

**PLANNING DEPARTMENT**

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

Sarah Mayes  
Mary Schartau  
*Secretary*

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



**ZONING BOARD OF APPEALS**

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Mary Bodor, Vice Chair  
Marianne Burdick  
Michael Carinha  
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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**Zoning Board of Appeals  
October 19, 2016 Meeting Minutes**

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

Present were: Chairman Lars Olenius, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Michael Carinha, Board Member Stephanie Fox, and Nancy Tagliafierro – Attorney with the Town Attorney's Office

Mary Schartau was the secretary and transcribed the following minutes.

There were approximately 9 audience members present.

*Chairman Olenius called the meeting to order at 7:01 p.m.*

- 1. Jeanette Langone: Case #22-16  
27 Kenwood Road  
Tax Map Parcel #25.54-1-20**

Anthony and Debra Langone were present to represent the application.

The Secretary read the following legal notice:

***Jeanette Langone: Case #22-16 – Special Use Permit: Accessory Apartment***

*Applicant is requesting a special use permit for an accessory apartment pursuant to §154-105 of the Patterson Town Code; Accessory apartments. Patterson Town Code §154-105A(12)(a) states that if there is a change in the ownership of a residence with a legal accessory apartment, the new owner must receive a special use permit to continue the use of the accessory apartment within 90 days of the change in ownership. This property is located at 27 Kenwood Road (RPL-10 Zoning District).*

Chairman Olenius recognized that the Zoning Board had recently renewed the special use permit for the accessory apartment granted to the previous property owners, and confirmed that the current applicants were seeking a special use permit to ensure that the existing apartment remains legal. Mr. Langone confirmed that Building Inspector Robert McCarthy had visited the site; Chairman Olenius acknowledged that the Putnam County Department of Health had also granted their approval. The Secretary confirmed that this special use permit would be considered a new permit; Chairman Olenius informed the applicants that they would be required to seek a renewal of the permit by the Zoning Board of Appeals every 5 years. The secretary confirmed that the applicant will not receive a reminder to renew from the Planning Department; Chairman Olenius also stated that the Building Inspector will have to visit the site every 5 years in order to complete the Accessory Apartment Checklist.

There was no audience input.

- Chairman Olenius made a motion to close the public hearing. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman Olenius made a motion to *grant* the request of Jeanette Langone for a Special Use Permit to allow for an accessory apartment in the RPL-10 Zoning District as set forth in §154-105 of the Patterson Zoning Code; Accessory Apartments. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*

**2. Steven Sauro (Barlen Route 311 Center, LLC): Case #19-16  
1072 Route 311  
Tax Map Parcel #3.20-1-5**

Steven Sauro was present to represent the application.

The Secretary read the following legal notice:

***Steven Sauro (Barlen Route 311 Center, LLC): Case #19-16 – Area Variances***

*Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code: Schedule of regulations, in order to install a 25KW generator on the property. Patterson Town Code requires accessory structures to meet a minimum side yard setback of 10'; Applicant will have 2'; Variance requested is for 8'. Patterson Town Code requires accessory structures to meet a minimum rear yard setback of 10'; Applicant will have 3'; Variance requested is for 7'. This property is located at 1072 Route 311 (GB Zoning District).*

Mr. Sauro stated that recent frequent power outages have necessitated the need for a generator on the site both for employee safety and as a method of loss prevention; he also confirmed that NYSEG had expressed an interest in using the site as a hub in the event of a widespread power outage in the area. He stated that the 25KW generator size that was listed on the application will likely increase, as his electrician recommended a size of at least 100 KW, and confirmed that he would prefer to use a natural gas hookup rather than oil, as the location for the generator will be 25-30 feet away from the existing gas line that services the building. Chairman Olenius agreed that were natural gas to be the power source, the generator would, indeed, have to be larger; Mr. Sauro confirmed that the dumpsters are currently located next to where an existing concrete pad sits, which intrudes toward the property line more than the generator that will sit on it will (the impervious surface coverage levels will also remain the same). Mr. Sauro stated that the only

work that will be done in the area will be to level off the concrete pad and clean the area to ensure that it is well-screened by both fencing and foliage; the generator and dumpsters will, therefore, be in the same area, with bollards in place to protect the generator. Foliage will also be put in place to screen the store from the cemetery next door; Mr. Sauro stated that the unit is a low decibel unit and that sound attenuation barriers will be placed around the unit, which will exercise for approximately 15 minutes, one-time per week.

Mr. Sauro stated that he anticipates the unit as being between 100 KW and 150 KW in size.

There was no audience input.

- Chairman Olenius made a motion to close the public hearing. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman Olenius made a motion to grant the application of Steven Sauro for an area variance of 8’ from the 10’ required for a side yard setback pursuant to §154-7 of the Patterson Town Code: Schedule of regulations, in order to install a generator 2’ from the side property line. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman Olenius made a motion to grant the application of Steven Sauro for an area variance of 7’ from the 10’ required for a rear yard setback pursuant to §154-7 of the Patterson Town Code: Schedule of regulations, in order to install a generator 3’ from the rear property line. *Motion passed by a vote of 5 – 0.*

**3. Lisa Formisano: Case #20-16  
39 Interlaken Road  
Tax Map Parcel #25.56-1-9**

Lisa Formisano and Thomas Consolato were present to represent the application.

The Secretary read the following legal notice:

***Lisa Formisano: Case #20-16 – Area Variance***

*Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code: Schedule of regulations, in order to replace the existing 7’ x 7’ front entry deck with a 41.25’ x 7’ front porch with steps. Patterson Town Code requires primary structures to meet a minimum front yard setback of 15’; Applicant will have 11’; Variance requested is for 4’. This property is located at 39 Interlaken Road (RPL-10 Zoning District).*

Lisa Formisano explained that there is a small porch currently on the dwelling that they want to expand upon, as they spend a great deal of time watching the ballfields from the porch; she confirmed that the new porch would not extend beyond where the stoop currently extends forward of the dwelling, but will run the length of the home. She stated that while the family loves the ballfields, the porch will add some protection to the front of the home, as well; Chairman Olenius confirmed that a large number of photographs were submitted by the Applicant, and asked Ms. Formisano if all of the structures currently in existence on the property were reflected on the survey, which she confirmed. Chairman Olenius also stated that the property record shows that the stoop has been in existence since 1950; Ms. Formisano confirmed that the stoop reflects its age. Board Member Bodor questioned whether the porch would have a

roof; the contractor confirmed that it would. Board Member Bodor also questioned whether the steps would extend beyond the porch itself; Mr. Consolato confirmed that the porch would, in fact, be 7' deep, and that two steps would extend from that 7' depth; Nancy Tagliaferro stated that if that is the case, the application would have to be re-noticed, as the variance being requested would be larger than initially applied for. Mr. Consolato stated that the steps could be recessed into the deck so that the bottom step sat flush with the edge of the deck and would, therefore, be 7' from the dwelling, as well.

There was no audience input.

- Board Member Bodor made a motion to close the public hearing. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman Olenius made a motion to grant the application of **Lisa Formisano for an area variance of 4' from the 15' required for a front yard setback** pursuant to §154-7 of the Patterson Town Code: Schedule of regulations, in order to allow for the construction of a front porch addition that will exist 11' from the front property line. Board Member Bodor seconded the motion. *Motion passed by a vote of 5 – 0.*

**4. Pavel Kois & Natalia Niebrzydowska: Case #21-16  
53 High View Drive  
Tax Map Parcel #34.13-1-28**

Natalia Niebrzydowska was present to represent application.

The Secretary read the following legal notice:

***Pavel Kois & Natalia Niebrzydowska: Case #21-16 – Area Variance***

*Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code: Schedule of regulations, in order to legalize an existing 10' x 14' shed. Patterson Town Code requires accessory structures to meet a minimum side yard setback of 15'; Applicant has 7'; Variance requested is for 8'. This property is located at 53 High View Drive (R-1 Zoning District).*

Mrs. Niebrzydowska confirmed that her husband constructed the shed off to the side of the property in order to maintain a yard large enough for her children to play in; she stated that the shed had been constructed around March. Neighbor William Caswell of 57 High View Drive was present and voiced his support for the location of the shed; he confirmed that it is located behind the house and is aesthetically pleasing, and that he fully supports the location. The secretary furnished the Board with the color photos that were submitted of the property; Board Member Carinha remarked on the pleasant appearance of the shed. Mrs. Niebrzydowska confirmed that the septic system is to the rear of the dwelling near the back deck, and that there is a lot of screening behind the shed. Both Mrs. Niebrzydowska and Mr. Caswell stated their concerns over the state of the abandoned house next door to 53 High View Drive, including a deteriorating fence around an in-ground pool; Board Member Fox encouraged them to report the state of the fence to the Building Department, as the unsecured pool is a safety concern.

There was no audience input.

- Board Member Bodor made a motion to close the public hearing. Board Member Burdick

seconded the motion. *Motion passed by a vote of 5 – 0.*

- Chairman Olenius made a motion to **grant** the application of **Pavel Kois & Natalia Niebrzydowska** for **an area variance of 8' from the 15' required for a side yard setback** in order to legalize an existing shed 7' from the side property line. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*

**5. Jamie Provenzano, Centennial Provisions**  
**859 Fair Street**  
**Tax Map #23.13-1-15**

No one was present to represent the application.

The Secretary confirmed that the Planning Board had issued a recommendation on the application, though the Applicant had not been in contact with the office about his attendance at the meeting; Chairman Olenius asked the secretary to contact the applicant and explain that a decision would not be issued until someone was present to represent the application at a meeting.

- Chairman Olenius made a motion to hold the case over until the next Zoning Board meeting. Board Member Bodor seconded the motion. *Motion passed by a vote of 5 – 0.*

**6. Other Business**

**A. Minutes**

- Chairman Olenius made a motion to approve the September 21, 2016 meeting minutes as submitted. Board Member Carinha seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman Olenius made a motion to adjourn. Board Member Burdick seconded the motion. *Motion passed by a vote of 5 – 0.*

*Meeting adjourned at 7:47 PM.*