

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS**

November 18, 2014

AGENDA & MINUTES

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2) Antonio Ferreira #21-14	2 – 9	Public hearing opened and closed; Granted - Variance to allow pool to be located in front yard.
3) Doreen Fiorentino #22-14	9 – 17	Public hearing opened; Application tabled pending a site walk.
4) Caleb Smith (Frank’s Automotive) #20-14	17 - 33	Public hearing closed; Granted - Variance of 44 sq. ft. for building-mounted signs.
5) Other Business		
A) Luis Roman Case #16-14: Clarification	33 - 37	Board members clarified their resolution from the previous meeting; the findings of fact were read into the record.
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C) Site Walk	39 – 43	Site walk for Case #22-14 scheduled for 11/24 at 5:00 PM.
D) Minutes	43 – 44	Minutes from October 15, 2014 ZBA meeting approved.

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Lars Olenius, Chairman
Howard Buzzutto, Vice Chairman
Mary Bodor
Marianne Burdick
Michael Carinha

PLANNING BOARD

Shawn Rogan, Chairman
Thomas E. McNulty, Vice Chairman
Michael Montesano
Ron Taylor
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**Zoning Board of Appeals
November 18, 2014 Meeting Minutes**

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

Present were: Chairman Lars Olenius, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Michael Carinha, Board Member Stephanie Fox, Nancy Tagliafierro – Attorney with Town Attorney’s Office, and Rich Williams – Town Planner.

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

There were approximately 5 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 Burdick	-	Here
Board Member Bodor	-	Here
Board Member Carinha	-	Here
Board Member Fox	-	Here
Chairman Olenius	-	Here

1) Peter Ruisi (Liberty Paintball) Case #09-14

No one was present to represent the application.

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 Tuesday, November 18, 2014 at 7:00 p.m. at the Patterson

Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

Peter Ruisi (Liberty Paintball Games) Case #09-14 – Area Variance: Held over from the April 16, 2014, May 21, 2014, June 18, 2014, July 16, 2014, August 20, 2014, September 17, 2014, and October 15, 2014 meetings

Chairman Olenius stated okay. We received a memo from Mr. Ruisi. Now that Thunder Ridge is re-opening again, the owners are going to be taking care of that shortly. So, we'll hold that over one more time, just until that gets finalized.

The Secretary stated okay.

2) Antonio Ferreira Case #21-14

One person was present to represent the application.

The Secretary stated the following:

Antonio Ferreira Case #21-14 – Area Variance

Applicant is requesting an area variance pursuant to §154-27A(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing 15' x 25' above-ground swimming pool in the front yard. Applicant's property exists on a corner lot; §154-12 of the Patterson Town Code states that corner lots shall be deemed to have two front yards; §154-27A(12)(a) Patterson Town Code states that accessory structures may not be located in the front yard of a property; Applicant's pool currently exists in the front yard. Variance requested is to allow a pool to be located in the front yard of the property. This property is located at 65 Vista Lane (R-4 Zoning District).

[Editor's Note: The secretary misspoke and read the property address as 64 Vista Lane. It is located at 65 Vista Lane and was noticed and printed as such.]

Chairman Olenius stated Mr. Ferreira. Could you just state your name and address for the record, please.

Mr. Ferreira stated Antonio Ferreira, 65 Vista Lane.

Chairman Olenius stated can you...

Mr. Ferreira stated it was...

Chairman Olenius stated oh, 65.

Mr. Ferreira stated 65. She said 4.

The Secretary stated did I. I'm sorry.

Chairman Olenius stated um, explain to us a little bit.

Mr. Ferreira stated uh, well, um, I put an above-ground pool up, and, um, on my original plans, when I bought the lot with the approved plans, they had a little mark-out for future pool location, and I put it in that same location. Um, I didn't apply for a permit, which was my mistake, but, um, I put it where I thought it was approved to be put in. Uh, when I came back to get it legalized, and pull the permit, and do – pay the fine, whatever it was – they told me that it was not approved to be in that location because it was the front yard, apparently.

Chairman Olenius stated okay.

Mr. Ferreira stated uh, it's not really the front of the house. It's on the side of the house, but it's considered, I guess, because of the way my property runs in the front.

Chairman Olenius stated where is Vista Lane.

Mr. Ferreira stated it's in, um, it's off Route 311...

Chairman Olenius stated where the silo is up...

Mr. Ferreira stated [inaudible – too many speaking] it's, uh...

Board Member Bodor stated yeah.

Chairman Olenius stated the silo is up there...

Mr. Ferreira subdivision off of 311...

Chairman Olenius stated yep, okay. Okay.

Mr. Ferreira stated it's all the way in the back.

Chairman Olenius stated it rang a bell. I just couldn't place it when I was, uh...

Mr. Ferreira stated it's off of Longview [Drive].

Chairman Olenius stated okay. So, that's your corner lot, Vista and Longview.

Mr. Ferreira stated yes.

Chairman Olenius stated okay.

Mr. Ferreira stated and it sits down, sort of, like, you know, lower...

Chairman Olenius stated below the house.

Mr. Ferreira stated yeah, so, when you come around the road, you really – you really can't see it much. I took a few pictures today, and they didn't come out too good, but if they help at all...

Chairman Olenius stated no, we'll definitely look at it. And I see two different numbers on here.

Are you looking to upgrade the pool.

Mr. Ferreira stated uh, eventually I want to put an in-ground pool.

Chairman Olenius stated okay, do you just...

Mr. Ferreira stated a little larger, so...

Chairman Olenius really, all you require, though, is location, not...

Mr. Ferreira stated yeah, I require location...

Chairman Olenius stated that stuff.

Mr. Ferreira stated that's what I was told, so...

Chairman Olenius stated I was just curious...

Mr. Ferreira stated we just get...

Chairman Olenius stated because I saw two different...

Mr. Ferreira stated trying to get a zoning for – to approve that location, and then if I – later on, when I take this one down and put another one up, I don't have to do this again now.

Chairman Olenius stated and judging by your survey, it looks like what would be considered the rear of your house is fully occupied by your septic system.

Mr. Ferreira stated yes.

Chairman Olenius stated do you have the pictures so we can just take a peek.

Mr. Ferreira stated yeah, I mean, it shows, like, the front picture, and then it shows the – sort of like the side. One from the road where you – the pool's that... down below those trees.

Chairman Olenius stated so it's – okay. Okay, now I see it. Behind the – you've got some screening there with the Christmas trees, so...

Mr. Ferreira stated yeah, I mean, I didn't – you know, I'm going to plan on putting more landscaping to cover up more of it, too, but...

[Inaudible – Tammy Smith conversing in rear of audience away from microphone.]

Chairman Olenius stated beautiful house.

Mr. Ferreira stated thank you.

Chairman Olenius stated so it was probably the builder that just put the, uh, notation on there – pool location.

Mr. Ferreira stated I guess the architect, yeah. I mean, I guess it was, you know, it met the setback. But, I mean, I guess they didn't meet the zoning. It showed future pool location, but it said by – by separate permit, which, obviously, I have to get a permit.

Chairman Olenius stated right.

The Secretary stated may I hold on to these [property photographs]...

Mr. Ferreira stated you can...

The Secretary stated to put them in your file.

Mr. Ferreira stated yeah.

The Secretary stated okay. Thank you.

Chairman Olenius stated you're over 50 feet from the road. I'm looking at measurements now – even with the larger pool. What's behind you.

Mr. Ferreira stated nothing. Wetlands, I think, but...

Chairman Olenius stated oh, there's no...

Mr. Ferreira stated no, on the side there's like, uh – there's another – a part of another lot that Louis Pescatore owns.

Chairman Olenius stated is there, uh...

Mr. Ferreira stated a big...

Chairman Olenius stated developed yet, or...

Mr. Ferreira stated 40 acre lot that he has.

Chairman Olenius stated oh, 40 acres. Okay.

Mr. Ferreira stated no, that piece next to me cannot be developed.

Chairman Olenius stated okay.

Mr. Ferreira stated like, there's like a low piece that – you know, it's adjacent to me and then it rises. Then – then he's got a big field that, that has potential to develop. But, I think close to me it can't be. It's where the – I think there's like a drainage easement...

Chairman Olenius stated okay.

Mr. Ferreira stated running through there. And then in the back it's all, like, wetlands. That's owned by him, also.

Board Member Bodor stated all you all the way back in there.

Mr. Ferreira stated I'm all the way back.

Board Member Bodor stated okay.

Mr. Ferreira stated yeah.

Board Member Bodor stated because that is – it's wetlands farther...

Mr. Ferreira stated behind my property, yeah.

Board Member Bodor stated okay. Alright.

Chairman Olenius stated we looked at something else with those wetlands one time before...

Mr. Ferreira stated my property has no wetlands though.

Board Member Bodor stated no – yeah, no I think we were over here.

Chairman Olenius stated yeah.

Board Member Bodor stated yes.... Those wetlands go all the way down Cornwall Hill Road.

Chairman Olenius stated right.

Board Member Bodor stated yeah...

Chairman Olenius stated right.

Board Member Bodor stated so, this is the same...

Chairman Olenius stated I'm in the right spot...

Board Member Bodor stated yeah.

Chairman Olenius stated in my mind. That's what I'm thinking.

Board Member Bodor stated yeah.

Mr. Ferreira stated yeah, it's sort of like, if you go up Longview [Drive]...

Chairman Olenius stated yeah...

Mr. Ferreira stated you end – you've got to go left to go on Vista Lane and it goes down. There's like a little road going down into a farm...

Chairman Olenius stated okay.

Mr. Ferreira stated like, into a, like, it just stops...

Chairman Olenius stated okay.

Mr. Ferreira stated it turns into dirt, I think...

Chairman Olenius stated alright.

Mr. Ferreira stated right before. And that goes to this big lot that he owns there.

Chairman Olenius stated okay. Does anyone in the audience have a comment on this case. I'm hearing no... I don't have anything. Unless you want to do a site walk.

Board Member Bodor stated no, I think...

Chairman Olenius stated no. I'll make a motion to close the hearing.

Board Member Fox stated second.

Chairman Olenius stated all in favor.

Motion passed by a vote of 5 – 0.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Antonio Ferreira Case #21-14
For an Area Variance for an Existing Pool**

WHEREAS, *Antonio Ferreira* is the owner of real property located at 65 Vista Lane (R-4 Zoning District), also identified as **Tax Map Parcel #13.-3-76**, and

WHEREAS, *Antonio Ferreira* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27 A(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing pool, and

WHEREAS, §154-12 of the Patterson Town Code states that wherever a property boundary is adjacent to a street, such property boundary shall not be considered a side or rear yard, and that corner lots shall be deemed to have two front yards, two side yards, and no rear yard, and

WHEREAS, the property located at 65 Vista Lane is a corner lot with property boundaries existing on both Vista Lane and Longview Drive, and

WHEREAS, §154-27 A(12)(a) of the Patterson Town Code states that the pool shall not be located in the front yard; Existing pool is located in front of the principal dwelling, and

WHEREAS, the existing above-ground pool measures 15' x 20', and

WHEREAS, the applicant plans to replace the existing above-ground pool with an in-

ground pool located in the same area and measuring no more than 20’ x 40’, 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 18, 2014** 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 ***due to the fact that it – the pool is located at a lower elevation, and is not intrusive to the site view.***
- 2. the benefit sought by the applicant *cannot* be achieved by any other feasible means ***due to the fact that his septic system is in what would truly be considered the rear of the home.***
- 3. the variance requested *is not* substantial ***in light of the fact that the property has two front yards.***
- 4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because of the size of the lot and it’s not nearing the impervious coverage limitations.***
- 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 **Anthony Ferreira** for ***an area variance*** pursuant to §154-27 A(12)(a) of the Patterson Town Code, Permitted accessory uses, to allow for the existing 15’ x 20’ pool to remain in the front yard of the property, and.

BE IT FURTHER RESOLVED, that this area variance granted herein for a 15’ x 20’ above-ground pool shall extend to the construction of a 20’ by 40’ in-ground pool subject to the following special conditions:

- 1. The new in-ground pool shall not be larger than 20’ by 40’,
- 2. The existing 15’ x 20’ above-ground pool shall be removed prior to beginning construction on the 20’ x 40’ in-ground pool,
- 3. The 20’ x 40’ in-ground pool shall be constructed in the footprint of the 15’ x 20’ above-ground pool.

Board Member Bodor stated I’ll second it.

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 stated good luck with that.

Mr. Ferreira stated okay. Thank you.

Chairman Olenius stated it's a nice Christmas present for your kids.

[Laughter.]

Mr. Ferreira stated hey, easy now, right.

[Laughter.]

Mr. Ferreira stated thank you very much.

Chairman Olenius stated have a good one. You can keep going, Mar [to the Secretary].

3) Doreen Fiorentino Case #22-14

One person was present to represent the application.

The Secretary stated the following:

Doreen Fiorentino Case #22-14 – Area Variance

Applicant is requesting an area variance pursuant to §154-27A(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing 8' x 10' shed in the front yard. Patterson Town Code states that accessory structures may not be located in the front yard of a property; Applicant's shed currently exists in the front yard. Variance requested is to allow the 8' x 10' shed to be located in the front yard of the property. This property is located at 281 McManus Road North (R-4 Zoning District).

Chairman Olenius stated Mrs. Fiorentino.

Mrs. Fiorentino stated okay, I'm not Doreen. I'm Diana. She, I believe, signed the paper.

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

Mrs. Fiorentino stated yes. Diana Fiorentino, 281 McManus Road North.

Chairman Olenius stated so explain to us your dilemma.

Mrs. Fiorentino stated um, about 12, maybe 13 years ago, my husband built a shed, and he located it, um, the proper distance from the property boundary, and proper size so that it did not require a permit. Evidently, he had no clue that it wasn't supposed to be in front of the house. So, that's

pretty much the size of it. It's there. It's been there for, like I said, 12, 13 years, and, uh, actually I had no clue that it wasn't supposed to be there either until this year.

Chairman Olenius stated so it was small enough that it didn't require a permit, so you didn't...

Mrs. Fiorentino stated that's correct.

Chairman Olenius stated receive any advice from the town...

Mrs. Fiorentino stated that's it.

Chairman Olenius stated as to – as to locate...

Mrs. Fiorentino stated I did submit pictures – um, I don't know if you have them there – yes, you do, I see you do...

Chairman Olenius stated yes.

Mrs. Fiorentino stated of the location of it. It is off to the side.

Chairman Olenius stated is there bushes around it, too. It looks like it's screened a little bit.

Mrs. Fiorentino stated yes, it is kind of, uh, under the trees, and there are bushes, uh, toward the road.

The Secretary stated I have color photos, as well.

Chairman Olenius stated these are actually pretty good.

The Secretary stated okay.

Chairman Olenius stated I'm looking...

[Board Member Fox – Inaudible, speaking away from microphone.]

Chairman Olenius stated at your property from these pictures here.

Mrs. Fiorentino stated yes.

Chairman Olenius stated you really don't have much of a rear yard it...

Mrs. Fiorentino stated uh, no, it's...

Chairman Olenius stated appears.

Mrs. Fiorentino stated mostly forested.

Chairman Olenius stated does it continue to go up, too, the way that these pictures reflect.

Mrs. Fiorentino stated a gentle – gentle slope, yeah...

Board Member Carinha stated that's the deck, that's a car...

Mrs. Fiorentino stated it's not a real hill.

Board Member Fox stated it's a car.

Chairman Olenius stated and what do you...

Board Member Carinha stated it's got to be.

Chairman Olenius stated use the shed for.

Board Member Carinha stated because that's the deck.

Mrs. Fiorentino stated um...

Board Member Fox stated that's a deck.

Mrs. Fiorentino stated gardening equipment, um...

Board Member Carinha stated no.

Chairman Olenius stated lawn mowers and stuff.

Mrs. Fiorentino stated when my husband was alive, he kept his, uh, lawn tractor in there, so you know, just general usage.

Chairman Olenius stated what, do you have a little pond next to it or something.

Mrs. Fiorentino stated yeah, it's a koi pond.

Chairman Olenius stated nice.

Board Member Fox stated ma'am, could you just show us in the aerial which rectangle it is. You can just... sorry...

Mrs. Fiorentino stated right here.

Board Member Fox stated no, no, no the shed.

Mrs. Fiorentino stated oh.

Board Member Fox stated this one.

Mrs. Fiorentino stated right here.

Board Member Fox stated that one.

Mrs. Fiorentino stated yes.

Board Member Fox stated okay.

Mrs. Fiorentino stated yeah. That's the neighbor's. [Laughter.] The other ones.

Chairman Olenius stated so your neighbor's shed kind of back up to your shed.

Mrs. Fiorentino stated uh, there's quite a distance between them, but, uh, yeah, they're located...

Chairman Olenius stated same general location.

Mrs. Fiorentino stated in the same area, yeah. The, uh, previous owners of the neighboring property, um, you know, had no objection to it being there, as we had no objection to theirs being there.

Chairman Olenius stated did you see that, with both locations.

Board Member Bodor stated is this the one.

Chairman Olenius stated it's this one.

Board Member states yeah.

Chairman Olenius stated yes.

Board Member Bodor stated and that's the neighbors right there.

Board Member Carinha stated this one.

Chairman Olenius stated yes.

Board Member Fox stated this one.

Board Member Carinha stated that's it.

Board Member Bodor stated somebody's right on the line.

[Board Member Fox and Board Member Carinha – Inaudible; conversing away from microphone.]

Board Member Bodor stated is – if this is your shed and that's the neighbor's shed, what are these other, uh, dark spots there.

Mrs. Fiorentino stated may I.

Nancy Tagliafierro stated yes.

Mrs. Fiorentino stated thank you. Okay, that's mine. That's theirs. That's – those would be, I guess, just bushes and rocks and things, that's basically...

Board Member Bodor stated there's no other sheds or structures there...

Mrs. Fiorentino stated no, there aren't.

Board Member Bodor stated is there a driveway there that...

Chairman Olenius stated oh...

Mrs. Fiorentino stated yeah, my driveway is...

Board Member Bodor stated could they be cars in the driveway or something.

Mrs. Fiorentino stated um, that could be a car in the driveway. Yeah, that could be. Next to the pond.

[Chairman Olenius and Board Member Fox – Inaudible; conversing away from microphone.]

Board Member Bodor stated but you also have dark spots...

Mrs. Fiorentino stated this isn't...

Board Member Carinha stated it's this one.

Mrs. Fiorentino stated huh.

Board Member Fox stated no, it's there.

Board Member Carinha stated oh.

Chairman Olenius stated on that's the way it is [Inaudible – too many speaking]...

Board Member Carinha stated oh.

Chairman Olenius stated this could be the trailer.

Board Member Fox stated yeah.

[Board Member Carinha – Inaudible; too many speaking.]

Mrs. Fiorentino stated when, when was this taken.

Board Member Bodor stated I have no idea...

Mrs. Fiorentino stated oh.

Board Member Bodor stated that came with the application.

Mrs. Fiorentino stated oh, okay.

The Secretary stated that was our – that's off of our...

Mrs. Fiorentino stated because they're...

The Secretary stated we generate those. They could be...

Mrs. Fiorentino stated okay.

The Secretary stated that could be a few years old.

Mrs. Fiorentino stated okay. That could be a truck sitting there.

Board Member Bodor stated that looks like a dumpster, that one.

Chairman Olenius stated yes, could be since it was right in her driveway.

Board Member Fox stated that makes sense.

Mrs. Fiorentino stated since the driveway is right in front of the garage.

Board Member Fox stated and this is [Inaudible – too many speaking].

Mrs. Fiorentino stated it's not very clearly defined, but...

Board Member Carinha stated yeah.

Mrs. Fiorentino stated yeah. That would be vehicles in the driveway, yes.

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

Board Member Bodor stated thank you.

Mrs. Fiorentino stated sure.

Board Member Carinha stated so, there's the back deck, alright. Come up the driveway, see. Yeah, it would be the driveway side.

Board Member Fox stated oh.

Board Member Bodor stated I think I'd like to go out and take a look at this to get a better view of these structures. I mean, it – if that's the neighbor's shed and that's her shed, there's got to a – a property in between them. Where.

Mrs. Fiorentino stated I believe the property line is the stone wall right behind the neighbor's shed-garage. It's kind of a combination thing, garage-shed that he has there. And there's a rock wall right there and I believe that's...

Chairman Olenius stated is that...

Mrs. Fiorentino the property line.

Chairman Olenius stated is this the structure you're speaking of right there.

Mrs. Fiorentino stated yes.

Chairman Olenius stated I see the rock wall in front of it...

Mrs. Fiorentino stated yeah, the rock wall right up there. Yes.

Chairman Olenius stated okay.

[Board Member Carinha and Board Member Fox – Inaudible; conversing away from microphone.]

Board Member Bodor stated did your husband build the shed...

Mrs. Fiorentino stated yes.

Board Member Bodor stated from scratch, or did he have it brought in.

Mrs. Fiorentino stated no, he built it...

Board Member Bodor stated he built it...

Mrs. Fiorentino stated from scratch, yeah.

Board Member Bodor stated yeah.

Chairman Olenius stated does anyone in the audience have a comment on this case. I'm hearing no.

Board Member Carinha stated that picture's just throwing us all off. It's a very old picture.

Board Member Fox stated huh.

Board Member Carinha stated it's an old picture. It's just – it's throwing us off with the shadows and everything.

Board Member Fox stated right. Yeah.

Chairman Olenius stated I'm trying to orientate myself.

Board Member Bodor stated it's...

Chairman Olenius stated because I – I had to rip this off...

Board Member Bodor stated not very – yeah..,

Chairman Olenius stated to see.

Board Member Bodor stated turn that around.

Chairman Olenius stated so we turn this like this...

Board Member Bodor stated right.

Chairman Olenius stated then it kind of makes more sense.

Board Member Bodor stated yeah, that has to be turned.

Chairman Olenius stated right, because that puts the shed right here.... And this must be that bush.

Board Member Bodor stated no, the shed is over here.

Chairman Olenius stated you're right. You want to go take a look.

Board Member Bodor stated only if the rest of you do. It's just not very clear to me.

Chairman Olenius stated thoughts.

Board Member Carinha stated we should be able to look. Take a look, and take a walk up.

Chairman Olenius stated okay.

Board Member Carinha stated I just think that aerial is – is throwing everybody off, that's why.

Chairman Olenius stated okay. I think we're going to take a little walk out there.

Mrs. Fiorentino stated okay.

Chairman Olenius stated take a peek at it, just so we can kind of...

Mrs. Fiorentino stated sure.

Chairman Olenius stated it's just difficult to orientate in our minds what's going on here. So we'll table the, uh, application, and the secretary will give you a call – or, is any time bad for you for us to come out and visit.

Mrs. Fiorentino stated well, I'm moving out on Sunday, so...

Chairman Olenius stated oh this – this Sunday.

Mrs. Fiorentino stated yes.

Chairman Olenius stated okay. Is somebody new moving in.

Mrs. Fiorentino stated yes.

Chairman Olenius stated on Monday.

Mrs. Fiorentino stated probably.

Chairman Olenius stated okay, are...

Mrs. Fiorentino stated maybe Tuesday, and I...

Chairman Olenius stated are they aware this is going on.

Mrs. Fiorentino stated yes.

Chairman Olenius stated okay. Is there a number we could reach them at, or...

Mrs. Fiorentino stated I personally, no, don't have a number for them, no.

Chairman Olenius stated okay.

Board Member Bodor stated are you going to be local enough so it wouldn't be inconvenient for you to...

Mrs. Fiorentino stated no, I'm moving – I'm moving to Pawling, yeah.

Board Member Bodor stated alright, so we can make arrangements with you to...

Mrs. Fiorentino stated sure.

Board Member Bodor stated go there.

Mrs. Fiorentino stated yes.

Chairman Olenius stated okay. We'll, um, after the meeting we'll set a date and the secretary will be in touch and we'll try to get out there as soon as we can to expedite this for you.

Mrs. Fiorentino stated okay, I appreciate that.

Chairman Olenius stated alright.

Mrs. Fiorentino stated yes.

Chairman Olenius stated alright. Thank you.

Mrs. Fiorentino stated thank you.

Chairman Olenius stated so we'll table this until – pending a site walk. Fire away [to the Secretary].

The Secretary stated alright.

4) Caleb Smith (Frank's Automotive, LLC) Case #20-14

One person was present to represent the application.

The Secretary stated the following:

Caleb Smith (Frank's Automotive, LLC) Case #20-14 – Area Variance: Held over from the October 15, 2014 meeting

Mrs. Smith stated hi.

Chairman Olenius stated come on down. State your name for the record one more time.

Mrs. Smith stated Tammy Smith.

Chairman Olenius stated so you went to Planning [Board].

Mrs. Smith stated I did.

Chairman Olenius stated I saw a note.

Mrs. Smith stated and I'm due to go back to them...

Chairman Olenius stated okay...

[Laughter.]

Chairman Olenius that's what I was going to ask you...

Mrs. Smith stated after seeing you guys...

Chairman Olenius stated because I'm a little confused. Their memo kind of went back and forth a little bit and I'm not really sure – apparently there's an existing sign on the building that, apparently, the landlord...

Mrs. Smith stated correct...

Chairman Olenius stated agreed to remove.

Mrs. Smith stated right.

Chairman Olenius stated okay, so that...

Mrs. Smith stated so, we're trying to figure out – I have a picture of the sign that's on the building. I know Rich [Williams] has the square footage – I do also. We measured them.

Chairman Olenius states yes.

Mrs. Smith stated so one is 4' x 13' and one 3' x 13'...

Chairman Olenius stated okay.

Mrs. Smith stated so he basically takes all of the square footage. They're really big signs.

Chairman Olenius stated okay. And, he's willing to...

Mrs. Smith stated so...

Chairman Olenius stated remove them...

Mrs. Smith stated well... [laughter]... he was willing to immediately remove the 4' x 13', which would gain us 52 square feet...

Chairman Olenius stated okay...

Mrs. Smith stated then us needing an additional 40 [square feet] from you guys – a variance for that, if you left the one sign...

Chairman Olenius stated okay...

Mrs. Smith stated which is 39 square feet...

Chairman Olenius stated okay...

Mrs. Smith stated he has a sign at the entryway, so if he could keep that then he would take down both signs. That sign is 12 square feet, right, Rich.

Rich Williams stated this is in addition to the 20 square foot sign that they – that the – there's two freestanding signs is what you're saying.

Mrs. Smith stated right. The one at our entryway – or, on the corner...

Rich Williams stated right...

Mrs. Smith stated is 18.75 [square feet], I think, right...

Rich Williams stated yeah, it's about 20 [inaudible – Mrs. Smith began speaking]...

Mrs. Smith stated and we were allowed 25 [square feet]. So, when I met with the Planning Board, Ron Taylor had actually visited the site and my concerns with him when I was in front of them is, the sign on the corner isn't effective enough for us. People still drive right by it, don't see it. Even Ron said: I didn't know what driveway to pull in. And he actually came [laughter] and approved

the site for what we wanted to do, and he was like: You have no signage at your driveway, so... I was like: I know, that's part of our problem is it's on this weird corner. So, when you're coming up Fair Street, you don't really see the sign on the corner until you get to the corner where you would turn right onto Commerce Drive. Then, when you come down Commerce Drive, we're the first driveway on your right. There's nothing really indicating that we're there. I do have this little, which I'm sure I'm not supposed to have there, but, this little, almost like an election sign. Just, like, stuck in the ground by our mailbox...

Chairman Olenius stated okay.

Mrs. Smith stated only because, if – there's nothing indicating that that's where we are. Even though there is – Rich told us that we had to put a number 10 on our mailbox, so we did – but, again, it's not effective enough, so... I feel like we need a sign at the corner so people know we're there. But we need the sign on the building or they don't know where we are from the other side. But, the sign at the front is important at the entry to know where you are. So...one of the things that Ron had asked me was: Well, could you put a sign above the sign at the driveway, so at least people know that that's where you are.

Chairman Olenius stated okay.

Mrs. Smith stated I think that could be effective, but then that's more square footage. The sign that's there is 12 square feet. Obviously, if we put 12 square feet on top of that, then we're over our limit for our freestanding signs.

Chairman Olenius stated and would the building-mounted signs alleviate the need for that sign...

Mrs. Smith stated it...

Chairman Olenius stated the free-standing. Or no.

Mrs. Smith stated well, if we take off both from the side of the building then, obviously, the landlord would like to keep the freestanding sign. And, of course, it would help us if we could add the same size sign of his above it – like attach it to... he's got kind of like a... it's kind of framed-in.

Chairman Olenius stated yes.

Mrs. Smith stated I think it used to light at one time. I don't believe it does anymore, but, if we mounted the same sized sign above that, then people would know hey, this is where they are. It's kind of in this little flower bed-type area. So, if he took down both his signs, then that gains us – one sign was 39 square feet and one was 52 [square feet]. So, really that alleviates the variance for the 92 square feet that we're asking for for our two building signs... which – at which point, I guess, then we would need the variance of... Rich, the difference between the 25 [square feet] and the 18.75 [square feet], right...

Rich Williams stated the 20...

Mrs. Smith stated the free...

Rich Williams stated the freestanding.

Mrs. Smith stated well, you can only have 25 square feet, right. And we have 18.75 [square feet].

Rich Williams stated yes. The rules are, a single free-standing sign...

Mrs. Smith stated okay.

Rich Williams stated not greater than 25 square feet. So, 2, we're back with a variance.

Mrs. Smith stated doesn't work, I guess.

Rich Williams stated anything over 25 square feet, we're back with a variance.

Chairman Olenius stated but, the variance is for building-mounted signs. How does a free-standing play into this.

Mrs. Smith stated only if we...

Rich Williams stated we have no application for a freestanding sign...

Mrs. Smith stated right...

Nancy Tagliafierro stated yes, I was just going to say that...

Rich Williams stated it's – it's a new process...

Nancy Tagliafierro stated so...

Mrs. Smith stated there isn't any because, again, if we take – if you guys are happy with him taking down one sign, which alleviates 52 square... 52 square feet of the 92 [square feet] we're asking for, then we only need a variance for 40 square feet, which we were thinking was more probable of getting approved than 92 square feet. Does that make sense. But if he takes down both signs, then he's got no signage. Does that make sense.

Chairman Olenius stated so your variance requested now, from what you're telling me, is for 140 square feet...

Mrs. Smith stated no.

Chairman Olenius stated because you're allowed 100 [square feet] and you need 40 [square feet] more.

Mrs. Smith stated yes...

Nancy Tagliafierro stated right, just...

Mrs. Smith stated if we take down the one...

Chairman Olenius stated so you're...

Mrs. Smith stated building-mounted sign...

Nancy Tagliafierro stated they're at...

Chairman Olenius stated so you'd be requesting...

Mrs. Smith stated 40 [square feet].

Chairman Olenius stated the variance you're requesting would be for 40...

Mrs. Smith stated that's correct...

Chairman Olenius stated square feet. Okay.

Mrs. Smith stated all I'm saying is...

Rich Williams stated actually – actually 44 [square feet].

Chairman Olenius stated 44 [square feet].

Mrs. Smith stated oh, I'm sorry. 44 [square feet]. But all I was saying is if you guys were requiring both of his signs to come down, then I guess I would need to come back for the free-standing sign because then he would have no signage, is all I was trying to say. If you were gonna say... does that make sense.

Board Member Carinha stated yes, but what is he going to do. Is he going to leave one sign. Do we know yet.

Mrs. Smith stated he's willing to – again, if you're saying... well, if Rich is saying I need a whole other application for the free-standing sign...

Rich Williams stated yes.

Mrs. Smith stated then, he'll leave his one sign up and we'll – on the building, because that's 39 square feet, and we would take down the 52 square feet...

Nancy Tagliafierro so you...

Mrs. Smith stated then I guess we...

Nancy Tagliafierro only needed a variance for 44 square feet today..

Mrs. Smith stated 4 square feet...

Board Member Carinha stated okay...

Nancy Tagliafierro stated and you make come back to us with another...

Mrs. Smith stated again, or maybe he'll say no...

Nancy Tagliafierro stated variance application for a freestanding sign...

Mrs. Smith stated because I'm going to keep my one mounted sign, and I'm okay with that.

Board Member Carinha stated okay.

Mrs. Smith stated then we wouldn't need – and if we do, I guess we'll come back and file another application for a sign.

Nancy Tagliafierro stated yeah, I don't... I feel like, and correct me if I'm wrong, you don't really quite know what you're asking for.

Mrs. Smith stated I need the 44 [square feet] – he's going to take down the 4 [feet] x 13 [feet]. That's a definite, which gains us 52 square feet of the 92 [square feet] that I was asking for.

Chairman Olenius stated okay.

Mrs. Smith stated does that make sense.

Board Member Carinha stated yes.

Rich Williams stated and just so we're all clear...

Mrs. Smith stated Rich says it's 40...

Rich Williams stated he has, right now approved, a single sign for 87 [square feet] – 7 [feet] by... whatever it figures out to be...

Nancy Tagliafierro stated 13 [feet].

Rich Williams stated I don't remember. But, I don't have two signs, so I'm not sure what he's taking down either. So...

Mrs. Smith stated which is the...

Rich Williams stated what's he taking down.

Mrs. Smith stated well he has the two signs on the side of the building...

Rich Williams stated that's what I'm saying. We've got an application of approval for a single sign...

Mrs. Smith stated okay, and I don't know what you guys approved. Those are his signs that have been there. We moved in in 2001.

Rich Williams stated so he's taking down hardscape and masonry supply.

Mrs. Smith stated I actually think the one on top is larger. The one on top, I believe, is 4 [feet]. The bottom one is 3 [feet]. We measured it over the weekend.

Rich Williams stated so he's leaving hardscape and masonry supply.

Mrs. Smith stated correct.

Rich Williams stated I'm going to have to go back and see if that was even permitted... but, fine.

Mrs. Smith stated so I said 40 square feet but Rich says it's 44 square feet. So that would be the variance that we would need for the building-mounted signs.

Chairman Olenius stated so you understand stand if we do a resolution tonight, you're going to be bound to that. I mean, do you want...

Mrs. Smith stated to 44 square feet. If my measurement was wrong then, Rich is...

Rich Williams stated well, what I'm saying is she's made an application, if I calculated it correctly, for a 48 square foot sign and a 56.38 square foot sign.

Mrs. Smith stated right.

Rich Williams stated well, I hate .38. I always round up.

Chairman Olenius stated right.

Rich Williams stated so, that brings us...

Mrs. Smith stated my signs are definitely the right size. I gave Rich – we went over the measurements several times. I just obviously added wrong by 4 square feet somewhere along the line, but...

Chairman Olenius stated I just want you to be clear...

Nancy Tagliafierro stated yes.

Chairman Olenius stated that, like, if we do a resolution tonight you're bound to that now...

Mrs. Smith stated I...

Nancy Tagliafierro stated right...

Chairman Olenius stated you know what I mean, like...

Nancy Tagliafierro stated it – there seems to be a little uncertainty as to what you think – what you might need, and you're not really sure, so...

Mrs. Smith stated well, if we're taking down 52 square feet and we were asking for 92 [square feet] – again, there's a discrepancy of 4 square feet, so, obviously, I would ask for that extra 4 square feet based on Rich's account that...

Nancy Tagliafierro stated I don't think...

Mrs. Smith stated I'm 4 square feet...

Nancy Tagliafierro stated the 4 square feet's not the confusing factor here. It's how many signs are you taking down – do you know.

Mrs. Smith stated one sign for 52 square feet.

Nancy Tagliafierro stated okay, so, you need 44 square feet.

Mrs. Smith stated that's correct.

Nancy Tagliafierro stated okay. That's your application tonight.

Mrs. Smith stated right. I originally said 40 [square feet], Rich says 44 [square feet] so we're going to go with 44 [square feet] so that I'm not off by 4 square feet.

Board Member Burdick stated but, Rich, if I understood you correctly, we don't even know if the other sign is permitted to be up there.

Rich Williams stated I have a sign approved. It says Northeast Mesa on it, Masonry Products, um, and it's for 87.5 square feet. I mean, I can go print it out pretty quickly. Um, what they did is it looks like they broke it in 2 pieces...

Mrs. Smith stated they made it in 2 signs...

Board Member Burdick stated yes. Okay.

Mrs. Smith stated it was going to be too big, I think, when he was coming – when the sign guy came, that building was curved, so you can only put so much on there, because the building is curved. It's not square, so it's not flat, so he didn't have enough room. I'm pretty sure that's what happened, but...

Rich Williams stated that's – that's fine...

Mrs. Smith stated he...

Rich Williams stated then what we're going to do, if the Board approves this and this is the direction they want to go, we're going to amend the Planning Board sign application for the new signage on the building – the whole, everything.

Mrs. Smith stated right. Okay. But, I think the square... right, the square footage was approved by you guys for him. No.

Rich Williams stated the 87.5 square feet...

Mrs. Smith stated okay.

Rich Williams stated was approved for him.

Mrs. Smith stated okay.

Chairman Olenius stated so now the total of his and yours is going to be 144 square feet.

Mrs. Smith stated no, because we're taking down the one...

Board Member Burdick stated they're taking down one...

Mrs. Smith stated we're taking down one for 52 square feet...

Rich Williams stated and that brings it to 144 square feet.

Mrs. Smith stated that brings it to 144 [square feet].

Chairman Olenius stated right, so that's the resolution you're looking for is for 144...

Mrs. Smith stated for 44 square foot of signage...

Chairman Olenius status because you're allowed 100 [square feet]...

Mrs. Smith stated based on the fact that...

Chairman Olenius stated so...

Nancy Tagliafierro stated right...

Mrs. Smith stated he's coming...

Nancy Tagliafierro stated so, a variance of 44 [square feet]...

Chairman Olenius stated okay.

Mrs. Smith stated flying home tomorrow from Texas and he'll take down the 4' x 13' sign.

Chairman Olenius stated okay. I just...

Rich Williams stated and that would need to be a condition of the resolution.

Mrs. Smith stated right, and before – I want – I hope to get it done by Friday, because I'm going back to the Planning board, I think, in 2 weeks, right...

Rich Williams stated yes.

Mrs. Smith stated so obviously...

Board Member Carinha stated next week.

Rich Williams stated next week. Well, the week after...

Mrs. Smith stated we're aware that it needs to be done. He's just been out of town and that's why it wasn't taken down yet.

Board Member Fox stated so originally on the application you had one 3' x 24' sign up front and 3... one 3' x 16'. That still stands.

Mrs. Smith stated that's correct.

Board Member Fox stated okay.

Mrs. Smith stated our sign application won't change. It's that he's going to get rid of a sign to gain us square footage, so we're not asking you for 92 square feet...

Board Member Burdick stated the variance is...

Mrs. Smith stated the variance is smaller...

Board Member Burdick stated reduced more...

Board Member Carinha stated right.

Mrs. Smith stated to hopefully...

Board Member Fox stated but, my – my numbers don't work out, because if you do it 3 [feet] x 24 [feet]...

Rich Williams stated you're correct, those numbers don't work out. When I reviewed the application, I reviewed it kind of under a different light. What I had – when I, you know, when I looked at the application, those are the numbers you pulled off the application. When I actually looked at the signs...

Mrs. Smith stated we...

Rich Williams stated I had an 8 ½' x 2' 10" Napa Auto-Care sign...

Mrs. Smith stated I think they have the same printout...

Board Member Carinha stated yeah...

Rich Williams stated a 4' x 2' 2" color band, and a 12' x 22' foot color band.

Mrs. Smith stated maybe the Planning Board...

Rich Williams stated so, I recalculated the numbers so that we – I had a 56.38 square foot...

Mrs. Smith stated right...

Rich Williams stated sign, and a 48 square foot sign.

Mrs. Smith stated we – when the square footage became an issue, we called Napa back and said we need an exact... on the one that's not lit, we need the front sign an exact size of each piece, because it comes in pieces.

Board Member Fox stated right.

Mrs. Smith stated where the back one is just a full 3 [feet] x 16 [feet], the one in the front is, is made up of a pieces that you put together like a puzzle. So, Rich – I gave Rich those, that dimension so that he could figure out what the actual square footage is. That's how the numbers are off a little bit, because we calculated it as 3 [feet] x 16 [feet] and 3 [feet] x 24 [feet], but it actually is a little smaller than that when you add up the numbers that they're providing us saying this is the size of the pieces that are going to go together.

Board Member Fox stated okay... that still doesn't really – so, regardless of the little pieces, say just we use your dimensions, you get 120 square feet for what you're asking for. And, then, the other guy has – what did you say, 4 [feet] x 16 [feet] sign that he's going to...

Mrs. Smith stated wait, the 4 [feet] x 13 [feet] is coming down...

Board Member Fox stated oh, 4 [feet] x 13[feet]. Okay.

Mrs. Smith stated 52 square feet.

Board Member Fox stated and so the 3 [feet] x 13 [feet] is staying.

Mrs. Smith stated correct.

Board Member Fox stated 39 [square feet]. Okay. Closer. Okay [Laughter].

Rich Williams stated it's closer.

Nancy Tagliafierro stated yeah...

Board Member Fox stated closer, okay, closer.

Nancy Tagliafierro stated well, their... their application, I noticed that when I was asking for 107.5 square feet, so they're just reducing that to 40 square feet...

Mrs. Smith stated right.

Nancy Tagliafierro stated so, as long as it's a smaller variance, if they – they've amended their application for, then...

Board Member Fox stated yes.

Nancy Tagliafierro stated we're fine.

Mrs. Smith stated because obviously, our – we knew that getting that all approved was going to be a bigger task for us, so getting him to take one down to gain us some square footage, in our opinion, was the best avenue to take. Even the Planning Board suggested the same thing. You're going to – if you go – you want that amount to be smaller, not larger, because we don't like to approve things that are double the size of what we approve for buildings. We're obviously trying to keep it in a certain... you know, certain look, so we appreciate that, and, so, the easiest way seemed to ask him to take down his biggest sign, which would gain us 52 square feet.

Board Member Fox stated right. Okay.

Mrs. Smith stated so that's what we did.

Rich Williams stated there's one more thing that you need to get into the record, and that is that the application that you received showed a – a building-mounted sign on the Commerce Drive side and a building-mounted sign on the Fair Street side. In discussions with the Planning Board, it came out that the Fair Street side sign isn't really visible because of all the vegetation. So, the Planning Board...

Mrs. Smith stated [Inaudible – speaking over Rich Williams].

Rich Williams stated is looking at either putting it higher on the building or moving it around towards the...

Mrs. Smith stated yeah, the placement isn't set yet.

Rich Williams stated yeah, the placement isn't set. And that's...

Chairman Olenius stated but the square footage is.

Mrs. Smith stated yes.

Rich Williams stated but the square footage is. But, that's critical in evaluating the character...

Mrs. Smith stated where it could go. Right.

Rich Williams stated of the neighborhood and any potential impact.

Nancy Tagliafierro stated right.

Chairman Olenius stated okay. Any input from the audience on this. I'm hearing none.

Board Member Fox stated I just want to make sure I have it in a picture. So, in terms of the pictures that you submitted last time...

Mrs. Smith stated yes...

Board Member Fox stated I know they'll be...

Mrs. Smith stated those pictures won't change.

Board Member Fox stated no, no, no, but I know that they're...

Mrs. Smith stated okay.

Board Member Fox stated computer-generated, whatever...

Mrs. Smith stated okay.

Board Member Fox stated where is the... where's the rock sign – well, the other tenant's sign in relation... not, nowhere...

Mrs. Smith stated nowhere near – that's the back of the building...

Board Member Fox stated okay, back of the building, okay.

Mrs. Smith stated the garage. You actually have to pull all the way down the driveway...

Board Member Fox stated okay...

Mrs. Smith stated and kind of go around – not a turn, but, to the back of the building for the garage.

Board Member Fox stated oh, okay.

Mrs. Smith stated when you turn – well, if you were coming from here and going there right now, and you made a left onto Commerce Drive – do you know where Commerce Drive is...

Board Member Fox stated yes.

Mrs. Smith stated it's that first blue building...

Board Member Fox stated okay.

Mrs. Smith stated and if you just look to the right, those signs are right there...

Board Member Fox stated they're right on Commerce [Drive]. Okay.

Mrs. Smith stated on the front, facing Commerce Drive.

Board Member Fox stated right. Okay.

Mrs. Smith stated our signs, you have to literally...

Board Member Fox stated and the others face this way.

Mrs. Smith stated you still won't see our sign that's going to be above the bay door until you actually pull around...

Board Member Fox stated turn around [inaudible – too many speaking]...

Mrs. Smith stated but because there are three businesses there, we still have people – it's a garage door, but people come in and say: Is this Northeast Mesa. And we're like: Nope, other door...

[Laughter.]

Board Member Carinha stated okay.

Mrs. Smith stated you know, because – and the sign on the back, like Rich said, there... we have it placed above the garage door in the back of the building, but they said maybe you want to put it on the upper end of the building so it gets more visibility...

Board Member Fox stated yes.

Mrs. Smith stated so the placement wasn't set, but they didn't seem to have a problem. They were actually more concerned about the paint color. [Laughter.]

Board Member Fox stated oh, so they'll be yellow and blue and...

Mrs. Smith stated blue.

Board Member Fox stated right.

Chairman Olenius stated you guys good.

[Inaudible – too many speaking.]

Chairman Olenius stated you guys good. I make a motion to close the public hearing.

Board Member Carinha stated second.

Board Member Burdick stated second.

Chairman Olenius stated all in favor.

Motion passed by a vote of 5 – 0.

Chairman Olenius stated okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Caleb Smith, Case #20-14
For an Area Variance for the Installation of Two Building-Mounted Signs**

WHEREAS, *Giulio Burra* is the owner of real property located at 10 Commerce Drive (I Zoning District), also identified as **Tax Map Parcel #23.-2-3, and**

WHEREAS, *Caleb Smith* has made an application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-68.1 (B)(1) of the Patterson Town Code; Signs in business districts, in order to install two building-mounted business signs, and

WHEREAS, §154-68.1 (B)(1) of the Patterson Town Code states that any permanent building-mounted sign located in a business district shall advertise only the use of the principal building on which it is located, or the services or wares provided from the building on which the sign is located, and the total aggregate of signs shall not exceed 100 square feet in area per site, and

WHEREAS, Applicant's total aggregate of signs on the parcel will be 144 square feet; ***Variance requested is for 44 square feet,*** and

WHEREAS, the proposed action constitutes an unlisted action under 6 NYCRR Part 617, and the ***Patterson Zoning Board*** acting a lead agent issued a negative SEQRA determination on November 18, 2014, and

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***October 15, 2014 and November 18, 2014,*** 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 applicant is working with the Planning Board to get the most opportune situation for the town.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the fact that there are three businesses within the one building, and all require a certain amount of signage for advertisement.***
3. the variance [requested] ***is not*** substantial ***in light of the fact that it's been mitigated by sixty-some-odd feet from the initial application.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***due to the fact that the signs are building-mounted.***
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 ***Caleb Smith*** for ***an area variance*** pursuant to §154-68.1 B(1) of the Patterson Town Code; signs in business districts, ***of 44 square feet from the maximum 100***

square feet permitted in the I Zoning District, in order to install two building-mounted business signs, and

BE IT FURTHER RESOLVED, that this resolution is contingent upon the removal of one existing 52 square foot sign currently affixed to the building.

Rich Williams stated Mr. Chairman. Just to be clear, you did an uncoordinated review under SEQR and granted a negative determination of significance for the application, correct.

Chairman Olenius stated yes.

Rich Williams stated thank you.

Chairman Olenius stated thank you.

Board Member Bodor stated I'll second it.

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 stated my head is fully swimming now from that one. Holy moley.

[Laughter.]

Mrs. Smith stated I apologize for all the changes.

Chairman Olenius stated it's okay. At least you mitigated it...

Mrs. Smith stated it's...

Chairman Olenius stated smaller than the original...

Mrs. Smith stated it's – smaller's always better...

Chairman Olenius stated that – that's what we like to see...

Mrs. Smith stated right, so...

Chairman Olenius stated we like to see smaller, so...

Mrs. Smith stated okay...

Chairman Olenius stated good luck with that.

Mrs. Smith stated thank you.

5) Other Business

A) Luis Roman Case #16-14

Chairman Olenius stated okay, so now, for other business – the Luis Roman Case #16-14... we need to review that. Do we need to bring the applicants forward.

Nancy Tagliafierro stated um, I don't think so because you've closed the public hearing...

Chairman Olenius stated okay...

Nancy Tagliafierro stated so what we need to do is – we didn't actually adopt a resolution at our last meeting, so – so we have some closure on this application, it'd be appropriate for someone to make a motion and have the board consider a resolution and make specific findings.

Board Member Bodor stated do we – but does the whole resolution have to be re-read, or just the five points...

Rich Williams stated Nancy, what I'd suggested to everybody, because the resolution is already done is simply to make the finding and the facts so it's clear within the resolution, and then we can just attach that onto the existing resolution.

Nancy Tagliafierro stated okay...

Rich Williams stated is...

Nancy Tagliafierro stated that's fine...

Rich Williams stated that an issue.

Nancy Tagliafierro stated no, that – I think that works.

Rich Williams stated in this case, yeah...

Nancy Tagliafierro stated yeah.

Board Member Bodor stated alright, then I'd like to read into the record the five points, and the reasoning behind the denial.

Board Member Bodor read the following:

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* produce an undesirable change in the character of the neighborhood *because the structure where sited rises above the surroundings and it is therefore not in keeping with the neighboring structures.*

2. the benefit sought by at applicant *can* be achieved by another feasible means *due to the professional designer for the said project should have acquainted himself with local zoning regulations as they pertain to subject project.*

3. the variance requested *is not* substantial *due to the fact that it was for 9”.*

4. the proposed variance *will* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the structure is not in keeping with the existing view-shed of the neighborhood.*

5. the alleged difficulty necessitating the variance *was* self-created and *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 *denies* the application of Luis Roman for an area variance pursuant to 157-27A(9)(c) of the Patterson Town Code; Permitted accessory uses, *for an area variance of 9” in height*, in order to legalize his existing 6’ x 20’ accessory structure.

[Editor’s note: Board Member Bodor misspoke. The dimensions of the existing accessory structure are actually 16’ x 20’.]

Nancy Tagliafierro stated so, just – do we have a motion to accept those findings.

Rich Williams stated well, I was just going to ask the question that everybody who voted “no” on this agrees with what she [Board Member Bodor] said, does anybody have anything to add, and then attach them to it, because they’ve already taken a vote.

Nancy Tagliafierro stated so they’re amending the resolution to add those findings.

Rich Williams stated if you would be more comfortable amending the resolution that’s fine. I’m just looking to make sure that we get the findings of fact...

Nancy Tagliafierro stated okay...

Rich Williams stated supporting the decision in the record. True.

Nancy Tagliafierro stated yes.

Rich Williams stated so...

Nancy Tagliafierro stated okay...

Rich Williams stated do you see it different. Listen, you’re the attorney, you know. If you’re not comfortable...

Nancy Tagliafierro stated I just – I’d like to have a resolution that’s adopted by the Board so...

Rich Williams stated now what do we do with the other resolution.

Nancy Tagliafierro stated we don't have one. It wasn't adopted.

Rich Williams stated it was. It was not adopted...

Nancy Tagliafierro stated right.

Rich Williams stated it was not voted yes. It was denied.

Nancy Tagliafierro stated right.

Rich Williams stated so we do have a resolution, and we do have a vote. We just don't have the findings of fact.

Nancy Tagliafierro stated okay.

Rich Williams stated I was just trying to make it simple.

Nancy Tagliafierro stated I think either way it gets us both to the same place.

Rich Williams stated okay.

Nancy Tagliafierro stated I think we're both concerned about the same thing. We want the findings in the record.

Rich Williams stated right, and what I – the conversation I've had with Mary [the Secretary] in the future if they ever do this again, it would be better if they did a whole other resolution right after it.

Nancy Tagliafierro stated yes. I agree. So you want to – did you want to take a roll call on...

Rich Williams stated yeah, just...

Nancy Tagliafierro stated or just confirm that those who voted "no"...

Rich Williams stated a roll call of the people that voted "no" if, if they agree with that findings of fact, or if they have anything else to add.

The Secretary stated Board Member Bodor.

Board Member Bodor stated yes.

The Secretary stated Board Member Burdick.

Board Member Burdick stated yes.

The Secretary stated Board Member Carinha.

Board Member Carinha stated yes, but not with every single finding. Um...

Rich Williams stated do you want to elaborate on which one...

Board Member Carinha stated yeah, I just – I don't think there's an environmental impact. Would that be in proposal four. That's basically it.

The Secretary stated Board Member Fox.

Board Member Fox stated yes.

The Secretary stated and Chairman...

Rich Williams stated alright, then what we're going to do is we're going to type this up and we're just going to attach it onto the resolution so that have the findings of fact supporting the determination that was made.

Nancy Tagliafierro stated okay.

B) 2015 Zoning Board of Appeals Meeting Schedule

Rich Williams stated anybody want to talk about a meeting schedule.

[Laughter.]

Chairman Olenius stated I wasn't sure if that was over. Alright, the meeting schedule.

[Rich Williams – Inaudible; speaking in audience.]

Chairman Olenius stated one more time. [Laughter]. Why are there two Thursday dates, because this is confusing me.

The Secretary stated I know, it was – we had picked out Wednesday dates, uh, and the Town Board was able to get their dates finalized before we were. So, the other options for, I think it's May and October were both moved to Thursdays. Um, if we wanted to still do them on Wednesday, we could do the May on Wednesday the 13th. The problem is they're just a little bit earlier in the month.

Chairman Olenius stated I – I really don't have a problem, I was just... it just confused me.

Board Member Burdick stated okay.

The Secretary stated yeah.

Chairman Olenius stated does anybody have a problem...

Board Member Burdick stated no...

Chairman Olenius stated with the Thursdays as of right now...

Board Member Burdick stated I don't think so.

[Inaudible – too many speaking.]

Board Member Carinha stated no.

Chairman Olenius stated it's fine...

The Secretary stated okay...

Chairman Olenius stated it just – I've just...

The Secretary stated yeah.

Chairman Olenius never saw it before, and it really...

Board Member Burdick stated yeah, usually this is the only...

Chairman Olenius stated it's just that November...

Board Member Burdick stated just so it is November...

Chairman Olenius stated and sometimes December...

Board Member Burdick stated yeah. Oh, okay.

The Secretary stated yeah.

Chairman Olenius stated but... and this December is the same, right. We're Tuesday next month, too...

Board Member Fox stated correct. Yeah.

Chairman Olenius stated right.

The Secretary stated correct. Yes.

Chairman Olenius stated okay. I don't see a problem with them right now, so...

Board Member Burdick stated I don't either, but we work around it...

Chairman Olenius stated I was going to say...

Board Member Burdick if we come across it.

Chairman Olenius stated I'll make a motion to accept them, and then, uh – you know, with possible considerations later as the calendars fill up.

Board Member Burdick stated I'll second it.

Chairman Olenius stated all in favor.

Motion passed by a vote of 5 – 0.

Board Member Burdick stated so our next meeting, then, is on the 16th...

The Secretary stated correct.

Board Member Burdick stated of December.

The Secretary stated yes, that's a Tuesday.

Chairman Olenius stated December 16th, yeah.

The Secretary stated yes.

C) Site Walk

Chairman Olenius stated uh, site walk.

Board Member Fox stated oh.

Board Member Bodor stated alright.

Board Member Fox stated get your calendar...

Board Member Carinha stated I...

Board Member Fox stated because you have all these games...

Board Member Carinha stated all I have it – not, no, football's over.

Board Member Fox stated oh, okay. Good. [Laughter.]

Chairman Olenius stated okay.

Board Member Fox stated how soon are we looking at.

Chairman Olenius stated well, I know next week is Thanksgiving...

Board Member Fox stated oh, yeah...

Chairman Olenius stated but... judging by the fact that she's leaving, I'm just wondering what next Monday and Tuesday look like for everybody. If we could...

Board Member Burdick stated I'm good with either one.

Board Member Carinha stated I'm good with either one.

Chairman Olenius stated just to get it out of the way. She's selling in...

Board Member Fox stated well are we look – generally looking at a time like 5:00 or 5:30, something like that is it. Or, well, it's dark now.

Nancy Tagliafierro stated it's going to be dark then.

Board Member Fox stated yeah, so what time are we looking at.

Board Member Carinha stated yeah, but it's right in the driveway. It's not...

Nancy Tagliafierro stated bring your flashlight.

Chairman Olenius stated yeah, I don't think we really have to...

Board Member Carinha stated put the headlights on the car...

Board Member Fox stated put the headlights on, yeah.

[Laughter.]

Chairman Olenius stated it's not like we're walking the property. It's right there.

Board Member Carinha stated yeah.

Board Member Fox stated um...

Chairman Olenius stated how are you, Mar. You want Monday or Tuesday. I was just trying to expedite it for...

Board Member Bodor stated alright. Well, we – we start Thanksgiving distribution next Monday.

Chairman Olenius stated okay.

Board Member Bodor stated um... Tuesday I'm there until 6:30. Monday I'm there until 4:30.

Chairman Olenius stated so Monday would be better.

Board Member Bodor stated yeah, Tuesday would be impossible.

Board Member Carinha stated yeah.

Chairman Olenius stated okay.

Board Member Fox stated I could maybe...

Chairman Olenius stated how's everyone...

Board Member Bodor stated what...

Board Member Fox stated I could do Monday as long as we're done by 5:30.

Board Member Bodor stated I can't get there til 5:00 probably, so...

Board Member Fox stated well, do you think a half hour is enough for a shed...

Chairman Olenius stated oh, absolutely.

Board Member Fox stated yeah...

Chairman Olenius stated you have to be – you don't have to be home by 5:30, you have to be done by 5:30.

Board Member Fox stated no I need – I need to be home by 6.

Chairman Olenius stated okay.

Board Member Carinha stated okay.

Chairman Olenius stated I don't think there's going to be a problem with that. This seems pretty...

Board Member Burdick stated yeah.

Chairman Olenius stated it's just really an orientation issue, because I'm getting confused by...

Board Member Fox stated actually, you know what, I don't. My husband's off next week. I can do whatever you want. That's fine.

[Laughter.]

Board Member Fox stated I'll make him go to speech therapy. That's fine.

Board Member Burdick stated I can be there by 5:15. Unless you, you know, unless that's too late, and then I'll just rearrange my schedule.

Chairman Olenius stated so let's shoot for... let's shoot for Monday, and we'll just say 5:00, because if it's getting dark or whatever we can get kind of a quick look and then we can fill Marianne in whenever she wheels in.

Board Member Burdick stated it's right over the hill from my house, so...

Chairman Olenius stated so...

Board Member Burdick stated yeah.

Chairman Olenius stated nice.

Board Member Fox stated what's the address.

Board Member Bodor stated it's McManus South.

Board Member Burdick stated North.

Board Member Bodor stated North.

Board Member Burdick stated I'm South. Not that there's a way to get through...

Board Member Bodor stated you're South. You're South, yeah. I'm – I – our end, our end is North...

Chairman Olenius stated oh, this is the one off [Route] 311.

Board Member Burdick stated yeah.

Board Member Bodor stated yes. Our end is North...

Chairman Olenius stated okay

Board Member Burdick stated up above the old town hall...

Board Member Bodor stated right.

Chairman Olenius stated okay.

Board Member Bodor stated okay. I can't [inaudible – too many speaking]...

Board Member Carinha stated so if I come out [Route] 164 – I'm just trying to think where it is – I'm going to go on, I'm going to make a left on [Route] 311 and it's going to be the first left hand turn. Okay.

Board Member Fox stated yeah.

Chairman Olenius stated yes.

Board Member Bodor stated okay.

Chairman Olenius stated and it's going to be 60 degrees on Monday.

Board Member Carinha stated alright.

Board Member Fox stated sure.

Chairman Olenius stated very nice.

Board Member Fox stated right.

Chairman Olenius stated like I believe these [inaudible – audience member coughing]... but, it actually looks like there's a chance of it. I'll believe it when I see it. So what did we say. What was that date we had on it – I want to right the date down.

Board Member Burdick stated 24th.

Board Member Fox stated 24th.

Nancy Tagliafierro stated 24th.

Chairman Olenius stated the 24th.

Board Member Bodor stated what house number is it.

Board Member Fox stated 281 McManus North. Okay.

Board Member Bodor stated 281.

Board Member Burdick stated I can't see from the picture where it is.

Board Member Fox stated didn't you say you make a left on [Route] 164...

Board Member Carinha stated you come out [Route] 164 to [Route] 311...

Board Member Fox stated right.

Board Member Carinha stated you're going to make a left and that is the first left hand turn.

Board Member Fox stated where that house with the red roof is. That one.

Board Member Burdick stated yeah, yep...

Board Member Bodor stated yes, yes.

Board Member Burdick stated go right up that hill.

Board Member Fox stated okay.

Board Member Bodor stated yeah.

Board Member Fox stated I like that metal roof. It's really nice.

Board Member Burdick stated that's Ron Taylor's house.

Board Member Fox stated okay.

Chairman Olenius stated okay.

D) MINUTES

Chairman Olenius stated the minutes I didn't have any issue with. I didn't see any...

Board Member Carinha stated yeah, I didn't see anything, no.

Chairman Olenius stated I didn't think there was a problem with them, so I'll make a motion to accept as presented.

Board Member Bodor stated I'll second.

Chairman Olenius stated all in favor.

Motion passed by a vote of 5 – 0.

Chairman Olenius stated anybody have anything else. Then I'll make a motion to adjourn.

Board Member Fox stated what about all those extra stuff that we had in our packet. That's just for reference.

Chairman Olenius stated a lot of it's just reference stuff, yeah. Like things that might be coming up at some point...

Board Member Fox stated okay.

Chairman Olenius stated it's kind of heads-up stuff.

Board Member Fox stated okay.

Chairman Olenius stated all in favor of the adjournment.

Board Member Fox stated oh, I'm sorry.

Motion passed by a vote of 5 – 0.

Meeting adjourned at 8:00 PM.