

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
November 21, 2011**

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

**Zoning Board of Appeals
November 21, 2011 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 Howard Buzzutto, Board Member Gerald Herbst, Joe Charbonneau, Attorney with Town Attorney's Office, Rich Williams, Town Planner.

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

There were approximately 7 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
Board Member Herbst	-	here
Chairman Olenius	-	here

1) PATRICIA TANZI CASE #03-11

Ms. Patricia Tanzi was not present.

Chairman Olenius stated alright, our first case of the evening is Patricia Tanzi. Again, she submitted a letter dated 11/21. Secretary can submit as written into the record. Just an update letter. She's trying to contact the Health Department. And she will be back hopefully next month. Also, a letter from her engineer that was hired, John Karell, stating as such that he has been hired for retainment for Ms. Tanzi.

“Letting you know that the Health Dept. has been here and has check out the system. Wants to do perk test had to make the holes deeper. They will return on Tuesday Nov. 22. Also I had the door removed and made archway on the 1 room downstairs that you requested I do. We are moving forward.”

Thank you.
Patricia Tanzi

2) JING ZHANG CASE #17-11

Mr. Jing Zhang and Ms. Marilyn Lam were both present.

Chairman Olenius stated right to number two.

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 Monday, November 21, 2011 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Jing Zhang Case #16-11 – Area Variance – Held over from the October 19, 2011 meeting

Chairman Olenius stated that’s fine. Would you like to come up, please.

Ms. Marilyn Lam stated hello.

Chairman Olenius stated can you just state your name for the record one more time.

Ms. Lam stated my name is Marilyn Lam. I take place as an interpreter for Mr. Zhang.

Chairman Olenius stated thank you.

Ms. Lam stated here’s Mr. Zhang.

Chairman Olenius stated well, I thank you for meeting us out there a few weeks ago to go over the property.

[Ms. Lam translated to Mr. Zhang].

Chairman Olenius stated were you able to come up with any alternatives to remediate the closeness of the requested structure to the side line, or do you want to apply as filed. We had discussed some alternatives when we were out there. You know, shrinking the size, possibly extending the garage or moving it, but you’d like to do it right where it is.

Ms. Lam stated let me...

Chairman Olenius stated sure.

Ms. Lam stated translate.

[Ms. Lam translated to Mr. Zhang].

Ms. Lam stated so I just translated to him what you said.

Mr. Zhang stated [speaking to Ms. Lam in Chinese].

Ms. Lam stated okay. He said that if the Part C, which is the shed, is not approved, he will expand into the garage in the back. So to make it suitable for extra room for the car and also for the equipment, if it is not approved.

Chairman Olenius stated Part C is the only portion that requires the variance, I believe, right.

Ms. Lam stated yes, that's true. Yes.

Chairman Olenius stated yes. Go ahead. I'm sorry to interrupt.

Board Member Bodor stated that's alright. It's okay. What I'm understanding is he still is asking for approval for Part C and if he's denied that, than he's going to expand the garage in the back. Is that what I'm understanding.

Ms. Lam stated yes. That's what he meant, yes.

Board Member Bodor stated so he is still applying for the shed in the front; Part C.

Ms. Lam stated yes.

Board Member Bodor stated that's the application as it stands.

Ms. Lam stated yes. Right.

[Ms. Lam translated to Mr. Zhang].

Ms. Lam stated yes, he still wants it.

Board Member Bodor stated he still wants it and the...

Ms. Lam stated right.

Board Member Bodor stated and the only way that he would consider doing something with the back of the garage as we suggested would be if this Part C is denied.

Ms. Lam stated yes, that's right.

Board Member Bodor stated alright.

[Ms. Lam translated to Mr. Zhang].

Ms. Lam stated sorry.

Chairman Olenius stated is there any input from the audience. I only ask because I was curious if the adjacent property owner came. There were several vacant lots next to the sideline in question.

Board Member Buzzutto stated if Part C is denied...If Part C is denied, he is willing to go to the back of the...What was it called. The back and build up. Is that what we decided or...

Chairman Olenius stated basically expand the garage so he wasn't infringing any more on the sideline.

Board Member Buzzutto stated oh, on the...Alright. But nothing in the back of the garage.

Board Member Bodor stated we're not sure.

Board Member Buzzutto stated oh, we're not sure.

Chairman Olenius stated right.

Board Member stated what I'm understanding is he wants Part C.

Chairman Olenius stated right.

Board Member Bodor stated and if we don't grant that, then he'll consider something else. But he's not considering anything else in lieu of Part C.

Board Member Buzzutto stated but he will consider something else.

Board Member Bodor stated only if we deny Part C.

Board Member Buzzutto stated only if we deny Part C.

Board Member Bodor stated and the problem is there is an alternative way to achieve what he wants. Not exactly in the spot that he wants it, but he can go out the back of that garage, or he can bring it forward as we discussed, on the macadam on the front. Right.

Board Member Buzzutto stated yes. Okay.

Chairman Olenius stated I understand what you're saying. I just want to check.

Board Member Bodor stated yeah.

Chairman Olenius stated come out 7' on the front. I was checking the...

Board Member Bodor stated okay. He could come...

Chairman Olenius stated the setback without a variance.

Board Member Bodor stated he could come out 7' on the front of the garage without a variance.

Chairman Olenius stated necessitating a variance.

Board Member Bodor stated right.

Chairman Olenius stated judging by this survey.

Board Member Bodor stated but he's not willing to do that unless we don't grant him C, which is the shed.

Chairman Olenius stated I'm assuming because it's substantially completed at this point.

Board Member Bodor stated yeah.

Chairman Olenius stated that would be my assumption.

Board Member Bodor stated right, right.

Board Member Buzzutto stated coming out in the front, does that (inaudible – papers shuffling) mandatory distance from the driveway.

Board Member Bodor stated 7'.

Board Member Buzzutto stated 7'.

Chairman Olenius stated according to this survey, he can come out about 7', about...

Board Member Buzzutto stated some people would...

Chairman Olenius stated without necessitating a variance.

Board Member Buzzutto stated okay.

Board Member Bodor stated and we had also talked about the possibility of building on the back of the garage, rehabbing...

Ms. Lam stated excuse me.

Board Member Bodor stated what's there now and putting a second level there.

Ms. Lam stated okay, he said that if...If the expansion is going to be in front of the garage that would be a lot on the cost. That's a big cost factor in there because the garage door needs to be changed. The roof; the whole wall needs to be pushed out. And he thinks that it would not look that good.

Chairman Olenius stated it's just unfortunate that he undertook this project prior to checking with the Town because...

Ms. Lam stated yeah, that's true.

Chairman Olenius stated zero feet is a substantial request. He's basically right on to the property line now with...

Ms. Lam stated yes.

Chairman Olenius stated what he has. And our concern is that should that property adjacent to him ever become developed, the structure's right on the line which...

Ms. Lam stated yes. He understands now.

Board Member Bodor stated on the other side of the picture is, too, there are alternative means of getting the storage area to put whatever it is he wants to put in it on his property. He's got space else where.

Chairman Olenius stated right. Without infringing on...

Board Member Bodor stated that's not the only...

Chairman Olenius stated the sideline.

Board Member Bodor stated that's not the only place on the property to build a shed.

[Ms. Lam translated to Mr. Zhang].

Chairman Olenius stated anything he...I didn't know what he was...

Ms. Lam stated no. I just try to translate to him...

Chairman Olenius stated okay.

Ms. Lam stated what you said.

Chairman Olenius stated Mr. Williams, could I just ask you a quick question. In RPL-10, or in Putnam Lake specifically, I thought that a new number of lots was required to constitute a building lot, if I phrased that correctly.

Rich Williams stated you need nineteen thousand...We got away from doing the whole lot thing. We changed it to square footage; it's 19,500 square feet. If you don't have that lot area and you still could meet all the other setback requirements, you could still build on the lot.

Chairman Olenius stated you could.

Mr. Williams stated you could.

Chairman Olenius stated okay. With a visit to us. Is a variance required.

Mr. Williams stated not necessarily, no.

Chairman Olenius stated no. Okay.

Rich Williams stated no. You can meet all the other setbacks, we put a provision in the Code that says as long as you can meet area...or as long as you can meet all the other setback requirements, area really isn't in consideration. Area really only comes into play in subdividing or breaking up the property in some way.

Chairman Olenius stated okay. That kind of frays my concern here because there's six lots vacant right now adjacent to this property in question, that's why I brought that up.

Mr. Williams stated owned by them.

Chairman Olenius stated no.

Mr. Williams stated oh.

Chairman Olenius stated let me clarify that; he doesn't own that vacant property adjacent to the shed, does he.

Ms. Lam stated who. Mr. Zhang.

Chairman Olenius stated yes.

Ms. Lam stated no.

Chairman Olenius stated okay. I didn't think so because I didn't see it as attached on part of this survey, so I just assumed that it was another land owner.

Ms. Lam stated who's the owner of that part of the properties.

Chairman Olenius stated I don't know off the top of my head.

Ms. Lam stated no, oh. Okay.

Chairman Olenius stated no.

[Ms. Lam translated to Mr. Zhang].

Chairman Olenius stated that's an option for him at some point in time if he can come in contact with them and, you know, purchase those vacant properties, you know, and enlarge his property, then he wouldn't have to come before us again, probably, because he'd be basically doubling the size of his property.

Ms. Lam stated yes.

[Ms. Lam translated to Mr. Zhang].

Ms. Lam stated is it possible for him to purchase it.

Chairman Olenius stated I don't know. I don't know if it's for sale or not. You know, I know it's vacant. That's all I know.

Ms. Lam stated oh, I see.

Chairman Olenius stated in this economy it wouldn't surprise me.

Board Member Buzzutto stated how many violations is on the shed so far. Front yard and sideline.

Chairman Olenius stated yeah. Yes.

Board Member Buzzutto stated you come out...

Chairman Olenius stated it's not... Technically, it's not a front yard problem because it's attached. It's just enlarging the existing structure.

Board Member Buzzutto stated got you.

Chairman Olenius stated if it was a separate structure and it was in the front yard, it would be. But it's not, it's attached. It's proposed to be attached. So they were basically enlarging a nonconforming. So basically it's just a sideline. That's all that's before us right now, which is zero. It's right on the property line right now.

Board Member Buzzutto stated well, if that's denied, then he'd have to take that down, right.

Chairman Olenius stated correct.

Board Member Buzzutto stated alright. What about what I suggested in the back, like a cubbyhole type of...

Chairman Olenius stated yes.

Board Member Buzzutto stated and leave the garage... You could leave the garage the same, just move it back.

Board Member Bodor stated yes.

Chairman Olenius stated yes.

Board Member Buzzutto stated and that's be...

Chairman Olenius stated yeah, there's a lot of alternatives there.

Board Member Bodor stated yes.

Board Member Buzzutto stated yeah. I think it would be cheaper to do that than build...

Chairman Olenius stated yeah.

Board Member Buzzutto stated build out of the garage.

Chairman Olenius stated considerably.

Board Member Buzzutto stated considerably, yeah.

Chairman Olenius stated plus he could reuse a lot of that lumber...

Board Member Buzzutto stated yeah.

Chairman Olenius stated from this.

Board Member Buzzutto stated did the... We didn't suggest that to them.

Chairman Olenius stated I think we did.

Board Member Bodor stated yes we did.

Board Member Buzzutto stated we did.

Board Member Bodor stated when we were out there, yes.

Chairman Olenius stated so again, I just want to check with you, he wants to go with the application as filed with no consideration of shrinking the size of the shed or anything like that.

Ms. Lam stated let me double check.

Chairman Olenius stated sure.

Ms. Lam stated so he's allowed to shrink the size of this shed to what size.

Chairman Olenius stated that wouldn't be up to me, it would be up to him. And I couldn't guarantee that it would go through either, it's just the fact that in it's current form it is directly on the property line with no leeway.

Ms. Lam stated yes.

[Ms. Lam translated to Mr. Zhang].

Ms. Lam stated can he do it like 10' x 10'.

Chairman Olenius stated what is it currently.

Ms. Lam stated 12' x 12'. So he's willing to reduce to a 10' x 10' and then that would attach to the garage.

Board Member Buzzutto stated 10' x 10' would be...

Ms. Lam stated I think 10' x 10' is the limit, right.

Chairman Olenius stated it is, but it's still close to the sideline so he'd still have to come before us. It just eliminates the... I shouldn't say that. I don't know if I'm speaking out of line, but there's something to do with the Building Department where I don't know if I... I'm not going to speak because I'm not sure. Under a certain size, I don't know if you... Is Mr. Lamberti here.

Board Member Bodor stated yes.

Chairman Olenius stated is it...For sheds, correct me if I'm wrong, is under a certain size not require a building permit.

Nick Lamberti stated yes. Under 144 square feet...

Chairman Olenius stated under 144 square feet.

Nick Lamberti stated do not require a permit.

Chairman Olenius stated okay. Just would still require a variance with respect...

Nick Lamberti stated yes.

Chairman Olenius stated to sideline and placement.

Nick Lamberti stated meet setback requirements.

Chairman Olenius stated thank you, Sir.

Ms. Lam stated so if it...

Board Member Buzzutto stated he wouldn't need a permit then.

Board Member Burdick stated no permit.

Board Member Buzzutto stated he doesn't have to have a permit.

Board Member Burdick stated no permit.

Chairman Olenius stated under the size. Under that certain...

[Ms. Lam translated to Mr. Zhang].

Board Member Buzzutto stated 10' x 10. What is it, 12' x 12'. What part of the shed would you take off though.

[Ms. Lam translated to Mr. Zhang].

Board Member Bodor stated property line side. It must be the (inaudible), otherwise it would be attached to the garage.

Chairman Olenius stated that would give us 2'.

Ms. Lam stated the front and the side. If the shed is this, that would mean here and here [referring to a sketch].

Board Member Buzzutto stated oh, I see.

Ms. Lam stated this is the...

Board Member Buzzutto stated yeah.

Ms. Lam stated property line.

Board Member Buzzutto stated the right side would be attached to the house.

Ms. Lam stated yes. That would be attached to the garage.

Board Member Bodor stated at 12' x 12', you'd still have to cut it, seriously.

Ms. Lam stated the main reason that he wants a shed which is above the ground, because his property is kind of in a slope, so the water still goes down that way. So...

Board Member Buzzutto stated oh, yeah.

Ms. Lam stated in that case, he can keep his stuff...stay dry when it's wet.

Chairman Olenius stated I'm not as concerned about this as I am this.

Board Member Burdick stated yeah.

Board Member Bodor stated sideline.

Chairman Olenius stated I wouldn't mind if it...

Board Member Bodor stated but you don't know what's going to happen over here, number one.

Chairman Olenius stated 10' x 10' is 100 square feet. An 8' x 12' would be 96 square feet, right.

Board Member Bodor stated yes.

Chairman Olenius stated so if I asked for 8' x 12' and we came 4' off the line, that's better than 2'. It's better than 0'.

Board Member Burdick stated well, considering, you know, we try to maximize in every case.

Chairman Olenius stated I'd like to give him a theoretical right now.

Ms. Lam stated okay.

Chairman Olenius stated he has just submitted that he'd be willing to go down to 10' x 10'...

Ms. Lam stated right.

Chairman Olenius stated which is 100 square feet.

Ms. Lam stated right.

Chairman Olenius stated that would leave the proposed shed 2' from the sideline.

Ms. Lam stated yes.

Chairman Olenius stated would he consider...

Ms. Lam stated yes.

Chairman Olenius stated leaving it 12' wide, like from the garage towards the street, but only 8' deep, leaving it 4' from the sideline, giving him 96 square feet. But it would give 4' to the rear...sideline. So it could remain the existing width as you face it, but it would just be shallower.

Ms. Lam stated okay.

[Ms. Lam translated to Mr. Zhang].

Ms. Lam stated so the 8' would be here, right [referring to a sketch]. Eight will be here.

Chairman Olenius stated if this is the existing garage here [referring to a sketch]...

Ms. Lam stated right.

Chairman Olenius stated it will be 8' towards the property line.

Ms. Lam stated right.

Chairman Olenius stated 12' from the garage towards the street.

Ms. Lam stated okay.

Chairman Olenius stated which would leave 4'...

Ms. Lam stated yes.

Chairman Olenius stated between the back edge and the property line...

Ms. Lam stated yes.

Chairman Olenius stated as opposed to 0'.

Ms. Lam stated yes. Okay.

[Ms. Lam translated to Mr. Zhang].

Ms. Lam stated yes.

Rich Williams stated are you going under 120 square feet. Five foot setback.

Chairman Olenius stated under.

Rich Williams stated under.

Chairman Olenius stated it's only a five foot. So it's a 1' variance.

Ms. Lam stated he's willing to do that, yes.

Chairman Olenius stated he's willing to do that.

Ms. Lam stated 12' x 8'. Yes.

Chairman Olenius stated well, I just got some new information that makes that much more palatable which even I was unaware of.

Ms. Lam stated okay.

Chairman Olenius stated because the structure at that point will be under 100 square feet, it will be 96' square feet...

Ms. Lam stated yes.

Chairman Olenius stated because it will be 8' x 12', it only requires a 5' side yard setback. So the variance requested is actually only going to be for 1', which is...

Board Member Buzzutto stated a lot easier.

Chairman Olenius stated much more palatable to the Board because it's a very limited variance. So, if he's willing to go for 8' x 12'...

Ms. Lam stated yes.

Chairman Olenius stated okay.

Ms. Lam stated yes. Okay. And then with the attachment to the garage, right.

Chairman Olenius stated attached to the garage, yes. Because otherwise it would bring up another variance which...

Ms. Lam stated right.

Chairman Olenius stated would be in the front yard. So, yes. Please attach it to the garage.

Ms. Lam stated thank you. He is happy.

Chairman Olenius stated we still have to...

Ms. Lam stated okay.

Chairman Olenius stated get it legal here. Just give me a second to resketch this here for myself.

Board Member Buzzutto stated you (inaudible) any better than that.

Chairman Olenius stated yeah. This isn't...

Nick Lamberti stated another point of information for the Board. They do have to meet...The shed has to be less than 120 square feet, then he could get the 5' variance. It also has to be less than 10' in height. I don't know if he meets the height requirement. From my looking at it and passing by it, I think he does. But I can't swear to it.

Chairman Olenius stated according to his sketch he's at 9'. So...

Ms. Lam stated so what's the max for the height.

Nick Lamberti stated 10'.

Ms. Lam stated 10'. Oh, okay.

[Ms. Lam translated to Mr. Zhang].

Nick Lamberti stated so technically he can make it 8' x 14'.

[Ms. Lam translated to Mr. Zhang].

Chairman Olenius stated I think he has a pad poured and everything, so.

Ms. Lam stated it's less than 10' he said. It's maybe 8'.

Chairman Olenius stated yes. His sketch shows 9', so...

Ms. Lam stated oh, okay, 8'.

Chairman Olenius stated the sketch you submitted.

Board Member Burdick stated thanks, Nick.

Chairman Olenius stated thank you.

Ms. Lam stated okay.

Chairman Olenius stated it shows 7 plus 2 is 9 feet. So he's under it...

Ms. Lam stated oh, okay.

Chairman Olenius stated now. He could actually go up another foot if he wanted to, you know.

[Ms. Lam translated to Mr. Zhang].

Chairman Olenius stated Mr. Lamberti, one more question. I'm not sure if we're within the 5' for the sole reason that it's attached to the garage, which is expanding the principal structure.

Nick Lamberti stated 5' from the side or rear is what he has to. If it's attached to the house, then it becomes part of the principal structure.

Chairman Olenius stated right.

Nick Lamberti stated right.

Rich Williams stated yeah.

Nick Lamberti stated so now he has to meet the original...

Chairman Olenius stated so it's still suppose to be 15'.

Nick Lamberti stated if it's not attached to the garage, then it has to be at least 15' away from the garage. So...

Chairman Olenius stated yes.

Nick Lamberti stated it's a catch 22.

Chairman Olenius stated it still has to be 15'.

Board Member Bodor stated so it still has to be 15' then.

Chairman Olenius stated so the variance requested, though, would be for 11'.

Board Member Bodor stated yeah.

Chairman Olenius stated because otherwise it would be in the front yard and the 15' separation...

Board Member Burdick stated yes.

Board Member Bodor stated right.

Chairman Olenius stated it kind of brings too many other variables into play.

Board Member Buzzutto stated do they meet the impervious coverage.

Chairman Olenius stated that was okay. Rich looked at it before.

Board Member Buzzutto stated okay.

Chairman Olenius stated that's a different application. Does anybody have anything else.

Board Member Bodor stated no. I do not.

Chairman Olenius stated do you guys have anything else on this.

Board Member Buzzutto stated no, not...Does he understand clearly what we're going to do.

Chairman Olenius stated is it clear to him what we're proposing here before I read this.

Ms. Lam stated right.

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

Board Member Burdick stated second.

Board Member Bodor stated all in favor.

Chairman Olenius stated all in...I'm sorry. I'm just reading my thing here [referring to the resolution].

Board Member Bodor stated it's alright.

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
Jing Zhang, Case #16-11
For an Area Variance for an attached 8'x12' shed

WHEREAS, *Jing Zhang* is the owner of real property located at 9 Saginaw Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.47-2-34, and**

WHEREAS, *Jing Zhang* 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 an 8'x 12' attached shed to the existing garage. The Applicant will construct a roof (breezeway) between the existing garage and dwelling with a rear overhang, making all structures one, principal dwelling and garage.

WHEREAS, §154-7 of the Patterson Town Code requires a 15' side yard setback for principal structures; Applicant will have 4'; ***Variance requested is for 11'***, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***October 19, 2011 and November 21, 2011, and a site walk was conducted on November 5, 2011,*** 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's basically enlarging an existing garage, creating more space for the Applicant.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *due to the topography of said property. Once the connection is made between the deck and the garage, transfer of materials and machinery up would cause difficulty.*
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 said shed is placed quite close, if not partially on top of, existing macadam area of the driveway entrance for the garage.*
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 *Jing Zhang* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 11' from the 15' required for a side yard setback*, in order to construct a 8'x 12' attached shed to the existing garage.

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.

Ms. Lam stated thank you.

Chairman Olenius stated 8' x 12'...

Ms. Lam stated yes. Thank you.

Chairman Olenius stated attached.

Mr. Jing Zhang stated thank you.

Ms. Lam stated okay, there will be a written letter.

The Secretary stated yes.

Ms. Lam stated yes. There will be. Thank you so much.

Chairman Olenius stated Mr. Lamberti's aware of it already, so...

Ms. Lam stated yes.

Chairman Olenius stated when he comes out for his final or whatever.

Ms. Lam stated thank you everybody.

Chairman Olenius stated thank you.

Board Member Burdick stated thank you.

Chairman Olenius stated good luck.

3) **JOSEPH FRANCISE, JR. CASE #17-11**

Mr. Joseph Francise, Jr. was present.

Chairman Olenius stated fire away, kiddo.

The Secretary read the following legal notice:

Joseph Francise, Jr. Case #17-11 – Area Variances – Held over from the October 19, 2011 meeting

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code, Enlargement of nonconforming buildings and §154- 7 of the Patterson Town Code, Schedule of regulations. Applicant wishes to square off the left rear corner of his dwelling in order to enlarge an existing bedroom. The Code requires there to be a 15' side yard setback; Currently exists is 3.02'; Applicant is proposing a 2' setback. The Code also allows for impervious coverage to be ≤38%; Applicant is proposing 52%; Variance requested is for 14%. Applicant also wishes to add a one-car garage and relocate the living room to above the garage and also add a front porch. This property is located at 14 Cornwall Court (RPL-10 Zoning District).

Chairman Olenius stated Mr. Francise.

Mr. Joseph Francise stated hi.

Chairman Olenius stated good evening.

Mr. Francise stated Joe Francise, 14 Cornwall Court. First thing, I just want to apologize to the Board for not being able to be there that day.

Chairman Olenius stated it's a hold over.

Board Member Buzzutto stated oh, it is. Okay.

Mr. Francise stated not to be there for your walk through. I know my wife was there, but I had an engagement where I was moving my sister into her first new home and it was ahead of this.

Chairman Olenius stated understood.

Mr. Francise stated I did make a...I went over the survey; the original one that we had, and I put the corrections in. I know my wife mentioned that you guys were looking to have a...note the pool on it. And I also found there were some other errors that I corrected. I made new copies. There are seven copies there. [Mr. Francise handed copies of the survey to the Board].

Chairman Olenius stated did you say there were seven [copies].

Mr. Francise stated yeah. How many was that.

Chairman Olenius stated this looks about right, as I recall. So as your wife probably expressed to you, one of our biggest concerns was the amount of impervious coverage on your property that currently exists and, you know, how much more...

Mr. Francise stated yes.

Chairman Olenius stated will be placed upon it with requested additions and whatnot.

Mr. Francise stated yes.

Chairman Olenius stated did you figure out any way to remediate some of that or...

Mr. Francise stated we did come up with two things. First, I spoke with our architect today. He mentioned that...about drainage, to include rain gardens and the architecture to help with drainage around the house. There was one other thing here. And one of the other things that we wanted to propose is taking out the concrete walkway that goes out to the front of the house. It's about 96 square feet, which is basically that porch that we're looking to get in the front is only about 98 square feet. That was the numbers that we were coming up with.

Chairman Olenius stated yes.

Mr. Francise stated it's a start. I know I had mentioned that we are planning on reducing the size of the deck in the back, but we didn't come up with any specific size at this point. We were not planning to do that work just yet because it wasn't included in the cost that...of what we were looking to do going forward. But, in a timely manor, you know, to be determined, I guess. I don't know what the Board would

consider a timely manor to get rid of it. We were looking at it at least two years, you know, deck life, what's left of it and then put in something a lot smaller.

Chairman Olenius stated in a perfect world, what's your intention for this construction to begin.

Mr. Francise stated perfect world would be late spring, maybe June at the latest.

Chairman Olenius stated of 2012.

Mr. Francise stated yes. And we're... We haven't even gotten to the point where we can start getting quotes. I mean, obviously we want to get the... fill the requirements of what the Town needs or what's part of Town's requirements, first. We're... This is just to really get the variances and get them out of the way. If there's, you know, to get the things that are okay and then, not even saying we're going to get to having the garage because we don't know how much all of it's going to cost yet. I hope that makes sense. But...

Board Member Bodor stated yes and no because you're asking for variances at this point from what you're saying, almost open ended. We need to know the sizes of these things that you're proposing.

Mr. Francise stated the sizes of the garage.

Board Member Bodor stated the size of the garage. The size of the deck. The way it's going to be down the road, because that all effects the total impervious coverage percentage to begin with.

Mr. Francise stated I have those sizes. From what we... I haven't meet with the architect yet, but what we believe would be the right sizes...

Board Member Bodor stated what you believe to be. But we don't know what the final is.

Mr. Francise stated they won't be off by that much. I mean, I have spoke with architects in the past and what the general size of a one bay garage is, that squaring off in the back isn't going to change...

Board Member Bodor stated alright, so the squaring off...

Mr. Francise stated the porch.

Board Member Bodor stated in the back is it. That's not going to change.

Mr. Francise stated that's not going to change.

Board Member Bodor stated you're talking about a deck, though, being replaced...

Mr. Francise stated right.

Board Member Bodor stated and that you made smaller. And what is smaller. What are we looking at.

Mr. Francise stated that's the only thing I don't know exact measurements for.

Board Member Bodor stated we need measurements.

Mr. Francise stated okay. For the deck.

Board Member Bodor stated I think, yes.

Mr. Francise stated okay.

Chairman Olenius stated also, you need to understand even for the garage, too, because if we make a determination tonight, you know, with regards to impervious coverage and you come with your architect's drawing and it's larger than what we give her, the variance doesn't mean anything because you've exceeded what we've approved.

Mr. Francise stated okay.

Chairman Olenius stated you know what I mean. It has to kind of be on the money. There's no latitude.

Mr. Francise stated okay.

Chairman Olenius stated you know, once it's a...Am I correct.

Joe Charbonneau stated you run the risk of having to come back before this Board if you enlarge what you're requesting tonight and the Board grants it.

Mr. Francise stated okay.

Joe Charbonneau stated you're going to redo your work again when you have the architect take a look at it. You're better off having the architect coming up with hard and fast numbers so that the Board can make a determination off of those numbers so you don't end up duplicating the wheel.

Mr. Francise stated okay. That's fair. I mean, I just put the drawings together. If I would have known to get with the architect beforehand I would have. I guess I misunderstood what was being expected from me. I thought I was just getting, you know, bringing in my survey with what we were proposing and then going forward from there. But that's fine. I can do that. I mean, we've...I've been speaking with him on a weekly basis so far. He's been waiting to see how things progress.

Board Member Buzzutto stated well, that's the way I look at it. With new figures doesn't necessarily mean that it will be approved.

Mr. Francise stated right.

Board Member Buzzutto stated right. You understand, right.

Mr. Francise stated that's the other side. That's...Now I'm suffering the hardship of having drawings done...

Board Member Buzzutto stated yeah.

Mr. Francise stated and not being approved for them. I mean, the measurements that I have are not going to be off by extreme numbers. We're talking like a foot. I mean, maybe on the garage a foot longer towards the...And I don't even think it's going to be that. And the porch isn't going to change. The porch

is...The plan is to have the front porch even with the front of the garage, the one bay garage, just so it looks aesthetically pleasing and gives us a little more benefit to get into our house because our current stoop is pretty small. You open the door and you're on the second...the step before that. You're not even on that platform. And I find that dangerous, especially in the winter time. Just want to have better access to the front of my house and also to give us some coverage when we come in, you know, into our house. You know, if it's raining I've got my two kids coming in, I want some place for them to stand, you know, so they're not standing right in the middle of the downpour just to get into my house.

Chairman Olenius stated and I understand where you're...

Board Member Bodor stated but the fact remains that we need numbers.

Mr. Francise stated okay. But...

Board Member Bodor stated we can't operate without the numbers.

Mr. Francise stated I have the...The numbers that I have are darn close to what's going to be the...

Board Member Bodor stated not close.

Mr. Francise stated okay.

Chairman Olenius stated the thing it's going to be like, if we make a rule on your darn close numbers...

Mr. Francise stated yes.

Chairman Olenius stated those are the numbers. Now you have to give your numbers to the architect and say this what you have to work with...

Mr. Francise stated okay.

Chairman Olenius stated because that's the determination that was made. Are you comfortable with that.

Mr. Francise stated is it fair to say if I go with these numbers and the architect comes back, if anything changes then I'll obviously come before you and re-evaluate...

Chairman Olenius stated you'd have to incur that cost again, you know, for another.

Mr. Francise stated okay.

Chairman Olenius stated and run the risk of...

Mr. Francise stated being turned down.

Chairman Olenius stated what the determination will be at that point. I mean, I can't see that...

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Chairman Olenius stated I can't see into the future, you know, I don't know that...

Mr. Francise stated yes.

Chairman Olenius stated all five of the same members will be sitting here the next time you come. Any of the five. You know, I don't know.

Mr. Francise stated okay. So going forward, you guys want me to get my architect to come up with some drawings, give me measurements, and I'm suppose to come back and find out if I can possibly get approved for the drawing that I had done and to do what I want to do. I just want to make sure I understand correctly. Incur a cost before I can actually get approved and I can be turned down.

Chairman Olenius stated or you can go ahead with the application as submitted...

Mr. Francise stated yes.

Chairman Olenius stated but your architect will have to go with the numbers that you submitted. That's what I'm trying to...

Mr. Francise stated okay.

Chairman Olenius stated I want you to be clear on that.

Mr. Francise stated alright.

Chairman Olenius stated I don't want you to be like, oh, I thought I could go an extra foot. You can't, because that's not what we approved.

Mr. Francise stated so have him review the numbers...

Chairman Olenius stated or unless you come in front of the Board, again, you know, for any additional...

Mr. Francise stated right.

Chairman Olenius stated and run the risk of...I just want that to be clear to you.

Mr. Francise stated right.

Chairman Olenius stated I don't want you to think we're...

Mr. Francise stated I understand.

Chairman Olenius stated misleading you or anything.

Mr. Francise stated I guess I was a little bit confused but in the extreme case, I did figure out the square footage of like what we have now and what would put us...263 feet below, with all these additions and with those numbers. I know I'll get the numbers, you know, hard and fast numbers for you. But if I take my whole deck off the back, that's 554 square feet below...Or actually, what did it come out to. I'll give

you the exact numbers so you have a copy as well. These numbers are with the additions; the back corner with the numbers that we have now. Also the porch and the garage. I removed my...I removed the steps...Not the steps, the front walkway and I also removed my complete deck. I'll actually have 263 square feet more than I have right now, and that's with my additions and the garage, and the porch. The two additions and the garage. Basically, my impervious coverage actually will be less...I mean, I'd still like to have some kind of deck which I can get numbers and I'll speak with the contractor and get the architects numbers and have him look at everything. But, my impervious coverage wouldn't have changed. I'd have basically the same impervious coverage as I have today.

Board Member Buzzutto stated but shouldn't it be in sketch form, though, on the survey. Not on the survey, but...

Chairman Olenius stated it's difficult because the impervious coverage was done using the GIS mapping because the survey's so old...

Board Member Buzzutto stated oh, okay.

Chairman Olenius stated and was out of scale.

Board Member Buzzutto stated the shed that you've got there, that's not expendable, the shed itself. No.

Mr. Francise stated I just got a variance for that about five years ago. We use it extensively.

Board Member Buzzutto stated yeah, well you...So you won't consider it now. Okay.

Mr. Francise stated not removing that shed, no.

Board Member Buzzutto stated okay. Alright.

Chairman Olenius stated you mentioned...

Board Member Burdick stated you...

Chairman Olenius stated I'm sorry.

Board Member Burdick stated I'm sorry.

Chairman Olenius stated no. Go right ahead.

Board Member Burdick stated if he removes the deck, is that going to be an issue between the pool and the house. Or did we determine that the pool wasn't attached to the structure, for the 15' separation.

Chairman Olenius stated oh, that's right.

Board Member Burdick stated I can't remember when we were out there and looked at it, did we say it was attached or it wasn't.

Chairman Olenius stated is the pool attached to your deck.

Mr. Francise stated it's not attached. It's next to it though.

Board Member Burdick stated next to it.

Mr. Francise stated yeah, it's only like inches. You walk off the deck it's...

Board Member Bodor stated it's not attached.

Mr. Francise stated our thought process on that was if we remove the deck, they have a kit where you can have steps come over one side and down into the pool. So it would be right next to the pool and the way it is now. It's the only solution I have, that I could come up with.

Chairman Olenius stated you mentioned speaking to your architect about rain gardens. Can you explain that just a little.

Mr. Francise stated from what I understood and what he explained to me is that the leaders and the gutters would drain into these gravel gardens. But, I'm a little confused with the fact that from what I understand impervious coverage, gravel is included. Is that right, from what I understood.

Chairman Olenius stated typically...I just wanted you to explain. Typically, that's sub turf.

Mr. Francise stated okay.

Chairman Olenius stated it just regenerates, for a lack of a better word, it acts like a dry well.

Mr. Francise stated yes.

Chairman Olenius stated so the water doesn't wash off the top, it's forced into the ground to...

Mr. Francise stated disperse better and drain better.

Chairman Olenius stated you have grass over the top of it.

Mr. Francise stated that's, basically, what he explained to me.

Chairman Olenius stated right.

Mr. Francise stated from what he explained, he didn't make it sound like there would be grass over it though. He said it would be around the foundation of the house and that they would, the leaders, would be sent there to drain better, I guess. There wouldn't be runoff. Like you said, it would disperse and drain better from what I understood. That's the limit of what I...my knowledge on that.

Chairman Olenius stated it kind of sounds like you're putting it right into the curtain drain. I don't know, that sounds a little risky to me. Typically they take it away from the house a little bit into a (inaudible) of some sort. Is there a definition for a rain garden.

Rich Williams stated yes there's (inaudible – too distant). You like that do you. Both the definition and its design requirement.

Chairman Olenius stated oh, a design requirement.

Rich Williams stated yes. Especially with the new storm water design requirements from New York State which generally a depressional area where water is discharged into a engineered (inaudible) and infiltrates back into the ground. You have to make sure you've got your proper soil percolation tests. It generally is not gravel but it is some sort of engineered soil. And then it's planted overtop the with flowers, shrubs, sometimes small trees. So it's very specific designs.

Chairman Olenius stated it's just to eliminate the total runoff of...

Rich Williams stated yes it...

Chairman Olenius stated for lack of a better...

Rich Williams stated yes, it infiltrates back into the ground rather than puts it into some sort of conveyent system.

Chairman Olenius stated thank you.

Rich Williams stated I just want to say if you're going to consider something like that as part of the mitigation then you're talking about looking at an easement on the property to keep it on the property. So, you need to think about that. That's another legal issue (inaudible – coughing).

Board Member Buzzutto stated gravel walk covers impervious surface. Like item 4, whatever. That's like concrete then. That's odd.

Mr. Francise stated that was my feelings as well. I don't completely understand that. I mean, I put gravel under my deck with landscaping fabric. It actually drains better then it ever has now that I did that. I'm just going to... You know, been there for eleven years and for that, you know, all that time now to have the gravel under there, I don't have moisture anymore. There's less mosquitoes. It's like a very obvious thing, so I don't understand that completely. But, it is what it is I guess. I guess at this point what I'm looking to find out is if I get these numbers, is there a chance I can actually get the variances or if it looks like it's not going to happen, then I don't see the point in proceeding. That's basically my feeling on it. I mean, if it's looking bad then I want to know before I meet with the architect and make a \$3,000 expenditure. That's kind of where I am with that.

Chairman Olenius stated I understand and I sympathize with you, don't get me wrong, that's why we're trying to bring all these points up to you...

Mr. Francise stated yes.

Chairman Olenius stated in advance. Most of the enlargement of your existing building is... It's not overly extensive, don't get me wrong, it's just the fact of all the existing improvements that are on your property already, you know, with regards to the impervious coverage that is raising more of a concern for me; speaking for myself, not for the Board. Because it is such a, you know, small lot.

Board Member Bodor stated a lot of that deck, the wood was really in bad shape to begin with.

Mr. Francise stated I agree, and that's why we want to get rid of it. So I'm not disagreeing that... That's why we want to get rid of it. One of the reasons.

Board Member Bodor stated and I understand, you know, you want to keep a piece of it, some of it, you know, for your dining table or whatever outside.

Mr. Francise stated exactly.

Board Member Bodor stated and I understand that.

Mr. Francise stated exactly.

Board Member Bodor stated but really, most of it needs to be torn down.

Mr. Francise stated yes. I agree.

Board Member Bodor stated okay.

[Laughter].

Mr. Francise stated I completely agree with you, that's why I mentioned that we were planning on getting rid of it in the not far away future because we don't want to be going through rotten boards and so forth.

Board Member Bodor stated so this paper that you've given us here, Deck Removal, that's for the whole deck that...

Mr. Francise stated yes.

Board Member Bodor stated 554 [square feet].

Mr. Francise stated yes.

Board Member Bodor stated that whole back area.

Mr. Francise stated that whole deck is gone. Everything, including around the pool. I know that you saw, probably, steps going down...

Board Member Bodor stated right.

Mr. Francise stated that's everything.

Board Member Bodor stated and that piece of the deck is not indicated on here where it goes... Doesn't it go down the side of the pool.

Mr. Francise stated a little bit. My drawing wasn't too good, but that's the square footage. I definitely included it and measured it. It was really... It probably goes... The square footage is exact. The measurements are exact. My drawing isn't perfect, but that is the square footage of that little area. I measured the little area as well as the big square on top where you take the two steps up from that little deck.

Board Member Burdick stated (inaudible).

Board Member Bodor stated right there, because that's the only...

Board Member Burdick stated yes. Because that's kind of where we looked over.

Board Member Bodor stated it didn't come down further.

Board Member Burdick stated I didn't think so. We looked over...

Mr. Francise stated it doesn't run down the side of the house or anything like that, no. I wouldn't be able to get to my well otherwise.

Board Member Bodor stated what's under the deck. A patio type area. Did you say gravel is under there.

Mr. Francise stated yes. There's gravel under the part that's closest to the pool, as of this year.

Board Member Bodor stated okay.

Mr. Francise stated and then the rest of it's just dirt.

Board Member Bodor stated just dirt. And there were several different levels, too, as I remember.

Mr. Francise stated on the deck you're talking about.

Board Member Bodor stated yeah, yeah.

Mr. Francise stated yeah, it's just two steps onto that lower one by the pool. So you come up off the...out the back door, there's a step there which takes you onto the main level deck. And then there was two more steps that took you down to the pool level deck.

Board Member Bodor stated yeah.

Mr. Francise stated it's all existing. It wouldn't have been the way I would have done it, but it was there when I moved in.

Board Member Buzzutto stated on the back of the building, the proposed addition, what's that going to be.

Mr. Francise stated it's going to be a small bathroom and an add on to the one bedroom a little bit.

Board Member Buzzutto stated okay.

Board Member Bodor stated and what are the measurements on that.

Board Member Buzzutto stated there's no measurements on it.

Board Member Herbst stated I don't see any measurements.

Mr. Francise stated oh, the addition on the back corner.

Board Member Bodor stated yes.

Board Member Buzzutto stated is that 23 [feet]. No.

Board Member Bodor stated I see a 23 [feet] there, is that...

Mr. Francise stated yes. That's the...

Board Member Bodor stated alright. And what is back. The other measurement going toward the back.

Mr. Francise stated that's the width of it.

Board Member Bodor stated yeah, well what is it. See, this is the thing. There's no measurements on half of these lines. You've got 23. But what is from the back of the house, existing, to that corner in the back that you have proposed.

Mr. Francise stated it's 10 feet off the existing structure.

Board Member Bodor stated 10 feet. That's the figure that I'm looking for.

Mr. Francise stated okay.

Board Member Bodor stated so it's a 10 x 23 [foot] addition.

Mr. Francise stated yes, in that back corner.

Board Member Bodor stated alright. And the same thing, you know, for the garage area and the front porch. There's no numbers there. And your sketches just are sketches without measurements.

Mr. Francise stated the...

Board Member Bodor stated and that's what I'm talking about, numbers, you know. They're drawings but no...

Mr. Francise stated okay.

Board Member Bodor stated but no measurements.

Mr. Francise stated I can...I mean, it's 5 feet is what we had determined.

Board Member Bodor stated what's 5 feet.

Mr. Francise stated the porch off the front of the existing structure.

Board Member Bodor stated alright. So it's a five foot wide front porch.

Mr. Francise stated right.

Board Member Bodor stated and it goes over to the property line how far.

Mr. Francise stated it's over... To which property line. The front or the...

Board Member Bodor stated going toward garage that's going to be the new addition, too.

Mr. Francise stated it will be even with the face of the garage. So basically, it's just going to extend over.

Board Member Bodor stated what is that measurement across the front.

Mr. Francise stated oh. I don't know.

Chairman Olenius stated see, this is what makes it more difficult.

Board Member Bodor stated that's the problem.

Chairman Olenius stated you just said, you know, you don't think your numbers are going to be more than a foot off, but you don't have numbers. That makes it very difficult.

Mr. Francise stated I can... This isn't a problem for me to get those numbers. I can get the drawing [referring to the survey] updated with these couple of numbers.

Chairman Olenius stated could you do that.

Mr. Francise stated yeah.

Chairman Olenius stated because we feel more comfortable with, you know, with something.

Board Member Bodor stated and likewise...

Chairman Olenius stated you know.

Board Member Bodor stated the sideline for the garage. There's no number there. We don't know how deep this garage is going to be.

Chairman Olenius stated you know, as drawn.

Mr. Francise stated yes.

Chairman Olenius stated you know, just give us those numbers as drawn and what they are.

Mr. Francise stated why don't you take a look at this. This is what I have. I took it to the Department of Health. I have the official copies, they've just been scanned in. That's it.

Board Member Buzzutto stated that's all the same, right.

Board Member Herbst stated yeah. Basically.

Mr. Francise stated it has the garage size and the addition above it as well. It's based on the...

Chairman Olenius stated it's 23 feet deep, 15 feet wide.

Board Member Bodor stated that's the garage.

Chairman Olenius stated yes.

Board Member Buzzutto stated yeah, that should all be on this one though.

Chairman Olenius stated and it looks like 18 feet from the front door to the garage.

Board Member Bodor stated but this is not...I thought that I understood that the front porch was going to be up with the front of the garage.

Chairman Olenius stated right. He hasn't shown that...

Board Member Bodor stated no.

Chairman Olenius stated but the front door's here.

Board Member Bodor stated right.

Chairman Olenius stated and it's 18feet from here to here.

Board Member Bodor stated okay. But now we're coming out here.

Chairman Olenius stated right. The 5 feet.

Board Member Burdick stated 5 feet.

Board Member Bodor stated yeah.

Chairman Olenius stated by 18'.

Board Member Bodor stated right.

Chairman Olenius stated so this overall is...

Board Member Burdick stated did you go right from the door or just to the other side of it.

Chairman Olenius stated I went to the other side of the door.

Board Member Burdick stated okay.

Board Member Bodor stated to the other side.

Chairman Olenius stated it looks like it's noted here.

Board Member Burdick stated yeah.

Board Member Bodor stated it's 15 [feet] and 33 [feet].

Board Member Burdick stated no.

Board Member Bodor stated 33 [feet] is from here to here.

Chairman Olenius stated 18 and...

Board Member Bodor stated 18.

Chairman Olenius stated 15...

Board Member Burdick stated 15.

Chairman Olenius stated it's 33 overall.

Board Member Bodor stated 18.

Chairman Olenius stated I appreciate you allowing us to look at this. I would really prefer that you...

Mr. Francise stated put them in a drawing.

Chairman Olenius stated put it in the drawing for us mostly because this was just handed to us tonight and we need a little time to absorb it.

Mr. Francise stated yes.

Chairman Olenius stated hopefully you can kind of update this existing... There's nothing wrong with this existing drawing that you have here. But if you could just update it the...

Mr. Francise stated those numbers.

Chairman Olenius stated numbers for us.

Mr. Francise stated okay. I can do that.

Chairman Olenius stated so that the Secretary can (inaudible). You were talking about springtime anyway, it appeared that you weren't in a... Can you wait until December for a decision.

Mr. Francise stated yes.

Chairman Olenius stated the more information that we have the easier it is for us to make a decision. As Mrs. Bodor keeps saying, the numbers really count.

Mr. Francise stated yes.

Chairman Olenius stated and, you know, especially in light of this, because some of the requests are a bit over the top. Not saying unreasonable, don't get me wrong. You know, I don't...But, we'd like harder facts, you know, on which to make a decision.

Board Member Buzzutto stated well, that was pretty helpful what he gave you there.

Chairman Olenius stated it was. But I'd just like to see it submitted...

Board Member Buzzutto stated yeah.

Chairman Olenius stated you know, rather than us doing the math during the meeting. You know, I'd rather the math...you did all the math and we got to look at the...

Mr. Francise stated right.

Board Member Buzzutto stated is there any problem with why you didn't submit those to us earlier or...

Mr. Francise stated which ones. The ones that you got just now. I just literally finished them in...over...last week. And I was following what the Department of Health has as their sample. And trying to follow it and get those measurements and...

Board Member Buzzutto stated yes.

Mr. Francise stated life kind of got in the way a little bit, too. But I'm aware that it's a major project, but I kind of wanted to make sure, you know, make sure everything's okay. That's why I'm here.

Chairman Olenius stated no. We want to make...

Mr. Francise stated I knew I was going to take some time.

Chairman Olenius stated sure that you don't miss anything either, you know, that holds you up later.

Mr. Francise stated right.

Board Member Burdick stated or that makes you have to come back because the numbers weren't accurate.

Mr. Francise stated I'll have the architect take a look and if he can verify that they're okay then I can give you hard, fast numbers.

Board Member Burdick stated I would hope that he would be able to do that without having to do a full set of plans (inaudible) for you.

Mr. Francise stated well, since I did the drawing for him...

[Laughter].

Mr. Francise stated I would hope not. I agree with you. That's an excellent point.

Chairman Olenius stated does anyone in the audience have any comments on this case. Hearing none. Okay, so we'll hold you over till the December meeting which is...

Board Member Bodor stated is it the 21st.

Chairman Olenius stated December 21st. Exactly a month from today. That's a Wednesday though.

The Secretary stated yes.

Chairman Olenius stated right, back to Wednesdays. Yes. So if you get...When's the submission deadline.

The Secretary stated the 6th.

Chairman Olenius stated if you can get something to the Secretary by the 6th, just with some better numbers on it.

Mr. Francise stated yes.

Chairman Olenius stated better calculations so we can...

Mr. Francise stated do you want the square footage on each one as well.

Chairman Olenius stated if you could. That would be very helpful. That way the planner can take a look at it and maybe compare it to his estimates for impervious coverage and whatnot.

Board Member Buzzutto stated so this will be tabled.

Chairman Olenius stated this is going to be...we're going to hold it over one more month.

Mr. Francise stated okay, so I'm leaving off with survey with measurements and square footage. You need it by December 6th. And the next meeting is on the 21st.

Chairman Olenius stated correct.

Mr. Francise stated alright. Is there anything else I should be bringing.

Chairman Olenius stated I think if you have the square footage and the numbers we should be good unless you want to (inaudible – papers shuffling).

Mr. Francise stated the winning lotto ticket or something.

Chairman Olenius stated yes.

[Laughter].

Chairman Olenius stated alright, thank you. Sorry, we're just trying to clear up some of the grey here and...

Mr. Francise stated that's fine. I understand.

Chairman Olenius stated alright. Thank you, Sir.

4) MARGARET BURNS CASE #18-11

Mrs. Margaret Burns was present.

The Secretary read the following legal notice:

Margaret Burns Case #18-11 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to construct an 8' x 14' deck over an existing set of stairs which lead to the dwelling entry. The Code requires a minimum side yard setback of 15'; Applicant is proposing 13.5'; Variance requested for is 1.5'. This property is located at 85 Slater Road (RPL-10 Zoning District).

Chairman Olenius stated Mrs. Burns.

Mrs. Margaret Burns stated yes, Sir.

Chairman Olenius stated how are you this evening.

Mrs. Burns stated I'm doing well, thank you.

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

Mrs. Burns stated Margaret Burns. 85 Slater Road, Patterson, New York.

Chairman Olenius stated you swear the testimony you provide tonight will be the truth and the whole truth.

Mrs. Burns stated sure do.

Chairman Olenius stated thank you. Okay, tell us a little bit about your...

Mrs. Burns stated I think I submitted pictures.

Chairman Olenius stated dilemma here.

Mrs. Burns stated the pictures show the steps; they're 45 years old and they're disintegrating.

Chairman Olenius stated 45 years old.

Mrs. Burns stated and they're just...There's big chunks out of it when you walk on them and they (inaudible). They go like this as you walk on them and I'm going to be the one that is going to kill myself on them.

Board Member Bodor stated and that's the only door to the house.

Mrs. Burns stated that's the doorway that I use. The front door I don't use.

Board Member Bodor stated okay. It's a side or back and...

Mrs. Burns stated right. The side entrance.

Board Member Bodor stated that's the only entrance.

Mrs. Burns stated it comes into my kitchen.

Board Member Bodor stated okay. And you're proposing a wooden deck...

Mrs. Burns stated it will go right over the...

Board Member Bodor stated type building.

Mrs. Burns stated yes.

Board Member Bodor stated no more cement.

Mrs. Burns stated nope. Save that for the next tenant.

Board Member Bodor stated so there'll be a little landing up on the top. It's not just going to be wooden stairs. It's going to be...

Mrs. Burns stated my steps as they come out now, you come out the door and you go down to your left, down the stairs.

Board Member Bodor stated okay.

Mrs. Burns stated and they're very steep steps.

Board Member Bodor stated alright.

Mrs. Burns stated those steps. This is going from the back of my house out 8' and back to where they come out my kitchen door. And then the steps are going to go right down the blacktop walk that's right there.

Board Member Bodor stated walkway.

Mrs. Burns stated steps that I can get up and down without killing myself. My next door neighbor now knows where her property line is. [Laughter]. Which is good because the tree that I thought was on my property is on her property and it needs to come down. So she can pay for it. [Laughter].

Chairman Olenius stated so this...within this 18' x 14' piece...

Mrs. Burns stated eight.

Chairman Olenius stated eight foot...

Mrs. Burns stated 8' x 14'.

Chairman Olenius stated 8' x 14' piece, the stairs go down within that or they extend beyond that.

Mrs. Burns stated from this it goes out 8' and 14' this way and this is the blacktop walk.

Board Member Bodor stated the stairs are going to be on it.

Chairman Olenius stated oh, so the stairs are in addition to the deck there.

Mrs. Burns stated they'll go right down the blacktop.

Board Member Bodor stated but the 8' x 14' is up here...

Chairman Olenius stated that's...

Board Member Bodor stated and then the stairs.

Chairman Olenius stated that's all level.

Mrs. Burns stated right.

Board Member Bodor stated the stairs are not part of the 8' x 14'.

Mrs. Burns stated no, no. They go down onto my blacktop walk.

Chairman Olenius stated I didn't see this initially. I apologize. [referring to plans]. I thought the stairs were incorporated with it. I have any comment from the audience on this case. Hearing none.

Mrs. Burns stated the second reason why I put the little bigger porch on that side...I have a little porch on the other side. I could be out there for three days and nobody would even find me because they just face the woods. But at least on this side and...

Board Member Bodor stated you have a neighbor on that side.

Mrs. Burns stated right. I can at least have somebody to talk to or, you know, people see me as I go by. And then they'll find me in the spring.

[Laughter].

Board Member Bodor stated you're on good terms with that neighbor, I hope.

Mrs. Burns stated we've been best friends for 40 years, so...

Board Member Bodor stated good.

Board Member Buzzutto stated this reso goes back many years [referring to a resolution granted n January 15, 1986].

Chairman Olenius stated certainly.

Board Member Buzzutto stated do you see that.

Board Member Bodor stated oh, that one.

Board Member Buzzutto stated Tony Edwards was Chair.

Board Member Bodor stated I know. I did read it, too.

Chairman Olenius stated let me just ask you this, judging by the picture you have here of the existing stairs...

Mrs. Burns stated yes.

Chairman Olenius stated you're going back to the corner of the house with this proposed deck.

Mrs. Burns stated the steps are facing...going to the back of the house.

Chairman Olenius stated right. And now they're going to go to the front of the house.

Mrs. Burns stated right. On the blacktop.

Chairman Olenius stated so this new deck is going to be over the top of existing macadam, basically.

Mrs. Burns stated yes.

Chairman Olenius stated correct. It looks like it...

Mrs. Burns stated yes.

Chairman Olenius stated from the picture.

Mrs. Burns stated yes.

Chairman Olenius stated I can see, like, the walkway all paved there.

Mrs. Burns stated yes, it's all blacktop right to the back of the house. It's that much less snow that we'll have to shovel, also.

[Laughter].

Board Member Buzzutto stated well, the stairs will be right next to the house then.

Chairman Olenius stated yes.

Board Member Bodor stated yes.

Board Member Buzzutto stated don't they have to come out the left to be on the walkway.

Mrs. Burns stated yes. These will come out to the walkway. They're not right on top of the house.

Board Member Buzzutto stated yes. They're going to come out to there.

Mrs. Burns stated right.

Chairman Olenius stated right.

Board Member Buzzutto stated okay.

Chairman Olenius stated I don't have anything else. I thought it was a pretty well put together packet.

Board Member Bodor stated yes.

Chairman Olenius stated you guys have anything else.

Board Member Buzzutto stated I can make a motion to close the public hearing.

Chairman Olenius stated Jerry's okay. You're making that motion.

Board Member Buzzutto stated yes.

Chairman Olenius stated you're making a motion to close the public hearing.

Chairman Olenius stated I'll second it.

Board Member Herbst stated I'll second it.

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

Chairman Olenius read the following legal notice:

**IN THE MATTER OF THE APPLICATION OF
Margaret Burns, Case #18-11
*For an Area Variance for an 8'x14' Deck***

WHEREAS, *Margaret Burns* is the owner of real property located at 85 Slater Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.47-2-21, and**

WHEREAS, *Margaret Burns* 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 an 8' x 14' deck over an existing set of stairs which lead to the dwelling entry, and

WHEREAS, §154-7 of the Patterson Town Code requires a 15' side yard setback; Applicant will have 13.5'; *Variance requested is for 1.5'*, 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 21, 2011* 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 actually enhance the look of the home by covering up 45 year old concrete steps that are dilapidated.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because as stated, it is replacing an existing set of stairs which lead to the dwelling's entry.*
3. the variance requested *is not* substantial *due to the fact that there is pretty good side yard clearance on that side of the property.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because said deck will be over the top of existing macadam and the existing staircase.*
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 *Margaret Burns* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 1.5' from the 15' required for a side yard setback*, in order to construct an 8' x 14' deck over an existing set of stairs which lead to the dwelling entry.

Board Member Herbst 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 good luck.

Board Member Buzzutto stated good luck. God bless.

Mrs. Burns stated thank you. Do I need anything in particular. Any paperwork or nothing. I'm just done.

Board Member Buzzutto stated no, you...

Chairman Olenius stated you'll...

The Secretary stated go to the...I'm going to send you the resolution.

Mrs. Burns stated okay.

The Secretary stated so you can just go to the Building Department.

Mrs. Burns stated okay.

Chairman Olenius stated she'll have a copy of it too, right.

The Secretary stated yes. I'll mail it to you.

Mrs. Burns stated okay. Thank you. My feet will thank you.

[Laughter].

Mrs. Burns stated my back will thank you.

Board Member Buzzutto stated okay.

5) CHRISTOPHER FISHER CASE #19-11

Mrs. Melissa Fisher was present.

Chairman Olenius stated go ahead, Sarah.

The Secretary stated okay.

The Secretary read the following legal notice:

Christopher Fisher Case #19-11 – Area Variance

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code, Enlargement of nonconforming buildings. Applicant wishes to replace and enlarge a pre-existing nonconforming porch/deck on the south side of his residence.

TAPE ENDED

The Secretary continued to read the following legal notice:

The Code requires there to be a 30' side yard setback; Currently exists is 14'5"; Will exist 14'5". This property is located at 15 South Street (R-1 Zoning District).

Chairman Olenius stated good evening.

Mrs. Melissa Fisher stated Melissa Fisher. 15 South Street.

Chairman Olenius stated thank you.

Mrs. Fisher stated good.

Chairman Olenius stated you swear the testimony you provide tonight will be the truth and the whole truth.

Mrs. Fisher stated yes.

Chairman Olenius stated thank you. So, you heard what the Secretary read. Is that exactly what you're...

Mrs. Fisher stated yes.

Chairman Olenius stated looking to do.

Mrs. Fisher stated the porch has holes in it. It's got to go. We just want to make it big enough so that we can actually have our, I don't know, a table and chairs so we can eat out there.

Chairman Olenius stated I read part of your description about a mud free dining area or something like that.

Mrs. Fisher stated yes.

[Laughter].

Mrs. Fisher stated most people don't even know we have a porch there. It's a... We kind of joke because our neighbors on that side are the Hoffman's, so we call it the Hoffman door... the Hoffman porch because they are the only ones that try to go in and out that door.

Chairman Olenius stated the Code requires 30'. I don't think there's 30' between houses on South Street, for any of them. Most of them there... Some from your submitted survey here, the green is existing, the orange is what you're requesting: that's the expansion area.

Mrs. Fisher stated right.

Chairman Olenius stated am I correct with this.

Mrs. Fisher stated yes.

Chairman Olenius stated and that is going to line up with an existing bay window...

Mrs. Fisher stated bay window.

Chairman Olenius stated a pre-existing bay window which is at the same distance from to the sideline.

Mrs. Fisher stated right.

Chairman Olenius stated 14'5". Okay. So you're not expanding...infringing anymore to that sideline than a portion of your house currently does.

Mrs. Fisher stated correct. Trying to keep it simple.

Chairman Olenius stated we like simple. I like colored pictures, too. It makes it very easy to see. You have an existing cellar entry, that's why you're limiting the deck size to...

Mrs. Fisher stated yes.

Chairman Olenius stated what you did, so as not to interfere with that.

Board Member Buzzutto stated did you list the property owners within 500' been notified.

Mrs. Fisher stated yes.

Board Member Buzzutto stated they have. Because it's not in the...no signature on there.

Chairman Olenius stated are you doing work on the other side of the house, too, that didn't require variances. Is that what this survey's from.

Mrs. Fisher stated we had our front porch redone...

Chairman Olenius stated oh, okay.

Mrs. Fisher stated because same thing. The steps were falling apart.

Chairman Olenius stated got you.

Mrs. Fisher stated and years before that, we turned an existing porch into our kitchen. So, little by little we're...

Chairman Olenius stated got you.

Mrs. Fisher stated trying to make it nice.

Chairman Olenius stated a money comes in, it goes right back out.

Mrs. Fisher stated exactly.

Chairman Olenius stated the joys of homeownership.

Mrs. Fisher stated we repainted. We're not such an eyesore anymore. Much more mature though (inaudible – train whistle in the background).

Chairman Olenius stated this is in fact your home.

Mrs. Fisher stated yes.

Chairman Olenius stated on the assessment card there [referring to the picture on the property description].

Mrs. Fisher stated it's a much nicer blue now.

Chairman Olenius stated a lot of time the house doesn't match the card, that's the only reason I ask. Because I was looking at the bay window.

Mrs. Fisher stated yes.

Chairman Olenius stated and there's some screening on that side of the property as well, it looks like.

Board Member Herbst stated let me look at the front.

Board Member Buzzutto stated yeah.

Board Member Herbst stated this is the same, right.

Board Member Herbst stated this is Burns, right.

Board Member Buzzutto stated Burns.

Board Member Herbst stated I go the right one.

Board Member Buzzutto stated Burns. No, Fisher.

Board Member Herbst stated yes.

Board Member Buzzutto stated oh, yeah. Okay, fine.

Chairman Olenius stated any input from the audience. No. Just moral support. See any other question.

Board Member Bodor stated no.

Chairman Olenius stated you're usually pretty sharp on these things. That's why I look to you first.

[Laughter]

Board Member Bodor stated no, it looks fine to me. Thank you.

Chairman Olenius stated I do appreciate your packet. As I said...

Mrs. Fisher stated can't take...

Chairman Olenius stated the colored pictures in there...

Mrs. Fisher stated I can't take any credit for it.

Chairman Olenius stated well, it's very helpful.

Mrs. Fisher stated okay.

Board Member Bodor stated no, it's very clear what you're asking for by what you've submitted.

Board Member Buzzutto stated so everything has to be done because it's nonconforming, the building.

Chairman Olenius stated yes. It's enlargement of a nonconforming.

Board Member Buzzutto stated yes.

Chairman Olenius stated so, yes.

Board Member Buzzutto stated well, I mean because it's a nonconforming does that mean anything other than that.

Chairman Olenius stated it doesn't...Because it's nonconforming, it doesn't meet the current setbacks.

Board Member Buzzutto stated okay.

Chairman Olenius stated it did probably when it was built but it doesn't any more since the...

Board Member Buzzutto stated okay.

Chairman Olenius stated things have changed. So any adjustment you want to make on it makes it, you know, variance required.

Board Member Buzzutto stated well, that doesn't have to be changed.

Chairman Olenius stated no.

Board Member Burdick stated did you want me to do this one [referring to a resolution].

Chairman Olenius stated sure. When you're ready. You guys all set. I'll make a motion to close the public hearing.

Board Member Herbst stated second.

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

Board Member Burdick stated okay.

Chairman Olenius stated fire away.

Board Member Burdick read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Christopher Fisher, Case #19-11
*Enlargement of a Nonconforming Building***

WHEREAS, *Christopher Fisher* is the owner of real property located at 15 South Street (R-1 Zoning District), also identified as **Tax Map Parcel #3.20-2-15**, and

WHEREAS, *Christopher Fisher* 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 replace and enlarge a pre-existing, nonconforming porch/deck on the south side of residence.

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 30' side yard setback; Currently exists is 14'5"; Applicant will have 14'5"; 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 21, 2011** 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 deck extension is not going to get any closer to the side yard than what already exists at the closest point from the house.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because they are adding to an already existing deck.***
3. the variance requested ***is*** substantial ***however, not so as to cause a denial and it's not making the side line distance any greater than what already exists on the house.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because the deck already exists and the addition will just increase the aesthetic value of the house.***
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 ***Christopher Fisher*** for ***an area variance*** pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to replace and enlarge a pre-existing,

nonconforming porch/deck on the south side of the residence.

Board Member Bodor stated I'll 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.

Mrs. Fisher stated thank you.

Chairman Olenius stated good luck. Mud free.

6) WILLIAM BELTRAN CASE #20-11

Mr. William Beltran was present.

The Secretary read the following legal notice:

William Beltran Case #20-11 – Area Variances

Applicant is requesting area variances pursuant to §154-27 A(12) (a) & (b) of the Patterson Town Code, Permitted accessory uses. The property is diagonally divided by the NY/CT state line, which by our Code, becomes the property line, creating two front yards and a side yard. Applicant constructed a 21' above ground pool and deck in the front yard and within the side yard setback. The Code requires a side yard setback of 10'; Applicant can provide 0'; variance requested is 10'. This property is located at 40 Shoreham Road (RPL-10 Zoning District).

Chairman Olenius stated Mr. Beltran.

Mr. William Beltran stated how are you doing.

Chairman Olenius stated good. How are you. Could you state your name and address for the record, please.

Mr. Beltran stated William Beltran. 40 Shoreham Drive, Brewster, New York.

Chairman Olenius stated do you swear the testimony you provide tonight will be the truth and the whole truth.

Mr. Beltran stated yes I do, Sir.

Chairman Olenius stated thank you. So you have a little bit of a quandary here it looks like.

Mr. Beltran stated yes. Originally, we didn't really think it was going to be a problem because technically the side of the...to the side of the border, there's 15' and to the back, my neighbor's house, there's 20'. So technically, it really didn't...It met all the requirements, but we didn't realize that...Well, I knew it was right in the middle of New York and Connecticut, but I didn't really think it mattered. So now I'm here trying to present my case. Hopefully you'll grant a variance.

Chairman Olenius stated so basically that's a, and I'm looking at the Town Planner, that's basically a technicality for all those properties adjacent to New Fairfield basically, I would assume; an RPL-10. Building Inspector, I'm sorry. You're nodding at me.

Nick Lamberti stated yes. There's several homes where the property...the Connecticut line cuts right through the house, including Mr. Beltran's. And unfortunately when he came and applied for the pool, it was sort of a hectic day and I didn't pull out his plans to ensure that, thereby creating this whole mess today. I imagine you read my letter to the Board.

Chairman Olenius stated I did, actually. Yes. I thought I saw that the Town Board approved it as well...

Nick Lamberti stated yes.

Chairman Olenius stated in October. So the 0' basically comes from the State line because that's what we have to look at even though...

Nick Lamberti stated yes.

Chairman Olenius stated actually I'd be...

Nick Lamberti stated if it was all in New York it would have been (inaudible – too distant) not a problem. But....

Chairman Olenius stated right.

Nick Lamberti stated Connecticut makes it a problem for us.

Chairman Olenius stated okay. So your house faces...the front of your house, excuse me, faces Shoreham Drive.

Mr. Beltran stated yes.

Chairman Olenius stated however, your side yard's on Ingleside Road, so you have the two front yards there. I sympathize with you because I have three front yards. Although two of them are paper.

Board Member Buzzutto stated we had a previous variance up there one time. Didn't we go up there.

Chairman Olenius stated I know I've looked at another one with the Connecticut line in play. It wasn't...

Board Member Buzzutto stated yes.

Chairman Olenius stated Shoreham [Drive], but there was...Deerfield maybe, or...

Board Member Buzzutto stated yes. I remember that. Yes.

Chairman Olenius stated it was a long time ago. Something similar. So Mr. Lamberti, you caught this after, as you stated, after the pool was already...

Nick Lamberti stated yes.

Chairman Olenius stated up and everything. You're going for your final CO and...

Mr. Beltran stated yes.

Chairman Olenius stated I understand that. You know, you go up to the front of a house...It's not like the property line is in, like, fluorescent paint going through the middle of the house.

Nick Lamberti stated in fact I had to... I had my tape measurer, that's how I got measurements that you're looking at. But, it's not always clearly obvious.

Board Member Bodor stated so that State/State line...

Mr. Beltran stated yes.

Board Member Bodor stated is creating...

Nick Lamberti stated that becomes...

Board Member Bodor stated side...

Nick Lamberti stated that becomes the property line.

Board Member Bodor stated right. The side yard property line.

Chairman Olenius stated right.

Board Member Bodor stated yeah.

Chairman Olenius stated becomes a side yard.

Board Member Bodor stated right.

Chairman Olenius stated that's where the 0'...

Board Member Bodor stated okay.

Chairman Olenius stated is coming from. Where in reality, the entire property, you know, if you...without the bisection of the state lines.

Board Member Bodor stated and the pool is in the front yard because there's two front yards.

Nick Lamberti stated two front yards, correct.

Chairman Olenius stated right. You have some kind of screening on Ingleside Road there. No.

Mr. Beltran stated no.

Chairman Olenius stated that's an above-ground pool.

Board Member Bodor stated and the pool's already in existence.

Mr. Beltran stated yes.

Board Member Bodor it's already there.

Chairman Olenius stated I'm guessing that it basically met all the things on the... You had to issue a stop work order just because of the technicality. But other than that, it met all the Code requirements, I assuming.

Nick Lamberti stated one minor issue, which he's going to be taking care of come spring, was the deck. Other than the deck, everything else is fine.

Chairman Olenius stated oh, I see. I didn't see the wood deck. Now I see it. I was looking at patio, not the...

Nick Lamberti stated that's a very small deck. It's access to the pool.

Board Member Herbst stated if I'm not mistaken, the pool is in Connecticut though, isn't it. Well, here's the line. It say approximate State line. See.

Nick Lamberti stated this is Connecticut, this is New York.

Board Member Herbst stated oh, then it's the New York side.

Mr. Beltran stated the majority is Connecticut.

Board Member Herbst stated I just didn't know what (inaudible) was.

Mr. Beltran stated it's probably like 75% of the pool is in the Connecticut side.

Board Member Bodor stated 75% of the pool.

Nick Lamberti stated no, it's on the New York side.

Mr. Beltran stated no, no, no. It's on the Connecticut side because...

Nick Lamberti stated well, here's the Connecticut State line.

Mr. Beltran stated here's New York.

Nick Lamberti stated yes, you're mainly in New York.

Mr. Beltran stated here's the line.

Board Member Buzzutto stated if the pool would be in Connecticut, would he have to go to Connecticut for...

Mr. Beltran stated okay, you're right. Sorry.

Board Member Buzzutto stated is that the way that works on something like that.

Joe Charbonneau stated your bedroom maybe in Connecticut.

Nick Lamberti stated part of your home is...

Mr. Beltran stated I thought the line was further out here. I'm sorry. Yes, he's right. Majority's on New York side. I'm sorry.

Board Member Bodor stated it's in New York.

Mr. Beltran stated yes.

Board Member Buzzutto stated what a revolting situation.

[Laughter]

Nick Lamberti stated you've got to really be confused on April 15th.

[Laughter].

Nick Lamberti stated who you pay taxes to.

Joe Charbonneau stated everybody.

[Laughter].

Chairman Olenius stated so Mr. Lamberti, being that you've been out there several times, you...this looks pretty copasetic to you. It's just this technicality.

Nick Lamberti stated the technicality is really the whole issue here.

Board Member Buzzutto stated even part of the house is in Connecticut.

Nick Lamberti stated oh, yeah.

Board Member Buzzutto stated yeah.

(Inaudible – papers shuffling)

Board Member Buzzutto stated if you commit a crime you (inaudible) across the State line.

[Laughter].

Joe Charbonneau stated if it's committed within 300' of the State line, it could be considered (inaudible) jurisdiction.

Board Member Herbst stated I'd like to know how you made out on the electricity. Do you get it at least half of your house.

Mr. Beltran stated no, the electricity is on the New York side. So, I was out 3-4 days. It wasn't as bad as Connecticut.

Board Member Herbst stated than it was all on the New York side.

Mr. Beltran stated my neighbor right behind me, he was out for a week; an entire week. So I really felt bad.

Board Member Herbst stated fun and games. That's what happens.

Board Member Buzzutto stated how does that effect car registrations. Would you...

Mr. Beltran stated I still register my car in New York.

Board Member Buzzutto stated it's still registered in New York.

Mr. Beltran stated yes.

Board Member Buzzutto stated okay.

Mr. Beltran stated but I think I have the option of doing either or, because I have two mailing addresses on my property.

Nick Lamberti stated which is more cost effective.

Mr. Beltran stated well, New York. Well, I work in New York so everything for me is New York.

Board Member Buzzutto stated yes. You're voting will strictly be New York.

Mr. Beltran stated yes. I do vote in New York.

Board Member Buzzutto stated okay.

Nick Lamberti stated if you have two addresses, the other one is in New Fairfield, I gather. Right.

Mr. Beltran stated yes.

Nick Lamberti stated so you can vote in the New Fairfield elections.

Board Member Buzzutto stated is that in the Brewster School District.

Mr. Beltran stated yes.

Board Member Buzzutto stated it was built in 1940. My god.

Chairman Olenius stated anything else.

Board Member Bodor stated no.

Chairman Olenius stated anything else fellas.

Board Member Buzzutto stated nope.

Chairman Olenius stated 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 read the following resolution:

IN THE MATTER OF THE APPLICATION OF
William Beltran, Case #20-11
For Area Variances for an Existing 21' Above Ground Pool and Deck

WHEREAS, *William Beltran* is the owner of real property located at 40 Shoreham Drive (RPL-10 Zoning District), also identified as **Tax Map Parcel # 36.49-1-25, and**

WHEREAS, *William Beltran* has made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-27 A(12)(a) & (b) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing 21' above ground pool and deck, and

WHEREAS, the property is diagonally divided by the New York/Connecticut state line, which by our Code, becomes the property line, creating two front yards and a side yard.

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

WHEREAS, §154-27 A(12)(b) of the Patterson Town Code states that a pool shall not be nearer to any side line than is specified in the schedule, and

WHEREAS, the Code requires a side yard setback of 10' in the RPL-10 Zoning District; Applicant has 0'; ***variance requested is for 10'***; 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 21, 2011** 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's an enhancement to said property.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **because the fact that the property has two front yards by Town Code.**
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 said property is of sufficient size to accommodate the pool, being that more than half of it is in Connecticut.**
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 **William Beltran** for an **area variance pursuant to** §154-27 A(12) (a) of the Patterson Town Code; Permitted Accessory uses, in order to allow for a pool to be located in the front yard, and

THEREFORE, BE IT FURTHER RESOLVED, that the Patterson Zoning Board of Appeals hereby **grants** the application of **William Beltran** for an **area variance pursuant to** §154-27 A(12) (b) of the Patterson Town Code; Permitted accessory uses, of **10' from the 10' side yard setback required**, in order to legalize an existing 21' round, above ground pool and deck.

Board Member Burdick stated second.

Board Member Buzzutto stated did you say that more than half was in Connecticut.

Board Member Burdick stated property.

Chairman Olenius stated oh, the property.

Board Member Buzzutto stated oh, the property.

Board Member Bodor stated property, yeah.

Board Member Buzzutto stated I thought you meant the pool. Okay. Fine.

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. Beltran stated thank you very much now.

Chairman Olenius stated you're all set now.

Mr. Beltran stated I promise next time I'll do the color in my packet.

[Laughter]

Nick Lamberti stated I want to thank the Board. Thank you for doing the resolution.

Board Member Burdick stated thank you.

Board Member Herbst stated hey, Nick. Nick. (Inaudible – having conversation with Nick Lamberti).

Board Member Buzzutto stated okay. Next is.

(Inaudible – papers shuffling).

Chairman Olenius stated one more month.

(Inaudible - Board Member Herbst continuing to have a conversation with Nick Lamberti).

Board Member Buzzutto stated one more month. Okay.

7) OTHER BUSINESS

a) 2012 Meeting Schedule

Chairman Olenius stated the 2012 meeting schedule, I have one question. In August, why is it the fourth Wednesday instead of the third Wednesday.

The Secretary stated the Town Board only meets once during the month of August and they scheduled it for the third Wednesday.

Board Member Herbst stated (inaudible).

Chairman Olenius stated got you. Just wanted to make sure it wasn't, not that I thought it was. I just didn't want to have a typo on the schedule.

Board Member Burdick stated what did she say; is that a Wednesday or Thursday.

Board Member Herbst stated (inaudible – continuing conversation with Nick Lamberti).

Chairman Olenius stated it's a Wednesday. It's just the fourth Wednesday instead of the third.

Board Member Herbst stated (inaudible – continuing conversation with Nick Lamberti).

Board Member Burdick stated and I may have a problem with that.

Chairman Olenius stated I want to make a motion to accept the schedule with...

Board Member Burdick stated like we always do.

Chairman Olenius stated provisions that it could be changed by majority if Board rules prior to filing dates for...

The Secretary stated yes, it's on the bottom of there, too [referring to the 2012 Meeting Schedule].

Board Member Herbst stated (inaudible – continuing conversation with Nick Lamberti).

Chairman Olenius stated oh, you wrote it already on the bottom. The schedule is subject to change.

Board Member Burdick stated she knows us.

[Laughter]

Board Member Herbst stated did I miss something.

Chairman Olenius stated we approved the meeting schedule for 2012.

Board Member Herbst stated okay. Just like it is.

Chairman Olenius stated for now.

Board Member Bodor stated subject to change.

Chairman Olenius stated subject to change.

Board Member Herbst stated alright. I got that right in front here. No problem.

Chairman Olenius stated just giving you a heads up. I said it was the 2012 one, I just wanted you to know that [referring to a typo on the meeting schedule].

The Secretary stated thank you.

[Laughter]

The Secretary stated did we get a second on that.

Board Member Burdick stated second.

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

b) Minutes

Chairman Olenius stated the minutes, which I did fully read, actually just prior to coming here, again. I want to make a motion to approve the September minutes because I read them fresh and I thought they were accurate.

Board Member Bodor stated I'll second it.

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

Chairman Olenius stated the October ones I did start reading. I didn't get through the whole thing. But these are short. No, I did get through them because I was reading the Francise case, too. I'll make a motion to approve the October minutes as submitted, also.

Board Member Herbst stated second.

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

Chairman Olenius stated okay, at this point I want to make a motion to close the...

c) Zoning Board Application Form

Rich Williams stated before you do that. I want to talk a little bit about the application form.

Chairman Olenius stated okay. We're going to discuss the instructions...oh, no. The actual application for variances. Give us your schpeal, Rich, so everybody else...

Rich Williams stated I'll lay a little bit of background. The Zoning Board of Appeals has granted through the State Law and through Town Code, appellate jurisdiction to hear interpretations, to rule on area variances, to rule on use variances. That's really the limit of your appellate jurisdiction. There are a couple

of unique things about the Patterson Town Code that we've tried to take into account in creating a application form. We allow people to come in and seek variances where they are seeking to expand or enlarge pre-existing, nonconforming conditions of property. And really, it boils down to the pre-existing, nonconforming, which is kind of a unique body of law and circumstances. It's really neither fish nor fowl. It's taking... There's a lot of confusion about how to treat a pre-existing, nonconforming application for the Board. We tried to, kind of, simplify the process. The issue with the pre-existing, nonconforming is really you're generally talking about a use of a property. Therefore, it needs to come in as a use variance. However, there are times when you are looking at a dimensional requirement that is pre-existing, nonconforming, and we treat those generally as an area variance. Or there are times that people have a question about whether it is or is not pre-existing, nonconforming. And we have been treating those things as an interpretation. So, within the office, we recognize that, you know, perhaps we're not strictly following the letter of the law, Joe, because if you go out and you take a look at case law, case law generally says that pre-existing, nonconforming is a use variance that you want to look at. So, we've been trying to simplify the process for people coming in and trying to classify that way. The problem is too many people are coming in and saying we're just going to check that box that says other. That says we're just appealing, you know, somebody else's decision. And that creates a lot of confusion on the part of the applicants coming in. We don't have an application fee set for that, because generally when they check that box then we say it's an interpretation or it's an area variance or it's a use variance. These are the procedures. These are the standards that the ZBA's going to be looking at that you're going to have to meet, well, you got the applicant that way. But too many people are coming in and saying, and we have a case right now, and a applicant is looking to come in, and he's saying I'm not going to need an interpretation. Well, my applicant's already done a use variance, we're not doing that either. We're coming in as the other category, and that's all they're coming in as. And it's making it a little bit difficult on us. So what I'm seeking to do is to take that box right off of the form. And, you know, we can maybe guide applicants better as they're coming in, but by leaving it on I think we're getting too many confusing people coming in about what they're really applying for. That's my schpeal.

Chairman Olenius stated Counselor, are we required by law to have...Is there any...

Joe Charbonneau stated there's no set...

Chairman Olenius stated template.

Joe Charbonneau stated no. Not really. I mean, I'm concerned though because there are decisions that would be made by a zoning code enforcement officer or a building inspector that may require appellate review, right. What do you do in that situation.

Rich Williams stated name one that isn't an interpretation, an area variance or a use variance. And name a body of law that gives the Board some other authority.

Joe Charbonneau stated so you're worried that you're going to have people fall back on interpretation then, as the kind of catchall.

Rich Williams stated I think people try to fall back on the catch all instead of saying, really, this is an interpretation or a use variance or an area variance.

Joe Charbonneau stated so you're just looking to buttonhole and fine tune where they're coming from. I don't see a problem with it.

Rich Williams stated case and point, Kathy Pettey when she came in. She checked both the interpretation and the box that said appealing from a decision from the officer. Well, pretty much anything that gets to the Board other than the special use permit is an appeal from somebody.

Joe Charbonneau stated right.

Rich Williams stated so...

Joe Charbonneau stated there has to be some sort of a decision that you're appealing.

Rich Williams stated correct.

Joe Charbonneau stated I don't think it's an issue.

Chairman Olenius stated so does that make it difficult to notice when they're checking multiple boxes, or do you just...

Rich Williams stated no, because we... You know, again...

Chairman Olenius stated paraphrase the whole thing in...

Rich Williams stated depending on how they come in and what they're coming in, we take a look at it. And Sarah's real good at this, we buttonhole it to where it's suppose to be. Kathy Pettey; buttonholed it to being an interpretation because that's really where it needed to go.

Chairman Olenius stated I don't have a problem with...

Board Member Buzzutto stated is there anything that replaces that or it's just out.

Chairman Olenius stated we just want to take that right out.

Board Member Buzzutto stated take it right out.

Rich Williams stated yes. And if we're going to be changing the form, are there any other suggestions that the Board may have as far as things that you want added into the form or clarified or need to be taken out. And you don't have to give us an answer right now. Certainly you can take a look at it, think about it.

Chairman Olenius stated I will look at it and get back to you. I was just breezing through quickly to see if there was anything that jumped out at me.

Joe Charbonneau stated this form is more comprehensive than the form that's used in the Town of Southeast and it's more comprehensive than the one that's used in the Town of Carmel, too, so I don't think you want to go too far overboard. I mean, you're already...It's a good form. I mean...

Rich William stated no, I was just looking, you know...

Joe Charbonneau stated it's a good form.

Rich Williams stated if anybody sees something when they're reviewing the application...

Joe Charbonneau stated yes.

Rich Williams stated if anybody sees this item that they're looking at isn't clear or it's not being filled out right.

Joe Charbonneau stated yes.

Rich Williams stated you know, if there's anything we need to change, now's the time that we're going to do something, we might as well do as much as we can. Yeah, I don't want a 20 page form.

Joe Charbonneau stated yes.

Rich Williams stated yes, that defeats the purpose.

Joe Charbonneau stated plus, you get too cumbersome and it eventually will be used against you. You know, there maybe be something checked off or said in there that will end up coming back to haunt you.

Chairman Olenius stated I was speaking to Mrs. Bodor prior to the meeting about one thing that bothers me as well, and on your instruction page on the front here where it says seven copies of a survey or map prepared by a license surveyor. Can we note, like, the most recent or a recent survey, or something, so they...I don't like these surveys that come in from 1965 and, you know, they're drawing all...Is there any way to...would be my question. I'm trying to think if we gave them a heads up that we would like a...I don't need a...How do you do that.

Board Member Bodor stated a current survey.

Chairman Olenius stated a current one. I don't know.

Board Member Bodor stated of the property as opposed to one that's...

Chairman Olenius stated we can't require them to have...

Rich Williams stated yes, I'm trying to think of some words.

Board Member Bodor stated from antiquity.

Rich Williams stated but not only just a current survey, but a current survey that reflects the application that they're making.

Board Member Burdick stated current and accurate.

Chairman Olenius stated yes.

Rich Williams stated so...

Chairman Olenius stated I understand if they...it's five years old. Ten years old when they bought the house. Ten years old isn't as bad as some of the ones that we see. And, you know, it does say location of all existing structures. You know, occasionally we have one that's 10 years old that somebody has drawn a

shed in because they've gotten, you know, approval for that. I can live with that. But like, the case tonight where there was a pool, there was a deck, there was, you know, the survey that he gave us had none of that.

Joe Charbonneau stated yes.

Chairman Olenius stated and he comes in and he's covering almost the whole lot with improvements that weren't shown. It's that kind of thing that we might not have known had we not gone out for a site walk.

Rich Williams stated sure.

Chairman Olenius stated you know.

Rich Williams stated yes, we'll take a look at that language. I'll (inaudible – too distant) some suggestions. If you give some back, you know, we'll take a look at it.

Chairman Olenius stated I mean, I wouldn't like the lady tonight that went for the 8' x 14' deck, her survey was a little older, but it was pretty cut and dry and the variance requested wasn't more than 50%. You know what I mean. It was relatively small. I wouldn't want to impose on someone like that to go out and spend...

TAPE ENDED

Board Member Bodor stated yes, but it's hard when you're dealing with something from 1956...

Joe Charbonneau stated yes. Absolutely.

Board Member Bodor stated '66. You know, things change.

Joe Charbonneau stated yes.

Chairman Olenius stated you know, some...Maybe try and work on some kind of verbiage or something to try and...

Rich Williams stated because if they have a survey from 1956 is perfectly okay as long as it's accurate and reflects everything that's on the property.

Board Member Bodor stated to today, yes. But who knows...

Chairman Olenius stated maybe you could put something in there about ...

Board Member Bodor stated years...

Chairman Olenius stated being to scale, too, because that one that was submitted wasn't to scale.

Rich Williams stated oh, yes. That was lovely.

Board Member Bodor stated right.

Chairman Olenius stated you know...

Rich Williams stated I start trying to pull numbers off of it, suddenly realized that it's not to scale. It's a mess.

Joe Charbonneau stated that was the one from nineteen...

Rich Williams stated that was Francise.

Joe Charbonneau stated oh, okay.

Board Member Bodor stated yes. His was a little...

Chairman Olenius stated I mean, maybe it should say there, you know, property must be current and to scale. So if we do have to make calculations, because that way if they come in with it, we have a reason to say... Now I have a reason to say you have to go spend \$750 to get a survey because we can't get accurate numbers off of this. You know, I just want something to fall back on where I can request it because it's not like they didn't know ahead of time. It's in their instructions, you know, that it had to be one that was to scale.

Board Member Bodor stated his was from...

Chairman Olenius stated they may not know it was...

Board Member Bodor stated 1974.

Joe Charbonneau stated yes. 1974.

Chairman Olenius stated they may not know it's wasn't to scale. I'm sure he didn't know it wasn't to scale, but... I shouldn't say that. I don't know if he knew or not.

Rich Williams stated he knew about the pool and he didn't say anything about that.

Chairman Olenius stated yes. That's why I kind of pulled that back after I said it.

Board Member Buzzutto stated well, when something's put on property after the previous survey, and it's not noted there, than the new survey should be presented to us.

Rich Williams stated yes.

Board Member Buzzutto stated at that time.

Rich Williams stated agreed.

Board Member Buzzutto stated so...

Chairman Olenius stated or at least a survey submitted should have been... it should have been drawn in at that time.

Board Member Buzzutto stated yes.

Chairman Olenius stated with the initial submission, not at the meeting...

Board Member Buzzutto stated not at the meeting.

Chairman Olenius stated tonight. No, oh wait, "x" that. Here it is now.

Rich Williams stated you know, part of this is going to be solved, too, we start requiring as-builts, something that some of us have wanted for awhile because, you know, somebody can go out there and build something and we won't know that it's built the way that it's suppose to be. Plus, we have an as-built. We're not going to go out there. We're not surveyors. We're not going to measure it off. So, you know, especially if ZBA is varying a property boundary dimension, you know, and you're giving them 3' and you've argued between 3' and 4', now they put the addition on. Well, we really don't know it's 3' because we don't have an as-built.

Joe Charbonneau stated that's kind of the information that architects are telling individuals like Mister, what is it, Francise. Don't worry, I mean, we'll plus or minus. We'll be okay. Just put (inaudible) with the variance.

Rich Williams stated yes.

Joe Charbonneau stated you know.

Board Member Burdick stated so will you tie that to they need to submit that before they get their C of O, if you go the as-built route.

Rich Williams stated depending on what they're doing, they probably should do it when they put foundation in the ground without the structure going up because, you know, by the time the whole structure's up, I mean, that's a big expense on the property owner. If we have it when the foundation is going in the ground, then we know where they stand and it's on the survey. We know where the building is in the future.

Board Member Burdick stated is that a requirement...How do you incorporate that so you can enforce it and change the Code...add to the Code.

Rich Williams stated I don't know. This is just a personal observation. You know, if I were sitting in that chair I'd want an as-built as part of the building permit process. Building permit...building officials...Building Department officials traditionally in that department have not required them unless there's some sort of requirement posed by one of the Boards, and typically it's been the Planning Board on a couple of subdivisions when the lots are really tight.

Joe Charbonneau stated yes. Final site plan approval, in some cases, require an as-built but not that many.

Rich Williams stated no.

Board Member Burdick stated and the Building Department can do that as part of the requirement without...

Joe Charbonneau stated the Planning Board can put that in the final resolution, yes.

Board Member Burdick stated suppose it's not something that goes to the Planning Board, it's just an addition.

Joe Charbonneau stated then it's probably not going to happen, unless they change the Code.

Rich Williams stated or we need to change the Code.

Joe Charbonneau stated right.

Rich Williams stated Chapter 64, make it a requirement.

Board Member Burdick stated I know we require as-builts and [referring to the Health Department]...

Rich Williams stated yes.

Joe Charbonneau stated yes.

Rich Williams stated and geez, that's just septic system.

Board Member Burdick stated I know. They come in handy, though, when you have them.

Rich Williams stated oh, yes. Okay.

Board Member Burdick stated just to clarify that, because I think we're still on the record, that's for repairs on the ones that were new construction because I think the tape is going.

[Laughter]

Board Member Burdick stated new construction, that's different.

Chairman Olenius stated alright, we'll make a motion to adjourn the meeting.

Board Member Burdick stated second.

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

Meeting was adjourned at 9:08 p.m.