

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
November 19, 2013**

AGENDA & MINUTES

	Page	
1) Design Concepts Engineering, P.C. Case #14-13	2 – 3	Public hearing continued; Application held over
2) Joseph Bucchignano Case #18-13	3 – 13	Public hearing opened & closed Area variances for a 2 nd story addition and rear deck granted
3) Watchtower Bible & Tract Society Case #19-13	13 – 21	Public hearing opened & closed; Area Variance for 150kW generator 2’7” away from another structure granted
4) Other Business		
a) Minutes	22	October 16, 2013 minutes approved
b) 2014 Meeting Schedule	22 – 24	Meeting Schedule Approved

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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

PLANNING BOARD

Shawn Rogan, Chairman
Thomas E. McNulty, Vice Chairman
Michael Montesano
Ron Taylor
Edward J. Brady, Jr.

**Zoning Board of Appeals
November 19, 2013 Meeting Minutes**

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

Present were: Chairman Olenius, Board Member Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Gerald Herbst, Nancy Tagliaferro, Attorney with Town Attorney’s Office and Richard Williams Sr., Town Planner.

Chairman Olenius called the meeting to order at 7:00 p.m.

There were approximately 4 members of the audience.

Sarah Mayes 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 Buzzutto	-	here
Chairman Olenius	-	here

Board Member Bodor stated here he comes [referring to Board Member Herbst].

Chairman Olenius stated is he coming.

Board Member Bodor stated yes.

Chairman Olenius stated okay. You might as well just continue the roll.

Board Member Herbst stated made it just in time, huh.

The Secretary continued the roll call:

Board Member Herbst - here

[Laughter]

Board Member Herbst stated I think.

The Secretary stated okay. You want me to...

Board Member Buzzutto stated I thought I had this whole corner to myself here, but...

1) DESIGN CONCEPTS ENGINEERING, PC CASE #14-13

No one was present.

The Secretary read the following legal notice:

NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS of a public hearing to be held on Tuesday, November 19, 2013 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Design Concepts Engineering, PC Case #14-13 – Area Variances & Use Variance – Held over from the July 17, 2013, August 21, 2013, September 18, 2013 and October 16, 2013 meetings

Chairman Olenius stated according to information we received with our packets this week, the Town Board asked for input from the Planning Board on this case, and the Planning Board has just issued a response and the Town Board has not had an issue to...Or had time yet to review it and their meeting is tomorrow night so I'll make a motion to table this until next month's meeting.

Board Member Herbst stated second.

Chairman Olenius stated all in favor.

Board Member Buzzutto stated shouldn't we have them introduce themselves so it's on record that they are here.

Chairman Olenius stated they're not.

The Secretary stated they're not here.

Board Member Bodor stated they're not here.

Board Member Buzzutto stated they're not here. Oh, okay. Okay. Alright. Who second it.

Board Member Herbst stated I did.

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

Chairman Olenius stated okay. Moving right along.

Board Member Buzzutto stated that's held over, right.

The Secretary stated okay.

2) JOSEPH BUCCHIGNANO CASE # 18-13

Mr. Joseph Bucchignano and Mr. William Besharat, architect with Rayex Construction, were both present.

The Secretary read the following legal notice:

Joseph Bucchignano Case #18-13 – Area Variances

Applicant is requesting area variances pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, and §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct a 2nd story addition and to add a rear deck. The Code requires a 15' side yard setback. The existing dwelling is currently 2'+ from the side yard property line. Applicant is requesting to construct a rear deck 5.5' from the side property line; Variance requested in for 9.5'. This property is located at 69 Taylor Road (RPL-10 Zoning District)

Chairman Olenius stated Mr. Bucchignano.

Mr. William Besharat stated good evening. Now this is Mr. Bucchignano. I am Willy Besharat. I'm representing him. The plans in front of you... You want me to put this on the board and go over it that way [referring to putting the plans on the bulletin board].

Board Member Herbst stated Sarah, I ran out of the car so fast I totally forgot [referring to a pen].

The Secretary stated you forgot one.

Mr. Besharat stated if I could briefly explain to the Board what the project is all about. Currently the house as it exists within the same footprint of the first floor. That's the existing house. As it exists, the house is 2.45 feet from the eastern property line. The other side, it's really in compliance with the setbacks. So that's one point where the requirement of the side yard variance is needed. In the rear of the house, we have the septic tank somewhere in this region and the septic system [referring to plans]. So we're proposing the deck to really extend the existing small deck and make it very comfortable. And we've created like a gazebo effect with a

little roof over it to, you know, be functional for him. And with that in mind, that will put us at the 5.5' setback from the property line. With the existing house actually now, it's basically around 7' from the property line. So there will be another require for a setback. The rear yard setback and the front yard setbacks are not encroached upon and we're not proposing any new encroachment there. As the house exists right now, it's a small house and we're trying to renovate it and make it a more comfortable home to live in. We've taken the two bedrooms and we're moving them upstairs to the second floor, okay, with one bathroom, and we opened the entire space downstairs as a more comfortable. The bedroom in the back, we're going to create a powder room and a laundry room out it. We are currently in front of the Planning Board...I mean in front of the Health Department for approval. I think it has been issued, the approval for the bedroom count and compliant that we are a two bedroom house and we maintain a two bedroom house. We haven't picked it up as of now [referring to the approval]. As you see, I saw some pictures of what the house looks like and what we're proposing. It's really, we're trying to do it as tastefully as possible. We're using a lot of architectural elements to it to create more of a craftsman style home. Okay, and it will be an asset to the neighborhood. As we're proposing with our setbacks, the existing side yard with the 2.5' encroachment, that's something that we can do nothing about. We're not creating...It's a pre-existing. And we have no other properties available to us to purchase and make this variance, you know, go away. Nor can we locate the addition somewhere else that we do not need a variance because we are really working within an existing footprint, and we're doing the second floor above it. We have actually no neighbors in the area. We have a neighbor that's far away over here. So it doesn't really create any impact...any negative impact on anybody in the area. If anything, it was going to be a positive impact that the house is going to be beatified and brought up to Code and if the meeting was good, then aesthetically it would look very pleasing.

Chairman Olenius stated so I'm looking at your prints here, and my first question that I always ask when this comes up is you're not cantilevering that second story over the first floor. It looks like...

Mr. Besharat stated yes, we are. Sorry, we're proposing also, I apologize, we did a small portion in the front, we're enlarging the front parch. We are cantilevering the front but it's going to be within the footprint of the...within the porch itself so it will not look like a cantilever.

Chairman Olenius stated it's not on the side where the...

Mr. Besharat stated no.

Chairman Olenius stated two feet...

Mr. Besharat stated no, it's not. It's not on that side, no.

Chairman Olenius stated and you explained quickly that the rear deck is positioned as such on the plans to avoid an existing septic tank.

Mr. Besharat stated exactly. We're keeping our distance away from it. If we move it away where it does not need a variance, the house itself would really go in like a 2 foot encroachment. But, you know to preserve the aesthetics and the functionality of it, we have it in an area where there is no houses in here and I don't think there are ever going to be. I'm not sure if there will be. And, you know, just to stay away...keep our distance from the septic tank, which we have an

existing 1,000 gallon septic tank.

Chairman Olenius stated and there's no way to shift the gazebo over toward the septic tank to keep that line flush with that side property line because...

Mr. Besharat stated is there any way to do that. I would go out on a limb and say yes, we could do that. But, you know, to preserve like a nice grass area over here, you know, it will be nice to leave it...That's why we left it. You know, a little playground, you know...

Chairman Olenius stated yes.

Mr. Besharat stated getting married, hopefully soon, and there're going to be kids playing, so there will be a nice place for a child to have a backyard instead of on the deck.

Chairman Olenius stated and you stated on the right side of the property that there was no house close. How about...

Mr. Besharat stated the house is over here; there's a little, like, a parking area over here. I think it's the multi-family of some sort.

Mr. Joseph Bucchignano stated it's a larger house with a wide driveway. It's actually the only neighbor that I have there.

Mr. Besharat stated yes. You know, from here to here is like at least 30-40 foot distance between the two houses.

Chairman Olenius stated and how about on the left side.

Mr. Besharat stated there is no houses.

Mr. Bucchignano stated it's all woods there.

Mr. Besharat stated it's all woods.

Chairman Olenius stated it's undeveloped.

Mr. Bucchignano stated it's undeveloped, yes. It's rock, woods...

Mr. Besharat stated it's all rock.

Board Member Bodor stated are there any other two-story homes right there in that vicinity.

Mr. Besharat stated this house over here is two-story.

Board Member Bodor stated that's a two-story.

Mr. Besharat stated yes. And the one...

Board Member Bodor stated across the way.

Mr. Besharat stated across the street is...

Mr. Bucchignano stated the one across the street is one-story and then the house next to it across the street is two-story. All, actually, all the rest of the houses on the street, they're all two-story homes.

Chairman Olenius stated yes.

Mr. Bucchignano stated the only houses that are one-story is mine and the house across the street from, which is a vacant home.

Chairman Olenius stated I have to say, your renderings are very...

Mr. Besharat stated thank you.

Chairman Olenius stated a very nice look.

Mr. Besharat stated we give the credit Joey. He's the architect in the office [referring to someone in the audience]. We tried to make something a little bit different yet, you know, economical to construct. And really, you know, it's to get away from the colonial and the boxes. You know, a little bit more trim work. It's not going to break the budget but it will create a very pleasant effect on the site.

Chairman Olenius stated where is Taylor Road. I know it's in Putnam Lake.

Mr. Bucchignano stated it's in Putnam Lake. It's to the left of the monument. If you go down where the castle is...

Chairman Olenius stated yes.

Nancy Tagliafierro stated it's off Warren Drive, right.

Mr. Bucchignano stated yes. It's off of Warren [Drive]. Yes. If you make a left onto Alden, go up to Taylor, and it's actually the last house on the street on the right hand side. So it's right in the corner of Warren and Taylor.

Chairman Olenius stated okay. Got you. I thought...In my mind I thought that's where it was but the elevations on the property didn't seem right for...

Rich Williams stated hey. Welcome back. Wow [talking to someone in the back of the room].

Chairman Olenius stated being up on...

Mr. Bucchignano stated right.

Chairman Olenius stated the side of the hill there.

Mr. Bucchignano stated yes.

Chairman Olenius stated but I know it does flatten out in a few spots. I just...

Board Member Buzzutto stated there's a finished attic really finished. Attic...

Mr. Besharat stated no, the attic is going to be...It's a very shallow attic. I don't think there's even going to be any room for more than slight, small storage. You're going to have like a couple of feet headroom. That's about it.

Chairman Olenius stated just enough for the air conditioning duct.

Mr. Besharat stated exactly. You know, if you see the pitch on the roof, in the center of the peak it was going to be like 6' tall to the top of the ridge. (Inaudible) probably would have a three foot space.

Chairman Olenius stated there's a shed on the property; it says it's going to be removed. Or to be removed.

Mr. Besharat stated the...No, we didn't say we were going to remove the shed.

Mr. Bucchignano stated no, I have a small, like, 8'x8' plastic shed.

Mr. Besharat stated it's a small, prefabricated shed that's in there that is existing.

Chairman Olenius stated it was stated on the zoning denial. That's the only reason I ask the question.

Mr. Bucchignano stated oh.

Mr. Besharat stated oh.

Chairman Olenius stated it says shed to be removed. Sidewalk to be removed.

Mr. Besharat stated the sidewalk to be removed, yes. There is a sidewalk over here that's off the property and it really completely not in use and we said we were going to remove this area and landscape it through here. But the shed I don't remember saying that...

Mr. Bucchignano stated no, I don't...

Mr. Besharat stated we will remove.

Chairman Olenius stated the reason that I'm sure this is one here and the reason I bring that up is because judging by your print here...

Mr. Besharat stated yes.

Chairman Olenius stated you would need a variance for that as well because it's too close to the sideline.

Mr. Besharat stated although it's pre-existing. You have a problem moving it.

Mr. Bucchignano stated no.

Mr. Besharat stated then we'll remove the shed.

Chairman Olenius stated just we like to do everything once.

Mr. Bucchignano stated yes. It's a...

Mr. Besharat stated okay.

Mr. Bucchignano stated it's prefab, plastic shed. It's not like a permanent structure.

Chairman Olenius stated I mean, there's a very good chance you could relocate it on your own property somewhere...

Mr. Bucchignano stated yes, I could...I could put it in the rear and it will meet the setbacks if I put it in the rear of the property.

Mr. Besharat stated I think that will be a better scenario, you know. But we will deal with that with the Building Department on it. We'll be within the setbacks so we will not need a variance.

Chairman Olenius stated it's on his sheet, that's the reason...

Mr. Besharat stated it will be removed or relocated, you know, but the shed will be in compliance, let's put it that way.

Chairman Olenius stated okay. Is there anybody in the audience that has input on this case. Hearing none. What are you...Is the property just on two lots.

Mr. Besharat stated yes.

Chairman Olenius stated how old is the home; the existing.

Board Member Buzzutto stated I think it was '50.

Chairman Olenius stated from 1950...

Mr. Besharat stated yes.

Board Member Buzzutto stated was the year it was built.

Mr. Besharat stated yes, that was the year it was built. I have that information somewhere.

Board Member Buzzutto stated what was the shed going to be, removed or relocated. It has to be one or the other, right.

Chairman Olenius stated one or the other, yes.

Mr. Besharat stated we'll relocate it but we'll be in compliance of the setbacks so it would not need a variance. That will...We'll address that during the building permit with the Building Department.

Chairman Olenius stated Nick's [Lamberti] going to have to follow up because it's on his denial.

Mr. Besharat stated exactly.

Chairman Olenius stated I just know it was on here...

Mr. Besharat stated we will address that with the Building Department, not through the Zoning Board.

Board Member Buzzutto stated and the Health Department hasn't issued they're okay yet on any...

Mr. Besharat stated we have a verbal ok from them on it. It's just a matter of...Did you receive it in the mail yet because I think...

Mr. Bucchignano stated I did not. Not yet.

Mr. Besharat stated no. We should be getting it soon. I'm very confident there will be no issue with the Health Department because it was discussed, we had a meeting with them, and verbally it was approved.

Board Member Buzzutto stated okay.

Mr. Besharat stated and he said just get us the paper work and the application. And we did submit it to him I would say at least a week before we submitted to the Zoning Board which would put us at almost three weeks ago so we should be receiving the approval from them very shortly.

Board Member Buzzutto stated okay.

Chairman Olenius stated would you pronounce your last name for me.

Mr. Besharat stated Bucchignano.

Chairman Olenius stated Bucchignano.

Mr. Bucchignano stated yes, Sir.

Chairman Olenius stated okay. I'm going to make a motion to close the public hearing.

Board Member Bodor stated I'll second.

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

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Joseph Bucchignano, Case #18-13
*Enlargement of a Nonconforming Building***

WHEREAS, *Joseph Bucchignano* is the owner of real property located at 69 Taylor Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.71-1-44, and**

WHEREAS, *Joseph Bucchignano* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of a nonconforming building, in order to construct a 2nd story addition to move the existing bedrooms upstairs and enlarge the rooms downstairs, and

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

WHEREAS, §154-7 of the Patterson Town Code requires a 15' side yard setback; Applicant will have 2.45'; 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 19, 2013*** to consider the application; and

WHEREAS, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearings and finds that:

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because the new design will be much more aesthetically pleasing.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because of the size of the current lot: going up is virtually the only way any improvement could be made.***
3. the variance requested ***is*** substantial ***however it is pre-existing, nonconforming. There is no more encroachment on the side yard than what currently exists.***
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 is going directly up, not increasing the actual footprint on the property.***
5. the alleged difficulty necessitating the variance ***was not self-created*** and ***is not sufficient*** so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Joseph Bucchignano* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct a 2nd story addition to the existing dwelling.

Board Member Bodor stated I'll second it.

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

Resolution carried by a vote of 5 to 0.

Mr. Bucchignano stated thank you very much.

Chairman Olenius stated you have one more still. Sorry. Almost done.

Mr. Bucchignano stated okay.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Joseph Bucchignano, Case #18-13
For an Area Variance for a Side Yard Setback for a Rear Deck

WHEREAS, *Joseph Bucchignano* is the owner of real property located at 69 Taylor Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.71-1-44, and**

WHEREAS, *Joseph Bucchignano* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to construct a rear deck as shown on the submitted plans prepared by Rayex Design, Planning & Construction on October 2, 2013, and

WHEREAS, §154-7 of the Patterson Town Code requires a 15' side yard setback; Currently exists is 7'; Applicant will have 5.5'; ***Variance requested is for 9.5'***, 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 19, 2013*** 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. *It will only, in effect, enhance it.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *due to the narrowness of the existing property.*
3. the variance requested *is* substantial *however not so much as to cause a denial of the requested variance.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because it is just a slight extension of what currently exists.*
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 *Joseph Bucchignano* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 9.5' from the 15' required for a side yard setback in the RPL-10 Zoning District in order to construct a rear deck 5.5' from the side yard property line as shown on the submitted plans.*

Board Member Bodor stated second.

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

Resolution carried by a vote of 5 to 0.

Mr. Bucchignano stated thank you very much.

Mr. Besharat stated thank you very much.

Chairman Olenius stated follow up with the Building Department and good luck to you.

Mr. Bucchignano stated thank you so much.

Mr. Besharat stated have a great evening and Happy Thanksgiving to everybody.

Chairman Olenius stated same to you. Thank you.

Board Member Bodor stated thank you.

Mr. Besharat stated good night.

Board Member Bodor stated good night.

Chairman Olenius stated good night. It's a pretty design.

Board Member Bodor stated yes.

The Secretary stated Lars.

Chairman Olenius stated oh. Got you. Okay. Good ahead.

3) WATCHTOWER BIBLE & TRACT SOCIETY CASE #19-13

Richard Eldred, Eddie Walker, and Joel Heir were all present.

The Secretary read the following legal notice:

Watchtower Bible & Tract Society Case #19-13 – Area Variance

Applicant is requesting an area variance pursuant to §154-27A(12)(b) of the Patterson Town Code, in order to place a 150 kw generator 2'7" from another structure. The Code requires there to be at least a 15' separation between structures; Variance requested is for 12'5". This property is located at 2741-2891 Route 22 (C-1 & R-4 Zoning Districts).

Chairman Olenius stated good evening.

Mr. Richard Eldred stated good evening.

Board Member Buzzutto stated good evening.

Mr. Eldred stated my name is Richard Eldred and this is Eddie Walker and Joel Heir is sitting in the back. We're interested in getting a variance for having a generator that we want to put next to our farm equipment building which is a concrete base structure and metal, and we don't have enough room to set it 15' away from the building. What we have is setting about 2.7' away from the building. As far...

Chairman Olenius stated how big is the generator. I don't mean to interrupt you.

Mr. Eldred stated it's a...

Board Member Buzzutto stated 150...

Mr. Eddie Walker stated 150 kW.

Chairman Olenius stated oh, okay.

Mr. Eldred stated it's 1-5-0. Yes.

Chairman Olenius stated okay.

Mr. Eldred stated it will be an emergency generator for the farm equipment building as well as the houses that are down in that area. And that's basically what we have an interest in doing. Eddie's got some pictures to show how far it is from Highway 22; there's not much visibility because it's right next to the farm equipment building. And then as far as sound is concerned, it's about 74 decibels. It would be less than standing next to a semi-truck when he's revving his engines. They said it would be like in a room when you have quite a few people talking. It would be like on the noisy side. But we don't have anybody close to it, so it should be, you know, fine for (inaudible – papers shuffling).

Chairman Olenius stated what's the fuel source.

Mr. Eldred stated well, it's...I...Well, we have a gas line that we are going to put to the source of gas.

Chairman Olenius stated natural gas.

Mr. Eldred stated yes.

Chairman Olenius stated what's the...Is there a programmable exercise schedule that you can...

Mr. Eldred stated it's an emergency generator but we'll exercise it probably once a month. That's usually what we'll do with our emergency equipment.

Chairman Olenius stated during the day though.

Mr. Eldred stated it's during the day.

Chairman Olenius stated yes. Not in the middle of the night or anything.

Mr. Eldred stated no. No.

Chairman Olenius stated I don't think anybody would hear it at that decibel rating anyway, but that's just a typical question we ask just to...

Mr. Eldred stated yes. Well, it's a good question.

Chairman Olenius stated we don't like them going off at 2 a.m., you know, if we can help it.

Mr. Eldred stated that's good.

Chairman Olenius stated at least for the exercise part. Obviously if there's an emergency...

Mr. Eldred stated yes.

Chairman Olenius stated it's understandable. And I think from your submittal it was a Kohler brand. It's Kohler.

Mr. Eldred stated yes.

Chairman Olenius stated and there is no...My only concern when I saw it and I couldn't find it in your submittal here is they don't have any requirements for distance around the unit itself. Only because it was two feet from the building like...

Mr. Eldred stated generally, there isn't any requirement because it's enclosed itself. The only thing that does is an exhaust stack, you know. But as far as the actual part that operates, it's in an enclosure that has an actual fire rating. The building that it's right next to has a concrete wall that comes up and steel columns with metal siding. So there's no wood...

Chairman Olenius stated okay.

Mr. Eldred stated that's associated adjacent to it.

Chairman Olenius stated I was more concerned that the unit itself needed a certain amount of airflow around it to keep itself cool or anything. I didn't realize it's in a...It's actually in an enclosure...

Mr. Eldred stated yes.

Chairman Olenius stated unit already. Okay.

Mr. Eldred stated and it has enough airflow in that location. It just has a natural...That's usually where I go walking. There's a natural breeze always there, so...

Chairman Olenius stated and I'm assuming this location adjacent to the farm building is because that's where the electrical service comes into it currently. So it's...

Mr. Eldred stated that is correct. It's right inside the building just over a few feet. Eddie, if you could point that out, that's the electrical service. This is the generator and the gas line comes alongside of the building, so it's a natural fit for its location [Mr. Eddie Walker pointing to plans on the board].

Chairman Olenius stated less wire, less piping, less cost.

Mr. Eldred stated yes. If we went not too far away from that, we would run an additional \$5,000.00 in piping and costs. So, it's in a good location for what we're going to do with it.

Chairman Olenius stated you have quite a cluster of buildings there already, anyway, so depending on how you went, it probably would be...

Mr. Eldred stated it's a little harder to fit it in other areas, yes.

Chairman Olenius stated did you say you had some photos from [Route 22] to...Just curious. I didn't...They might have been in here actually [referring to the application packet].

The Secretary stated I have the colored ones if you want to see them in color.

Chairman Olenius stated oh, that's what it was: they were black and white. Yes.

Board Member Bodor stated these are black and white, yes.

Chairman Olenius stated yes.

Mr. Eldred stated yes. I think Eddie's got some colored ones.

Mr. Eddie Walker stated we were running north.

Chairman Olenius stated oh.

Mr. Eldred stated and that's actually out at Route 22 [referring to a picture].

Chairman Olenius stated okay.

Mr. Eldred stated and it's quite a bit of foliage as you get right in that area. So you don't really see the farm buildings from that vantage point.

Chairman Olenius stated no, you really...

Board Member Buzzutto stated yes, okay.

Chairman Olenius stated is this center one the farm building in question, with the garage door shown there.

Mr. Eldred stated yes. That's the...sort of the white building back there.

Chairman Olenius stated yes. And it was going to the right side of that as I'm staring at this picture...

Mr. Eldred stated yes.

Chairman Olenius stated more behind this screening that's...

Mr. Eldred stated yes. It's behind the screening.

Chairman Olenius stated you see those, Jerry [referring to the pictures].

Board Member Herbst stated thanks.

Board Member Buzzutto stated does this tie in anyway with the...You must have a supply...alternate up on top the hill to run the buildings up there in case of an outage. Does it.

Mr. Eldred stated up on the hill itself...

Board Member Buzzutto stated with the hotel and stuff like that.

Mr. Eldred stated we have a separate generator up there.

Board Member Buzzutto stated you have a separate...this would not have anything to help that at all.

Mr. Eldred stated no, we don't have any tie across the road.

Board Member Buzzutto stated yes. Okay, fine.

Mr. Eldred stated yes.

Board Member Buzzutto stated so it has nothing to do with the one up on top.

Mr. Eldred stated no. For this type of generator you'd prefer to have not too far.

Board Member Buzzutto stated in other words it will not be called on for assistance up there in case you have a problem going on up there. I don't know if you follow what I say.

Mr. Eldred stated yes. This stands alone and is for down in this area.

Board Member Buzzutto stated right.

Mr. Eldred stated up there is...We do have generators for...

Board Member Buzzutto stated right.

Mr. Eldred stated on the site. Yes.

Board Member Buzzutto stated but if one of those break down up there, would you call on this one here to...

Mr. Eldred stated no.

Board Member Buzzutto stated is that tied in whatsoever.

Mr. Eldred stated no.

Board Member Buzzutto stated nothing, okay. All right.

Board Member Bodor stated is this going to service all those buildings down there.

Mr. Eldred stated it's just an emergency generator and it would be...

Board Member Bodor stated yes.

Mr. Eldred stated temporarily for lighting and things of that nature.

Board Member Bodor stated but it has enough power so that it's going to take care of...I mean, there's like 6 buildings there. Wow.

Mr. Eldred stated well, it's got enough ...

Board Member Bodor stated it's a big unit.

Mr. Eldred stated power for emergency type things.

Chairman Olenius stated is...are all of these buildings served out of this building now. Is that like your main distribution point that feeds all these buildings, so...

Mr. Eldred stated yes. The power comes in from NYSEG in to this building and then distributes.

Chairman Olenius stated okay. Automatic transfer switch or...Yes. Anyone in the audience have comment. Hearing none.

Board Member Bodor stated how large a unit is that; size wise.

Mr. Walker stated 3.5' x 9' roughly, I think. We think the slab itself is 4' x 10' that it sits on.

Board Member Bodor stated and height.

Mr. Walker stated 4.5 to 5'.

Board Member Bodor stated wow. All right.

Chairman Olenius stated Mr. Williams, did we have an amendment to the Code for generators. But it was under a certain size, wasn't it.

The Secretary stated under 25kW...

Chairman Olenius stated twenty-five. Okay, I knew there was something with that.

Mr. Williams stated there was a policy decision, an internal policy decision, about what constitutes building from equipment.

Chairman Olenius stated right. Okay. Thank you. That's why I kept going back to the size of it. I thought something had been done but I think it's just because this one is so large we wanted to make sure that we knew what was going on with the really big ones. Because as you state, it is kind of like having a diesel truck, you know, well not at full throttle obviously, but, you know...

Mr. Eldred stated yes. This does have a muffler on it as well.

Chairman Olenius stated I think you would need it for something that size. Do you guys have anything else.

Board Member Herbst stated no.

Chairman Olenius stated do you guys have anything else. Anything else.

Board Member Buzzutto stated no.

Chairman Olenius stated okay. I'll make a motion to close the public hearing.

Board Member Burdick stated second.

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

Chairman Olenius stated okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Watchtower Bible & Tract Society, Case #19-13
*For an Area Variance for a 150 kW Generator***

WHEREAS, *Watchtower Bible & Tract Society* is the owner of real property located at 2741-2891 Route 22 (C-1 & R-4 Zoning Districts), also identified as **Tax Map Parcel #14.-1-15, and**

WHEREAS, *Watchtower Bible & Tract Society* has made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-27A(12)(b) of the Patterson Town Code; Permitted accessory uses, in order to install a 150 kW generator, and

WHEREAS, §154-27A(12)(b) of the Patterson Town Code states that an accessory structure shall not be closer than 15 feet to any other structure, and

WHEREAS the Patterson Town Code requires a 15' separation between structures; Applicant has 2'7"; ***Variance requested is for 12'5"***, 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 19, 2013***, to consider the application; and

WHEREAS, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearings and finds that:

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because it will only be used in emergency situations.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible

means *due to the restrictions of current electrical supply and natural gas piping.*

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 there will actually be less disturbance by siting the unit closer to the building.*
5. the alleged difficulty necessitating the variance *was self-created, however, is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Watchtower Bible & Tract Society for an area variance of 12'5"* pursuant to §154-27A(12)(b) of the Patterson Town Code; Permitted accessory uses, *in order to install a 150 kW generator 2'7" away from the farm equipment building.*

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated Gentlemen, as always thank you.

Mr. Eldred stated thank you.

Chairman Olenius stated your submissions are always...Everything is right there. I mean, you know, you guys don't miss anything.

Board Member Buzzutto stated more power to you.

Chairman Olenius stated yes.

[Laughter].

Mr. Eldred stated thank you. Now do you want to keep the pictures.

The Secretary stated you can...Yes. If you want them keep them. Thank you.

Mr. Eldred stated thank you.

Board Member Burdick stated thank you.

Mr. Walker stated thank you very much.

Chairman Olenius stated thank you.

Mr. Walker stated I appreciate it.

Chairman Olenius stated good luck.

Board Member Burdick stated have a good evening.

4) OTHER BUSINESS

Board Member Buzzutto stated didn't we have...Oh yes, we do have minutes.

Chairman Olenius stated so it so far as other business we had the fact that Pettey has filed for an extension and that we didn't take the...

Nancy Tagliafierro stated settlement proposal.

Chairman Olenius stated settlement proposal. Yes, thank you.

Board Member Buzzutto stated we sent that back to the Town Board, didn't we, to...what our feelings was towards the thing. What did they say. They...

Nancy Tagliafierro stated the Town...

Chairman Olenius stated they agreed with us.

Nancy Tagliafierro stated declined to settle the case.

Board Buzzutto stated they agreed, okay. That's good. Okay.

Nancy Tagliafierro stated so they then asked for some additional time to perfect their appeal. So now they have until January 8th to do so.

Board Member Buzzutto stated okay.

Chairman Olenius stated January 8th.

Nancy Tagliafierro stated January 8th.

a) Minutes

Chairman Olenius stated it's 14...I read...These meetings....These meeting minutes were beautiful by the way because they were...

The Secretary stated I enjoyed typing them.

Chairman Olenius stated I like the short and concise. And I will make a motion to approve the minutes as presented.

Board Member Bodor stated second.

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

b) 2014 Meeting Schedule

Chairman Olenius stated okay, and the meeting schedule. November and December are both Tuesdays.

The Secretary stated yes.

Chairman Olenius stated because they're both starred. Okay, because there's a little note on the bottom said November meetings are Tuesdays and I'm not picking on you I'm just clarifying for myself because I did not pull a calendar out...

The Secretary stated oh.

Chairman Olenius stated to see that December was in fact a Tuesday also. But I saw your asterisk so I was assuming that that's where we were at.

The Secretary stated yes. December 16th is a Tuesday.

Chairman Olenius stated I mean, it looks fine as of now and I appreciate that you put at the bottom that it's subject to change because I don't know a year in advance what is going on, unless anybody else sees a reason...

Board Member Buzzutto stated just make sure that Mary Bodor knows because she forgot the last time I told her that the meeting was changed.

Board Member Bodor stated what was that.

[Laughter].

Chairman Olenius stated he's picking on you.

Board Member Bodor stated picking on me.

Chairman Olenius stated trying to.

Board Member Bodor stated oh.

Board Member Buzzutto stated ok.

Chairman Olenius stated do we have anything else.

Board Member Buzzutto stated no. Not that I know of.

The Secretary stated no.

Chairman Olenius stated I make a motion to adjourn the meeting.

The Secretary stated are you going to make a motion to accept the meeting schedule.

Chairman Olenius stated oh yes. I will make a motion to accept the meeting schedule. The dates are good but it's still going to be subject to change as stated on the schedule.

The Secretary stated okay.

Board Member Bodor stated second.

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

Chairman Olenius stated now I make a motion to...

Board Member Bodor stated no, don't yet. This letter from the Planning Board regarding the [Patterson] Fire Department, this is quite a letter. There's a lot of stuff in there. I just think that they did a wonderful job with it.

Chairman Olenius stated they did. I read through the whole thing.

Nancy Tagliafierro stated they did.

Chairman Olenius stated and I kept turning pages...

Board Member Bodor stated a lot of research went into this and...

Chairman Olenius stated I think they hit...

Board Member Bodor stated they spelled everything out.

Chairman Olenius stated they hit every topic...

Board Member Bodor stated yes.

Chairman Olenius stated on there. I was very glad. Now we'll wait to see what the Town Board has...what they think of it. And I guess we'll probably be able to make a determination next month I would hope.

Nancy Tagliafierro stated I believe it's on the agenda for tomorrow night.

Chairman Olenius stated good.

Board Member Bodor stated I think it is, too. I think it's on there.

Chairman Olenius stated good. So that way we can get this one off the docket, for a lack of a better word.

Board Member Bodor stated and do we have a board member whose term is up this year. Do we know who that is. It's not me because I looked it up.

Board Member Burdick stated not me.

The Secretary stated the Board Member...

Board Member Herbst stated no, I'm up this year.

The Secretary stated yes.

Board Member Bodor stated you're up this year.

Chairman Olenius stated it's you.

Board Member Herbst stated I guess.

Board Member Bodor stated okay. Are you going to submit a letter requesting reappointment.

Board Member Herbst stated I'm really thinking about it, yes.

Board Member Bodor stated I think if you're thinking, don't think too long. Get it in.

[Laughter]

Board Member Buzzutto stated yes.

Board Member Bodor stated if you're going that direction. I'll make a motion to adjourn now.

Chairman Olenius stated I'll second. All in favor. Motion carried by a vote of 5 to 0.

Meeting was adjourned at 7:42 p.m.