stated that's nice.

Board Member Buzzutto stated whatever they do, they do right.

Chairman Olenius stated (inaudible).

Mr. Heier stated so this is, the bottom are the before, the current, this is the after on top.

Chairman Olenius stated okay.

Mr. Eldred stated this is before, which is this part here, this is proposed.

Chairman Olenius stated I was thinking 90', I thought there was going to be some tremendously taller than what was existing there.

Board Member Buzzutto stated that's what I thought.

Mr. Heier stated it sounds huge but because the hillside, it just fits right into the.

Board Member Bodor stated yeah and it's not much higher than what's there.

Mr. Eldred stated this is the same picture that we have in the Planning Board information that we submitted to the Planning Board, so.

Chairman Olenius stated thank you, I don't want you to...

Mr. Heier stated okay.

Mr. Eldred stated we'll bring a few more pics next time.

Chairman Olenius stated we'll try to get some out here for you, I didn't realize.

Mr. Eldred stated that gives a little a better, does that answer the question...

Board Member Buzzutto stated yes, yes.

Mr. Eldred stated as to where it's located and how it's going to look.

Mr. Heier stated this is taken from across, right off the, I don't remember the name of the environmental area close to Couch Road...

Chairman Olenius stated Cornwall Hill.

Mr. Heier stated Cornwall Hill, thank you, this is taken from Cornwall Hill across that photograph.

Mr. Eldred stated you can see the mountain behind it so this actually sits down, now to give you a little history when we first were designing our original complex, we showed a design of lower buildings but it spread all over creation, so as a mitigation we grouped them together and made them higher in height and so that was why they're like this and for this addition we are doing the same thing basically.

Chairman Olenius stated so as opposed to sprawl, you're trying to contain everything together.

Mr. Eldred stated right, yeah.

Chairman Olenius stated okay.

Mr. Eldred stated you had asked earlier why do we need more, basically we've had about a 330% growth since we originally built here, we're confining this to our Educational Facility, we have a missionary school, we prepare educational materials here, we do have a headquarters operation in Brooklyn and...

Board Member Buzzutto stated are you hearing, can you hear that from that back here.

Rich Williams stated oh yeah we can hear.

Mr. Eldred stated I'll speak up then. In Brooklyn we have a headquarters operation right by the Brooklyn Bridge, many people have seen it there, it's been there for 100 years, they are going to move most of that over to Warwick, New York, over in that area, so what we're doing here is specifically for this area, the type of uses we have. Our actual printing of literature is done over in Walkill, New York and we have increased that due to the increase in printing, we don't do any printing here, we don't do any reproduction of videos or DVD's now, mastering is done here and...

Board Member Buzzutto stated you did at one time though, didn't you.

Mr. Eldred stated pardon me.

Board Member Buzzutto stated you did at one time, the video...

Mr. Eldred stated we did mastering of videos here but we've...

Board Member Buzzutto stated yeah at one time.

Mr. Eldred stated we've never actually produced any of the videos here on site. Skip Montgomery was in when we were going through the process for the audio video building...

Board Member Buzzutto stated oh yeah.

Mr. Eldred stated and he spoke up at that time, he says yes, it's a recording studio is what it is.

Chairman Olenius stated and then the factory produces the copies somewhere else, not on this property.

Mr. Eldred stated somewhere else, yeah and we're getting more and more into downloading through the internet as well, we actually have people downloading in countries I've never heard of before so, we're doing what we can to mitigate the size of what we're doing but this is the actual amount of area that we do need at this time.

Chairman Olenius stated that brings us into phase three here, the parking spaces. Are there, my only question, my initial question I should say is after looking at the plans you submitted and everything, I see an awful lot of parking garages, these spaces are not part of that count.

Mr. Eldred stated yeah, they're in the parking garages for the most part.

Chairman Olenius stated so for the most part they're under proposed structures...

Mr. Eldred stated yeah.

Chairman Olenius stated they're not like additional paved areas, not considerable amount of additional paved areas...

Mr. Eldred stated right.

Chairman Olenius stated I know I did see a visitor drop off with like bus parking on one of the things.

Mr. Eldred stated there is, we currently have bus parking but because of the flow of people with buses, we need to make an adjustment in the existing parking area by going a little bit further toward the road with the bus parking but it's still well set back from the road. Actually you asked about the parking space inside the garage, 398 of those spaces are in the garage that's going to be under the maintenance and office building and then there will be 173 exterior parking spaces but some of those are around the proposed buildings, like handicapped accessible and things of that nature and for convenience of getting a maintenance building to come up next to the building, be it an electrician or a plumber or somebody like that, there is a place for them to park.

Board Member Buzzutto stated over here you said 521, you changed that to 571.

Mr. Eldred stated well actually in our presentation it was 571 I think it was just a typo that made it 521.

Board Member Buzzutto stated 521 whatever okay.

Mr. Eldred stated 571 is the actual amount of parking spaces.

Board Member Buzzutto stated oh it is 571.

Mr. Eldred stated and the reason for that, once again that's a mitigation measure as far as going into a parking garage, originally we had parking all over the site, that would have done away with green spaces, and so we were the first ones in the Town to propose a parking garage and at that time the Zoning Board and the Planning Board agreed with us because it was a mitigation measure and so this a continuation of that same mitigation measure, we're willing to dig down and put them under the existing buildings, the bulk of the parking.

Chairman Olenius stated very admirable because I really admire your property when I drive by, it's always meticulously maintained and everything you know, it really is, you do a very nice job.

Board Member Buzzutto stated I see sometimes you've got cattle up on that side of the road, any of that going to interfere with their grazing and stuff up there.

Mr. Eldred stated we're still going to maintain the green area for them to graze...

Board Member Buzzutto stated the green area.

Mr. Eldred stated it's interfering with our orchard area.

Board Member Buzzutto stated oh I see.

Mr. Eldred stated but we're keeping the cattle grazing area on both sides of the road, we rotate the cattle from one pasture to another so as they eat the grass down, they move to the next one, they eat the grass down there and by that time, it's grown back up again...

Board Member Buzzutto stated yeah. I've run out of questions.

Chairman Olenius stated I was going to say, anybody from the audience have any input.

Mrs. Neubauer stated yeah...

Chairman Olenius stated just come up to the microphone please, we just need your name for the record hun.

Mrs. Neubauer stated Christine Neubauer, question when they first came before the Town, the two front buildings that were built, were supposed to be on the tax rolls...

Board Member Buzzutto stated the hotels.

Mrs. Neubauer stated pardon.

Board Member Buzzutto stated the hotels.

Mrs. Neubauer stated the hotels, are they on the tax rolls.

Mr. Eldred stated we are paying, voluntarily paying taxes on the Patterson Inn.

Mrs. Neubauer stated because the rest of the buildings, I don't think are on the tax rolls, if I'm correct.

Mr. Eldred stated that is correct, they are not.

Mrs. Neubauer stated okay.

Mr. Neubauer stated John Neubauer, Richard and I have known each other a long time. With regard to the fence, do I assume that part of that fence is going to be on Route 22, I didn't hear all of what transpired between you.

Mr. Eldred stated yes, it's from Nin's front line along Route 22 until it comes to our driveway, comes up and then it will wrap around up the driveway a little bit, there will be a gate there and then come back down and meet the cattle fence, north of the driveway.

Mr. Neubauer stated do you have the latest from the DOT regarding any future plans that they have for widening Route 22, have you been given any information from them that you're basing the location of the fence on.

Mr. Eldred stated yeah, we have tried to keep up with them and we don't know exactly but we are setting back beyond our property line with the fence but whether it would be enough if they went to a four lane up through there, I'm not sure. Whatever we do, we don't want to interfere with your business because you have such little space there anyhow...

Mr. Neubauer stated okay, that's all.

Mr. Eldred stated we would certainly be willing to do what we can.

Mr. Neubauer stated yup, thank you.

Chairman Olenius stated a couple notes, our Findings Statement is not complete yet so I can't do any resolutions tonight anyway but we wanted to have you guys come here because we kind of wanted to get an idea of what was going on. Also, with regards to the parking we're going to re-notice the 571 just so everybody knows everything is on the record...

Mr. Eldred stated we understand.

Chairman Olenius stated I'm also going to request and I'm quite sure it's fine but I was looking over all the old resolutions and you know from the '80's and '90's and there was a lot of input from the Fire Department, so I'm going to request that the Secretary sends a letter and maybe a copy of these plans to the Fire Department just so we can and request just a little feedback from them, just to us, with regards to these buildings heights and everything and you know, if they see the site plan and where you're driveways are, you know just, I want to make sure everything is, that they feel that they can protect you adequately you know, with what they have...

Mr. Eldred stated right.

Chairman Olenius stated with these things, I know the Building Inspector is up on all the fire codes and you know and the way you do everything, I'm quite sure you have sprinklers and everything else too because it seems like you guys do everything beyond what is required but I just want to make sure all the bases are covered, you know, prior to issuing a resolution.

Mr. Eldred stated right, these buildings of course will primarily concrete and steel, the same as the existing buildings. You are correct, we try to take every precaution we can.

Chairman Olenius stated yeah, I've noticed, I really admire what you've done.

Board Member Buzzutto stated other than the cattle fence, what did you say the main fence would be.

Mr. Eldred stated it will be similar to the horse hospital fence, it will be a metal...

Board Member Buzzutto stated oh the bars...

Mr. Eldred stated bars so you can look through it...

Board Member Buzzutto stated okay.

Mr. Eldred stated kind of decorative...

Board Member Buzzutto stated yeah.

Mr. Eldred stated and I believe that we could put a 4' high fence along but we feel that we need to the 6' for security purposes, so.

Board Member Buzzutto stated yeah.

Mr. Eldred stated and that's what we've proposed.

Chairman Olenius stated that's the only one I didn't open up yet but I will, for the benefit of everyone here, that's the rendering of the proposed fence, can you see that Buzzy, I'm sorry.

Board Member Buzzutto stated yeah I can see it.

Chairman Olenius stated it's got open pickets and you know, several large things with balusters on top.

Mr. Eldred stated right.

Chairman Olenius stated it's not industrial in my opinion, I think it's you know...

Board Member Buzzutto stated well it's like the farm across the street.

Board Member Bodor stated yes, the pharmaceutical place, yes.

Board Member Buzzutto stated the pharmaceutical place, yeah.

Mr. Eldred stated there's not fence across the street.

Board Member Buzzutto stated oh I'm sorry, down further, down further.

Board Member Bodor stated down further, he's referring to the pharmaceutical plant that's there.

Board Member Buzzutto stated yeah.

Mr. Eldred stated oh yeah, right, yep, it's similar to that.

Board Member Bodor stated it's open, it's very open.

Board Member Buzzutto stated yeah, okay.

Chairman Olenius stated okay, just wanted...

Mr. Eldred stated we appreciate you taking, appreciate you taking time to consider our request and look over it very carefully, we appreciate that.

Chairman Olenius stated well thank you, your submissions are so complete, I still have the packets at home that you submitted, we got copies too of what went to Planning, the binders and binders and rolls and rolls.

Board Member Buzzutto stated are they still good.

Mr. Eldred stated yeah.

Board Member Buzzutto stated I still have them.

Chairman Olenius stated so I'm going to make a motion to hold this over until next month and hopefully we'll have everything, Mr. Williams, we should have our Findings Statement complete, right.

Rich Williams stated well in advance.

Chairman Olenius stated well in advance and we'll get the renoticing to make sure we're covered with the 571, we'll get the Fire Department input back, you can contact them and give them copies of the submissions...

The Secretary stated as soon as possible.

Chairman Olenius stated so we get a little, they don't need to come, I just want...

The Secretary stated something written back.

Chairman Olenius stated a memo, letter, you know if they're okay...

The Secretary stated okay.

Chairman Olenius stated I just want to make sure that they're appraised of the situation basically. Alright, so we'll table this for the November meeting which is November 19<sup>th</sup>, that is a Monday night because of Thanksgiving week, so, we're off our Wednesday Schedule.

Mr. Eldred stated I thought that was a change from Wednesday nights, Monday night.

Chairman Olenius stated Monday night, Monday November 19<sup>th</sup>.

Mr. Eldred stated that will be great, I'll be here.

Board Member Buzzutto stated nice to see you again.

Mr. Eldred stated we'll be glad to see all of you again too.

Chairman Olenius stated thank you very much, we'll look forward to seeing you again next month.

Board Member Buzzutto stated thank you very much.

Mr. Eldred stated okay.

Chairman Olenius stated could I request too that you bring those photos back with you next month too.

Mr. Heier stated absolutely.

Chairman Olenius stated just in case there's more public here...

Mr. Heier stated absolutely.

Chairman Olenius stated because I think those are, they just sell it pretty easily there without a whole lot of, a picture says a thousand words, these plans are very accurate, I've been in construction, I understand them but you know...

Mr. Heier stated photos are great.

Chairman Olenius stated yeah, I...

Board Member Bodor stated we like pictures.

Chairman Olenius stated yes, very much so.

Mr. Heier stated thank you.

#### **4) DANIEL GODFREY CASE #35-12**

Mr. Daniel Godfrey, the applicant and Mr. Joe Mansfield, the architect, were present.

The Secretary read the following legal notice:

##### **Daniel Godfrey Case #35-12**

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 a second story addition. Applicant is also requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to allow for the construction of a second story addition. The Code requires a front yard setback of 15'; Proposed is 10.9'; Variance requested is 4.1'. The property is located at 4 Jerome Drive (RPL-10 Zoning District).

Chairman Olenius stated Mr. Godfrey.

Mr. Godfrey stated good evening.

Chairman Olenius stated how are you.

Mr. Godfrey stated fine thank you, how are you doing folks.

Chairman Olenius stated just state your name and address for the record please.

Mr. Godfrey stated Daniel Godfrey, 4 Jerome Drive, Patterson New York.

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

Mr. Godfrey stated yes I do.

Chairman Olenius stated thank you very much, do you agree with what was read, what was noticed I should say.

Mr. Godfrey stated yes I do, yes.

Chairman Olenius stated looking for...

Board Member Buzzutto stated Jerome Drive, Putnam Lake, right.

Mr. Godfrey stated yes, Putnam Lake.

Board Member Buzzutto stated okay.

Chairman Olenius stated Jerome Drive, just where am I in Putnam Lake, off of Lake Shore...

Unknown Speaker stated the 6<sup>th</sup> road off of Lake Shore as you come off of Haviland.

Mr. Mansfield stated I can show you on a map, I've got a presentation prepared if you'd like to hear it.

Chairman Olenius stated oh do you, okay.

Mr. Mansfield stated my name is Joe Mansfield, I'm the architect.

Chairman Olenius stated oh, thank you very much, so maybe you can explain...

Mr. Mansfield stated certainly, yes...

Chairman Olenius stated make Mr. Godfrey's life easier.

The Secretary stated Joe, can you just take the microphone with you...

Mr. Mansfield stated certainly yes.

The Secretary stated it will come right out.

Mr. Mansfield stated can I hold it.

The Secretary stated absolutely.

Mr. Mansfield stated if I can get it out, great. The property is located at 4 Jerome Drive, towards the north end of Putnam Lake, the cross road is Lake Shore Drive here and Homer Drive, for example is up in this area here so you have a reference point. The property is located in the RPL-10 Zone District, the property is under sized so much of it is pre-existing, non-conforming. The property lines are defined here, the existing dwelling is located here, our front yard, our required front yard setback of 15' is defined by this line here and the side yard setback of 15' is defined there and here, the required 20' rear yard setback is located here, so you can see that the dwelling as it exists encroached into the front yard setback, the western side yard setback and the rear yard setback. There are two other structures on the property, there is an existing frame garage which exists within the front yard and the eastern side yard and actually encroaches beyond our property towards Jerome Drive but we are proposing to demolish that, so that would resolve any issues in that regard. There is also a frame shed in the back corner that resides in the rear yard and the side yard but given the size of it, the, it's less than 120 square feet and 10' in height, so our accessory setbacks are 5', we are 7.11' at the side yard and 5.9' at the rear yard, so we meet the criteria for that. Just to review the zoning tabulation, the required lot area is 19,500 [square feet], the property is undersize at 4,393 square feet, the road frontage requirement is 75' and the property is 60' so again we're undersized there. The maximum allowable impervious coverage is 38%, the property exists at 57%, we're actually reducing that with the removal of the garage down to 51.72%, as I mentioned before the dwelling encroaches into the front yard 10', encroaches 4.1' into the front yard so we have an issue with that, along the side yard we're 12.6' off of the side yard where 15' is required and in the rear yard we're 9.6' where 20' is required. The allowable building height is 38', we're proposing with our second story addition to be 29.5' and then a livable first floor area of 750 square feet, we are proposing 791 square feet and again the reason we're here tonight, essentially is because we're increasing the non-conformity of the existing structure. We are proposing to construct a two-story, a second story addition on the existing footprint of the dwelling, I can just present to you the floor plans. So the existing conditions, the existing crawl space will remain as it is, we'll do some improvements to the foundation wall itself but essentially that will remain as it is. The existing first floor is 18' 6" wide, which is less than a two-car garage, so we really don't have a lot of space to work with by 40' 2" long, again we're maintaining that footprint, we're not going to increase beyond that, the existing first floor has an entry vestibule located here, adjacent to the existing living, the existing dining room, kitchen, there is an existing bathroom in a corner here and the two bedrooms are located here and here all on one floor. We're proposing to renovate the first floor, adding a closet in a corner here and a bench over here, the living room remains essentially where it is, the kitchen and dining room get relocated, this space basically is one large open space, it will feel, even though it's small, 18' 6", is will feel like it's a much larger home, there is a pantry off of the kitchen, located over here and we'll gain some storage underneath the stairway that leads to the second floor. This is the stairway that leads to the second floor, the rails will be open along here to allow a visual connection to the family room and a bathroom back over here. On the second floor when you get to the top of the stairs the master bedroom is located off of that, we have a walk in closet, shower, a two sink vanity, toilet and a soaking tub and as we continue down the second floor hall, there is a laundry closet with a stackable washer dryer and shelving, a hallway bathroom and then a bedroom, the second bedroom on the second floor, the closet is located here and access to the attic via a pull down attic stairs, located there. We're proposing to keep the same roof pitch that exists on the house although we're raising it to a second, a two-story structure, these are, this is the elevation overlooking Jerome, these are windows into the family room or living room, these are windows into the second bedroom and the master bathroom and then we have attic windows in the attic, gable end, both the front and the rear to provide natural light and ventilation for the attic space. This is the main entry into the house, you can see there is a slight overhang here to provide a little protection as you enter the house here and then these are French doors that will lead out to a 4' wide wood deck, that will be constructed over what is currently a paved, concrete sidewalk and this is the rear elevation, this is the existing rubble foundation that will remain, the two cellar windows and door there and then windows into

the family room, the bathroom and a picture window in the master bathroom and then the east elevation because of the configuration, we've got a bathroom, the pantry, the kitchen and living room here, we don't have windows along here but we do have windows upstairs in the master bedroom, the hallway and the second bedroom there. We've done everything we can to keep the scope and size of the building as compact as we can, the existing crawl space is limited in height, we're maintaining that same floor elevation, we'll have an 8' ceiling in the first and second floor and a very small attic space up above, that's essentially it.

Board Member Buzzutto stated the house was built in 1933, structurally the lower floor will maintain, hold the weight of this new...

Mr. Mansfield stated we will, we haven't gotten to that point yet but we will sister up the floor as much as we need to, we may add some posts in there, do some things in the crawl space to maintain the requirements for the current code standards.

Board Member Buzzutto stated just because it's almost 100 years old.

Mr. Mansfield stated sure, absolutely, absolutely but again the size of the house, it's an 18' deep house, there's a beam that runs down the middle so our span is only 9' there, so I'm not too concerned about it, again I haven't gotten to that point in the process but I'm confident that we can do some very simple things to resolve that.

Board Member Buzzutto stated just questions.

Mr. Mansfield stated sure.

Chairman Olenius stated I'm sorry, you gave a calculation before and I didn't write it down when you stated it...

Mr. Mansfield stated sure.

Chairman Olenius stated when you take the garage down the impervious coverage drops to.

Mr. Mansfield stated it will, it's at 57% right now...

Chairman Olenius stated right.

Mr. Mansfield stated and it will drop to 51.72% and if you want the square footage is it exists at 2,504 square feet and it will reduce down to 2,272 square feet, which I believe is a difference of 232 square feet.

Chairman Olenius stated Rich, I've got a question that I want to ask you first, Mr. Lamberti in his, attached to his denial stated that because it's pre-existing, non-conforming we don't have to do a resolution for impervious coverage, even though it exceeds the...

Rich Williams stated that's correct.

Chairman Olenius stated that's correct.

Rich Williams stated it's a pre-existing, non-conforming condition of the property, they are not affecting, they are actually making it a little bit better so...

Chairman Olenius stated I just wanted to make sure, sometimes I know interdepartmentally there are different interpretations of the code.

Rich Williams stated not anymore.

Chairman Olenius stated okay, glad to hear it.

Board Member Buzzutto stated the footprint of the house is not changing...

Mr. Godfrey stated not at all, nothing's going out just straight up.

Board Member Buzzutto stated just going up.

Board Member Bodor stated thank you for your explanation, it was fantastic.

Chairman Olenius stated that was...

Mr. Mansfield stated sure.

Mr. Godfrey stated he...

Chairman Olenius stated I wish we could put him on retainer and speak for some of the other people that come in.

Mr. Godfrey stated I would have been all um, uh...

Board Member Buzzutto stated he's so complete, I can't ask questions, it was so good.

Chairman Olenius stated I was impressed with the packet when I read it quickly last week when I got it and then today is my homework day and when I get home from work, I open everything up again and I'm opening the plans and just what you said, you have the table there with all the comparisons and everything, I looked at the dotted line with the setbacks and I was like, that's what I like to see, you know, black and white. Does anybody from the audience have input on this.

Unknown Speaker stated no.

Chairman Olenius stated okay.

Unknown Speaker stated I want you to pass the resolution.

Chairman Olenius stated I, as Buzzy stated...

Board Member Bodor stated done.

Chairman Olenius stated I have nothing, okay, I'm going to make a motion to close the public hearing.

Board Member Herbst stated second.

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

Chairman Olenius stated okay, I have just enough water left to get these out.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF  
*Daniel T. Godfrey, Case #35-12*  
*Enlargement of a Nonconforming Building***

**WHEREAS, *Daniel T. Godfrey*** is the owner of real property located at 4 Jerome Drive (R-4 Zoning District), also identified as **Tax Map Parcel #25.48-2-7**, and

**WHEREAS, *Daniel T. Godfrey*** 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 second story addition, 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 10' rear yard setback; Applicant currently has 9.6',

**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 17, 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 addition will only enhance the look and aesthetics of the home and neighborhood.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because of the current lot size, the addition is going directly on top with no expansion of the existing footprint.***
3. the variance requested ***is not*** substantial ***because it is requested for .4' and the existing home has been pre-existing in that location for 90-some years.***
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 the addition is directly above the existing home, thereby not increasing impervious coverage on the property.***

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 *Daniel T. Godfrey* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct a second story addition 9.6' from his rear property line.

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.

Board Member Buzzutto stated good luck.

Chairman Olenius stated one more, one more quick one.

Board Member Buzzutto stated we've got one more.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Daniel T. Godfrey, Case #35-12***  
***For an Area Variance for a Second Story Addition***

**WHEREAS**, *Daniel T. Godfrey* is the owner of real property located at 4 Jerome Drive (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.48-2-7**, and

**WHEREAS**, *Daniel T. Godfrey* 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 enlarge and add a 2' extension to his existing front porch, and

**WHEREAS**, §154-7 of the Patterson Town Code requires a 15' front yard setback; Applicant will have 10.9'; ***Variance requested is for 4.1'***, 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 17, 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 made to the home will only add to the serenity of the neighborhood.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the extension is to allow for the new front door.*

Chairman Olenius stated am I correct, am I in the right corner of the house.

Board Member Bodor stated no, you're fine.

Mr. Mansfield stated which are we talking about, here.

Chairman Olenius stated the front, yeah...

Board Member Bodor stated the front yard.

Mr. Mansfield stated no, I mean, a portion of it I supposed, yes, a portion of it is.

Chairman Olenius stated okay.

3. the variance requested *is not* substantial *due to the fact that it is only 4.1'.*

Board Member Bodor stated 4.1'

4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because even though there is a certain expansion on the front of the house, applicant has agreed to mitigate by removing an existing...*

Mr. Mansfield stated garage.

Board Member Bodor stated garage.

Chairman Olenius stated *one bay garage, thereby lessening the overall impervious coverage on the property.*

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 *Daniel T. Godfrey* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 4.1' from the 15' required for a front yard setback in order to construct a second story addition.*

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 good luck to you both.

Mr. Godfrey stated thank you very much folks.

Mr. Mansfield stated thank you very much.

Chairman Olenius stated very nice, very nice presentation.

Mr. Godfrey stated have a nice evening.

Chairman Olenius stated thank you for answering our questions before we had to ask them.

The Secretary stated thank you.

Mr. Mansfield stated you're welcome.

Chairman Olenius stated after Watchtower I was a little worn out, so.

Mr. Godfrey stated have a good night folks, thank you.

Board Member Bodor stated good night.

Mr. Mansfield stated appreciate your time.

Board Member Bodor stated the summary is big.

Mr. Godfrey stated good night everybody.

Chairman Olenius stated somebody's briefcase.

Board Member Bodor stated is that someone's briefcase.

Board Member Burdick stated briefcase.

Mr. Godfrey stated briefcase.

Unknown Speaker stated oh, that's mine, thank you.

Chairman Olenius stated other business, we had no site walk, did we, we didn't right.

Board Member Bodor stated no.

Chairman Olenius stated good job on the minutes.

The Secretary stated thank you.

Chairman Olenius stated I saw my name every single time, this time.

The Secretary stated I have to tell you that I did go through the previous minutes and I did check and it was only 7 times.

Chairman Olenius stated I thought it was 9.

The Secretary stated it was 7.

Chairman Olenius stated I thought it was 9.

The Secretary stated Microsoft Word told me 7.

Chairman Olenius stated oh okay, listen to a computer again, alright.

Board Member Buzzutto stated November's Monday...

Chairman Olenius stated it's a Monday meeting because of Thanksgiving week, right.

The Secretary stated yes.

Board Member Bodor stated yes it is.

The Secretary stated I'm sorry, I'm having an off day and didn't change it at the bottom of the resolution, I mean the bottom of the agenda.

Chairman Olenius stated I will make a motion to adopt the minutes of September 19, 2012.

Board Member Herbst stated second.

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

Board Member Burdick stated Lars, I'm going to be away in December.

Chairman Olenius stated okay.

Board Member Burdick stated do you want to reschedule or...

Chairman Olenius stated let me open the magic book, okay, December's the 19<sup>th</sup>, that's a Wednesday, December 19<sup>th</sup>.

The Secretary stated I would make the assumption yes.

Board Member Burdick stated yes.

Board Member Bodor stated yes, it would be the 19<sup>th</sup>.

Chairman Olenius stated what's the availability of this room.

Rich Williams stated typically the second and fourth Wednesday are Town Board meetings, holiday schedule, the yearend meeting, off the top of my head, we'd have to go look, could run in the meeting room, run in the office and check.

Chairman Olenius stated are you gone that whole week Marianne.

Board Member Burdick stated yeah, I could probably do any time up until the 11<sup>th</sup>, and including the 11<sup>th</sup> of December, the 12<sup>th</sup> we will probably be leaving.

Chairman Olenius stated is that too early to have a meeting.

Rich Williams stated no.

Chairman Olenius stated are Tuesday nights typically good.

Rich Williams stated because I have a feeling the Town Board is going to take the 26<sup>th</sup>, so.

Chairman Olenius stated that's like the day after Christmas, that would be difficult to...

Rich Williams stated believe it or not...

The Secretary stated I brought the whole calendar, Town Board is the 12<sup>th</sup> and the 26<sup>th</sup>.

Rich Williams stated right.

Chairman Olenius stated I personally can do December 11<sup>th</sup>, I don't know if that works for the rest of the Board...

Rich Williams stated that's a Tuesday.

Chairman Olenius stated it's a Tuesday.

The Secretary stated it's a Tuesday.

Chairman Olenius stated is Tuesday okay.

Board Member Bodor stated no, I have a conflict that night.

Board Member Buzzutto stated that's out.

Chairman Olenius stated how about Monday the 10<sup>th</sup>.

Board Member Bodor stated I'd rather not.

Board Member Burdick stated I'm fine those two days.

Chairman Olenius stated when would you rather, January, I'll take a month off.

Board Member Bodor stated I have a conflict on the 11<sup>th</sup> and the 10<sup>th</sup> is my birthday, do I have to come here.

Chairman Olenius stated no, you don't have to come on your birthday.

Board Member Bodor stated so that's the reason.

Chairman Olenius stated when do you return Marianne, after New Years.

Board Member Burdick stated no...

Chairman Olenius stated I'm just asking.

Board Member Burdick stated I'm coming back before Christmas.

Chairman Olenius stated like Christmas Eve or...

Board Member Burdick stated I'm coming back Saturday the 22<sup>nd</sup>.

Chairman Olenius stated well Christmas Eve isn't happening, I'll get lynched.

Board Member Burdick stated the 27<sup>th</sup>, 28<sup>th</sup>.

Chairman Olenius stated Thursday the 27<sup>th</sup>.

The Secretary stated is the Planning Board meeting, sorry.

Board Member Bodor stated the 28<sup>th</sup> would be a Friday.

Rich Williams stated well I mean that could be interesting.

Chairman Olenius stated combine.

The Secretary stated I'm sure your entire office would love to be here.

Nancy Tagliaferro stated did you try Thursday the 13<sup>th</sup> yet.

Board Member Burdick stated I'm not going to be here.

Nancy Tagliaferro stated oh, you leave on the 11<sup>th</sup>, that's right.

Chairman Olenius stated she won't be here.

Rich Williams stated the Planning Board meets in the other office, so.

The Secretary stated typically.

Chairman Olenius stated oh it's their work session, it's not their...

The Secretary stated yes, it is their work session.

Rich Williams stated yup.

Chairman Olenius stated so would that really be that intrusive, or yes, it would be...

The Secretary stated I don't think it would be, we have a second recorder so we would be okay.

Rich Williams stated no, I don't think so.

Chairman Olenius stated oh, the recorders.

Rich Williams stated no, we have two so it's okay.

The Secretary stated we have two, we just have to split mics, so that's the only thing.

Chairman Olenius stated I, you know what I would honestly try to schedule the meeting with just the four of us and that time of year is when there are all kind of illness going around and that's when I end up getting somebody else sick, it could be me, and then I don't have a quorum and then I'm, you know it was wasted, so I would rather try for when all 5 of us can be here. Is the 27<sup>th</sup>, Thursday, okay with...

Board Member Bodor stated it's okay with me.

Chairman Olenius stated is Thursday the 27<sup>th</sup> okay with you gentlemen.

Board Member Herbst stated I have no problem with it.

Board Member Bodor stated is that too difficult for you.

The Secretary stated I don't think it's a big deal, I don't think it's going to be a problem, Sarah will be back, so she'll be here...

Board Member Bodor stated oh she will.

The Secretary stated yeah, she'll be back...

Rich Williams stated oh yeah, we're not going to split secretaries.

Board Member Bodor stated oh I thought you were going to move her from one room to the other, I didn't know she was going to be back.

Rich Williams stated no, no, no, we're going to have coverage for both.

The Secretary stated Sarah will be back, the first week in November I believe is going to be her first week back so you'll have her next month.

Board Member Bodor stated then we can do the 27<sup>th</sup>.

Chairman Olenius stated let's do it, Thursday the 27<sup>th</sup>.

Board Member Bodor stated if that's alright with Rich.

Chairman Olenius stated it seems okay, I'd much rather do a Thursday than a Friday during the holiday time anyway. Chances are it will be a really quiet meeting because nobody's going to want to come our Christmas week to see us.

The Secretary stated we get stuff for the Planning Board, so...

Board Member Buzzutto stated it may snow anyway.

Chairman Olenius stated we don't do snow dates for meetings, do we, unless the Town Hall is closed.

Rich Williams stated it depends on what you've got on your agenda.

Chairman Olenius stated right, if the Town Hall was closed would we be automatically cancelled.

Rich Williams stated yes.

Chairman Olenius stated okay, so this...

Rich Williams stated you are automatically cancelled if they close the building.

Chairman Olenius stated because you did close two years ago one time, I remember hearing on the radio because the weather was so bad.

Rich Williams stated yeah.

Chairman Olenius stated okay. Alright then, I'll make a motion to close the meeting, if there's no other business.

Board Member Herbst stated second.

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

The meeting adjourned at 8:45 p.m.