

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
October 20, 2010**

AGENDA & MINUTES

	Page	
1) Hudson Valley Trust, Inc. Case #08-10	1 – 2	Held over due to the moratorium
2) Robert Pinchbeck Case #15-10	2 – 16	Application tabled pending an inspection by Building Inspector
3) Getty Petroleum Marketing, Inc. Case #20-10	17 – 31	Public hearing closed; 3 variances granted: Sign, propane sales area and kerosene sales area
4) Douglas Egan Case #24-10	31 – 38	Public hearing opened and closed; Side and rear yard variances for a deck granted
5) Melanie & Stephen Pien Case #25-10	38 – 45	Public hearing opened and closed; Variance for enlarging a nonconforming building granted
6) Stanley Wong (Joan Browne) Case #26-10	45 – 52	Public hearing opened and closed; Variance for enlarging a nonconforming building granted
7) Thomas Lee Case #27-10	52 – 60	Public hearing opened and closed; Variance granted
8) James & Ann Melchione Case #28-10	60 – 69	Public hearing opened and closed; Side yard variance for a 3-car garage granted
9) Robin Gonsavles Case #29-10	69 – 81	Public hearing opened and closed; Special Use Permit for an accessory apartment granted
10) Other Business		
a) Budget	81 – 85	Discussion of the 2011 budget
b) Minutes	85	August 30, 2010 and September 15, 2010 minutes approved

PLANNING DEPARTMENT

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

Michelle Russo
Sarah Wagar
Secretary

Richard Williams
Town Planner

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



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**ZONING BOARD OF
APPEALS**

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

PLANNING BOARD

Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Thomas E. McNulty
Ron Taylor

**Zoning Board of Appeals
October 20, 2010 Meeting Minutes**

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

Present were: Chairman Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Lars Olenius, Board Member Gerald Herbst, Carl Lodes, Attorney with Town Attorney's Office Curtiss & Leibell and Rich Williams, Town Planner.

Chairman Buzzutto called the meeting to order at 7:03 p.m.

There were approximately 8 members of the audience.

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

Chairman Buzzutto led the salute to the flag.

Chairman Buzzutto stated roll call.

Roll Call:

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

1) HUDSON VALLEY TRUST, INC. CASE #08-10

Chairman Buzzutto stated okay.

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 20, 2010 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

The Hudson Valley Trust, Inc. Case #08-10

Chairman Buzzutto stated is Hudson Valley here tonight. Are they...

The Secretary stated it's still the moratorium.

Chairman Buzzutto stated oh, the moratorium. So...okay. We'll just put that on the table and let it...table it until it's up. Okay.

The Secretary stated okay.

2) ROBERT PINCHBECK CASE #15-10

Mr. Robert Pinchbeck was present.

Chairman Buzzutto stated we'll go to the next one.

The Secretary read the following legal notice:

Robert Pinchbeck Case #15-10 – Area Variances; Held over from the June 14, 2010, July 21, 2010 and August 30, 2010 meetings

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize an existing wood deck. The Code requires there to be a 15' side yard setback; Applicant has 11'; Variance requested is for 4'. The Code also requires a 20' rear yard setback; Applicant has 0'; Variance requested is for 20'. This property is located at 36 Lacona Drive (RPL-10 Zoning District).

Chairman Buzzutto stated Mr. Pinchbeck. We did receive your new survey, which I didn't get the other one, but I guess it looks pretty much like the other one here. Have you changed anything in your request here for the...

Mr. Robert Pinchbeck stated no.

Chairman Buzzutto stated you're...

Mr. Pinchbeck stated not at all. It's the same.

Chairman Buzzutto stated whatever the variances are previously it's still the variance that you want.

Mr. Pinchbeck stated yes.

Chairman Buzzutto stated okay. One of the variances is actually a zero variance. You ever consider cutting the deck back to come within the...

Mr. Pinchbeck stated yes. There is an existing piece of the deck that has to come down because it is on the neighbor's property. The section of the deck that needs to be addressed, if you look on the survey between the two pins I had set, there's a small corner of the...left corner of deck. At the left side of the left corner, there's an 18.6 [foot] measurement. At that right side of that left corner, there's a measurement of 21 ½'. So, in between those two points is where I have a problem.

Chairman Buzzutto stated okay.

Mr. Pinchbeck stated and that consists maybe 1 to 2 feet deck...lineal feet of deck.

Chairman Buzzutto stated so if you were asked...if we asked you to cut back the deck...The first part of the deck wouldn't even count, actually, because it on the other property.

Mr. Pinchbeck stated exactly.

Chairman Buzzutto stated you know what I mean.

Mr. Pinchbeck stated exactly. And that...I'm readying myself to tear that away.

Chairman Buzzutto stated that doesn't even count on anything because that would have to come off anyways.

Mr. Pinchbeck stated exactly.

Chairman Buzzutto stated okay. But how much of the deck did you plan on taking off there.

Mr. Pinchbeck stated well, if you look, between the two pins and between the two measurements on the left side of the deck, there's a piece of the deck representing, maybe, 2 lineal feet that needs to be cut back. And that 2 feet will come up against the zero variance. As you move to the right side, there's about, you know, it branches out into a foot and a half, 2 feet, 3 feet. You know, so I have plenty of room on that side. So the area in question is literally, it's about this wide. That's going to come up against with a zero variance.

Chairman Buzzutto stated but taking off the two feet would be from the neighbor's property. What are you going to do to your deck after that. How many feet in do you...

Mr. Pinchbeck stated in.

Chairman Buzzutto stated yes.

Mr. Pinchbeck stated I can afford to go in probably a half a foot. And the reason that is, is the structural integrity of the deck will be questioned. The concrete pilings underneath are right up against maybe 6 inches.

Chairman Buzzutto stated so actually what you're asking for is a zero variance.

Board Member Bodor stated you're not phrasing it right.

Chairman Buzzutto stated I'm sorry.

Board Member Bodor stated you're looking for a complete variance.

Chairman Buzzutto stated a complete. You know, not zero variance.

Board Member Bodor stated you're requesting 20 feet...a 20 foot variance. Let me just clarify. You're talking about so much here, or so much there. Your original request was that we legalize the deck ending at the property line. You were going to remove that part that...

Mr. Pinchbeck stated yes.

Board Member Bodor stated definitely is on your...

Mr. Pinchbeck stated oh, yes.

Board Member Bodor stated neighbor's property. But you just want to take that off and cut the whole thing at the property line.

Mr. Pinchbeck stated well, I don't want to cut any of it. But I...

Chairman Buzzutto stated yes.

Mr. Pinchbeck stated received a violation and I have to.

Board Member Bodor stated but that's the request. That...

Mr. Pinchbeck stated right.

Board Member Bodor stated we give you permission to cut your deck off...

Mr. Pinchbeck stated right.

Board Member Bodor stated at your property line.

Mr. Pinchbeck stated right. I mean, I've begun to explore a line...what I'm told is a line change, or line, you know, property line change.

Board Member Olenius stated lot line adjustment.

Mr. Pinchbeck stated a lot line adjustment to accommodate the deck.

Board Member Bodor stated yes.

Mr. Pinchbeck stated I haven't been able to explore that. If I need to, I will. You know, but I'm willing to take the piece that's encroaching the neighbor's property down. You know, if in return I can get a zero variance and...

Board Member Bodor stated but you're not willing to take and slice the whole...right across the back of the deck so that you are within your property line, not...Within your property, not right on the lines at the ends of the deck.

Mr. Pinchbeck stated well, I can cut it so it's within my property, but I have maybe 6 inches of play because then I come up against the foundation of the deck itself. And I can't cut the concrete beam or...

Board Member Bodor stated well...

Mr. Pinchbeck stated you know, so that's...If I took it back 6", which I can afford, the section of deck that would be 6" from the neighbor's property is approximately 2'.

Board Member Bodor stated but you could...

Mr. Pinchbeck stated and then...

Board Member Bodor stated with 6", you couldn't even do any maintenance without standing on your neighbor's property.

Mr. Pinchbeck stated yes, but again, experience shows, and I'm not being contradictory, experience speaks for itself the deck is preexisting 25 years. You know, this is the way it came with the house and...

Chairman Buzzutto stated yes. But it doesn't conform with the Codes.

Mr. Pinchbeck stated exactly.

Chairman Buzzutto stated yes.

Mr. Pinchbeck stated that's why I'm here.

Chairman Buzzutto stated that's why you're here.

Mr. Pinchbeck stated that's why I'm here.

Chairman Buzzutto stated but...

Board Member Bodor stated you're not willing to take more than 6" off the backend of that deck so you could come closer to compliance.

Mr. Pinchbeck stated based on the structure of the deck, it doesn't look like it will allow me to do that, unfortunately.

Chairman Buzzutto stated well, I don't know. I would request, myself, that it would be cutback at least 50% of what the variance requires, which is what, 20 feet.

Board Member Bodor stated yes.

Chairman Buzzutto stated you'd have to take at least 10' of it off to come within...anywhere's near...

Mr. Pinchbeck stated then again, we... You know, as we went through our walk through previously and as I discussed, underneath the deck is stone. It's rock, and it's extremely unsafe. And the best use of the property, at this point, is to cover it with the deck.

Chairman Buzzutto stated well, I myself can't see a zero variance on it. Or a full variance. So, I don't know how the rest of the Board feels on it.

Board Member Olenius stated can I just clarify this with you, Mr. Pinchbeck. You stated that you're...you'll be within on right side looking at the survey. So is it my understanding that your intention, right now, is to remove the entire step down part that the metal shed is upon and then cut the step up part on an angle...

Mr. Pinchbeck stated exactly.

Board Member Olenius stated just at that left edge.

Mr. Pinchbeck stated exactly. That entire piece...

Board Member Olenius stated okay.

Mr. Pinchbeck stated with the metal shed on it is going to go.

Board Member Olenius stated okay.

Mr. Pinchbeck stated and then that small...

Board Member Olenius stated so you'd have kind of like an angular point as opposed a...

Mr. Pinchbeck stated right.

Board Member Olenius stated perpendicular to the house.

Mr. Pinchbeck stated exactly.

Board Member Olenius stated or parallel to the house. Okay.

Mr. Pinchbeck stated that small area, I think you can see it, it's like a triangle [referring to the survey].

Board Member Olenius stated yes. Yes.

Mr. Pinchbeck stated that...the left side of that would be my problem area.

Board Member Olenius stated right.

Mr. Pinchbeck stated the right side of that would be in compliance.

Board Member Olenius stated I was just trying to clarify that in my mind. This is where the step down is, if you look at the picture. See how it steps down.

Chairman Buzzutto stated yes. Okay.

Board Member Olenius stated he's...His intention is to remove this entire portion of the deck so this side would be within the property line. And now this is the area in question. It would have to be cut back; it's still encroaching.

Mr. Pinchbeck stated now...

Chairman Buzzutto stated yes, but it's not the deck there. His deck is way over here.

Board Member Olenius stated no, no. This is the deck. See.

Chairman Buzzutto stated okay.

Board Member Olenius stated it's right here. It goes out like this.

Chairman Buzzutto stated oh, I see. It's over here.

Board Member Olenius stated yes.

Board Member Herbst stated let me see yours for a second.

Chairman Buzzutto stated but taking it off only brings it back to the property line.

Board Member Olenius right. Correct. Correct. But the one side would fall within...

Chairman Buzzutto stated the one side....within.

Board Member Olenius stated just because of the way it's angled on the property line there. So he'd end up with a...He would end up like with a point. You know, a...

Chairman Buzzutto stated (inaudible – too many talking).

Board Member Olenius stated right. I was just trying to picture it in my own mind.

Chairman Buzzutto stated but you, you wouldn't agree to cut anymore than that off of it. That's the way you're...

Mr. Pinchbeck stated I don't know how else to do that without, again, compromising the integrity of what's under there. You know, once we start fooling with structural support of the deck, let's take it down.

Chairman Buzzutto stated what is the overall size of the deck, complete the way it is now.

Mr. Pinchbeck stated actually, I've never measured that.

Chairman Buzzutto stated you've never measured that.

Mr. Pinchbeck stated no.

Chairman Buzzutto stated I don't know where...

Mr. Pinchbeck stated literally though, you know, the pin that the set on the left side, literally, about 6' towards the house is the foundation posts of the deck.

Board Member Olenius stated between the stair and the...

Mr. Pinchbeck stated yes.

Board Member Olenius stated between the stair and the point there.

Mr. Pinchbeck stated yes. Between the stair and that pin. Right. So, I mean, I can afford to take it back, you know, right up to where there is no more ability to take it back, and I don't have a problem with that.

Chairman Buzzutto stated the shed would be dismantled and taken off completely.

Mr. Pinchbeck stated gone.

Chairman Buzzutto stated gone, okay. I don't know. What do you think on this one. Do I have any input from the audience on this here. Nothing on that. Okay.

Board Member Olenius stated speaking of sheds, Mr. Pinchbeck, what was your intention of that metal shed in the front yard.

Mr. Pinchbeck stated the metal shed in the front yard is not worth the foundation it's on, and it should come down. It's just a routine maintenance for me. There's nothing in it. It's rusted, old, broken out. It should come down.

Board Member Olenius stated you didn't...

Board Member Bodor stated it is in violation, too.

Board Member Olenius stated yes. That's right.

Mr. Pinchbeck stated yes. I can take that down.

Chairman Buzzutto stated when we took the site walk, we didn't look under the deck to see what the construction was.

Board Member Burdick stated I believe he pointed it out to us when we were there. I remember seeing to the left of the stairs that the structure that he's talking about...

Chairman Buzzutto stated yes.

Board Member Burdick stated the concrete piling. Lars, do you remember that happening.

Board Member Olenius stated I agree. Yes. I did look under it myself.

Chairman Buzzutto stated you did.

Board Member Burdick stated yes.

Board Member Olenius stated and did notice some footings coming across.

Board Member Bodor stated yes. And think, wasn't there, discussion about cutting it back to that point.

Board Member Burdick stated well, he said he will be. He can't go any further than that.

Board Member Bodor stated well, that's a good, what. How many...

Board Member Burdick stated he said 6" about.

Mr. Pinchbeck stated approximately.

Board Member Bodor stated to cut that straight across.

Mr. Pinchbeck stated yes. To take it back as far as possible, it will be about 6". And then again, it's, you know, the space that would be 6" from the neighbor's property is maybe this wide. And as you go to the right, it branches out and there's all the room in the world. So it's a very narrow, very narrow, and small piece that's coming up against...

Board Member Burdick stated this, there's room between here and the property line [referring to the survey].

Board Member Bodor stated yes.

Board Member Burdick stated this is the section that he is going to (inaudible – papers shuffling) 6 more inches to give a little more space so it's not right on the property line. Because of the angle of the property line over here, there's more.

Board Member Bodor stated this isn't even straight over here. If he takes that off, he's got a...like that over there.

Board Member Olenius stated would you consider coming back to the next carrier.

Mr. Pinchbeck stated what do you mean.

Board Member Olenius stated they're...I know what you're saying about the girder that's 6" off the property line, but as I recall, and it looks like I can see it here, there's another one about 6 feet back from the corner. There was another girder carrying the weight of the deck.

Mr. Pinchbeck stated I...

Board Member Olenius stated it's not...

Mr. Pinchbeck stated I mean, I could probably assume that there's one on the other side of the steps. But then I have to ask myself when is a deck not a deck.

Board Member Olenius stated yes. No, actually, I think it was to the left of the steps. It was further out.

Mr. Pinchbeck stated which. The steps on the left side.

Board Member Olenius stated yes.

Mr. Pinchbeck stated I...I'm just...I'm kind of tracing it back towards the house, you know, cutting back, I have to depend on the next support going towards the house. And I would be guessing if I said it was on the other side of the steps.

Chairman Buzzutto stated what are you talking about. Those down in here.

Board Member Olenius stated yes. He's got a carrier here that supporting the deck. And I think there's another one in here somewhere, if I recall properly.

Board Member Bodor stated do you...Like underneath those steps more.

Chairman Buzzutto stated yes.

Board Member Bodor stated those steps are really wide.

Chairman Buzzutto stated I don't know if we just have him look at it again and see where he can go with it. See if he can go back any further. It's got to come back further than zero.

Board Member Bodor stated looking at these pictures, this deck was a couple different levels. Am I correct. Like coming out from the house is one level and then the part that we're referring to now with the steps and the support and all is at a lower level.

Mr. Pinchbeck stated correct.

Board Member Bodor stated like it was added later.

Mr. Pinchbeck stated yes. I don't know. I, again, I bought the house as it is and I've been able to trace this deck to a previous survey, which we all know, is in excess of 20 years old, which predates the purchase of the house. So, this deck is at least 25 years old.

Chairman Buzzutto stated let's see this. The first time this case came to us on the 21st of July.

Mr. Pinchbeck stated yes.

Chairman Buzzutto stated and in the meantime, you were waiting for a survey...

Mr. Pinchbeck stated yes.

Chairman Buzzutto stated did you sort of stand on the deck or look at the deck to see if you could come back with it. Have you took that into consideration or you just...

Mr. Pinchbeck stated yes. No, I mean, my observation shows that I can take it back to that post without further compromising the deck, and then saying to myself, when is it no longer a deck. You know, I mean

because you've got the stairs now on the left which would have to be adjusted and moved. It's, you know, and you've got... You're going to uncover a whole lot of terrain that's a lot less safe than the deck itself.

Chairman Buzzutto stated yes. It's a pretty good sized deck, I think that...

Mr. Pinchbeck stated yes.

Chairman Buzzutto stated that you could...

Mr. Pinchbeck stated and that's the beauty of it.

Chairman Buzzutto stated you could take... Well, the beauty of it, it just violates the Codes.

Mr. Pinchbeck stated I understand that. Again, I didn't construct it. I purchased it. I know it's my responsibility to clean it up. I mean, I haven't explored preexisting nonconforming structures. If I have to... I don't know which way to go with it. That's why I'm here.

Board Member Bodor stated well, I know we went out and we looked at this. But given the new survey and really, you know, talking about how much you need to cut off in order to pass muster, and this point in time, I really would like to walk it again. Because now I'm looking at these pictures with this older, I think, older part of the deck which is higher, that's a pretty good size to begin with. So, if you have to take off more than you wish to right now, maybe it can be worked out off the bat, you may be left with a pretty decent sized deck to begin... in the end. I don't know. It's what I'm trying to fathom in my own mind.

Chairman Buzzutto stated is this the step-down that you're talking about here.

Board Member Bodor stated yes. See, this part here is obviously a different construction up here. And then this lower part was built.

Mr. Pinchbeck stated see, I'm...

Board Member Bodor stated so I'm thinking...

Mr. Pinchbeck stated I'm not even sure that the deck wasn't an original piece of the structure itself. You know, and when it was erected, there were no variances require... or no setback requirements. You know, it's very similar to the house. If you look at the house, the house, obviously, doesn't have a 20' setback. You know, so was it part of the original structure. It could have been.

Chairman Buzzutto stated well, you say the deck's 25 years old, the house certainly is older.

Mr. Pinchbeck stated well, that's... it's twenty... I am able to date it back 25 years.

Chairman Buzzutto stated yes. Obviously the house is more than 25 years old.

Mr. Pinchbeck stated right. But, you know, I mean, I can't make the conclusion that it's only 25 years old. I only have information that shows me it's at least that.

Chairman Buzzutto stated well, I think before we make a decision on this, we can take another look at it to see if it's, you know, practical to take it back because I...

Board Member Bodor stated well, I for one, want to move it further away from that back line right now. So, I want to see if it's possible because I'm not happy with just that little bit. You need to be able to access your structure without going on your neighbor's property, for maintenance purposes alone.

Mr. Pinchbeck stated exactly. And...

Board Member Bodor stated and you know...

Mr. Pinchbeck stated again, I mean I have not even explored a lot line adjustment to save what's there. And you know, that's my goal; to save the deck. I mean, doesn't it make sense.

Chairman Buzzutto stated well, in your point of view, yes. It would make sense to you, yes. But where do we go with the Code though. Instead of saying it can't be done, let's give another shot to look at it.

Board Member Bodor stated we are, you know, we are suppose to be looking at variances at the very least that we could possibly come up with. That's our job. Not the most. So that's why we're trying to bring...It's going to be a variance if we ask you to cut it off. If we go that route, it's going to require a variance, okay.

Mr. Pinchbeck stated right.

Board Member Bodor stated we're trying to minimize that variance.

Mr. Pinchbeck stated I understand that. But the thing is that I have going for the existing deck are, number one: it's 25 years old. It's got a track record of safety, upkeep maintenance. I can get at. The neighbors don't want to see it go, but it's got to go. I mean, there is no pedestrian traffic back there. It doesn't impose any kind of safety problem. The deck has 25 years of history and as history shows, it's okay. I mean there's no, you know, I'm here as a result of a building code violation because we put the house on the market, we tried to put it up for sale, and it came back through the title company that this was a violation.

Board Member Bodor stated yes.

Mr. Pinchbeck stated yes it is. I want to handle it.

Board Member Bodor stated and as I said once before, too, yes, your neighbors don't have any problem with it right now. But neighbors change. Could be a different landowner over there. And your property is on the market, too.

Mr. Pinchbeck stated exactly. They did change. They changed to me.

Board Member Bodor stated you know, so there's going to be changes.

Mr. Pinchbeck stated I inherited the problem. And I...

Board Member Bodor stated and we need to make...We need to make it so that, you know, down the road it's not a problem, too. Today it's not. So let's not allow it to become one in the future because of changes in landowners.

Mr. Pinchbeck stated no, I mean, it's not going to become anymore of a problem than it's already been for 25 years. You know, I mean, nobody ever bothered this, again, until the title company came into play and the attorneys got involved.

Board Member Bodor stated well, the title company was doing its job.

Mr. Pinchbeck stated yes. And, you know, they picked up on it and I had to get rid of the... Well, it's a different story, but...

Board Member Bodor stated I don't know. I, you know, it's what the pleasure of the Board is at this point.

Mr. Pinchbeck stated again, the foot in question that's coming right up against the property with a zero variance has got to be this wide. And that piece I'm proposing to maintain the structure of the deck to bring it back to the post. I can walk through there. I could...

Board Member Burdick stated what's the distance... The other side of the deck, what's the distance from the property line.

Mr. Pinchbeck stated that, it widens out. So it goes anywhere from zero to infinity; right to the property line. And that you could see, if you look... How do I show you that. Well, the piece that I'm taking off is on the neighbor's property.

Board Member Bodor stated yes.

Mr. Pinchbeck stated if you look at the space, gosh, from the 21.45 [feet] measurement where that arrow hits the line, if you go out there's a small piece of deck on the right. And that's legal. You know, that's going to have at least 6" to a foot and a half, 3', 4'.

Board Member Olenius stated let me just clarify that it's not legal.

Board Member Burdick stated it's not, yes. It's not legal.

Board Member Olenius stated it's on your property.

Board Member Burdick stated yes.

Board Member Olenius stated it's not legal. I'll clarify that for the record.

Board Member Burdick stated yes.

Chairman Buzzutto stated well, I think rather than make a decision tonight on it, which I don't think would be favorable myself, but I think we'll take another look at it and see if we feel it can be cut back.

Mr. Pinchbeck stated well, let me ask your experience. I... What would a lot line variance involve, I mean, because I can get it done.

Chairman Buzzutto stated a lot line variance.

Mr. Pinchbeck stated right.

Board Member Bodor stated you would have to...that would have to be done in cooperation with the landowner that you're going...

Mr. Pinchbeck stated right.

Board Member Bodor stated to make that adjustment...

Mr. Pinchbeck stated yes, and that's not a problem.

Chairman Buzzutto stated with the neighbor, right.

Board Member Bodor stated yes.

The Secretary stated that's through the Planning...

Board Member Burdick stated it's through the Planning Board.

Board Member Bodor stated right. It's not this Board at all. It's a...

Board Member Burdick stated it's the Planning Board.

Board Member Bodor stated Planning Board issue.

Mr. Pinchbeck stated okay. So I can contact the Planning Board.

Chairman Buzzutto stated yes.

Mr. Pinchbeck stated I mean, in the event that's what it comes down to.

Chairman Buzzutto stated well I think it would be better for you and the Board here itself, for you to do that if possible and come back and a land lot...a line adjustment would solve everything, really. But then you've got to talk to your neighbor.

Mr. Pinchbeck stated yes. No, I have to talk my neighbor and then, you know, as important as that is the expense and the time and the effort...

Chairman Buzzutto stated yes.

Mr. Pinchbeck stated and, you know, I...Again, I've been here since July trying to...

Chairman Buzzutto stated I know.

Mr. Pinchbeck stated get this done. And...

Chairman Buzzutto stated well, the biggest wait was for the survey...the new survey. Yes.

Mr. Pinchbeck stated right.

Chairman Buzzutto stated although I'd like to table this until then. In my opinion.

Board Member Burdick stated you want to go back out.

Chairman Buzzutto stated Jerry, you think you want to go back out and take look under it.

Board Member Olenius stated I'd be more inclined to request the Building Department go out and look at it.

Board Member Burdick stated yes.

Board Member Olenius stated he's a professional. He could tell where the structure...

Board Member Burdick stated where it could safely and...

Board Member Olenius stated where it could be supported...

Board Member Burdick stated yes.

Board Member Herbst stated that would make a lot more sense.

Board Member Olenius stated properly...

Board Member Bodor stated yes.

Board Member Olenius stated and whatnot.

Board Member Burdick stated yes. I agree.

Chairman Buzzutto stated is that Dave.

Board Member Bodor stated yes.

Board Member Olenius stated Nick.

Board Member Burdick stated no. Nick.

Chairman Buzzutto stated Nick. Nick.

Board Member Bodor stated and he can get back to us which is (inaudible).

Chairman Buzzutto stated okay. You satisfied with that sort of...

Mr. Pinchbeck stated I don't know how much choice I have.

Chairman Buzzutto stated well, if we get the results from an actual...somebody who is experienced with that construction...

Mr. Pinchbeck stated alright.

Chairman Buzzutto stated to say yes it can be done. No it can't.

Mr. Pinchbeck stated well, I mean, you know, what I'll do in addition while we're doing that is to look into preexisting structures. Look into lot line variances.

Chairman Buzzutto stated right. That's great.

Mr. Pinchbeck stated I've got to do whatever I've got to do to save the deck.

Chairman Buzzutto stated yes. Very good.

Mr. Pinchbeck stated and it makes absolutely no sense after 25 years to, you know, over 2 feet of property that's never really...

Chairman Buzzutto stated yes.

Mr. Pinchbeck stated bothered anybody.

Chairman Buzzutto stated right. It probably sounds petty to the audience the way we're batting this around here, but it's a legal issue here. Alright, so we'll table it and request that the Building Department go out and take a look at it.

Board Member Olenius stated no, he's a professional. He'll have a better idea of what can be supported and get the better idea on distance from the property line.

Chairman Buzzutto stated alright.

Board Member Olenius stated and give Mr. Pinchbeck some options, too, you know. So you'll be aware of size and all that.

Chairman Buzzutto stated I think that would be the better way to do it then to take a vote on this tonight. Okay.

Mr. Pinchbeck stated very good.

Chairman Buzzutto stated so we're just going to table it. We'll be in touch.

Mr. Pinchbeck stated you'll contact me.

Chairman Buzzutto stated yes.

Mr. Pinchbeck stated thank you much.

Chairman Buzzutto stated thank you.

3) **GETTY PETROLEUM MARKETING INC. CASE #20-10**

Mr. Jason Caza was present.

Chairman Buzzutto stated you want to read the next one we got.

The Secretary read the following legal notice:

Getty Petroleum Marketing, Inc. Case #20-10 – Area Variances; Held over from the August 30, 2010 and September 15, 2010 meeting

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize the existing kerosene and propane sales area. Sales areas will be 5' from the side property line; The Code requires a 20' side yard setback in the C-1 Zoning District; Variances requested are for 15' for both the kerosene and propane sales area. Applicant is also proposing a dumpster area 5' from the side property line; Variance requested is for 15'. Applicant is also requesting an area variance pursuant to §154-67(2) of the Patterson Town Code; Signs in business districts. The main sign is 38.65 square feet; The Code states that the sign shall not exceed 25 square feet; Variance requested is for 13.65 square feet. This property is located at 3230 Route 22 (C-1 Zoning District).

Chairman Buzzutto stated is the representative for Getty...Okay.

Board Member Bodor stated good evening.

Mr. Jason Caza stated good evening.

Chairman Buzzutto stated good evening. You...All these variances that were supposed to be corrected. Was it done...Well, you were here to get the size variance on that one there. The kerosene, too. What about the dumpster. That was one thing you were going to move. That will be moved.

Mr. Caza stated yes. That's no problem.

Board Member Bodor stated has the undergrowth in the back been cleaned up yet.

Mr. Caza stated yes it has. Actually, I have a picture if you would like to see it.

Chairman Buzzutto stated okay. And all the debris that was...

Mr. Caza stated yes. All has been cleaned up. Here's the picture.

Board Member Bodor stated what about the tractor trailer body back there.

Mr. Caza stated the tractor trailer was scheduled to be moved last week. Unfortunately, the gentleman who was coming to get it couldn't make it. They scheduled a date; I believe next week or the week after is when he'll get it. The original date fell through, so...

Board Member Bodor stated now are those chain linked fences going to remain in the back.

Mr. Caza stated yes it is.

Board Member Bodor stated okay.

Mr. Caza stated yes it is.

Board Member Bodor stated is there...

Mr. Caza stated they're going to stay because of the...I don't have all the information yet, but I was told tonight that the...

Board Member Bodor stated it's set...

Mr. Caza stated because of its septic...

Board Member Bodor stated way up there.

Mr. Caza stated because of update existing man way covers and the septic underneath that the DEP requested that the chain linked fence stay.

Board Member Bodor stated is that an active septic system.

Mr. Caza stated no it is not.

Board Member Bodor stated it's not.

Mr. Caza stated no.

Chairman Buzzutto stated that vacant space over where that chain linked fence is, what is that going to be used for. Just vacant. It's going to be...

Mr. Caza stated yes. And then we'll monitor it, make sure that it keeps clean and...

Chairman Buzzutto stated yes, there'll be no storage of vehicles...

Mr. Caza stated no. Absolutely not.

Board Member Bodor stated and with that chain linked fence in place, is there enough space for an emergency vehicle to get around the back of that building, say a fire truck.

Mr. Caza stated well, that's something that we're going to have to remedy. I mean, they don't want anybody...the DEP doesn't want anybody driving over it. I don't know the information yet on...I just found out tonight that the DEP doesn't want the fence being taken down.

Board Member Burdick stated Rich, do you have anything to add to this.

Rich Williams stated yes I do.

Chairman Buzzutto stated Rich Williams.

Rich Williams stated yes. At the Board's request, we contacted the Health Department who ultimately contacted DEP to get the plans. About three years ago, there was a major reconstruction done out there; the septic system, that is an active septic system, was designed for each loading factors. However, the Health Department would prefer that the fence stay up so as to prevent anybody from driving in that area.

Board Member Burdick stated thank you.

Mr. Caza stated there it is.

Chairman Buzzutto stated well, is it mandatory that a fire truck be able to get around through there. Is it...

Board Member Bodor stated it's a good idea that they can access but if they can't, they can't. Maybe they can go up...Maybe they can go behind the fence. That's why I was asking.

Chairman Buzzutto stated yes.

Board Member Burdick stated he wants that...it was cleared out.

Board Member Bodor stated or drive...Well. Just knock it down if they need to.

Mr. Caza stated yes. They need to get...If they want to...

Board Member Herbst stated it's over here, isn't it. Somewhere on this side.

Board Member Olenius stated yes. Under these manholes here.

Board Member Herbst stated yes.

Board Member Burdick stated when you...

Board Member Herbst stated but he's got...

Board Member Burdick stated answered Buzz about the dumpster, you said it was no problem. It's no problem to move it, or it's already been moved.

Mr. Caza stated it's no problem to move it.

Board Member Burdick stated okay. And it hasn't...

Mr. Caza stated no it has not.

Board Member Herbst stated and there's no way to get in any emergency vehicle over there anyway.

Mr. Caza stated I can stop by there tonight and have a couple of guys move it. It's no problem.

Chairman Buzzutto stated oh, no.

Mr. Caza stated it's not a problem.

Chairman Buzzutto stated yes, but they'll move it tonight...

Mr. Caza stated it's not stationary.

Chairman Buzzutto stated but they're not going to put it back in there tomorrow are they.

Mr. Caza stated no.

Chairman Buzzutto stated no. That's what I mean. It's butting up against the property there. Okay.

Mr. Caza stated during the walkthrough we went through all the variances and we discussed and...

Chairman Buzzutto stated yes.

Mr. Caza stated you saw what we were discussing. What we are discussing here tonight.

Board Member Burdick stated that's why I'm surprised the dumpster hasn't been moved yet because we discuss it at the site walk and that's been over a month ago.

Chairman Buzzutto stated yes. The kerosene facilities, they'll stay put. We're just going to give you the variance.

Mr. Caza stated right. The kerosene.

Chairman Buzzutto stated an propane. Is that...

Mr. Caza stated yes.

Chairman Buzzutto stated yes.

Mr. Caza stated yes. The kerosene and the propane sales area.

Chairman Buzzutto stated and the sign.

Board Member Bodor stated the signs been...

Mr. Caza stated and the sign for them.

Chairman Buzzutto stated yes.

Mr. Caza stated thirty plus...

Board Member Olenius stated thirty plus (inaudible).

Mr. Caza stated I think.

Board Member Bodor stated and the vehicles that were on the adjoining property...

Mr. Caza stated they've been moved.

Board Member Bodor stated is an issue.

Mr. Caza stated they've been moved. He's actually been really good lately. Keeping everything tidy, keeping everything clean.

Chairman Buzzutto stated well, does Getty itself come down and look at this property periodically to...There's a body shop back here and that creates a lot of, you know, debris, you know.

Mr. Caza stated right. We've made several visits...

Chairman Buzzutto stated well, that's...

Mr. Caza stated and myself. Several visits. And actually, the TSM, Kim, who you met, Kim Keel, she was there today. She called me from the gas station.

Chairman Buzzutto stated okay. Is there any input from the audience on this particular application here. No.

Board Member Olenius stated so just to clarify, the dumpster area isn't...it's not an issue anymore. You're not looking for a variance on that anymore.

Mr. Caza stated no.

Chairman Buzzutto stated it will be moved.

Mr. Caza stated no.

Board Member Olenius stated that's going to be...

Mr. Caza stated the dumpster is...

Board Member Olenius stated within the sidelines.

Mr. Caza stated yes.

Board Member Olenius stated that's not...

Mr. Caza stated the dumpster's not going...

Board Member Olenius stated okay.

Mr. Caza stated to me it's not...I mean, we can get the guys to move it over.

Board Member Burdick stated well, I guess the question...

Mr. Caza stated (inaudible – too many talking) we were there. I know. The date that we were there, the dumpster was full. And, you know, I'm not going to ask the guys to break their back moving a...

Chairman Buzzutto stated okay.

Board Member Burdick stated I just feel like all along you keep telling us, yes it's going to be done. It's no problem, it's no problem. Then these things are still existing. And I feel a little reluctant to grant some variances when, you know, until things are taken care of. So, either we're going to have to put a date on there that it will be taken care of by then; Those trailers will be removed by a certain date. Carl, would that be appropriate.

Carl Lodes stated yes.

Board Member Burdick stated okay. Because, you know, it will be done, it will be done just isn't satisfactory for me.

Board Member Bodor stated I agree.

Chairman Buzzutto stated okay.

Board Member Bodor stated it's been getting done for a long time.

Board Member Burdick stated since the application came before us.

Board Member Bodor stated and it still hasn't been done.

Chairman Buzzutto stated well, like I said, I don't want it done today. When the application's passed and the dumpster's put back where it was.

Board Member Bodor stated well, that's an oversight issue.

Chairman Buzzutto stated okay. Any other input from the Board. You have any more on that.

Board Member Bodor stated I don't.

Chairman Buzzutto stated Jerry, you want to make a motion to close the public hearing.

Board Member Herbst stated I'll make a motion to close the public hearing.

Chairman Buzzutto stated can I get a second on that.

Board Member Burdick stated second.

Board Member Bodor stated all in favor. Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated opposed. Okay. Public hearing is now closed. Okay. And the resos.

Board Member Bodor stated is Lars working on...

Chairman Buzzutto stated Lars is working on one of them there.

Board Member Burdick stated do you want me to do the sign one, Lars, or is that the one that you're working on.

Chairman Buzzutto stated you want...

Board Member Olenius stated sure. If you don't mind. I'm just trying to get...

Board Member Burdick stated did you already do it. Did you already write something up on it. Or...I mean...I don't want to take it...No, I don't need it. I'm just...I didn't want to take it away from you.

Board Member Olenius stated it doesn't matter. I'm working on conditions now.

Board Member Burdick stated because I was just going to do it.

Board Member Olenius stated if you can read my scratch.

Board Member Burdick stated no, I already had in my mind what I was going to say.

Board Member Olenius stated okay.

Board Member Burdick read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Getty Petroleum Marketing, Inc., Case #20-10
*For an Area Variance for a Sign***

WHEREAS, *Getty Petroleum Marketing, Inc.* is the owner of real property located at 3230 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel #4.10-1-6, and**

WHEREAS, *Getty Petroleum Marketing, Inc.* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-67(2) of the Patterson Town Code; Signs in business districts, for the main, freestanding business sign, and

WHEREAS, §154-67(2) of the Patterson Town Code states that only one freestanding sign advertising the uses or uses of the premises on which it is located shall be permitted, and it shall not exceed 25 square feet in area, and

WHEREAS, Applicant's sign is 38.65 square feet; ***Variance requested is for 13.35 square feet,*** 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 30, 2010** to consider the application [editor's note: Public hearings were held on August 30, 2010, September 15, 2010 and October 20, 2010]...

Board Member Burdick stated and when was the site walk.

Board Member Olenius stated September 9th.

Board Member Burdick continued to read the following resolution:

and a site walk was conducted on **September 9, 2010**, 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 sign in question is a design standard. With regards to the sign, it has already been in existence for 30 or more years.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **because it is the design standard for the Applicant's corporation.**
3. the variance requested **is** substantial **however not so much 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 as previously stated, it's been in existence for over 30 years.**
5. the alleged difficulty necessitating the variance **was self created, however, 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 **Getty Petroleum Marketing, Inc.** for **an area variance** pursuant to §154-67(2) of the Patterson Town Code; signs in business districts, **of 13.35 square feet from the maximum 25 square feet permitted in the C-1 Zoning District**, in order to legalize the existing main, freestanding business sign.

Board Member Bodor stated I want to condition that with the...all the pieces that we talked about.

Board Member Burdick stated what date. Two weeks you think. Is that...Two weeks enough time to get the trailer out of there and move the dumpster.

Mr. Caza stated yes. It should be. Yes.

Board Member Burdick stated okay.

Mr. Caza stated I'll make phone calls and do everything in my power to have it out.

Board Member Burdick stated so November 3rd or 4th. I don't have a calendar in front of me. The 2nd is

Tuesday. So November 3rd. November 3rd. So the dumpster will be moved within the appropriate...

Mr. Caza stated yes. I'll move it right away.

Board Member Burdick stated sidelines by November 3rd and the storage tractor trailer...

Mr. Caza stated in the back.

Board Member Burdick stated in the back will be removed.

Board Member Bodor stated I'll second it.

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay. The dumpster area.

Board Member Bodor stated what do we do with the... We have the request for the dumpster. So should we do a denial on that one.

Board Member Burdick stated or is he withdrawing it.

Board Member Bodor stated or is it being withdrawn. What's the best way to go with that.

Board Member Burdick stated yes.

Carl Lodes stated I would just grant it upon condition. If you want to do that.

Board Member Bodor stated we put it in the condition.

Carl Lodes stated but that was with the sign.

Board Member Bodor stated yes.

Carl Lodes stated I'm saying, I think you would make... just grant this application and say it's subject to the same conditions as the sign.

Board Member Bodor stated no. We're not going to grant it because it...

Carl Lodes stated it doesn't... I'm sorry.

Board Member Burdick stated it doesn't need to be granted.

Carl Lodes stated okay.

Board Member Bodor stated if they're going to move it, it doesn't need to be granted. But do we do a denial on the original request or shall he withdraw it.

Carl Lodes stated I would just withdraw it. Sorry. I misunderstood.

Board Member Bodor stated withdraw it.

Carl Lodes stated I'd withdraw it.

Chairman Buzzutto stated okay.

Board Member Bodor stated we're going to ask you withdraw the request for the variance for the dumpster because you've agreed as part of the condition for the granting of others, that it will be moved to compliance.

Mr. Caza stated okay. That's fine.

Board Member Bodor stated okay. So rather than us going through that variance request and doing a denial on it, you can withdraw it and then we can...we don't have to deal with it.

Mr. Caza stated okay.

Board Member Bodor stated it will be conditioned on the other pieces.

Mr. Caza stated okay. I understand.

Board Member Bodor stated so it's got to stay in compliance.

Mr. Caza stated right.

Board Member Bodor stated okay.

Mr. Caza stated also, on my site plans, we actually have a...we want to enclose the dumpster and put a nice chained little fence around it.

Chairman Buzzutto stated okay.

Mr. Caza stated that's actually a part of my new site plan and drawings.

Chairman Buzzutto stated okay.

Mr. Caza stated it's just something...just to let you guys know...

Board Member Olenius stated within the setback requirements.

Mr. Caza stated you got it. You got it.

Board Member Bodor stated great.

Mr. Caza stated absolutely.

Chairman Buzzutto stated can we get a copy of that...after that's...

Mr. Caza stated sure. I believe you might already have one.

Chairman Buzzutto stated well, if not then...

Mr. Caza stated I can get it to you no problem.

Chairman Buzzutto stated after the fence is built, the picture taken and stuff like that.

Mr. Caza stated I have to have the site plans approved first...

Chairman Buzzutto stated yes.

Mr. Caza stated by the Planning Board.

Chairman Buzzutto stated get that done. Send that to...Sarah will file it.

Mr. Caza stated no problem.

Chairman Buzzutto stated okay. Then the next one will be...Which one do we have in there.

Board Member Olenius stated kerosene.

Board Member Bodor stated kerosene. Go ahead.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Getty Petroleum Marketing, Inc., Case #20-10
For an Area Variance for Existing Kerosene Sales Area

WHEREAS, *Getty Petroleum Marketing, Inc.* is the owner of real property located at 3230 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel #4.10-1-6, and**

WHEREAS, *Getty Petroleum Marketing, Inc.* 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 legalize the existing kerosene sales area, and

WHEREAS, §154-7 of the Patterson Town Code requires a 20' side yard setback in the C-1 Zoning District; Applicant has 5'; ***Variance requested is for 15'***, 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 30, 2010, September 15, 2010 and October 20, 2010*, and a site walk was conducted on *September 9, 2010*, 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 existing has been in existence with this infrastructure for a considerable amount of time and is also adjacent to a sizeable piece of vacant land in the commercial district.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the current layout of the property with regards to traffic flow and the fact that the infrastructure involved with the dispensing of kerosene has been in place for some time.*
3. the variance requested *is* substantial *however not so much 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 as previously stated, this area has been existence for a considerable amount of time.*
5. the alleged difficulty necessitating the variance *was self created, however, is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Getty Petroleum Marketing, Inc* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 15' from the 20' required for a side yard setback in the C-1 Zoning District*, in order to legalize the existing kerosene sales area.

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

1. The dumpster area shall forever remain within the setback requirements of 20' from the side yard.
2. The storage trailer at the rear of the property shall be removed by November 3, 2010.

Board Member Bodor stated I'll second.

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay. What do you got there, propane [referring to a resolution].

Board Member Olenius stated yes.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Getty Petroleum Marketing, Inc., Case #20-10
*For an Area Variance for Existing Propane Sales Area***

WHEREAS, *Getty Petroleum Marketing, Inc.* is the owner of real property located at 3230 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel #4.10-1-6, and**

WHEREAS, *Getty Petroleum Marketing, Inc.* 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 legalize the existing propane sales area, and

WHEREAS, §154-7 of the Patterson Town Code requires a 20' side yard setback in the C-1 Zoning District; Applicant has 5'; ***Variance requested is for 15'***, 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 30, 2010, September 15, 2010 and October 20, 2010***, and a site walk was conducted on ***September 9, 2010***, 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 said area has been in existence for a considerable amount of time and is adjacent to a sizeable piece of vacant land within the commercial district.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because the infrastructure for the propane distribution area is already in place within the side yard setbacks. And with regards to traffic flow on the property, you really can't come in any closer within the setbacks.***
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 as previously stated, it's been in existence for a considerable amount of time.***
5. the alleged difficulty necessitating the variance ***was self created, however, is not sufficient*** so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Getty Petroleum Marketing, Inc.* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 15' from the 20' required for a side yard setback in the C-1 Zoning District*, in order to legalize the existing propane sales area.

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

1. The dumpster area shall forever remain within the setback requirements of 20' from the side yard.
2. The storage trailer at the rear of the property shall be removed by November 3, 2010.

Board Member Bodor stated second.

Board Member Herbst stated I'll...

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated I just wanted to question one thing. It says Getty is the owner. And on the thing they are not the owner. They lease the property.

Mr. Caza stated where. Where does it say that.

Chairman Buzzutto stated well, it says right on the application there. Real Estate 22

Mr. Caza stated Getty...Getty Realty.

Chairman Buzzutto stated it is Getty.

Mr. Caza stated yes, it is Getty.

Chairman Buzzutto stated okay, because it...Okay. I just wanted to...

Board Member Bodor stated okay.

Mr. Caza stated okay.

Board Member Bodor stated next step.

Mr. Caza stated next step is November 3rd...

Board Member Bodor stated be in front of Planning Board.

Mr. Caza stated November 3rd and the Planning Board.

Board Member Bodor stated yes. And get rid of that tractor trailer thing over there.

Mr. Caza stated yes. I'll make a phone call first thing in the morning.

Chairman Buzzutto stated promise.

Mr. Caza stated and if he doesn't move it, then he'll have to find somewhere else to do his business.

Chairman Buzzutto stated okay.

Mr. Caza stated so, with the Planning Board, do I contact your office or...

The Secretary stated yes.

Mr. Caza stated and we'll schedule.

The Secretary stated yes.

Mr. Caza stated okay. Sounds great.

Board Member Bodor stated okay.

Board Member Olenius stated good luck.

Chairman Buzzutto stated okay. Good luck.

Mr. Caza stated okay. Thank you very much.

Chairman Buzzutto stated thanks.

4) DOUGLAS EGAN CASE #24-10

Mr. Douglas Egan was present.

The Secretary read the following legal notice:

Douglas Egan Case #24-10 – Area Variances

Applicant is requesting an area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct a 10' x 19' deck with 3' stairs attached, on the easterly side of the dwelling. The Code requires a 30' side yard setback; Applicant will have

9'; Variance requested is for 21'. The Code also requires a 50' rear yard setback; Applicant will have 46'; Variance requested is for 4'. This property is located at 42 Meadowbrook Court (R-1 Zoning District).

Chairman Buzzutto stated good evening, Mr. Egan

Mr. Douglas Egan stated yes.

Chairman Buzzutto stated you want to raise your right hand, Sir. You promise the...

Board Member Bodor stated raise your right hand, Sir, please.

Chairman Buzzutto stated you promise the testimony you provide tonight will be the truth, the whole truth.

Mr. Egan stated I do.

Chairman Buzzutto stated and you want to give your name and...

Mr. Egan stated Douglas Egan. E-G-A-N is the last name.

Chairman Buzzutto stated Egan. Okay, fine. And you are the owner of this particular application.

Mr. Egan stated yes.

Chairman Buzzutto stated let's see. What do we got on this one here. Do you have any deck there at all or you don't have...

Mr. Egan stated I have a platform with a staircase. I have some photographs.

Chairman Buzzutto stated okay, fine.

Board Member Bodor stated we like photographs.

Chairman Buzzutto stated yes.

Board Member Bodor stated they help. This is up in Meadowbrook, and we've had numerous applications for deck up in that area. Probably either side of you they already have them.

Mr. Egan stated yes.

Board Member Bodor stated okay. What you have is a stoop with stairs on it.

Mr. Egan stated yes.

Board Member Bodor stated and that's on the side of the house.

Mr. Egan stated yes. So facing the housing, it would be on the...

Board Member Bodor stated okay.

Mr. Egan stated right side.

Board Member Bodor stated on the right. And that's where you want to build the deck.

Mr. Egan stated yes.

Board Member Bodor stated right there, off that exit...entrance to the home.

Mr. Egan stated right.

Chairman Buzzutto stated oh my. Dangerous. How'd you get that grill on that little space there.

Mr. Egan stated very carefully.

[Laughter]

Board Member Olenius stated you don't have a door on the rear of your home...

Board Member Bodor stated no.

Board Member Olenius stated facing...

Mr. Egan stated the rear of the home has a walkout door.

Board Member Olenius stated down a grade though.

Mr. Egan stated yes.

Board Member Olenius stated not at the level of the floor this is on.

Mr. Egan stated yes. Yes, that would be quite possibly the...

Board Member Olenius stated oh, I see. I didn't get to that picture yet. I stopped.

Board Member Herbst stated are you still looking at that [referring to the pictures].

Board Member Olenius stated no, I'm done. Sorry.

Chairman Buzzutto stated would the deck be at the level this one is or are you going to drop it down to stairs to go down to the deck.

Mr. Egan stated it would be at the current level, yes.

Chairman Buzzutto stated at the way that one is there.

Mr. Egan stated yes.

Board Member Bodor stated and the proposed size is 10 [feet] x 19 [feet].

Mr. Egan stated yes.

Board Member Bodor stated well, you must have a neighbor on that side. What...

Mr. Egan stated I do, yes.

Board Member Bodor stated yes. And what are you looking at when you look at the neighbor's home. Do they have a deck on that side, too. Or are there stairs on the back.

Mr. Egan stated I guess you would call it a wraparound deck.

Board Member Bodor stated a wraparound. Okay. But it is...would be, like, neighbors with your deck. One deck is looking at another.

Mr. Egan stated yes. Correct.

Board Member Olenius stated is the 19 feet roughly the size of this bump out.

Mr. Egan stated exactly.

Board Member Olenius stated that sticks...Okay.

Chairman Buzzutto stated well, 19' is the closest part from the neighbor's property. Is that...

Board Member Olenius stated no, 9'.

Chairman Buzzutto stated 19 or...

Board Member Olenius stated 9. I think it's...

Chairman Buzzutto stated 9.

Board Member Olenius stated 9 feet. It's 9 from the property line to the corner.

Chairman Buzzutto stated yes, okay.

Board Member Bodor stated 19' is the length of the deck.

Chairman Buzzutto stated oh, I see. Okay, thank you. So you're asking for...

Board Member Herbst stated Sarah.

Chairman Buzzutto stated 21' is it. Is there any input from the audience on this particular case here; on Egan. No.

Board Member Bodor stated you'll have steps going down to the ground on the backend of the deck.

Mr. Egan stated yes.

TAPE ENDED

Chairman Buzzutto stated where did you get that there [referring to the deck plans].

Board Member Olenius stated what did you do with it. Did you not get the survey. It's attached to the survey I think.

Board Member Bodor stated that (inaudible).

Chairman Buzzutto stated okay.

Board Member Olenius stated so your stairs are ultimately going to land on that rear patio where the walkout was. Is that correct.

Mr. Egan stated right. There will be some steps down, a platform, and then steps leading down to the...

Board Member Olenius stated like a switchback.

Mr. Egan stated yes.

Board Member Bodor stated are those photos still down there.

Chairman Buzzutto stated Jerry.

Board Member Bodor stated thank you.

Chairman Buzzutto stated the stairs that go down, they go down...where do they go after they come down to the patio. Around the house. Is there a walk or something that...

Mr. Egan stated there's nothing there...

Chairman Buzzutto stated or just lawn.

Mr. Egan stated yes. So we just...I guess it would be in the direction of the rear of the home. You know...

Chairman Buzzutto stated yes.

Mr. Egan stated walking toward the right...I mean, to the left.

Chairman Buzzutto stated I mean, it will be a concrete walk or is it just a flagstone, or what.

Mr. Egan stated probably will be flagstone, correct. There's nothing there at the moment.

Chairman Buzzutto stated yes.

Mr. Egan stated just grass.

Chairman Buzzutto stated that will be coming out here, right [referring to a picture].

Board Member Bodor stated yes. Coming out...Where this is here...

Chairman Buzzutto stated yes.

Board Member Bodor stated that will be the stairs coming down there. Right now, the stairs go out to the front.

Chairman Buzzutto stated they'll go out the other way.

Board Member Bodor stated they're going to go out toward the back.

Chairman Buzzutto stated okay.

Board Member Bodor stated yes.

Chairman Buzzutto stated close the public hearing.

Board Member Bodor stated I'll make a motion to close the public hearing.

Chairman Buzzutto stated second.

Board Member Herbst stated I'll second.

Chairman Buzzutto stated Jerry seconded. All in favor. Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated opposed. Okay. Now we need the reso on this one here. Okay.

Board Member Bodor stated alright. You want me to do it. I'll wing it.

Chairman Buzzutto stated you want to wing it. Okay.

Board Member Bodor stated let me give you these pictures back before I forget and pack them up.

Board Member Bodor read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Douglas Egan, Case #24-10
For Area Variances for a Deck

WHEREAS, *Douglas Egan* is the owner of real property located at 42 Meadowbrook Court (R-1 Zoning District), also identified as **Tax Map Parcel #13.7-1-18**, and

WHEREAS, *Douglas Egan* has made application to the Patterson Zoning Board of Appeals for area variances, pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to construct a 10' x 19' deck with 3' stairs attached, on the easterly side of the dwelling, and

WHEREAS, §154-7 of the Patterson Town Code requires a 30' side yard setback; Applicant will have 9'; *Variance requested is for 21'*, and

WHEREAS, §154-7 of the Patterson Town Code requires an 50' rear yard setback; Applicant will have 46'; *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 **October 20, 2010** 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 most of the other homes in the development, which is a cluster zoned area, already have put on such new decks; front, back, side.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the limitations of direct adjoining property to the structures due to the fact that it is a cluster zoned area.*
3. the variance requested *is* substantial *because the side yard request is for 21', however again, due to the constraints of the size of the property due to the cluster zoning; this is a moot point.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because most of the adjoining homes in the neighborhood have already upgraded with the decks.*
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 *Douglas Egan* for *area variances* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 21' from the 30' required for a side yard setback, and a 4' variance from the 50' required for a rear yard setback*, in order to construct a 10' x 19' deck with 3' stairs attached, on the easterly side of the dwelling.

Board Member Olenius stated second.

Chairman Buzzutto stated you say the stairs are just 3' to go off that deck to the ground.

Board Member Olenius stated 3' wide.

Board Member Bodor stated 3' wide.

Chairman Buzzutto stated oh, 3' wide. Okay.

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay.

Board Member Olenius stated off to the Building Department.

Mr. Egan stated thank you.

Chairman Buzzutto stated 3'.

5) MELANIE & STEPHEN PIEN CASE# 25-10

Mr. Paul Velardi was present to represent the applicant.

Mr. Paul Velardi stated good evening. My name is Paul Velardi. I represent...

Board Member Bodor stated read the notice please.

Chairman Buzzutto stated okay.

The Secretary read the following legal notice:

Melanie Pien Case #25-10 – Area Variance

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code, Enlargement of nonconforming buildings, in order to replace the existing front porch and extend the porch to the end of the dwelling. This property is located at 801 Route 311 (R-4 Zoning District).

Chairman Buzzutto stated okay. Thank you.

Mr. Velardi stated yes. Good evening. My name is Paul Velardi. I represent Melanie and Stephen Pien in connection with their area variance before the Board this evening. They've asked me to appear on their behalf because...

Chairman Buzzutto stated can you hear back there with that. Can you hear them.

Audience member stated yes.

Chairman Buzzutto stated oh, you can. Because I know you're quite a ways away from the (inaudible – too many talking).

Board Member Herbst stated you can bring the mike up a little bit more if you want.

Chairman Buzzutto stated otherwise it don't go into the...

Mr. Velardi stated is there a way to raise it.

Board Member Bodor stated perhaps.

Mr. Velardi stated talk like this.

[Laughter].

Chairman Buzzutto stated muscles.

Mr. Velardi stated there you go. Thank you [referring to the Secretary raising the microphone].

Chairman Buzzutto stated otherwise it don't go into the...okay.

Mr. Velardi stated I know you're recording this, so...

Chairman Buzzutto stated yes.

Board Member Bodor stated right.

Mr. Velardi stated alright, so as I said, my name is Paul Velardi. I'm here to represent Stephen and Melanie Pien. This is for an area variance. It is essentially a 8.1 foot area variance. It is an extension of the porch completely across the front of the dwelling. Right now the house has an addition to it on the side which is preexisting addition. The advantage of permitting the variance is to allow the front porch to go all the way across the front so that it helps to give a cleaner, neater look, a more wholesome look to the house, and along with the paint shutters and other detailing, will give the house back it's original historical look from when it was first built. So I believe the application was filed on the 21st and the 27th from what I can determine. And I think you've had...I don't know if you've had an opportunity to view the site; I know you were given authorization to do so.

Board Member Bodor stated there's nothing...the one story addition on the side, which you're hoping to put the porch in front of, that's going to remain as it is.

Mr. Velardi stated correct.

Board Member Bodor stated there's no plan to...

Mr. Velardi stated no plan to expand that in any way.

Board Member Bodor stated okay.

Mr. Velardi stated all it does is really bring the front porch over...

Board Member Bodor stated yes.

Mr. Velardi stated in front.

Chairman Buzzutto stated let's see. The variance itself is for what, the sideline.

Board Member Bodor stated yes.

Mr. Velardi stated yes. It's a 40' sideline and it extends 8.1' into the 40'. So it is thirty, excuse me. Twenty-nine point...28.9' away from the property line.

Board Member Bodor stated is the plan to replace the existing porch as well as the...

Mr. Velardi stated yes.

Board Member Bodor stated yes.

Mr. Velardi stated you know, I have plans. I didn't know if they were submitted to the Board or not.

Board Member Bodor stated yes, we have plans here.

Mr. Velardi stated okay. Yes, the plans were to...

Board Member Bodor stated they're going to tear down the existing and put up a whole new porch across the whole front.

Mr. Velardi stated yes. Whether they're going to utilize what's existing there...

Board Member Bodor stated yes.

Mr. Velardi stated as part of the structure, that I'm not sure.

Board Member Bodor stated right.

Mr. Velardi stated but certainly is to give a whole new look to the thing right across.

Board Member Bodor stated yes.

Mr. Velardi stated obviously they're doing it...They're coming to see you before they do that, not afterwards.

[Laughter]

Board Member Olenius stated that's unusual.

[Laughter]

Chairman Buzzutto stated this house was built 1912.

Board Member Bodor stated that's an old, old structure.

Mr. Velardi stated yes, that's right.

Chairman Buzzutto stated it's older than me.

Board Member Bodor stated it's been around.

Mr. Velardi stated I wasn't going to say that, Mr. Chairman.

[Laughter]

Board Member Olenius stated okay. I thought this looked familiar. This is where the...

Board Member Bodor stated cell tower. Yes.

Board Member Olenius stated tower went in with the silo.

Mr. Velardi stated the silo, yes.

Board Member Bodor stated yes.

Mr. Velardi stated the application was in there last year.

Board Member Bodor stated yes.

Mr. Velardi stated and also if you're driving by now, it's the one that has the big spider on top of the porch for Halloween.

Board Member Bodor stated do you know what it says on that barn. Have you noticed.

Mr. Velardi stated no I haven't.

Board Member Bodor stated the barn in the front, there's something painted on there.

Mr. Velardi stated yes.

Board Member Bodor stated and I can't read it all.

Mr. Velardi stated okay.

Board Member Bodor stated I have to, I guess, pull in the yard and read it.

Mr. Velardi stated well...

Board Member Bodor stated it says Patterson Community Art something, and I don't know what.

Mr. Velardi stated oh.

Board Member Bodor stated the whole barn.

Mr. Velardi stated yes. I don't know.

Board Member Bodor stated I guess I'll have to stop there. I certainly think this would enhance the appearance.

Board Member Burdick stated absolutely.

Board Member Bodor stated I've noticed that she's done a lot of work on the property. The barns have all been painted recently.

Mr. Velardi stated right.

Board Member Bodor stated they're really...The place is looking good. And I think this porch going right across the front certainly will enhance it.

Mr. Velardi stated thank you.

Chairman Buzzutto stated anybody from the audience have any input on this particular application. Hearing none. The variance itself is not really substantial.

Board Member Olenius stated well it's not because it's just...

Board Member Bodor stated no.

Chairman Buzzutto stated what is all that there.

Mr. Velardi stated yes, it's odd in terms of variance because what you're really doing is you've got a preexisting situation on the side, and all you're really doing is kind of covering the corner.

Chairman Buzzutto stated yes.

Mr. Velardi stated and really, as your assistant...Assistant Chairwoman...Vice Chairwoman said, it really enhances the look of it. So...

Chairman Buzzutto stated yes. That's nice. Okay. Close the public hearing.

Board Member Bodor stated I'll make a motion to close it.

Chairman Buzzutto stated all in favor. Wait, I got to get a second on it.

Board Member Burdick stated second.

Board Member Herbst stated I'll second. Marianne seconded it.

Chairman Buzzutto stated okay.

Board Member Bodor stated all in favor.

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

Chairman Buzzutto stated opposed. Okay.

Board Member Bodor stated you want me to do it.

Board Member Burdick stated I can do it if you want.

Board Member Bodor stated you want to do it. Go ahead.

Board Member Herbst stated this house was built in 1912.

Board Member Bodor stated Marianne's going to do it.

Chairman Buzzutto stated alright.

Board Member Burdick stated I feel bad because Lars has been over there writing.

Board Member Bodor stated that's too bad. Just go ahead and read it.

Board Member Olenius stated I didn't do it.

[Laughter].

Board Member Burdick read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Melanie & Stephen Pien, Case #25-10
*Enlargement of a Nonconforming Building***

WHEREAS, *Melanie and Stephen Pien* are the owners of real property located at 801 Route 311 (R-4 Zoning District), also identified as **Tax Map Parcel #13.-3-57, and**

WHEREAS, *Melanie and Stephen Pien* have 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 existing front porch to the end of the dwelling, and

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

WHEREAS, §154-7 of the Patterson Town Code requires a 40' side yard setback; Applicant can provide 31'; 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 20, 2010** 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 a large portion of the porch is already existing and the extension will not go past the existing footprint of the house.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because it's a continuation of an existing porch.*
3. the variance requested *is not* substantial.
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because it will be an extension of a preexisting porch and enhance the appearance of the structure.*
5. the alleged difficulty necessitating the variance *was 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 *Melanie and Stephen Pien* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order replace and extend the existing front porch to the end of the dwelling.

Board Member Olenius stated second.

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

Resolution carried by a vote of 5 to 0.

Mr. Velardi stated thank you very much for your time.

Chairman Buzzutto stated okay.

Board Member Olenius stated good luck.

Chairman Buzzutto stated good luck on it.

Board Member Bodor stated good luck. It is. Nice job.

Board Member Burdick stated most of the other houses have offset (inaudible).

Board Member Bodor stated it always stopped there because that was where the house ended. But in time somebody added a room.

Board Member Burdick stated yes.

6) STANLEY WONG (BROWNE) CASE #26-10

Mr. Stanley Wong was present. (on behalf of John & Joan Browne)

Chairman Buzzutto stated okay.

The Secretary read the following legal notice:

John & Joan Browne Case #26-10 – Area Variance

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code, Enlargement of nonconforming buildings, in order to construct a 3-season room and deck on the rear of the dwelling. This property is located at 31 Pan Road (R-4 Zoning District).

Chairman Buzzutto stated good evening. You want to give your name and raise your right hand, Sir.

Mr. Stanley Wong stated Stanley Wong.

Chairman Buzzutto stated you swear the testimony you provide tonight will be the truth, the whole truth.

Mr. Wong stated I do.

Chairman Buzzutto stated okay. And your name and address.

Mr. Wong stated Stanley Wong. 20 Aldridge Road, Chappaqua...

Chairman Buzzutto stated okay.

Mr. Wong stated New York, 10514.

Board Member Bodor stated you're not the owner of the property.

Mr. Wong stated I am the architect. The owners are in the audience. Dr. Browne and Joan Browne.

Board Member Bodor stated okay.

Chairman Buzzutto stated Pan Road. Where is that located.

Mr. Wong stated it's off of Sonnet Lane.

Chairman Buzzutto stated where.

Mr. Wong stated Sonnet Lane. Off of [Route] 311. Take a right on Sonnet Lane and then Pan Road is off of that.

Chairman Buzzutto stated okay.

Mr. Wong stated it kind of curls back around into a...

Board Member Bodor stated before Brickhouse [Road].

Mr. Wong stated a dead end.

Chairman Buzzutto stated yes.

Board Member Bodor stated it's a new road goes in before (inaudible – too many talking).

Board Member Herbst stated is that down near the...

Chairman Buzzutto stated oh, okay. Yes.

Board Member Herbst stated Episcopal Church. I mean the...Not the Episcopal.

Board Member Bodor stated no.

Board Member Herbst stated the...

Board Member Bodor stated it's down beyond me.

Board Member Herbst stated Baptist Church. It's beyond that.

Board Member Bodor stated beyond.

Board Member Burdick stated no, it's just...

Board Member Bodor stated no come back from the Baptist Church.

Board Member Burdick stated before the other property...

Board Member Herbst stated it's closer to Town here.

Board Member Burdick stated yes.

Board Member Herbst stated okay. I know where it is.

Board Member Burdick stated the road is before the house we just did the variance on.

Board Member Herbst stated right.

Board Member Burdick stated coming from...

Chairman Buzzutto stated oh, yes.

Board Member Burdick stated coming from Town.

Mr. Wong stated and the owner's house is at the end of Pan Road at a dead end. And they also own two adjacent properties to the east and west. And also one of the three properties to the south.

Board Member Bodor stated could you explain, please, what exactly you want to do on the property.

Mr. Wong stated when the owners bought the house in 1988, there was an existing deck in the rear, and you can see remnants of that in the photographs where there was...the grass isn't growing. And the children have moved out of the house and they'd like to put in a 3-season porch back there with a hot tub. We'll make a 3-season porch. We would rebuild the deck to the west. So if you look on page 5, I believe, I have...it's not page 5. Page 4, there's just a quick representation of what that might look like with the bulk that we're asking for. And the dimensions are there on the back. And with all the photographs, there's a line of evergreen trees to the south lot line of the property which shields them from the neighbors on [Route] 311. Again, one of those properties is theirs. And then also by the natural topography, the house is south of their lot line, a bit lower, so that also helps mask this addition and also their house from the neighbors to the south.

Board Member Bodor stated you said there's remnants of a deck there currently.

Mr. Wong stated well, the...Not remnants. Well, there's some concrete piers if you look on...

Board Member Bodor stated it's been totally removed, the deck. Is that...

Mr. Wong stated yes. It was falling apart. It was there in 1988 and I think it's lived it's life.

Board Member Bodor stated it's gone. What I'm seeing here is just dirt and concrete blocks or something.

Mr. Wong stated correct.

Board Member Bodor stated and there's two sliding glass doors going out to nowhere.

Mr. Wong stated correct.

Board Member Bodor stated okay.

Mr. Wong stated there's actually three sliding glass doors going to nowhere because the deck used to go pretty much $\frac{3}{4}$ of the way across the back...

Board Member Bodor stated oh, I see.

Mr. Wong stated the back of the house.

Board Member Bodor stated so the plan is to put this 3-season room and deck, so you'll have a room and a deck...

Mr. Wong stated correct.

Board Member Bodor stated going across the whole back of the house.

Mr. Wong stated correct. The 3-season room will be off the two sliding doors, which is their family room.

Board Member Bodor stated yes.

Mr. Wong stated and then the deck would be off of the other sliding door which is their eat-in kitchen/kitchen area.

Board Member Bodor stated (inaudible).

Board Member Burdick stated no.

Board Member Bodor stated oh, okay.

Chairman Buzzutto stated a variance for (inaudible). How close is the closest neighbor to that there.

Mr. Wong stated visually.

Chairman Buzzutto stated well, yes. Both.

Mr. Wong stated well, visually, I would say it's the neighbor to your east.

Dr. John Browne stated yes. In back, yes. Yes (inaudible – too distant) the pine trees.

Mr. Wong stated I have it listed as tax ID number 4 on Route 311.

Board Member Burdick stated behind the pine trees, is that...

Dr. Browne stated right behind them, yes.

Board Member Burdick stated so you basically can't see them.

Dr. Browne stated yes.

Board Member Bodor stated and did I understand you own the adjoining lots on either side of you.

Dr. Browne stated correct.

Board Member Bodor stated and those are building lots.

Dr. Browne stated yes they are.

Board Member Bodor stated approved building...

Dr. Browne stated they're not approved...

Board Member Bodor stated they're not approved.

Chairman Buzzutto stated can you...

Board Member Bodor stated but they're the sizes of building lot...

Dr. Browne stated correct.

Board Member Bodor stated under the zoning that was in place when your...

Dr. Browne stated correct.

Board Member Bodor stated home was built.

Dr. Browne stated correct.

Chairman Buzzutto stated did you pick up this conversation [referring to the conversation making it on the minutes]. Why is it called a 3-season room. What...

Mr. Wong stated we're not going to build a full foundation wall. We'll probably use sonnet tubes and just create it almost like a porch, wrap it around so that, you know, in the shorter months they could close the windows or open them for...with screens. No intention of...Keeping the budget fairly minimal so that we're not going to heat it, we're not going to air condition it.

Chairman Buzzutto stated so it's not going to be heated.

Mr. Wong stated no. No.

Chairman Buzzutto stated water...Access to water, anything like that.

Mr. Wong stated I believe there's a hose bib there in the back there we might relocate that to the deck. But there will be a spa there. But I think that's...

Chairman Buzzutto stated yes.

Mr. Wong stated separate. And a hot tub I should say.

Chairman Buzzutto stated okay.

Mr. Wong stated the owners, you know, after their children have moved out, you know, would like to enjoy the house, enjoy the town, enjoy the property a lot more. The hot tub figures into that.

Chairman Buzzutto stated any input from the audience on this particular application.

Audience member stated it sounds like a great idea.

[Laughter]

Chairman Buzzutto stated sorry.

Audience member stated it sounds like a great idea.

Board Member Bodor stated if you'd like... We need you to come up to the microphone...

Chairman Buzzutto stated yes. You want to...

Board Member Bodor stated and give your name and your comment.

Chairman Buzzutto stated yes.

Board Member Bodor stated because it's got to be recorded.

Chairman Buzzutto stated yes, it's important. Okay.

Ann Melchione stated Ann Melchione. I live 11 Pan Road and I'm a local neighbor. I have no problem.

Chairman Buzzutto stated okay.

Board Member Bodor stated thank you.

Chairman Buzzutto stated than you for your input. Very positive. Anybody else. Close the public hearing then.

Board Member Bodor stated I'll make a motion to close the public hearing.

Board Member Herbst stated second.

Board Member Bodor stated all in favor. Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated object. Closed. Okay.

Board Member Olenius stated just give me one second.

Chairman Buzzutto stated okay.

Board Member Bodor stated okay. All the time you need.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Stanley Wong, Case #26-10
Enlargement of a Nonconforming Building

WHEREAS, Joan Browne is the owner of real property located at 31 Pan Road (R-4 Zoning District), also identified as **Tax Map Parcel #13.7-1-11**, and

WHEREAS, Stanley Wong, on behalf of Joan Browne, 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 3-season room and deck on the rear of the 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 80' rear yard setback; Applicant can provide 33'; Variance requested is for 47'...

Board Member Bodor stated Code requires 80', currently 50.83, will exist 33.33 on here.

Mr. Wong stated correct. We're showing the main bulk of the addition and the deck at 14.6 and then another 3' for the steps to go beyond. So that would take you to...From the house would be 33'4". No, I'm sorry. From the rear lot line, that would 33'4". 33.33' is correct. So the variance would be 46.8'.

Board Member Olenius stated that's why I said 47'. Just...

Board Member Herbst stated 47'.

Board Member Olenius continued to read the following resolution:

Applicant can provide 33'; Variance requested is for 47'

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 20, 2010** 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 requested structure and variance is actually replacing what was previously a deck.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the preexisting house is already within the existing current Code rear yard setback requirements, so in order to do anything in the rear yard, a variance would be required.*
3. the variance requested *is* substantial *however not so much as to cause a denial in 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 as previously stated, there was a deck in the same location prior to this request.*
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 *Stanley Wong* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct a 3-season room and deck on the rear of the dwelling.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Mr. Wong stated thank you.

Board Member Olenius stated thank you.

Chairman Buzzutto stated okay on the...

7) **THOMAS LEE CASE #27-10**

Mr. Thomas Lee was present.

The Secretary read the following legal notice:

Thomas Lee Case #27-10 – Area Variance

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code, Enlargement of nonconforming buildings, in order to square off the dwelling, dormer the roof to move the existing bedrooms upstairs, renovate the downstairs, and add a deck. This property is located at 305 McManus Road North (R-4 Zoning District).

Chairman Buzzutto stated you want to give your name.

Mr. Thomas Lee stated Thomas E. Lee.

Chairman Buzzutto stated and your...

Mr. Lee stated 305 McManus Road North.

Chairman Buzzutto stated you want to raise your right hand, Sir. You swear the testimony you provide tonight will be truth, the whole truth.

Mr. Lee stated yes, I do.

Chairman Buzzutto stated alright. This what you plan on doing up there.

Mr. Lee stated I have some more pictures as well. My plan is there's a slab concrete deck that I (inaudible--too distant) corner of the house. I'm going to enclose that into the house and make the kitchen bigger. And also the upstairs (inaudible - too distant) of the roof is currently an A-frame. I'll move my two bedrooms that are downstairs to upstairs. And I'm going to have a deck around the back to the front of the house.

Board Member Burdick stated and you're not increasing the number of bedrooms.

Mr. Lee stated no. No, the number of bedrooms is going to stay the same.

Board Member Burdick stated and you have Health Department approval on that.

Mr. Lee stated that's still pending. I have the application in...

Board Member Burdick stated okay.

Mr. Lee stated and waiting to hear back.

Board Member Burdick stated okay.

Chairman Buzzutto stated okay.

Board Member Bodor stated just for the record, too, Board Members, the picture on here is not the picture of the house that we're talking about [referring to the property description page].

Board Member Olenius stated okay.

Mr. Lee stated I also took additional photos if you guys would like to look at them.

Board Member Olenius stated I was looking at these and I was trying to [referring to pictures]...

Board Member Bodor stated this is not the house.

Board Member Olenius stated okay.

Board Member Bodor stated this house actually, I believe, is the first house on that road.

Mr. Lee stated yes. The Caravetta's house.

Board Member Bodor stated I thought so.

[Laughter]

Board Member Bodor stated I looked at them and I'm saying waiting a minute.

Mr. Lee stated they're trying to remedy that right now. I talked to them earlier.

Board Member Bodor stated I brought that up, too. I came in here to Sarah the other day because I kind of know.

Chairman Buzzutto stated news to me.

Board Member Bodor stated yes, this is the house, this picture. And we have more pictures to look at.

Chairman Buzzutto stated okay.

Mr. Lee stated the photos that are (inaudible – too distant) or they're not of the of the house is from my house looking at all the neighbors houses.

Board Member Bodor stated good. Interesting color.

Mr. Lee stated I'm going to change that.

Chairman Buzzutto stated how long have you lived there.

Mr. Lee stated I've been there approximately 13 years. But the house has been in my family since '34, when they built it.

Chairman Buzzutto stated okay. You have a dog.

Mr. Lee stated no.

Chairman Buzzutto stated why you got the hydrant...fire hydrant.

[Laughter]

Mr. Lee stated it's...One of my friends is a City fireman.

Chairman Buzzutto stated oh.

Mr. Lee stated so he took it home.

Chairman Buzzutto stated a fire hydrant [referring to a fire hydrant in a picture]. McManus Road, where does that come out.

Board Member Burdick stated right above Lawler Building, the old Town Hall.

Chairman Buzzutto stated oh, yes.

Board Member Bodor stated it's the one that goes up the hill there.

Chairman Buzzutto stated okay, yes. I know where it is. Does that go up by you, all the way up to where you live, right.

Board Member Burdick stated they don't connect.

Chairman Buzzutto stated they don't.

Board Member Burdick stated but I'm on McManus, but on the other side.

Board Member Bodor stated yes. We were up in there...

Chairman Buzzutto stated yes.

Board Member Bodor stated up in the end.

Board Member Burdick stated my dog is probably down there often, but...

[Laughter].

Chairman Buzzutto stated okay, let's see here. What else we got here. You're adding two bedrooms or you just...

Mr. Lee stated no. I'm going to move the two bedrooms...

Chairman Buzzutto stated you're just going to more them.

Mr. Lee stated from downstairs to upstairs...

Chairman Buzzutto stated stairs.

Mr. Lee stated and I'm putting a dining room and an office downstairs in place of the bedrooms that were there and the deck is going to be off of that dining room and office.

Board Member Bodor stated the garage under the house will remain there.

Mr. Lee stated yes, it's going to remain.

Chairman Buzzutto stated the bedrooms that are going to be moved upstairs, are there accommodations up there, space wise, without raising the roofline or anything.

Mr. Lee stated well that's...

Board Member Bodor stated he's going to dormer.

Mr. Lee stated the dormers are going to...

Chairman Buzzutto stated oh, you're going to put up dormers.

Mr. Lee stated be what's going to be a shed dormer on the uphill side of the house...

Chairman Buzzutto stated yes.

Mr. Lee stated and two doggy dormers on the front side.

Chairman Buzzutto stated okay.

Board Member Bodor stated Buzzy, here's the front of the bedroom.

Chairman Buzzutto stated I had that one here. I was just looking at that...That would be the only visible thing to be changed...

Board Member Burdick stated it's going to look nice.

Chairman Buzzutto stated besides the dormer which...

Board Member Burdick stated it's going to look really nice.

Chairman Buzzutto stated yes. Okay. Any input from the audience on this. You want to come up, Sir, and give your name and...

Robert Lauro stated yes, my name is Robert Laurel. I live at 300 McManus Road, directly across the street from Mr. Lee's property. I have no problem with him squaring out the foundation and also improving the building.

Chairman Buzzutto stated you have no problem.

Robert Lauro stated no problem at all.

Chairman Buzzutto stated thank you very much.

Board Member Burdick stated thank you.

Board Member Bodor stated thank you.

Robert Lauro stated have a good night.

Chairman Buzzutto stated nice to hear. Nice neighbor.

Richard Lauro stated my name is Richard Laurel. I live at 286 McManus Road North. And I don't have any objection to Mr. Lee remodeling his house. I think it would add an asset...it will be an asset to our street up there.

Chairman Buzzutto stated yes.

Richard Lauro stated I think the house does need to be remodeled. It's been there for quite a few years.

Chairman Buzzutto stated okay, fine. Thank you very much.

Richard Lauro stated okay.

Board Member Burdick stated thank you.

Board Member Herbst stated thank you.

Chairman Buzzutto stated okay. You've got good neighbors.

Mr. Lee stated it's a nice little neighborhood.

Chairman Buzzutto stated okay.

Board Member Herbst stated you've got a lot of steak dinners to buy.

Mr. Lee stated I'm sorry.

Board Member Herbst stated I said you've got a lot of steak dinners to buy.

[Laughter]

Chairman Buzzutto stated alright. Any body else in the Board have any more. I make a motion to close the...

Board Member Bodor stated I'll make a motion to close the public hearing.

Board Member Burdick stated second.

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

Chairman Buzzutto stated opposed. No opposed. Okay. Let's see, it's there. Thomas Lee.

Board Member Bodor stated you want me to do it.

Board Member Olenius stated if you'd like.

Chairman Buzzutto stated yes.

Board Member Bodor read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Thomas Lee, Case #27-10
*Enlargement of a Nonconforming Building***

WHEREAS, *Thomas Lee* is the owner of real property located at 305 McManus Road North (R-4 Zoning District), also identified as **Tax Map Parcel #23.6-1-37**, and

WHEREAS, *Thomas Lee* 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 square off the dwelling, dormer the roof to move the existing bedrooms upstairs, renovate the downstairs and add a deck, 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' side yard setback; Applicant can provide 16'; and

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

WHEREAS, a public hearing was held on the application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on **October 20, 2010** 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 home has been in existence for many years and at this point in time could use some updating.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because it is preexisting home built many years ago when zoning was substantially different from what it is today.*
3. the variance requested *is not* substantial *because it is for *16' of the required 40' side yard setback. [*Editor's note: is actually 23']*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because it will in fact enhance the area.*
5. the alleged difficulty necessitating the variance *was not self-created nor is 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 *Thomas Lee* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to square off the dwelling, dormer the roof to move the existing bedrooms upstairs, renovate the downstairs and add a deck, and

With the condition that the appropriate Board of Health Approval is received.

Board Member Herbst stated second.

Board Member Burdick stated before we second, did you say that the variance was 16'. Because I think it's 23.8'.

Board Member Bodor stated he can provide 16'.

Board Member Burdick stated yes.

Board Member Bodor stated okay.

Board Member Burdick stated so the variance is 23.8'.

Board Member Bodor stated you're right.

Board Member Burdick stated just to be clear.

Board Member Bodor stated yes.

Board Member Burdick stated okay.

Board Member Bodor stated so the variance is for 23' of the 40'.

The Secretary stated okay.

Board Member Bodor stated okay. Thank you.

Mr. Lee stated thank you everyone for your time.

Chairman Buzzutto stated wait.

Board Member Bodor stated we didn't vote yet.

Mr. Lee stated oh, sorry.

Board Member Olenius stated we're almost there.

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay.

Mr. Lee stated thank you very much.

Chairman Buzzutto stated good luck.

Board Member Burdick stated good luck.

Board Member Bodor stated good luck.

Board Member Olenius stated good luck.

Board Member Herbst stated good luck.

8) **JAMES & ANN MELCHIONE CASE #28-10**

Mr. Daniel Finney was present representing Mr. And Mrs. Melchione.

The Secretary read the following legal notice:

James & Ann Melchione Case #28-10 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of Regulations, in order to construct an attached 3 car garage. The Code requires there to be a 40' side yard setback; Applicant will have 24'; Variance requested is for 16'. This property is located at 11 Pan Road (R-4 Zoning District).

Mr. Daniel Finney stated good evening. My name is Daniel Finney of DEW Construction. I'm representing the Melchiones.

Chairman Buzzutto stated you want to raise your right... You swear the testimony you provide tonight will be the truth, the whole truth.

Mr. Finney stated yes I do.

Chairman Buzzutto stated alright. You heard what was read into the (inaudible). Is there anything different...

Mr. Finney stated no. They're just looking to get a 3-car garage on the side of... Right now, they have no garage, and want to put a 3-car garage on the left side of the house.

Chairman Buzzutto stated okay.

Board Member Bodor stated are the Melchiones here.

Mr. Finney stated they are.

Board Member Bodor stated okay. Because I don't think we have any documentation that you are here to represent.

Mr. Finney stated I'm the contractor. I mean, if you want, I can have her also come up. I'm just going to give you guys what she wants to do for the construction of the garage.

Board Member Bodor stated usually there's an authorization.

Chairman Buzzutto stated yes.

Board Member Bodor stated that's what I'm looking for.

Mr. Finney stated I don't think there was an authorization portion in the packet.

Board Member Bodor stated that's part of the (inaudible – too many talking) in here.

Board Member Olenius stated yes. It's crossed out actually.

Mr. Finney stated yes.

Board Member Bodor stated was it.

Board Member Olenius stated it wasn't filled in. Page 4.

Mr. Finney stated if you want, I can have Mrs. Melchione come up.

Rich Williams stated in this case, Mr. Finney is acting just like any attorney would or any engineer would, so he doesn't need to complete the authorization. The Applicant is here.

Chairman Buzzutto stated okay, fine. Just to be safe than sorry.

Rich Williams stated yes.

Chairman Buzzutto stated okay, fine. Now what was this.

Board Member Bodor stated you're DEW Construction.

Mr. Finney stated yes I am.

Board Member Bodor stated okay.

Mr. Finney stated there is something there with DEW Construction on it.

Board Member Bodor stated yes. I just found it. That's why I asked.

Mr. Finney stated okay.

[Laughter]

Mr. Finney stated I built the house in 1999 for the Melchiones when they had three small boys that were about...

Board Member Bodor stated you built it for them.

Mr. Finney stated yes I did.

Board Member Bodor stated I know you've done a lot of work around, but I didn't know...

Mr. Finney stated yes, I have done a lot of work in this Town.

Board Member Bodor stated I remember.

Mr. Finney stated I have...I also have an office building right over on [Route] 22.

Board Member Bodor stated okay. They want to put a 3-car garage on.

Mr. Finney stated yes.

Board Member Bodor stated single story.

Mr. Finney stated yes it is.

Board Member Bodor stated with storage on top.

Mr. Finney stated yes. It will have some storage on top.

Board Member Bodor stated do we have an elevation drawing here.

Mr. Finney stated there was something up there.

Board Member Bodor stated got it. Got it.

Chairman Buzzutto stated 32'x 38'x 16'.

Mr. Finney stated I think that's correct.

Board Member Bodor stated this is the front of the home.

Mr. Finney stated yes it is. That the 3-car garage right to the left.

Board Member Bodor stated but this is their front entrance, this...

Mr. Finney stated yes it is. That's their front. Well, it's kind of...That's their front entrance. That's their foyer for the house. A lot...The boys and the kids from the neighborhood come in from the side where the garage is proposed.

Board Member Bodor stated oh.

Mr. Finney stated so we're trying to get a garage there so the kids can get their shoes off, not tracking through the house and...Trying to make it a little bit easier for them.

Chairman Buzzutto stated will this be an attached garage.

Mr. Finney stated yes, it's attached.

Board Member Bodor stated yes.

Chairman Buzzutto stated it will be attached.

Mr. Finney stated yes it will.

Board Member Bodor stated if you face this house...Is this the correct picture [referring to the picture on the property description].

Mr. Finney stated that's the front. Correct.

Board Member Bodor stated what is this structure over here on the right hand side.

Mr. Finney stated that's a shed.

Board Member Bodor stated is it attached to the house.

Mr. Finney stated I'm not sure if that's attached or not.

Mrs. Ann Melchione stated the shed part is not but the roof part is. It has like a breezeway.

Chairman Buzzutto stated then it's attached.

Mrs. Melchione stated yes. Semi-attached I guess.

Chairman Buzzutto stated well, where's the garage going to go. On this...

Mrs. Melchione stated on the other end.

Board Member Bodor stated on the other end.

Board Member Burdick stated (inaudible – too many talking) because this survey says proposed.

Mr. Finney stated that's the original survey before they did the actual...their shed. The shed has been approved and has a CO on it already.

Board Member Bodor stated what exists on Lot #12.

TAPE ENDED

Board Member Burdick stated is this the property that's shielded by the trees.

Mr. Finney stated no.

Mrs. Melchione stated no.

Mr. Finney stated it's just between the two houses, the lot that we're talking about, Lot 12. Between the Browne's and the Melchione's.

Mrs. Melchione stated kids would sleigh ride down there.

Mr. Finney stated it's the sleigh hill.

Board Member Bodor stated and currently there's no garage at all in existence.

Mr. Finney stated they have no garage.

Board Member Bodor stated at the end of the house or nothing.

Mr. Finney stated and Mrs. Melchione can probably pull her hair out if she doesn't get a garage shortly. Especially with 3 young boys.

Chairman Buzzutto stated I'd like to see this one. I don't know what's on the other side of that down there. Is it an empty lot.

Mr. Finney stated the right side of the house.

Board Member Bodor stated this one over here, is the...

Board Member Burdick stated this is there, the vacant lot.

Board Member Bodor stated empty lot.

Chairman Buzzutto stated yes.

Mr. Finney stated there's the vacant lot to the right hand side. It's owned by the...Dr. Browne. That's one of the two lots that (inaudible – too distant).

Board Member Bodor stated you want to go out and see it, then we'll go out and see it.

Chairman Buzzutto stated especially with the...I don't understand where that shed...

Board Member Bodor stated the shed is attached to the house on the other side.

Chairman Buzzutto stated yes.

Board Member Bodor stated if you look at the survey...It's not a survey, whatever it is. No, it's a survey. There's the shed right there. On this survey...

Chairman Buzzutto stated okay.

Board Member Bodor stated it just says it's proposed. It is currently in existence though.

Chairman Buzzutto stated oh, I see. Okay.

Board Member Bodor stated and they're going to put the garage on the other end of house.

Chairman Buzzutto stated and this is just the flat blacktop to a driveway.

Board Member Bodor stated driveway, yes.

Board Member Burdick stated and this lot is vacant.

Chairman Buzzutto stated maybe it's...

Board Member Bodor stated why 3 cars.

Mr. Finney stated they have... Well, it's Ann, her husband, and then she has her daughter that's in and out from college. And then she has triplets that are 12. So within the next couple of years she's probably going to need a 6-car garage [Laughter]. Baseball equipment, sheds, it's, you know, anything that you can possibly put in one of those it will probably be gone.

Board Member Bodor stated you have two wells on this property.

Mr. Finney stated yes. There's an existing well we drilled that yielded no water, which was very expensive. And the second well we drilled and ended up getting water out of that one.

Board Member Bodor stated and the septic is...

Mr. Finney stated in the front.

Board Member Bodor stated in the front.

Mr. Finney stated yes. Unfortunately, time is of the essence because the winter is coming. I wanted to try to get the foundation in the ground before, you know, the frost did hit.

Chairman Buzzutto stated how come it says proposed here [referring to the survey].

Board Member Bodor stated well because that's when this...

Chairman Buzzutto stated well this is...

Board Member Burdick stated this is an old survey.

Mr. Finney stated yes. That's an old survey.

Chairman Buzzutto stated this is the old one. Okay, fine. That's been done.

Board Member Bodor stated yes, it's there.

Board Member Olenius stated is there a reason when you...that the, I want to say, the left side of the garage can't be flushed out with the rear of the home to minimize the variance a little bit more. Like...

Mr. Finney stated the elevation to the front of the house drops off so quick. I know exactly what you're saying. I was going to try to push it forward...

Board Member Olenius stated right.

Mr. Finney stated but there's just enough room there now just to get a walk across the front...

Board Member Olenius stated okay.

Mr. Finney stated of the house.

Board Member Olenius stated to get to the front door stairwell.

Mr. Finney stated exactly.

Board Member Olenius stated okay.

Mr. Finney stated if I pushed that garage out 8' or whatever it is there on the back line of the house, that's where you're talking, right.

Board Member Olenius stated yes, I...

Mr. Finney stated push it back to...

Board Member Olenius stated like on this drawing it shows 5' here...

Mr. Finney stated right.

Board Member Olenius stated and it looks like about...

Mr. Finney stated right.

Board Member Olenius stated 5' here. I was hoping...

Mr. Finney stated right.

Board Member Olenius stated this could be flush.

Mr. Finney stated yes. Unfortunately the walkway there and then the front of the elevation on the top, it just drops right off into a level spot where the septic sits.

Board Member Olenius stated okay. Is there currently a walkway to the front door.

Mr. Finney stated oh no. It's (inaudible – too distant)

Mrs. Melchione stated blacktop.

Mr. Finney stated blacktop, whatever. Blacktop with a small front porch on it.

Chairman Buzzutto stated any input from the audience on this...

Dr. John Browne stated we're directly next to...

Chairman Buzzutto stated well, you want to...

Dr. John Browne stated them and we don't have a problem with it.

Chairman Buzzutto stated you want to give your name.

Mrs. Joan Browne stated my name is Joan Browne and I live right at the other end of the property. And Ann is my neighbor. I think it would enhance her home aesthetically and I think she needs it. She has never had a garage and I wish she had when I saw all the children and everything that she has to put in it. She'd use it and I think it would look good.

Chairman Buzzutto stated thank you.

Board Member Bodor stated thank you.

Mrs. Joan Browne stated and they're very good neighbors.

Chairman Buzzutto stated okay. Well, if we don't have to...I think we should...It doesn't look like there's not much out there.

Board Member Burdick stated I'm okay with it. But that's up to you.

Chairman Buzzutto stated alright. I need a motion to...make to close the public hearing.

Board Member Burdick stated second.

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

Chairman Buzzutto stated opposed. Okay.

Board Member Olenius state I'll do it [referring to reading the resolution].

Chairman Buzzutto stated okay.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
James & Ann Melchione, Case #28-10
For Area Variance for Construction of an Attached 3-Car Garage

WHEREAS, *James and Ann Melchione are* the owner of real property located at 11 Pan Road (R-4 Zoning District), also identified as **Tax Map Parcel #13.7-1-9**, and

WHEREAS, *James and Ann Melchione have* made application to the Patterson Zoning Board of Appeals for area variances, pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to construct an attached 32' x 38' x 16' three car garage, and

WHEREAS, §154-7 of the Patterson Town Code requires a 40' side yard setback; Applicant will have 24'; *Variance requested is for 16'*, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on **October 20, 2010** 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 similar homes within the development already have an attached garages.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the topography of the land limiting giving more room on the sideline in question.*
3. the variance requested *is not* substantial.
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 proposed area for the garage is already an existing parking area.*

Mr. Finney stated yes it is. Currently.

Board Member Olenius continued to read the following resolution:

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

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *James and Ann Melchione* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 16' from the 40' required for a side yard setback in the R-4 Zoning District*, in order to construct an attached 32'x 38'x 16' three car garage.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Mr. Finney stated thank you very much for your time.

Board Member Burdick good luck.

Chairman Buzzutto stated yes.

Board Member Olenius stated good luck.

Mrs. Melchione stated thank you.

9) ROBIN GONSALVES CASE #29-10

Mrs. Jeannine Wender was present representing the Applicant.

Chairman Buzzutto stated alright. We've got one more here.

The Secretary read the following legal notice:

Robin Gonsalves Case #29-10 – Special Use Permit

Applicant is requesting a Special Use Permit pursuant to §154-105 of the Patterson Town Code, Accessory Apartments, in order to legalize the existing one bedroom accessory apartment. This property is located at 19 Buhleier Road (R-4 Zoning District).

Chairman Buzzutto stated you want to come up.

Mrs. Jeannine Wender stated I am just a representative for Robin; I'm her real estate agent.

Chairman Buzzutto stated yes, you want to...

Mrs. Wender stated she's out of the country. I think she filed everything that she needed to do.

Chairman Buzzutto stated yes, well, you have to give your name.

Mrs. Wender stated oh, I'm Jeannine Wender through Prudential Serls, I'm her real estate agent.

Chairman Buzzutto stated yes. Raise your right hand. You swear the testimony you provide tonight will be the truth, the whole truth.

Mrs. Wender stated I do.

Chairman Buzzutto stated yes, okay. Okay. Do we have a signed affidavit that you...

The Secretary stated yes.

Chairman Buzzutto stated oh, this is just for a...Has this gone through the process with the Building Department for inspecting it.

Mrs. Wender stated yes, the Building Inspector was there. Oh good. Thanks.

Rich Williams stated Rich Williams. This is kind of a unique situation. This is an existing accessory apartment that has been in existence for a number of years, however, (inaudible) recently, I want to say recently discovered by the Building Department not to be in compliance with our current code, even though it was thought that for a number of years it had been in compliance. As a result, there were a number of letters that had gone back and forth...

Chairman Buzzutto stated yes.

Rich Williams stated indicating that it was a legal apartment; it's been assessed that way for a number of years. It's created some difficulties for everybody involved at this point and it was determined that the best way to clean up the situation was to actually ask the Applicant to come before the Zoning Board of Appeals for an accessory apartment, a special use permit for an accessory apartment.

Chairman Buzzutto stated okay. But the accessory apartment is in existence as of now.

Rich Williams stated it is in existence.

Chairman Buzzutto stated but it's not in compliance with the...Does it meet all the requirements.

Rich Williams stated yes. I believe that the Building Department has done the review checklist and everything is fine. It does not meet the requirements for a two family home, which would necessitate having a one hour firewall, which it doesn't have. But it does meet the requirements for an accessory apartment.

Chairman Buzzutto stated and that's what it's going to be used for, is an accessory apartment.

Mrs. Wender stated correct.

Chairman Buzzutto stated okay.

Mrs. Wender stated correct.

Chairman Buzzutto stated we have all the papers here stating that it is in compliance.

Mrs. Wender stated you know, Robin Gonsalves left the country, so I know when she came to apply for everything, they were real nice and...

Rich Williams stated my office actually completed all the paperwork.

Mrs. Wender stated I know.

Rich Williams stated and had her come in and sign everything.

Chairman Buzzutto stated okay.

Board Member Bodor stated I think she hasn't signed...

Board Member Burdick stated the checklist there's signatures missing.

Rich Williams stated no she didn't...We did that after the fact. But it was reviewed...

Mrs. Wender stated I can sign for her. Shall I.

Rich Williams stated no, you can't.

Mrs. Wender stated okay.

Rich Williams stated it was reviewed by the Building Department as meeting all the requirements, which is really what we're looking to do, is to make sure that it is in compliance.

Board Member Burdick stated well, there's the section, and I'm not trying to be difficult, but one of the sections is that the water supply is, you know, certifying that it's potable. And Nick didn't sign off on that and neither did the Applicant.

Rich Williams stated well, there's clearly a potable water supply.

Mrs. Wender stated I was going to say she lives there...

Board Member Burdick stated I understand that but that's, you know...

Chairman Buzzutto stated well, how can we resolve that...

Board Member Burdick stated it also talks about, you know, about the approval from the Health Department being attached. Is that on here.

Rich Williams stated it should be attached. There was an approval given by the Health Department to increase the number of bedrooms in compliance with the building. It is there.

Board Member Burdick stated it's there. Somebody saw it.

Board Member Olenius stated (inaudible) from the Health Department. It's not attached to that, it's a separate piece.

Board Member Burdick stated oh, okay.

Board Member Bodor stated there are a lot of blanks on this checklist. A lot of blanks.

Board Member Burdick stated when will she be returning.

Mrs. Wender stated she moved to Puerto Rico.

Board Member Burdick stated okay.

Mrs. Wender stated it's a short sale on her home so it's only up to bank approval at this point.

Board Member Herbst stated the house is being sold then.

Mrs. Wender stated correct. Hopefully. Again, we're waiting on bank approval.

Chairman Buzzutto stated well...

Rich Williams stated would you contemplate issuing an approval on subject to Nick reviewing the list and certifying that all answers are...

Board Member Burdick stated can this be faxed to her for her to sign and returned.

Mrs. Wender stated yes.

Chairman Buzzutto stated okay.

Board Member Burdick stated I mean, I don't know what the rest of the Board feels. It's just my opinion.

Board Member Bodor stated well, it's an incomplete compliance checklist. And if this is part of what we require to have done then it should...

Carl Lodes stated you know, I've seen it...

Board Member Bodor stated oh, you have.

Carl Lodes stated you could, you know, upon Richard's representation, you could grant the application conditioned upon her signing...

Board Member Burdick stated okay.

Mrs. Wender stated I don't have a problem. I can get that tomorrow.

Carl Lodes stated these forms within, you know, "X" number of days if that's...

Board Member Burdick stated okay. I'm fine with that...

Carl Lodes stated yes.

Board Member Burdick stated as long as, you know, we get a completed...

Carl Lodes stated right.

Board Member Burdick stated application.

Chairman Buzzutto stated well, if it's not a problem signing it, it doesn't meet all the requirements. You say it does meet the...

Rich Williams stated it does meet all the requirements.

Chairman Buzzutto stated all the requirements.

Mrs. Wender stated it has literally probably been in existence for like forty years. It's been, you know, the walls are plaster...

Chairman Buzzutto stated okay.

Mrs. Wender stated not sheetrock. I mean, it's really, you know, there's like this sort of tile on the floor which is not as, you know, not to insult the tile in the room but...

Chairman Buzzutto stated right.

Mrs. Wender stated not used in...

Chairman Buzzutto stated alright, as long as Nick will...

Mrs. Wender stated people's homes.

Chairman Buzzutto stated sign off on this...

Carl Lodes stated right. I'm just saying...

Chairman Buzzutto stated it's fine.

Carl Lodes stated it can be conditioned upon Nick signing off and the Applicant's, you know, sending it to Puerto Rico. Having them sign it.

Mrs. Wender stated that would be great.

Board Member Bodor stated yes. It just bothers me that, you know, we do have this document and it's not properly...

Rich Williams stated listen I apologize.

Board Member Bodor stated done.

Rich Williams stated I thought it had been complete. I asked Nick to make sure it was complete. I should have checked it.

Board Member Bodor stated there's things that he didn't sign and there's a lot that she didn't sign.

Board Member Burdick stated there's a couple of spots just get Nick's initial, too, that...

Board Member Bodor stated I mean, if this is something we require of applicants, then that's across the board. I don't care if she's in Puerto Rico. I don't care if the house is being sold.

Mrs. Wender stated I understand that.

Board Member Burdick stated I don't know what kind of a thorough search they may do as well when they're checking into this for the title company. If this is, I mean, I don't know if they would pick up on something like this once you...

Mrs. Wender stated well, they'll certainly pick up if it's not a legal accessory apartment...

Board Member Burdick stated well...

Mrs. Wender stated which of course, you know, that's the problem.

Chairman Buzzutto stated alright. So the reso will read so that if Nick signed off on it that...

Board Member Burdick stated well, Nick signs off and then we'll get the Applicant's signature...

Chairman Buzzutto stated yes.

Board Member Burdick stated within...

Carl Lodes stated "x" number of days you feel comfortable.

Chairman Buzzutto stated yes.

Board Member Burdick stated 2 weeks or whatever.

Carl Lodes stated yes.

Mrs. Wender stated I'll do it in 2 days.

Chairman Buzzutto stated okay, fine.

Board Member Burdick stated so we can say we...

Mrs. Wender stated because those contracts just signed today. I'll get it to you like tomorrow.

Board Member Olenius stated we can still give... We gave November 3rd to the last people. That was two weeks, right.

Board Member Burdick stated okay.

Chairman Buzzutto stated yes.

Board Member Burdick stated that's fine.

Chairman Buzzutto stated okay. Is there a reso on that or...

Board Member Bodor stated there's an environmental impact assessment form, too.

Mrs. Wender stated which they had me sign as her representative.

Board Member Bodor stated yes, we have to address that...say something about it. It's in the reso.

Chairman Buzzutto stated okay.

Board Member Bodor stated yes. See, right in the reso it says the applicant has submitted the compliance checklist which was in fact duly endorsed by the Code Enforcement Officer. That's not a correct statement at this point in time. Lars, are you going to go through this one or what. Or is Jerry going to do it.

Board Member Herbst stated what.

Board Member Olenius stated yes. It's all written out for you.

Board Member Bodor stated you're going to read...

Board Member Herbst stated you have it all filled in.

Board Member Bodor stated do a reso.

Board Member Olenius stated you don't have to. Yours is all filled in. See.

Board Member Herbst stated I'm just looking for mine. I have it here. I have everything here and I don't see it.

Board Member Bodor stated should I make a motion to close the public hearing to begin with, or no.

Chairman Buzzutto stated yes.

Board Member Bodor stated are we ready. Yes.

Board Member Olenius stated yes. I'll second.

Board Member Bodor stated okay.

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

Chairman Buzzutto stated opposed. Nobody.

Board Member Herbst stated now what am I suppose to do besides read it.

Chairman Buzzutto stated who's going to read this one, Jerry.

Board Member Herbst stated okay.

Board Member Herbst read the following resolution:

WHEREAS, Robin...

How do you pronounce her last name.

Chairman Buzzutto stated In the Matter of...

Mrs. Wender stated Gonsalves.

Board Member Herbst stated alright.

Board Member Herbst continued to read the following resolution:

is the owner of real property located at 19 Buhleier Road...Did I pronounce that right.

Mrs. Wender stated you did.

Board Member Herbst stated okay. Thank you.

Board Member Herbst continued to read the following resolution:

(R-4 Zoning District), also identified as *Tax Map Parcel #4.10-1-21*, and

WHEREAS, Robin Gon...

Mrs. Wender stated Gonsalves.

Board Member Herbst stated thank you.

Board Member Herbst continued to read the following resolution:

has made an application to the Patterson Zoning Board of Appeals for Special Use Permit as set forth in §154-105 of the Patterson Town Code; Accessory Apartments in order to allow for an accessory apartment, and

WHEREAS, the proposed action constitutes an unlisted action under 6 NYCRR Part 617, and

WHEREAS, that the Patterson Zoning Board of Appeals has reviewed the environmental assessment form and other documentation and finds the proposed action *will not* have significant effects on the environment for the following reasons:

1. There *will not* be substantial change in existing air quality, ground or surface water quality or quantity, traffic or noise levels.
2. There *will not* be substantial increase in potential for erosion, flooding, leaching or drainage problems.
3. There *will not* be removal or destruction of large quantities of vegetation or fauna.
4. There *will not* be substantial increase in traffic or the use of existing infrastructure.
5. There *will not* be significant impairment of the character or quality of architectural or aesthetic resources of the existing neighborhood character.

WHEREAS, a public hearing was held at the Patterson Town Hall, on Route 111...
Board Member Bodor stated on 1142 Route 311.

Board Member Herbst stated I'm sorry.

Board Member Bodor stated it's alright.

Board Member Herbst stated I just hate doing this.

Board Member Herbst continued reading the following resolution:

311, Patterson, New York on *October 20, 2010*, to consider the application; and

WHEREAS, the Applicant has submitted the Compliance Checklist which was in fact duly endorsed by a Code Enforcement Officer... Which was not duly endorsed...

Board Member Bodor stated no.

Board Member Herbst stated so then what do I do about that.

Carl Lodes stated which is to be.

Board Member Herbst stated what.

Carl Lodes stated which is to be duly...

Board Member Bodor stated yes.

Board Member Burdick stated which is to be duly...

Board Member Olenius stated which is to be duly endorsed.

Rich Williams stated on a date not later than...

Board Member Bodor stated which is to be duly...

Board Member Herbst stated enforced...

Board Member Bodor stated endorsed.

Board Member Burdick stated endorsed.

Board Member Bodor stated endorsed by Code Compliance Officer for the Town of Patterson, Nick Lamberti...

Board Member Herbst stated alright.

Board Member Bodor stated no later than November...

Board Member Olenius stated 3rd.

Board Member Burdick stated 3rd.

Board Member Bodor stated what did we say, 3rd, 2010. Just go on, Jerry.

Carl Lodes stated and signed...

Board Member Herbst stated alright.

Carl Lodes stated by the Applicant.

Board Member Bodor stated oh, yes. And signed.

Board Member Burdick stated and signed by the Applicant by November 3, 2010.

Board Member Herbst stated alright.

Board Member Herbst continued to read the following resolution:

WHEREAS, The Patterson Zoning Board of Appeals finds that the Applicant has met the requirements....She hasn't met all the requirements...For the issuance of a Special Use Permit in accordance with §154-105 of the Patterson Zoning Code; Accessory Apartments, subject to any conditions contained herein.

NOW THEREFORE BE IT RESOLVED that the Patterson Zoning Board of Appeals issues a negative SEQRA declaration, and

BE IT FURTHER RESOLVED, the Patterson Zoning Board of Appeals wishes to *grant* the request of *Robin Gon...* Can you...

Mrs. Wender stated Gonsalves. You're doing great.

Board Member Herbst continued to read the following resolution:

for a Special Use Permit *to allow for an accessory apartment in the R-4 Zoning District as set forth in §154-105* of the Patterson Zoning Code; Accessory Apartments, and

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

1. Those conditions that exist in the Town Code for Accessory Apartments which include a renewal in (5) five years. (A copy of that section of the Code is attached to this resolution along with a copy of the Compliance Checklist filled out by both the Applicant and the Code Enforcement Officer of the Town of Patterson).

Board Member Bodor stated alright. Go back to that last WHEREAS...

Chairman Buzzutto stated yes.

Board Member Bodor stated and just...

Chairman Buzzutto stated just clarify that.

Board Member Bodor stated Whereas the Patterson Zoning Board of Appeals finds the Applicant has...will have met the requirements by November 3, 2010 for the issuance of blah, blah, blah.

Mrs. Wender stated can I ask you guys something. So lets say that she gets the paperwork and everything signed and sealed and delivered by Monday. Would it then be passed on Monday, or would it then have to wait until November, whatever, the day it is.

Board Member Bodor stated no. If everything is in by Monday...

Mrs. Wender stated then...

Board Member Bodor stated then it's in by November 3rd.

Board Member Burdick stated it's passed as soon as the conditions are met.

Mrs. Wender stated met. Yes, okay.

Board Member Burdick stated is that correct, Carl.

Mrs. Wender stated thanks so much.

Carl Lodes stated correct. As long as it's granted tonight, subject to those conditions...

Board Member Bodor stated that's right.

Carl Lodes stated as soon as you meet those conditions...

Board Member Bodor stated as soon as they're met...

Mrs. Wender stated thank you.

Board Member Bodor stated it's okay.

Mrs. Wender stated I just worried for a second. Oh no, not November.

Rich Williams stated just so we're all...

Board Member Burdick stated I'll do a second on that.

Rich Williams stated all clear on this, this is for Mrs. Gonsalves.

Mrs. Wender stated right.

Rich Williams stated alright. It gives the new person some standing. But the next owner has to come in and get it renewed.

Mrs. Wender stated renewed in five years.

Rich Williams stated no.

Board Member Burdick stated no.

Board Member Bodor stated no.

Mrs. Wender stated renewed immediately.

Board Member Bodor stated renewed immediately.

Mrs. Wender stated okay, that's good to know.

Board Member Burdick stated for themselves.

Mrs. Wender stated thanks.

Board Member Bodor stated or it's null and void. This is for her.

Mrs. Wender stated okay.

Board Member Burdick stated Sarah, I'll second.

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay. What do we got. Minutes.

Mrs. Wender stated thanks guys.

Board Member Bodor stated good luck.

Chairman Buzzutto stated thank you. Thank you for your help on that, Rich. I appreciate it.

Rich Williams stated it's had a long history.

Board Member Herbst stated do you believe I was reading those things for years.

Board Member Olenius stated you've got to do one a meeting.

Board Member Burdick stated it's just the paperwork. It's just a paperwork exercise just to be completed.

Board Member Olenius stated come on, you got to do good. You've got to get some proactive in here. You have to get your voice on tape.

Board Member Bodor stated well, you can't have, you know, require the next person to do...document it.

Board Member Burdick stated I think there have been times where we have (inaudible).

Board Member Bodor stated fill it out. Yes.

10) OTHER BUSINESS

a. Budget

Rich Williams stated are we on to minutes or budget.

Board Member Olenius stated budget.

Board Member Bodor stated what are we up to.

Board Member Olenius stated other business. A.

Board Member Bodor stated other business.

Board Member Olenius stated budget.

Rich Williams stated I just wanted to talk to you a little bit about the budget. The Town Board had a preliminary budget out that they're working on. They had a public hearing on it last Wednesday...

Chairman Buzzutto stated that was in the papers. It was in the paper.

Rich Williams stated yes. They are meeting tomorrow night to wrestle with it again and then the public hearing is continuing next Wednesday. It's a very challenging budget and a very challenging year. They're having some difficulty with it. They're looking to do two things at this point. One is they're cutting everywhere. And they also are looking to ensure that we stay within the boundaries within the budget year. They...In working through the budget, when we prepare the budget out of my office for the Zoning Board and Planning Board and our office, you know, we look at historic trends and we try to come up with some good numbers. We submit them in the initial budget. And they've taken that and pared it back somewhat. Most significantly, they pared it back in education, for the training lines. So you should be aware of that. We're not going to have enough money to send all five Board Members, say, to New York City. I don't know that that's a big issue. But, you know, if I have three members go down, we may

chew up that training line. So we're going to have to look at alternate, you know, means of training that are going to be available through the year.

Board Member Burdick stated can I speak to that right now.

Rich Williams stated sure.

Board Member Burdick stated I know that the Planning Board is working on some possible training issues and if some of those would be beneficial to us, I think it would be a good idea for us to have the option to participate in that, if they're okay with it.

Rich Williams stated sure. Absolutely.

Board Member Olenius stated like piggyback the two...

Board Member Burdick stated yes. They're...

Board Member Olenius stated boards.

Board Member Burdick stated they're looking into, I think, I don't know, different topics and have, I think, they were reaching out to Ted maybe to do something.

Rich Williams stated they're doing wetlands and...

Board Member Burdick stated yes.

Rich Williams stated and rain gardens this weekend with Ted.

Board Member Burdick stated and I had, well, I forgot it was this weekend. But, yes, I had asked if I could join them and I didn't get a clear answer. But, yes, things like that that I think would be beneficial to us in some regard and it would save the Town money and be educational to us and fulfill our training requirements that I know I've been lax with.

Rich Williams stated yes. We're probably going to do something with procedures. We're going to do something with SEQR. Town engineer is looking at doing something as well. Ted was asked to do some things. Certainly...

Chairman Buzzutto stated what about the Zoning Board itself, like field trips and stuff like that. Is that...

Board Member Burdick stated you mean site walks.

Chairman Buzzutto stated site walks. Field trips...site walks.

Rich Williams stated well, if you look at the budget, there are a number of meetings and or site walks budgeted for.

Chairman Buzzutto stated okay.

Rich Williams stated we want to try to keep it to that number...

Chairman Buzzutto stated well, we kept it down.

Rich Williams stated typically that's not a problem with the ZBA.

Chairman Buzzutto stated well that's good.

Rich Williams stated you've got 12 meetings a year and then you've got a number of site walks and, you know, of course if you're doing two or three of them in the same day, you know, two or three of them may be at a lesser pay scale.

Chairman Buzzutto stated yes.

Rich Williams stated so it's usually not a problem. The Planning Board tends to do a lot more site walks and they have a tendency to go out on individual sites more frequently; more than once, so they have to be certainly more mindful about the number of site walks that have been allocated within the budget.

Chairman Buzzutto stated got you. Tightening up all over the place.

Rich Williams stated yes.

Chairman Buzzutto stated I know. There was quite an article in the paper...What was the guy's names, Sark or...

Board Member Bodor stated I don't know. I don't know the name.

Chairman Buzzutto stated who put the fuss up about it at the meeting.

Rich Williams stated Bruce Major.

Chairman Buzzutto stated Major.

Board Member Burdick stated he was misquoted though.

Chairman Buzzutto stated I...

Board Member Burdick stated he was misquoted in the...

Rich Williams stated with Anthony.

Board Member Burdick stated yes.

Rich Williams stated with the judges' salaries.

Chairman Buzzutto stated yes.

Board Member Bodor stated yes.

Chairman Buzzutto stated that's (inaudible – too distant).

Rich Williams stated you know, it's been amazing since there's been this new interest by the little, smaller papers and some of the things that have been quoted in the papers.

Chairman Buzzutto stated yes.

Rich Williams stated and misquoted in the papers. Escrow...Escargot or Escroll...Escroll accounts.

Board Member Burdick stated but it's in some of the wording and terms used are inappropriate as well, but they're young. Right.

Rich Williams stated yes.

Board Member Burdick stated a lot of them are very young and...

Board Member Bodor stated they are.

Board Member Burdick stated it appears that there's no oversight from the paper. I'm only saying that based on what gets printed. Btu they're very young.

Chairman Buzzutto stated didn't write anything favorable though, in the paper.

Board Member Burdick stated I guess it depends on what side you're on, either way.

Chairman Buzzutto stated yes.

Board Member Herbst stated hey Buzzy, what was Bruce complaining about. The salary that (inaudible) they're getting.

Board Member Burdick stated no, he was misquoted in the paper.

Chairman Buzzutto stated what about the minutes. We got to get approval on them. Is there anything else you want on that, Rich.

Rich Williams stated nope. I'm done.

Chairman Buzzutto stated okay.

Rich Williams stated well, I'm done for the moment.

Chairman Buzzutto stated so we're not going to get a 25% raise.

Rich Williams stated no.

Chairman Buzzutto stated 20 [percent].

[Laughter]

Chairman Buzzutto stated 10.

Board Member Herbst stated try 2 [percent]. That's what they're working on.

Board Member Burdick stated just be happy we're still going to get paid for our site walks.

Chairman Buzzutto stated we're going to have pay to go on these ourselves.

b. Minutes

Board Member Bodor stated I make a motion to approve the minutes of August 30th, as presented.

Board Member Burdick stated second.

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

Chairman Buzzutto stated opposed.

Board Member Bodor stated I make a motion to approve the minutes from September 15th.

Board Member Burdick stated second.

Chairman Buzzutto stated okay. We're caught up on the minutes.

Board Member Bodor stated all in favor. Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated opposed.

Board Member Bodor stated they're approved.

Chairman Buzzutto stated anybody want to adjourn the meeting.

Board Member Bodor stated anything else. I make a motion to...

Chairman Buzzutto stated make a motion to close...adjourn the meeting.

Rich Williams stated just adjourn.

Board Member Bodor stated make a motion to adjourn.

Board Member Herbst stated second.

Board Member Bodor stated all in favor. Motion carried by a vote of 5 to 0.

Meeting was adjourned at 9:18 p.m.