

TOWN OF PATTERSON
ZONING BOARD OF APPEALS

November 17, 2015

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4) Other Business		
A) Minutes: October 22, 2015	28	Approved as submitted.
B) Meeting Schedule: 2016	28 – 29	Approved as submitted.

PLANNING DEPARTMENT

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

Sarah Mayes
Mary Schartau
Secretary

Richard Williams
Town Planner

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



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Lars Olenius, Chairman
Mary Bodor, Vice Chair
Marianne Burdick
Michael Carinha
Stephanie Fox

PLANNING BOARD

Thomas E. McNulty, Vice Chairman
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**Zoning Board of Appeals
November 17, 2015 Meeting Minutes**

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

Present were: Chairman Olenius Board Member Marianne Burdick, Board Member Mary Bodor, Board Member Michael Carinha, Board Member Stephanie Fox, and Michael Liguori – Attorney with Town Attorney’s Office.

Chairman Olenius called the meeting to order at 7:05 p.m.

There were approximately 8 members of the audience.

Mary Schartau was the secretary for this meeting and transcribed the following minutes.

Chairman Olenius led the salute to the flag.

Roll Call:

Board Member Bodor	-	Here
Board Member Burdick	-	Here
Board Member Carinha	-	Here
Board Member Fox	-	Here
Chairman Olenius	-	Here

1. Jesus & Mercedes Reyes Case #22-15: Area Variance

One person was present to represent to the application.

The Secretary read the following legal notice:

Jesus & Mercedes Reyes Case #22-15 – Area Variance: Held over from the October 22, 2015 Meeting

Applicant is requesting an area variance pursuant to §154-27A(10) of the Patterson

Town Code; Permitted accessory uses, in order to continue parking a commercial work vehicle greater than one-ton capacity at his residence. Patterson Town Code permits “the storage of one commercial vehicle of not greater than one-ton capacity when such vehicle is used by the occupant of the premises in his daily work and the premises is not leased or rented for storage”; Applicant’s vehicle is greater than one-ton capacity; *Variance requested is to allow the applicant to continue parking a commercial vehicle over one-ton capacity at his residence.* This property is located at 520 Fair Street (R-1 Zoning District).

Chairman Olenius: Mr. Reyes? Just state your name and, uh... address for the record one more time, please.

Mr. Reyes: Jesus Reyes. 520 Fair Street...

Chairman Olenius: Thank you.

Mr. Reyes: In Carmel.

Chairman Olenius: Thank you for meeting us out at your house for the site walk and showing us around a little bit out there, um... it was noted during the site walk of the topography of your property, because you brought that into effect because of the steepness of the hill...

Mr. Reyes: Mm hmm.

Chairman Olenius: And whatnot, uh... that’s why you’re requesting to have the truck up there, uh... in an effort to be able to plow it down and out, um... during the site walk, though, uh... it was noted that there’s numerous other vehicles on the property. Are they not, in fact, yours or... you stated that was your primary vehicle to get to and from work...

Mr. Reyes: That’s the vehicle that I have. Yeah. Yes.

Chairman Olenius: Yeah. The others are for different members of your household...

Mr. Reyes: Yes. Yes.

Chairman Olenius: The other vehicles that were there? And... how many... your – it’s primarily for your own driveway and a couple neighbors, or...

Mr. Reyes: That’s for...

Chairman Olenius: Do you do full commercial?

Mr. Reyes: The neighbor that I have in, uh, the right-hand...

Chairman Olenius: Mm hmm...

Mr. Reyes: That’s – sometime him is plow for me when I’m not home and... and I do... I plow – when him is not there, I plow the driveway for him, and I do myself.

- Chairman Olenius: So, you're not going out...
- Mr. Reyes: No.
- Chairman Olenius: For a full route or anything?
- Board Member Bodor: So, basically, I understand you're just plowing your own plus one neighbor?
- Mr. Reyes: Yes.
- Board Member Bodor: No up and down the street or in another community?
- Mr. Reyes: No. No.
- Board Member Bodor: Just – just for yourself. Now this is the month of November... we just passed October. Your – your truck with a plow sitting off to the side, plus the sander, is all on your property. Now...
- Mr. Reyes: Yes.
- Board Member Bodor: You're not using a plow in the summertime, so why is it necessary to keep all this equipment on your property there at that site?
- Mr. Reyes: Because it's... I don't think it's, uh... it's not bother me there that I have it in my property. I'm not using it nowhere, so that's why I keep it...
- Board Member Bodor: Oh...
- Mr. Reyes: In the driveway, and my plow that I have in the summertime, it... It's... I no have a reason that I can put in the shop when there are the time that I use it, I use at home.
- Board Member Bodor: Okay. The reason you have the truck there is to plow your driveway...
- Mr. Reyes: Yes, and...
- Board Member Bodor: And you're not gonna plow it in July.
- Mr. Reyes: I... yeah, but, that I need it for go back and forth – for coming... go for the shop and coming back for home.
- Board Member Bodor: Alright, you're using it then for transportation...
- Mr. Reyes: Yes.
- Board Member Bodor: To your job site? It's not just there to plow.

Mr. Reyes: No. For come home, I... I go back for... for my yard and I work at, and I go back for the yard, leave all my equipment there, and I take the truck for coming back for home.

Board Member Bodor: You don't have a smaller vehicle within your fleet that could be used for transport? It must be costly to put that big truck on the road on a daily basis.

Mr. Reyes: I do. I have a pickup truck...

Board Member Bodor: As....

Mr. Reyes: But, my family is, uh... is a little big, and sometimes I need it to make sure – sometimes I have a car for wife that I have to leave the pickup truck for my wife can use...

Board Member Bodor: No, I asked if you didn't have a smaller truck in your fleet that could be used...

Mr. Reyes: No.

Board Member Bodor: For your transport. So, whenever you're going back and forth to work, you're using that huge truck?

Mr. Reyes: Yes.

Board Member Bodor: One that has a plow sitting on the side and a sander – the same vehicle...

Mr. Reyes: Correct.

Board Member Bodor: Which we don't use in the middle of the summer, and that was your argument – you needed that truck there to plow your driveway.

Board Member Carinha: I think what she's trying is to ask is why don't you store it not during winter months at your lot – the, uh... the sander and the plow. Why is it on your property there? Why don't you store it at your commercial lot, where you have all your equipment?

Mr. Reyes: I do. I can do that. Just... I don't think, uh... for me, I don't think it is necessary, but I see that I has to do it...

Board Member Carinha: Okay.

Mr. Reyes: I can put it that in... in my yard.

Board Member Carinha: Yeah, I mean, because the sander, you know...

Mr. Reyes: Yes.

Board Member Carinha: It's – it's pretty large. You can park another car up there probably if you wanted to...

Mr. Reyes: Yes.

Board Member Carinha: You know. I mean, I know the plow is up towards the back of the property, you know, like... well, back behind the shed, but, I think that's what she's questioning on top of that is, you know, why do you have it there during the warm months when it's not needed, because you're not plowing or sanding, obviously, unless there's snow.

Mr. Reyes: It's... see that plow, it can't stay there, so I can put it in the yard, that's not a problem... *[Inaudible – turned away from microphone]*

Board Member Carinha: Yeah, no – no, I understand that. But, I'm just saying – I think that's what you just... I was just trying to clarify that with you. What, you know – in the summer months, maybe that's where it should be.

Mr. Reyes: In my yard.

Board Member Carinha: No, at the...

Board Member Bodor: No.

Board Member Carinha: At your – at your yard where you keep your other commercial equipment. You have a – you said you have a yard, I believe, you said in Mahopac, right?

Mr. Reyes: Yes.

Board Member Carinha: So, I guess where you're storing your other commercial stuff – I... I don't know what you own, um, but... you said – I know you have another larger truck, but...

Mr. Reyes: Yes.

Board Member Carinha: I think that's why she was trying to ask you. Why isn't that stored there, during like... say Oct – October... from April to October? You know, I just... I think that was a little puzzling why it was there.

Mr. Reyes: I think that plow is not... it's not bothering me that I can see it. Nobody see my plow and I don't think the... the... that I... that I has to – the what's the reason that I has to move the plow when that I use in my home?

Board Member Carinha: No, no. I – we understand that. But, I think it was just asking, you know, why wasn't it being stored somewhere else for the meantime. That's all.

Mr. Reyes: Because in my yard, it's a building that's rented to many people there, and... and I rented that as the location for parking the truck, and, um... and the excavator and the... *[Inaudible]*

Board Member Carinha: Uh huh...

Mr. Reyes: So, it's... *[Inaudible]*

Board Member Carinha: Oh, okay.

Mr. Reyes: So, I don't want to the leave the plow there, and the reason that I have afraid is somebody can stole it from me, and... and I don't have another plow on my... my driveway.

Board Member Carinha: Okay. At one time, were you out doing driveways commercially for snowplowing or...

Mr. Reyes: Yes.

Board Member Carinha: In the past? Oh, okay.

Mr. Reyes: Yes. It's the same, see I can get a customer for work and I have to do it...

Board Member Carinha: Yeah.

Mr. Reyes: You know. I have it, the... that's what I said. Say I bought that plow, it's... that I can work, too...

Board Member Carinha: Yeah, no. I...

Mr. Reyes: Because it's not – I'm not gonna stay in home for 3 months and I'm not working.

Board Member Carinha: No, I understand that. I understand that.

Board Member Burdick: So, what... what you're saying, if I understand, you were asked previously if you have any other snow routes and you said no, but, what you're saying right now is if the opportunity comes to plow...

Mr. Reyes: Oh, absolutely. I can get that...

Board Member Burdick: You would...

Mr. Reyes: Yeah.

Board Member Burdick: You would use it. So you would be...

Mr. Reyes: Yes.

Chairman Olenius: The area, um, where we saw the truck parked, where, um... when we came, is that it's normal parking spot?

Mr. Reyes: Yes.

Chairman Olenius: Between the shed.

Mr. Reyes: Yes.

Chairman Olenius: Or behind the shed, I should say.

Board Member Fox: And you did have, um... maybe that, uh, tent structure. Were you thinking that if you were to keep it, would you build that tent?

Mr. Reyes: No.

Board Member Fox: No?

Mr. Reyes: I put it back for my... my friend that I...

Board Member Fox: Okay, you – you have it back to him?

Mr. Reyes: Yes.

Board Member Fox: Okay.

Board Member Bodor: It is possible for you to park this vehicle in question in your lot in Mahopac. Is that correct?

Mr. Reyes: Yeah.

Board Member Bodor: Thank you.

Mr. Reyes: Actually, the truck is in Mahopac right now. The mechanic is work in the yard to make sure it's ready for – that I have it ready for the wintertime.

Board Member Bodor: So, it's not on your property at all right now?

Mr. Reyes: No.

Chairman Olenius: So, what do you use now to get back and forth to work?

Mr. Reyes: Uh, I... my wife sometimes take me for the yard and I use the big truck for all the time that I park there.

Board Member Bodor: So, even though the truck is laid up right now with the mechanic checking it out, you are getting back and forth to work?

Mr. Reyes: Yes.

Chairman Olenius: Have you owned this truck since it was new?

Mr. Reyes: Yes.

Chairman Olenius: The same year you bought this property?

Mr. Reyes: Um, very close.

Chairman Olenius: Two...

Mr. Reyes: Yeah.

Chairman Olenius: 2006.

Mr. Reyes: Yeah.

Chairman Olenius: And you've had it there this whole time?

Mr. Reyes: Say it again one more time please?

Chairman Olenius: You've had it there this whole time? That's been your primary means of transportation?

Mr. Reyes: Yeah.

Board Member Carinha: What he's asking is since you've been – had the truck, you've been using it back and forth to work...

Mr. Reyes: Mm hmm.

Board Member Carinha: The entire time...

Mr. Reyes: Yes.

Board Member Carinha: You're not taking another car. So, then what's the, uh... the last meeting, you said something in regards to the BMW not working, that's why you need the truck there.

Mr. Reyes: Yeah...

Board Member Carinha: So, but, before that, the BMW was working and you still had the truck there.

Mr. Reyes: Yes. The BMW that I – when I have the BMW, uh... which my pickup truck is... the mother is completely died, and that I has to put a new motor, so... I can't use it. I no have one car that I have another, so... and no matter what, that I have to have a car for my family there, and... and...

Board Member Carinha: No, I understand.

Mr. Reyes: And do you know that I told you that I have a five kid. My wife can't stay and no have a car there, because one is sick, she can run it for the hospital...

Board Member Carinha: No, I under –

Mr. Reyes: Or for the doctor's or... it's... it's difficult for me that I no have a car there.

Board Member Carinha: No, I understand that. So, was it the motor in the pickup truck or the motor in the BMW?

Mr. Reyes: The pickup truck.

Board Member Carinha: Oh, because I thought...

Mr. Reyes: And now, the pickup truck got fixed the pickup truck...

Board Member Carinha: I thought it was the motor of the BMW.

Mr. Reyes: And now the... the BMW that have the problem.

Board Member Carinha: Oh, so it went from one to the other.

Mr. Reyes: Mm hmm.

Board Member Carinha: Okay.

Mr. Reyes: So, all my cars so you see is 2006 that I have in 2005.

Board Member Carinha: So, where's the pickup truck right now.

Mr. Reyes: My pickup truck is what that the car that I use on my son right now.

Board Member Carinha: Oh... alright. Then, where's the BMW then?

Mr. Reyes: At home.

Board Member Carinha: Oh, it's a little SUV you have? It's a...

Mr. Reyes: Yeah.

Board Member Carinha: Okay. I'm thinking of a car, that's why.

Mr. Reyes: No, it's a...

Board Member Carinha: It's like an X-3 or an X-5, something like that, right?

Mr. Reyes: Yeah, X-5.

Chairman Olenius: Does anyone in the audience have a comment tonight on this case? Do you want to come up and... we need to hear you on the record, please. We just need your name and address for the record again.

Mr. Rood: James Rood. 512 Fair Street. Immediate neighbor to his right as you look at his home. I think the initial variance that you're... asking for is to park a commercial vehicle there all year. The seasonal issue, I don't know – that was never brought up in as far as his variance – and not everything he's saying is correct... which, from the first meeting, you realized that when he said he had all the neighbors sign a petition and my name wasn't on it or my signature. It's not the question of the truck as much as the things that go on there. He's running off the property. I own my own businesses. I don't have any of my stuff on the property because I respect the right of my neighbors to live in a residential area – not in a commercial zone. That's the issue... and that, as far as I'm concerned, is the reason why I'm here... and that's why, also, the Building Department – the Building Inspector has been citing him for different infractions, and this had been going on for a long time. During the summer, the trucks are there. There are pictures I can give you that the Building Department has from when he had everything stored in the backyard and was running a contractor lot out of the backyard. And the two parking places down at the bottom of the driveway? They weren't there when he first bought the house... and that's an encroachment on the county line, but, that's not your issue, and there's more vehicles there than there are licensed drivers in the house. I don't know how that figures out, but... that's the other thing that comes into it – I don't care about their cars out there. I really don't. That doesn't bother me. It's just running the business, working on the trucks out there, and at some points, he used to have the guys come and drive there – his people who work for him – and park their cars there, then they go to work. That's a work yard. That's what he's using it for. So, thank you.

Chairman Olenius: And, it... that's still the case? Even with...

Mr. Rood: Yes.

Chairman Olenius: The property in Mahopac?

Mr. Rood: Absolutely.

Chairman Olenius: Okay.

Mr. Rood: Absolutely. It's been that way for many years. I think the initial started back in 2000 and... uh, I got to say, -12, -13 maybe. It's been going back and forth with, uh, reports to the Building Department. I went through Nick [Lamberti] first; he was the first building inspector I dealt with. He was given summonses, and they inspected it. They didn't know things were wrong. Nick had instructed him – said to him – put up bushes so I can't see it. But, from my deck I can see everything. And that's not – and I even put up a 6-foot vinyl fence to avoid it. That didn't work, so... and that was one answer the Building Department gave and that didn't work. Then Nick got out, and the new gentleman's [*speaking about Robert McCarthy*] got the job, you know, it's the same thing... and those are April, May, June – not October, November... snowplowing time.

Chairman Olenius: Thank you.

Mr. Rood: Thank you, folks.

Mr. Reyes: Can I say something?

Chairman Olenius: Do you – yes.

Mr. Reyes: Yes, when the Nick, uh... the other inspectors go there, it's true I have – I have my... my equipment at my house, and, uh... because I no have a yard, and I don't think I no have nobody – nobody that I can have the truck over there... and in the point I bought it – that's why that I bought another truck in 2013. That's why I have it the truck. And, yes, it's correct – my guys coming from home. But, I never leave a car there for my guy the driver because at that point I pick it up in my... in my pickup truck, and my one in my truck. That go pick it up *[inaudible]*. Absolutely it's right, that one. But, when I that I have it that happen that I has to move my yard for – I have to find a yard for I can park my commercial truck, I did it. So, I don't think that right now it's not necessary that I can't have my equipment there, because you see my property – my property is clean, and so you go look at... I don't think my house very cleaned for you to look, so I no have equipment there. The – the stuff that you see there, that's the plow and the sander. That's what I have for that I use it – my own that I use it, and – and...

Chairman Olenius: And your men meet you at your yard now in Mahopac?

Mr. Reyes: No – just in Mahopac, yes.

Board Member Bodor: Your – your...

Chairman Olenius: How – go ahead...

Board Member Bodor: Your yard in Mahopac – do you have any office over there, or it is just...

Mr. Reyes: No.

Board Member Bodor: A parking lot?

Mr. Reyes: Just the parking lot. My office is at home.

Board Member Bodor: Your office is in your home?

Mr. Reyes: Yes.

Board Member Bodor: So, you're running the business out of your home, actually?

Mr. Reyes: Yes, that... my wife do the contracts and all that.

Board Member Burdick: When we were at the site walk, there were two cars parked in the... the parking area down below by the – by Fair Street – and people got into them and left as we were going up to do our site walk. Were they – were those gentlemen workers of yours?

Mr. Reyes: No, uh... the two car that you have there is my, uh... is my cousin that live in my home that I rent it for him *[inaudible – turned away from microphone]*... it's not a half – I rent the one room for him, and I have the wife that have – that's why they have two car there. You can see every day that car there – in the night, in the morning. Anytime you go looking, the car's there.

Board Member Burdick: Down by the road.

Mr. Reyes: Yes.

Michael Liguori: How many acres do you have?

Mr. Reyes: Almost two acres.

Michael Liguori: Almost two.

Mr. Reyes: It's one-point-something.

Michael Liguori: Alright.

Board Member Burdick: It's long and... it's long.

Michael Liguori: Okay.

Board Member Burdick: A lot of... because of the slope, a lot of the property's not usable.

Michael Liguori: Gotcha.

Mr. Reyes: Yeah, I have about one acre that I'm not using... *[Inaudible – papers shuffling]*

Board Member Fox: *[Inaudible – papers shuffling]*

Chairman Olenius: You understand that the – the variance you're requesting is for this specific vehicle and it only applies to this specific vehicle...

Mr. Reyes: Yes.

Chairman Olenius: Nothing larger.

Board Member Burdick: Or if this vehicle dies, and you get another vehicle, that vehicle cannot be parked there. You would have to come back here and ask for a variance, correct?

Chairman Olenius: If it was over...

Mr. Reyes: Okay.

Chairman Olenius: Again. *[To the Board Members]* Do you guys have anything?

Board Member Fox: No.

Chairman Olenius: No? I make a motion to close the public hearing.

Board Member Bodor: I second it.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.

Chairman Olenius: Okay.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Jesus Reyes, Case #22-15
For an Area Variance to Park a Commercial Vehicle at his Residence

WHEREAS, *Jesus Reyes* is the owner of real property located at 520 Fair Street (R-1 Zoning District), also identified as **Tax Map Parcel #34.13-1-7**, and

WHEREAS, *Jesus and Mercedes Reyes* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27A(10) of the Patterson Town Code; Permitted accessory uses, in order to continue parking his 2006 Mitsubishi dump truck (a commercial vehicle) with three-ton capacity at his residence, and

WHEREAS, §154-27A(10) of the Patterson Town Code permits “the storage of one commercial vehicle of not greater than one-ton capacity when such vehicle is used by the occupant of the premises in his daily work and the premises is not leased or rented for storage, either permanent or semi-permanent in nature”; Applicant’s truck has three-ton capacity; ***Variance requested is for two tons of capacity over what is allowed, and***

WHEREAS, the applicant owns the premises on which the vehicle is stored and has stated that the vehicle is used for transportation in his daily work, 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 22, 2015 and November 17, 2015, and a site walk was conducted on November 6, 2015*** 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 ***in light of the fact that the vehicle in question has been parked there continuously for approximately ten years and is and will remain screened behind the existing shed.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***in light of the fact that it’s his only form of transportation to and from work.***

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 *in light of the fact that it is parked in a driveway area.*
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 *Jesus and Mercedes Reyes* for *an area variance* pursuant to §154-27A(10) of the Patterson Town Code; Permitted accessory uses, *of two tons of capacity over the maximum one-ton capacity allowed*, in order to allow for the applicant to continue parking his 2006 Mitsubishi Dump Truck (a commercial vehicle) at his residence.

Chairman Olenius: No seconds?

Board Member Carinha: Second.

Board Member Bodor	-	No.
Board Member Burdick	-	No.
Board Member Carinha	-	No.
Board Member Fox	-	No.
Chairman Olenius	-	Yes.

VOTE: Resolution denied by a vote of 4 to 1.

Chairman Olenius: Sorry, sir.

Mr. Reyes: It's alright.

[Board Members speaking with one another inaudibly.]

Chairman Olenius: Go ahead, Mar.

2. Patterson Auto Body Case #23-15: Area Variances

One person was present to represent the application.

The Secretary read the following legal notice:

Patterson Auto Body Case #23-15 – Area Variances

Applicant is requesting area variances pursuant to §154-68.1B(2) of the Patterson Town Code; Permanent signs in business districts, in order to legalize an existing 60 sq. ft. freestanding sign and install an additional 37 sq. ft. freestanding sign. Patterson Town Code permits one freestanding sign of not more than 25 sq. ft. in area advertising the use of the premises on which it is located; Applicant will have two freestanding signs; *Variance requested is to install one additional freestanding*

sign. Applicant's freestanding signs will have a combined total of 97 sq. ft. in area; *Variance requested is for 72 square feet of freestanding signage.* This property is located at 2597 Route 22 (GB Zoning District).

Chairman Olenius: Mr. Byron.

Mr. Byron: Good evening.

Chairman Olenius: Good evening.

Board Member Fox: Good evening.

Mr. Byron: Good evening.

Chairman Olenius: Just state your name and address for the...

Mr. Byron: Uh, James Byron. 410 Farm to Market Road, Brewster, New York.

Chairman Olenius: Thank you. Do you – uh, do you swear the testimony you provide tonight will be truth and the whole truth?

Mr. Byron: I do.

Chairman Olenius: Thank you very much. Tell us a little bit about what you want to do.

Mr. Byron: Okay, um... we currently have our price signage on the canopy, and, the... we're... and we've signed a contract to convert to a branded station – Shell, um... their – their deal is they want a freestanding road sign to match every gas station out there, um... we never had a freestanding road sign, uh, price sign prior, um... we used to have it on the pole in between the, uh, gas pumps, but, I do want to clarify, uh, the legality of my existing sign. I stood in front of the, uh, Planning Board in 1985 and got a permit for that sign. That's not an illegal sign, uh... between 1985 and whenever the laws changed about square footage for signage, um, over the last ten years we've actually reduced dramatically the amount of road signage – uh, building signage that's on the building. Not road signage, building signage – because I know that it is a plight, you know, to buildings to make them look more professional and more community-minded to reduce the amount of signage. So, all the – all the original signage of the Delta Auto Body years, uh... that's long gone – uh, the billboard, and... and our recent, uh, remodeling – we actually reduced the amount of signage over the garage doors and on the, uh, face of the building, um... the current – the current canopy with the price signage that's on there, uh, it orig – it originally had "Citgo" all the way around it, and... and those signs were all taken down about thirteen-years-ago when we, uh... we became an independent station, so... I just want to clarify that that we're like... like we have an "illegal" – we don't have an illegal sign currently. I just want to clarify that, um... the sign that we're looking to put up: I... I put a copy of it in... in the folder. It's, uh... we have 350 square – uh, 350 feet of road frontage, um... we've – we've always run multiple businesses out – you know, it's a 13,000 square foot facility. My brother's always done mechanical repair work, uh... never had a separate sign for that. We've sold used cars. Never had a separate sign for that. We've – we've done Patterson Auto Body and that's always been our main sign, so it's not, you know... we're not adding anything new here, we're just...

we're – we've been a gas station since the late [19]40s, and... they don't like the price sign up on the canopy [*inaudible – papers shuffling*]...

Chairman Olenius: So, that would be removed...

Mr. Byron: Yeah – yeah...

Chairman Olenius: And then...

Mr. Byron: Yeah, they're gonna put the Shell emblem up on the corner and that stuff...

Chairman Olenius: Oh, this sign would be on the canopy, as well?

Mr. Byron: No – no, no. Not the sign, but, the medallion...

Chairman Olenius: Okay.

Mr. Byron: The – the Shell...

Chairman Olenius: Where – where's the proposed location for this sign?

Mr. Byron: Well, we... we talked at the Planning Board, um... the – the only thing I could think is the north – at the north driveway where the mailbox is...

Chairman Olenius: Mm hmm.

Mr. Byron: So, it would be north of the north driveway. So, this way it doesn't become a hindrance of people pulling in and out of the facility. It's not – I... I hate to have it where somebody has to drive around it. I... I think you're just – I think it'd just be a, uh... not that I wouldn't mind an accident, but I wouldn't want it there.

[*Laughter.*]

Mr. Byron: I – I would want it somewhere else, uh... so, I think the north side where the mailbox is. But, again, if I go back to Planning and... and they say, uh, you know, "We think it should be somewhere else," that – that's fine, but...

Board Member Fox: [*Referring to submitted property survey*] You probably can't tell me on this map, but – so, you have the south driveway here...

Mr. Byron: Yep.

Board Member Fox: That's your pumps...

Mr. Byron: Yeah, if I can approach...

Board Member Fox: And then you have the two north driveways. Which – which... around where?

Mr. Byron: Okay.

Board Member Fox: *[Inaudible – papers shuffling]* ...because there's the blinking light like...

Mr. Byron: Right.

Board Member Fox: Here right now.

Mr. Byron: The – the driveway... this driveway right here...

Board Member Fox: Oh, okay.

Mr. Byron: Right? So, it would be – right there's...

Board Member Fox: Somewhere up there...

Mr. Byron: The mailbox.

Board Member Fox: Oh, okay.

Mr. Byron: Yep.

Board Member Fox: Thank you.

Chairman Olenius: So, we got a letter from the Planning Board, uh, with regards to this, and... *[Ringing sound coming from hallway]* that's not the tape running out, right?

Michael Liguori: No...

The Secretary: No, no, no.

Michael Liguori: It's the elevator.

Chairman Olenius: Okay.

[Laughter.]

Chairman Olenius: Um... and they're recommending that we approve the sign without the Shell V-Power portion of the sign.

Mr. Byron: Right. Right, the bottom – the... that's – that's...

Chairman Olenius: Does Shell require you to have that?

Mr. Byron: Well, you know, they want to promote – that's their premier, premium product. That's probably why we were going with Shell. But, it's... it's a bolt-in piece. You could just unbolt it and... you know, I'll probably – I'll probably have it delivered that way,

and then I'll remove the V-Power from it and it won't go back up later. I'll just discard it. I'll probably, uh, they'll – the... they will probably install it, take a picture of it to prove that it went up...

Chairman Olenius: Mm hmm.

Mr. Byron: And then the Town of Patterson refused to allow us to promote V-Power. You know, some... whatever – uh, whatever the corporate people want to do with that. But, it will not stay there. I can assure you that. Those are cookie-cutter signs, and that's the way it will be delivered, and then we'll just remove it from there.

Chairman Olenius: That V-Power...

Mr. Byron: At the bottom.

Chairman Olenius: Takes up 5 square feet of signage?

Mr. Byron: Yeah, it's 18 inches tall.

Board Member Fox: 1.3. Yeah.

Mr. Byron: 4 feet.

Chairman Olenius: Okay.

Mr. Byron: Yeah.

Board Member Fox: 4 x 1.3.

Board Member Carinha: Yeah.

Board Member Fox: Okay.

Mr. Byron: Yeah, it adds up quick.

Chairman Olenius: Yeah, I guess it does.

Mr. Byron: But, what I found interesting not – not really realizing the law, but the 25 square feet, and the travel – the road travels at 20 miles, 30 miles-an-hour, I have 20 – I'm entitled to 25 sq. ft. If I'm on Route 22 and it's traveling at 80 miles-an-hour, I'm still entitled to 25 square feet. That just – that's... interesting.

Board Member Fox: You're not supposed to be going 80 miles-an-hour.

Mr. Byron: Well... during rush hour.

[Laughter.]

Chairman Olenius: How do you think he gets all his business?

[Laughter.]

Board Member Fox: I reckon that's true.

Mr. Byron: Yeah. It's the bad stuff.

Chairman Olenius: Does anyone in the audience have a comment on this case? Hearing none.

Board Member Burdick: I make a motion to close the public hearing.

Chairman Olenius: I'll second.

Board Member Burdick: All in favor?

Motion passed by vote of 5 – 0.

Chairman Olenius: Oh, so two – technically you need two. I'm sorry, I didn't realize that – because this is the second freestanding sign. Okay. Alright.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Patterson Auto Body, Case #23-15
For an Area Variance to Install a Second Freestanding Sign**

WHEREAS, *Haviland Hollow Holdings* is the owner of real property located at 2597 Route 22 (GB Zoning District), also identified as **Tax Map Parcel #24.7-1-3, and**

WHEREAS, *Patterson Auto Body*, has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-68.1B(2) of the Patterson Town Code; Permanent signs in business districts, in order to allow for two freestanding signs to exist on the property, and

WHEREAS, §154-68.1(B)(2) of the Patterson Town Code states that only one freestanding sign advertising the use or uses of the premises on which it is located shall be permitted; Applicant will have two freestanding signs; *Variance requested is to install a second freestanding sign*, 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 *November 17, 2015* 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 *in light of the fact that this freestanding sign will be replacing an existing sign that is currently on an awning.***

Mr. Byron: Yes.

Chairman Olenius continued reading the resolution:

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *in light of the fact that to contract with this fuel company, you are required to advertise their product.*
3. the variance requested *is not* substantial *in light of the frontage that this current property holds on the thoroughfare.*
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's a freestanding sign going in a currently paved area.*
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 *Patterson Auto Body* for *an area variance* pursuant to §154-68.1B(2) of the Patterson Town Code; Permanent signs in business districts, *in order to allow for the installation of a second freestanding sign on the property.*

Board Member Bodor: I'll second.

Board Member Bodor	-	Yes.
Board Member Burdick	-	Yes.
Board Member Carinha	-	Yes.
Board Member Fox	-	Yes.
Chairman Olenius	-	Yes.

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: Okay. Part II.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Patterson Auto Body, Case #23-15
For an Area Variance for an Additional 67 sq. ft. of Freestanding Signage**

WHEREAS, Haviland Hollow Holdings, LLC is the owner of real property located at 2597 Route 22 (GB Zoning District), also identified as **Tax Map Parcel #24.7-1-3, and**

WHEREAS, Patterson Auto Body, has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-68.1B(2) of the Patterson Town Code; Permanent signs in business districts, in order to allow for the applicant's two freestanding signs to have a combined total of **92** sq. ft. in area, and

WHEREAS, §154-68.1(B)(2) of the Patterson Town Code states that the amount of

freestanding signage on a property shall not exceed 25 sq. ft. in area; Applicant's two freestanding signs will have a combined total of **92 sq. ft.** in area; ***Variance requested is for an additional 67 sq. ft. of freestanding signage,*** 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 ***November 17, 2015*** 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 ***in light of, uh... the new extended signage is coming into a freestanding capacity, but is replacing some fixed signage currently in place.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***in light of the fact that the company being contracted with for the fuel oil has a certain...***

Board Member Bodor: Signage requirement?

Chairman Olenius continued reading the resolution:

... signage requirement that must be met by the applicant.

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 will be going through a currently commercial area.***
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 ***Patterson Auto Body*** for ***an area variance*** pursuant to §154-68.1B(2) of the Patterson Town Code; Permanent signs in business districts, ***of 67 sq. ft. of freestanding signage over the 25 sq. ft. in area allowed*** in order to have two freestanding signs on the premises with a total combined area of **92 sq. ft.**

Board Member Bodor: Second.

Board Member Bodor	-	Yes.
Board Member Burdick	-	Yes.
Board Member Carinha	-	Yes.
Board Member Fox	-	Yes.
Chairman Olenius	-	Yes.

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: Well, good luck, Mr. Byron.

Mr. Byron: Thank you. Thank you all.

Chairman Olenius: Good luck with Shell.

Mr. Byron: Oh, I'll – I'll retire out with Shell. This is a – it's a ten-year deal.

Chairman Olenius: Okay.

Board Member Fox: Oh, okay.

[Laughter.]

Mr. Byron: Alright, thank you very much. Have a good evening.

Chairman Olenius: Thank you. You, too.

Board Member Burdick: You, too.

Chairman Olenius: *[To the Secretary]* Go right ahead, dear.

3. White Birch Realty Case #24-15 – Area Variance

Three people were present to represent the application.

The Secretary read the following legal notice:

White Birch Realty Case #24-15 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct a 33,000 +/- sq. ft. building. Patterson Town Code requires principal buildings to meet a rear yard setback of 50 ft.; Applicant will have 29.5 ft.; *Variance requested is for 20.5 ft.* This property is located at 35-37 Commerce Drive (I Zoning District).

Chairman Olenius: Good evening.

Mr. Alfonzetti: Good evening. How you doing?

Chairman Olenius: Good. Could you just state your name for the record, please?

Mr. Alfonzetti: Uh, Ralph Alfonzetti. I'm the engineer for the project. Um... so, we have a ten-acre site here, um... it's on Commerce Drive. There is an existing building on the site...

Mr. Liguori: Do we need the board?

Mr. Alfonzetti: That's alright.

Mr. Liguori: You sure?

Mr. Alfonzetti: If you guys are okay with it, um... there's an existing building on the site, uh... we're proposing another building on the site here, uh... there's a pond here and a town-regulated wetland here. So, we're pushing the building back to, um, limit our disturbance even close to that, um... in addition to that, this building is going to be cut into the hillside, so... the whole back of the building is going to be buried. So, if you were to actually stand here and look out to the building, you'd be looking right over it, um... in addition to that, there's this, um... the roof of the building's gonna be a – a green roof. So, there's gonna be grass and shrubs and planting on... on the building, um... as you know, we're required 50 feet. We have 29 ½ here, and 30.6 in that spot.

Chairman Olenius: What's on the property directly behind you?

Mr. Alfonzetti: Right here?

Chairman Olenius: Yeah.

Mr. Alfonzetti: Um...

Chairman Olenius: Is it developed?

Mr. Alfonzetti: I don't think it's developed, as far as I know.

Mr. Liguori: Oh, that's Clover Lake.

Mr. Alfonzetti: That's Clover, I know...

Mr. Liguori: Yeah, it's the back of the Clover Lake property.

Mr. Alfonzetti: I know... as far as I, you know... this whole area is not developed for at least two or three-thousand feet.

Chairman Olenius: And the wetland disturbance that you're trying to mitigate here, this pond – is that an actual pond? Is it a retention pond?

Mr. Alfonzetti: This is an actual pond. I think it was a man-made pond long, long ago. I don't think it is a retention pond. There's a – there's a small retention pond just to the, um... I guess east of it.

Chairman Olenius: Is... so, that is in existence already? The smaller one leading into it.

Mr. Alfonzetti: This is in existence... *[Inaudible – papers shuffling]*

Chairman Olenius: Where does the existing parking lot for the existing building end right now?

Mr. Alfonzetti: Right here.

Chairman Olenius: It – right there it does? Okay.

Mr. Alfonzetti: Yep.

Chairman Olenius: And will those two parking lots connect?

Mr. Alfonzetti: Um, yeah.

Chairman Olenius: Okay.

Mr. Alfonzetti: There's gonna be a – a driveway in between.

Chairman Olenius: That's quite the steep slope in there where you're building, now that I'm looking at the...

Board Member Carinha: Yeah.

Mr. Alfonzetti: Yeah, it's an...

Chairman Olenius: Topo lines... *[Inaudible – too many speaking]*

Mr. Alfonzetti: It's an existing, uh... basically rock – rock face.

Chairman Olenius: How tall is this proposed building gonna be?

Mr. Alfonzetti: Um, 34 feet.

Board Member Carinha: And you said it was gonna be a green roof?

Mr. Alfonzetti: Yes. Grass, shrubs, things like that.

Board Member Carinha: Yeah.

Mr. Alfonzetti: That's gonna help with, uh, stormwater mitigation. Plus, you – I mean, honestly, if you're standing here and looking out, you won't even tell there's a building there.

Board Member Carinha: Because of the topography.

Mr. Alfonzetti: Right. Now, you'll be standing – your feet will be basically at roof-level, so...

Board Member Carinha: There's not gonna be any space between the back of the building and...

Mr. Alfonzetti: No, we're gonna fill it.

Board Member Carinha: Okay.

Chairman Olenius: So, the back wall of the building's gonna be like a retaining wall, as...

Mr. Alfonzetti: Big retaining wall. Yep.

Chairman Olenius: As well. Okay. And this is just open warehouse building?

Mr. Alfonzetti: Um, it's gonna be multiple tenants, um... they're not all secured yet, but, I think there's gonna be, uh... there's some interest with a – a carpet/flooring distributor/installer, um... it's very similar to this building.

Chairman Olenius: Okay,

Board Member Fox: So, I see the line of the wetlands sort offset of the pond...

Mr. Alfonzetti: Yep.

Board Member Fox: Is that... is that – the line of the building pretty much that 100 foot buffer.

Mr. Alfonzetti: The buffer, if you can see, it goes right – it just nips the building right there.

Board Member Fox: There's a buffer line?

Board Member Carinha: That corner's in it... *[Inaudible – papers shuffling]*

Mr. Alfonzetti: There is a buffer line.

Board Member Carinha: Yeah, right here.

Board Member Fox: Oh, that's the buffer line? Oh, that's it. That one. Oh, that's the buffer line. Oh, I see. Okay. Thank you.

Mr. Alfonzetti: Yep.

Chairman Olenius: When was the first building built? You might have said it. I'm sorry, I...

Mr. Monteleone: *[From Audience]* [19]85.

Mr. Alfonzetti: [19]85.

Chairman Olenius: [19]85? Okay.

[Board Members Fox and Carinha conversing away from microphone – Inaudible]

[Chairman Olenius and Board Member Bodor conversing away from microphone – Inaudible]

Chairman Olenius: You've been to Planning Board already with this, too?

Mr. Alfonzetti: Yes.

Board Member Fox: Did they say anything about the ledge?

Mr. Alfonzetti: Um, no. Just that it would be expensive.

[Laughter.]

Board Member Fox: Okay.

Chairman Olenius: Does anyone in the audience have a comment on this case? Hearing none. *[To other Board Members]* You good?

Board Member Bodor: Yeah.

Board Member Fox: Yeah.

Board Member Carinha: Yep.

Chairman Olenius: Alright. I'll make a motion to close the public hearing.

Board Member Fox: Second.

Board Member Carinha: Second.

Chairman Olenius: All in favor?

Motion passed by vote of 5 – 0.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
White Birch Realty, LLC, Case #24-15
For an Area Variance to Construct a 33,000 +/- sq. ft. Building**

WHEREAS, *Christine Monteleone* is the owner of real property located at 35-37 Commerce Drive (I Zoning District), also identified as **Tax Map Parcel #23.-2-10, and**

WHEREAS, *White Birch Realty, LLC* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct a 33,000 +/- sq. ft. building 29.5' from the rear property line, and

WHEREAS, §154-7 of the Patterson Town Code requires a rear yard setback of 50'; Applicant will have 29.5'; ***Variance requested is for 20.5', 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 ***November 17, 2015,*** 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 *in light of the fact that the neighborhood is in an industrial district.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *in order to stay somewhat in line with the wetland buffer zone.*
3. the variance requested *is* substantial, *but 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 *in light of the fact that they are going with, uh, new green technology on the roof to mitigate some of the stormwater issues that we typically see.*
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 *White Birch Realty, LLC* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 20.5' from the 50' required for a rear yard setback*, in order to allow for the construction of a 33,000 +/- sq. ft. building 29.5' from the rear property line.

Board Member Bodor: I second.

Board Member Bodor	-	Yes.
Board Member Burdick	-	Yes.
Board Member Carinha	-	Yes.
Board Member Fox	-	Yes.
Chairman Olenius	-	Yes.

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: Good luck. Big undertaking.

Mr. Alfonzetti: Thank you.

Mr. Monteleone: *[From the audience]* Thank you very much.

Mrs. Monteleone: *[From the audience]* Have a good night.

Chairman Olenius: You, too.

Board Member Carinha: Goodnight.

Mr. Alfonzetti: Goodnight.

Board Member Carinha: Goodnight.

4. Other Business

A. Minutes: October 22, 2015

Chairman Olenius: *[To the Secretary]* What else you got, Mar? I know there was something else.

The Secretary: Other Business. Minutes.

Chairman Olenius: I read through the minutes. I'll make a motion to approve them.

Board Member Fox: Second.

Chairman Olenius: Okay. All in favor?

Motion passed by vote of 5 – 0.

B. Meeting Schedule: 2016

Chairman Olenius: I looked quickly at the...

Board Member Fox: Calendar?

Chairman Olenius: Uh... the calendar. Nothing jumped out at me, um... I'll make a motion to approve it with the stipulation that some dates could be changed at a later point in time, unless somebody sees something glaring right now.

Board Member Burdick: Mm-mm.

Board Member Fox: I might be going to Disney in May, but I haven't booked it, so...

Chairman Olenius: Yeah, but we would usually...

Mr. Liguori: Can we come?

[Laughter.]

Chairman Olenius: You know, a month before. Once you – once you know, just let us know.

Board Member Fox: Okay.

Chairman Olenius: That's why I do it with the stipulation that we can do it...

Board Member Fox: We're still deciding whether or not we should take the three-year-old or not, so...

The Secretary: The Town Board hasn't finalized their meeting schedule yet either, and we kind of...

Board Member Fox: Oh, so we...

The Secretary: Defer to them to set it, so...

Board Member Fox: Right. We might have a choice in it, right? So... looks fine to me, too.

Chairman Olenius: And...

Board Member Carinha: Just in regards to the minutes, um... if you look at them, he said in the minutes – Mr. Reyes, last week – that his wife uses the pickup truck because the BMW motor isn't running. That's what he was saying, and then tonight...

Chairman Olenius: He switched it around?

Board Member Carinha: He switched it around. That's why I was questioning him on that.

Chairman Olenius: The detective's coming back out of you, isn't it?

Board Member Carinha: I know. Three years out. It's still in me, huh?

Chairman Olenius: It's alright.

Board Member Fox: That's okay. That's good.

Chairman Olenius: Just don't call me... *[Inaudible – papers shuffling]*

[Laughter.]

Chairman Olenius: I'll make a motion to close the public hearing... close the meeting... adjourn.

Board Member Bodor: Adjourning...

Board Member Fox: *[Inaudible – too many speaking]...*

[Laughter.]

Board Member Carinha: Second.

Mr. Liguori: I knew what you meant. I knew exactly what you meant.

Board Member Burdick: I'll second what you meant.

[Laughter.]

Chairman Olenius: All in favor?

Motion passed by vote of 5 – 0.