

APPROVED

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
December 16, 2009**

AGENDA & MINUTES

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|--------------------------------------|---------|---|
| 1) Fred Tarquinio Case #22-09 | 1 – 6 | Public hearing closed;
Accessory Apartment renewal granted for five years |
| 2) John Smith Case #23-09 | 6 – 21 | Public hearing opened and closed;
Variances granted to allow run-in shed to remain in the front
yard and 60' from the side yard |
| 3) Minutes | 21 – 23 | October 27, 2009, October 28, 2009 and November 23, 2009
minutes accepted |

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**ZONING BOARD OF
APPEALS**

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

PLANNING BOARD

Shawn Rogan, Chairman
David Pierro, Vice Chairman
Michael Montesano
Maria DiSalvo
Charles Cook

**Zoning Board of Appeals
December 16, 2009 Meeting Minutes**

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



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

Chairman Buzzutto called the meeting to order at 7:04 p.m.

There were approximately 2 members of the audience.

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

Chairman Buzzutto stated roll call.

The Secretary did roll call.

Roll Call:

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

1) FRED TARQUINIO CASE #22-09

Mr. John Calbo was present.

Chairman Buzzutto stated okay. The first...

The Secretary read the following legal notice:

NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS of a public hearing to be held on Wednesday, December 16, 2009 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

Fred Tarquinio Case #22-09 – Accessory Apartment Renewal

John Calbo, who is acting on behalf of the Applicant, is requesting an accessory apartment renewal. This property is located at 2267 Route 22 (C-1 Zoning District).

Chairman Buzzutto stated John. Come up to the mic and...

Mr. John Calbo stated first off, I have to apologize for the last meeting.

Chairman Buzzutto stated okay.

Mr. Calbo stated it was changed on my form.

Chairman Buzzutto stated that's alright. You want to give your name and address and stuff for the minutes.

Mr. Calbo stated John Calbo. 21 Saginaw Road.

Chairman Buzzutto stated alright.

Mr. Calbo stated in Patterson.

Chairman Buzzutto stated did you have the additional affidavit stuff that we requested.

Mr. Calbo stated I have every...you have everything that I had.

Chairman Buzzutto stated no. I don't have anything that was checked out on there.

Mr. Calbo stated you don't have Health Department approval and all of that.

Chairman Buzzutto stated we don't have anybody that checked out the apartment...or the house. That checked it out, yes.

Mr. Calbo stated that's not a part of the application.

Board Member Burdick stated we just wanted to make sure there were no changes from the last time.

Chairman Buzzutto stated yes.

Mr. Calbo stated okay. Well, the Health Department was there.

Board Member Burdick stated they didn't go out.

Mr. Calbo stated there's no changes.

Board Member Burdick stated that's all we wanted somebody to tell us; that there's was no changes.

Mr. Calbo stated alright.

The Secretary stated I did speak to Cheryl, and she looked in the file, and there was no new additions in the file. Everything was the same.

Chairman Buzzutto stated okay. So there was no changes in the file.

Mr. Calbo stated there were no changes performed.

Chairman Buzzutto stated nothing added. Nothing deleted or...

Mr. Calbo stated exactly the same. As a matter of fact, he wasn't even going to rent it. I told him to do it.

Chairman Buzzutto stated yes.

Mr. Calbo stated because he's getting old. He's living there all by himself.

Chairman Buzzutto stated okay.

Board Member Bodor stated so Mr. Tarquinio is still in residence.

Mr. Calbo stated yes.

Board Member Bodor stated yes.

Chairman Buzzutto stated 3 bedroom (inaudible) one bedroom, bath, living room.

Board Member Bodor stated and the drawings were used that were submitted, were the same as the first time around...

Mr. Calbo stated yes.

Board Member Bodor stated but there were absolutely no changes.

Mr. Calbo stated no changes. No.

Board Member Bodor stated they are still valid.

Mr. Calbo stated okay.

Chairman Buzzutto stated and you are here representing on his behalf.

Mr. Calbo stated yes.

Chairman Buzzutto stated just to...Okay. Alright. Do we have...Was there suppose to be a reso on that.

Board Member Olenius stated there is one.

Board Member Bodor stated there is one.

Board Member Olenius stated yes.

Chairman Buzzutto stated there is one.

Board Member Olenius stated yes. It was in your mailbox tonight.

Chairman Buzzutto stated okay. I'll close the public hearing on this and...

Board Member Bodor stated I'll second it.

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

Chairman Buzzutto stated so be it. Okay, Lars, you want to read the reso.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Fred Tarquinio, Case #22-09
For a Renewal for an Accessory Apartment

WHEREAS, *Fred Tarquinio* is the owner of real property located at 2267 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel # 35.7-1-6**, and

WHEREAS, *John Calbo* has made application on behalf of Fred Tarquinio to the Patterson Zoning Board of Appeals for a renewal for an accessory apartment as set forth in §154-105 of the Patterson Town Code; Accessory apartments, and

WHEREAS, the said application was reviewed by the Zoning Board of Appeals on November 23, 2009 and December 16, 2009, and

WHEREAS, all the conditions of the original permit are still satisfied, and

WHEREAS, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearing and finds that the ***Applicant substantially complies with the requirements set forth in §154-105 of the Patterson Town Code for Renewal for an Accessory Apartment***, and

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby ***grants*** the application of ***Fred Tarquinio for a renewal for an Accessory Apartment*** as set forth in §154-105 of the Patterson Town Code; Accessory apartments, and

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

1. Those conditions that exist in the Town Code for Accessory Apartments which include a renewal in five years. (A copy of that section of the Code is attached to this resolution).

Chairman Buzzutto stated okay.

Board Member Bodor stated I'll second it.

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated John, go home.

Board Member Burdick stated Merry Christmas.

Board Member Bodor stated good to see you.

Mr. Calbo stated the same.

(Inaudible – too distant)

Board Member Burdick stated sorry. I thought you were talking about Bill.

(Inaudible – too distant).

Chairman Buzzutto stated John's a fixture here in this building.

Mr. John Smith stated I hear so.

Mr. Calbo stated take care.

Board Member Herbst stated okay John. You too.

Mr. Calbo stated Happy New Years if I don't see you.

Board Member Olenius stated have Merry, Merry Christmas.

Mr. Calbo stated how's your father-in-law.

Board Member Olenius stated I can't wait until he goes back.

(Laughter)

Mr. Calbo stated when is he going.

Board Member Olenius stated February, I think.

Mr. Calbo stated I'll be out there. I'll be with him.

Board Member Olenius stated yes.

Chairman Buzzutto stated John, you know Sarah, right. You know Sarah.

Mr. Calbo stated I just meet her.

The Secretary stated yes.

Mr. Calbo stated Merry Christmas to you.

The Secretary stated yes, you too.

Board Member Olenius stated Merry Christmas.

Board Member Burdick stated bye John.

Board Member Olenius stated take care John.

2) **JOHN SMITH CASE #23-09**

Mr. John Smith was present.

Chairman Buzzutto stated okay. Second on the agenda would be John Smith.

The Secretary read the following legal notice:

John Smith Case #23-09 – Area Variances

Applicant is requesting area variances pursuant to §154-27 A.(12)(a) and B.(1) of the Patterson Town Code; Permitted accessory uses, in order for a 12'x 32'x 8' run-in shed with tack room for horses to remain in the front yard and 60' from the side property line; Code requires a 100' side yard setback; variance requested is for 40'. This property is located at 80 Red Shutters Farm Road (R-4 Zoning District).

Chairman Buzzutto stated okay.

Mr. John Smith stated hello. My name is John Smith. I'm the owner of 80 Red Shutters Farm Road. I'm submitting the application for a variance.

Chairman Buzzutto stated okay.

Mr. Smith stated I submitted all the necessary paperwork as outlined in the application.

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

Mr. Smith stated absolutely. Yes.

Chairman Buzzutto stated okay. Thank you. Now Red Shutters [Farm Road]...This property was Doctor...

Board Member Burdick stated Alder.

Chairman Buzzutto stated Adler. Dr. Adler.

Board Member Herbst stated oh yes. I remember that.

Chairman Buzzutto stated yes. That was...

Mr. Smith stated the previous owner.

Chairman Buzzutto stated previous owner there.

Mr. Smith stated yes.

Chairman Buzzutto stated okay, you want to put the shed...Well, the shed is already there the way I read it.

Mr. Smith stated the shed is already existing. On the map I indicated where the shed is. In addition to that, I submitted pictures of what the shed looks like. And I also have a drawing of the dimensions of the shed as well. And when I constructed the shed, I think it was in 2000, it was put in the best place to really offer protection for the horses we had at the time. Presently, we do not have any horses that reside on that property.

Chairman Buzzutto stated okay. So this...Well, what brought you this attention...2000; Eight years have gone by to bring it before for a zoning variance.

Mr. Smith stated I'm in the process of refinancing with Putnam County Savings Bank.

Chairman Buzzutto stated oh. And they see a violation on the...

Mr. Smith stated right. They sent out the title search individual, and then he came across the...Because in the refinancing process, I have to submit the surveys, and then he looked at the surveys and saw that there was a shed on it. And one of the stipulations of the refinance, I need to get a variance...

Chairman Buzzutto stated right.

Mr. Smith stated in order for it to be legal.

Chairman Buzzutto stated so that's how this all came about.

Mr. Smith stated it's how it all came about.

Chairman Buzzutto stated okay.

Mr. Smith stated and at the time when I built it, I wasn't aware that I actually needed a permit.

Chairman Buzzutto stated yes. Okay, so this is a shelter for horses.

Mr. Smith stated yes. It's not a permanent structure for a horse. It's really designed...The field is a fenced in field; it's about 4 acres. When we had horses there, the horses didn't really spend any time inside the structure itself. It's not designed to contain the horses. It's really designed so the horse kind of goes in if it's raining or there's snow, and it goes out by itself.

Chairman Buzzutto stated oh, I see. He's on its own.

Mr. Smith stated he's own its...Right. He's on his own.

Board Member Burdick stated to get out of the weather.

Mr. Smith stated it's to get out of the weather. And in addition to the openings you see in the picture, on the right-hand side is a door that we have, and inside is like a shelter for horse hay, as well as other things to take care of the horse.

Board Member Burdick stated like a tack room.

Mr. Smith stated a tack room. Right.

Board Member Bodor stated but you don't have any horses there now.

Mr. Smith stated presently, I do not have any horses there.

Board Member Bodor stated is there a plan to have horses in the near future.

Mr. Smith stated well, the structure's there. In the future, there could be a plan for it. But at the immediate moment, I don't have plans for horses.

Board Member Bodor stated then why do you want to keep the shed on the property.

Mr. Smith stated well, I spent about \$3,000.00 constructing the shed. I think it does offer a pleasant look to the property itself. And then also when you look at the survey, you'll notice that on that property is a cottage. That cottage is...Okay. You see the red structure [referring to the survey]. And then above that is a cottage. And then you see where the property line is. There really isn't any other location as a...to put the shed behind the primary residence, or cottage that is there. So if I were, you know...I would need a variance anyway if I wanted to do any other kind of a location for the shed. And also with that property, I do rent out the property as a cottage, and I do offer the tenant the option if they had horses, to bring horses there. In the past several years, the people that have rented the cottage just haven't had horses. And again, I'd like to preserve that option.

Board Member Bodor stated and there's another shed on the property, down by the cottage. Am I looking at this correctly.

Mr. Smith stated behind the cottage there was a utility shed that was there since...that survey was done in 1964. So there's always been a utility shed there.

Board Member Bodor stated the frontage is on Route 311, but the property is accessed off of a private road.

Mr. Smith stated right. In order to get to the property, at the intersection of [Route] 311 and Cushman Road...

Board Member Bodor stated yes.

Mr. Smith stated the only way to access the property is it's a private dirt road, and that road is named Red Shutters Farm Road by the Town.

Board Member Bodor stated right.

Mr. Smith stated and then when you're at the bottom of the property during the summer months, you can't even see the shed because of the trees and other foliage that's there. It's only during the winter that you're at the base of the property and looked up, and really stretched, that you'd actually see the shed. So it's not an intrusion on any individual that's going (inaudible).

Board Member Olenius stated the Red Shutters Farm Road is not maintained by the Town though.

Mr. Smith stated it's not maintained by the Town. It's maintained by me.

Board Member Bodor stated and this cottage is not your residence, that's a rental.

Mr. Smith stated yes, correct. That's a rental. And then my primary residence is 20 acres which is behind the cottage.

Board Member Olenius stated further down this private road.

Mr. Smith stated that's correct. You go further down that private road.

Board Member Bodor stated (inaudible – too many talking) with access across from Deacon Smith Hill Road.

Mr. Smith stated you can't access the property at all. I have a survey map of my property; my primary residence property. But the only access to the cottage, as well as my primary residence, is down...

Board Member Bodor stated is that road.

Mr. Smith stated that dirt road on Red Shutters Farm Road.

Board Member Bodor stated so you're further down the road then.

Mr. Smith stated that's correct. And again, what I'd like to do is I'd like to preserve the run-in shed there for the option of if I'd like to get horses in the future to allow the horses to use the shed.

Board Member Bodor stated could you move that shed and remain within the setbacks. There's a lot of property down here. That's what I'm looking at.

Board Member Olenius stated I think it's a front yard variance is the problem.

Board Member Burdick stated yes.

Mr. Smith stated it's a front yard variance is the primary concern that we have here.

Board Member Olenius stated because considering [Route] 311...

Mr. Smith stated right.

Board Member Olenius stated is the frontage, apparently.

Board Member Bodor stated yes.

Board Member Olenius stated because this is a private road I'm assuming.

Mr. Smith stated well, when I went to the Building Inspector, the Building Inspector (inaudible) me that the main concern that they had was you cannot have a shed on front yard...

Board Member Bodor stated right.

Mr. Smith stated without any variance. And if you look at the size of the property of over 5 acres and also where the setback is of the cottage, there just... You know, no matter what I would do, I would be in violation of the Code because that's where the fenced in area is for the horse. And also where the location of the shed is, the topography of the land is such that it kind of slopes in a little bit. And that offers additional shelter from the wind for the horses as well, if they go into that shed.

Board Member Bodor stated yes. You're requesting a front yard variance and also requesting a 60' variance to the side property line, too. There's two pieces here. It's not just the front yard.

Mr. Smith stated okay.

Board Member Bodor stated that's why I was looking at that 60 [feet] as opposed to whatever.

Mr. Smith stated I see. I didn't see that part.

Chairman Buzzutto stated you could probably eliminate the side yard.

Board Member Bodor stated if it were moved.

Chairman Buzzutto stated if it were moved, yes.

Board Member Bodor stated that's what I was asking; if it's possible to move it so that that one variance could be eliminated.

Mr. Smith stated well, I think that the way the structure is built is that the 2' x 4's are down 4'. And to move it would be a very costly adventure, to the tune of I would probably just get rid of it. Because to move it and to reconstruct it would be an expensive proposition. So I would still like to seek the variance, both for the sixty...the 100 foot side variance, as well as the front yard variance.

Chairman Buzzutto stated three doors. I don't think it will be easily moved, though, without breaking it in half.

Board Member Olenius stated no. This was a stick built structure. This is the way that I'm taking it, like a pole barn.

Mr. Smith stated it's constructed like a pole barn.

Board Member Olenius stated it's not like one that came in on a trailer. I think that's what we look at if...

Mr. Smith stated right. If...

Board Member Olenius stated the ones that ride in that are on skids.

Mr. Smith stated no. This is the...It's a construction just like a pole barn. The 2' x 4's go down 4'. That's the primary stable...to keep the structure sound. There's no concrete base at all. The structure gets its support from the pole barn construction.

Chairman Buzzutto stated it actually has three doors in the front. One is closed here [referring to a picture].

Mr. Smith stated right if you were to open that door that door goes into the tack room. And I have a picture of what the tack room looks like. So the picture you're looking at is the top picture over here [referring to a packet of pictures].

Chairman Buzzutto stated yes.

Mr. Smith stated again, here's the doors. So for the horse to access and could go completely around. And if you were to open this door over here, inside you would see this room.

Chairman Buzzutto stated oh, this one here.

Mr. Smith stated right.

Board Member Herbst stated can you turn that a little bit over this way please [referring to the pictures].

Mr. Smith stated yes. So again, the way it works is here's the access door...

Board Member Herbst stated oh, wait a minute. We have the picture right here.

Mr. Smith stated right.

Board Member Herbst stated sorry.

Mr. Smith stated that's the tack room. And what this picture is over here is inside the opening where the horses would be. So again, if you were to go in here, you would have complete mobility to go completely around it, and then you would see this. And this is the inside of the structure itself. And again, there's no barn or stall setup at all. It's completely accessible for the horse to go in and out on its own accord, depending on what the weather conditions are.

Chairman Buzzutto stated was this ever used for horses. Was it ever occupied by them.

Mr. Smith stated for about two years I had three horses.

Chairman Buzzutto stated oh, you did.

Mr. Smith stated right.

Chairman Buzzutto stated it was used originally...

Mr. Smith stated so it was used for horses. And the horses would go in there when there was adverse weather conditions. But also with the tack room, because it offers protection from the weather...

Chairman Buzzutto stated well, explain to me what a tack room is.

Mr. Smith stated well, if you... You have hay for horses and other kind of feed, you need to protect that from the weather. So what this structure was setup to do was that this room, with that door, offers weather protection. The rain won't go in there, the snow won't go in there. You can store hay in there. You can store other equipment such as saddles or...

Chairman Buzzutto stated that's called a tack room.

Mr. Smith stated it's called a tack room.

Chairman Buzzutto stated I've learned something.

(Laughter)

Board Member Herbst stated thinking of getting a horse Buzzy.

Chairman Buzzutto stated what.

(Laughter)

Chairman Buzzutto stated well, I don't know.

Mr. Smith stated so again, on Cushman Road there are a number of horse properties on Cushman Road. If you were to go down Cushman Road today, you would see...you would know there are a number of constructions going on, as well people do have horses. And I...in order to kind of keep it the theme of Cushman Road, I would really like to keep the fenced in area, keep the tack room. Again, have the options of having horses in the future. And again, I think if anything with this, it does offer value to the community by not having it developed into some other thing by preserving nature and also letting people see horses if horses do go on that property in the future.

Chairman Buzzutto stated how long has it been since you had a horse in there. Eight...Six years. Eight years.

Mr. Smith stated probably about four years.

Chairman Buzzutto stated four years.

Board Member Olenius stated can I ask you, on the property adjoining the rear of the shed that you're looking for the side yard setback for...

Mr. Smith stated okay.

Board Member Olenius stated how close...Is there a residence on that property.

Mr. Smith stated so, let me just make sure that we're talking about the same thing here. Okay, so you're looking at...Okay, so here's the run-in shed [referring to a survey]. And this property here.

Board Member Olenius stated I'm assuming that's where you don't have the 60'.

Mr. Smith stated that's correct.

Board Member Olenius stated but you have 60', you need 100'.

Mr. Smith stated right. There is a house that's down here [referring to the survey].

Board Member Olenius stated okay.

Mr. Smith stated there's a steep hill. There's a stream that's, you know, over in this direction over here. But the house that's there is kind of offset over here.

Board Member Olenius stated okay.

Mr. Smith stated so that individual would have to kind of look in this direction to see it. And again, with regards to the application, I did submit a listing of all the homeowners that reside in that area, and that individual has been notified. And I assume if they had an issue, they would also be here or send a letter.

Board Member Bodor stated the house that you've indicated is the former property of Rudin, right there on the corner. But there's also a house on the next property.

Mr. Smith stated when you say the next property...

Board Member Bodor stated going towards Carmel. The property that's right across from McManus Road North, there's a house there also.

Mr. Smith stated there are two homes there. Yes, that's right.

Board Member Bodor stated yes. There's a former Rudin hose and then there's...I can't remember the name of the people who still own that house there by the stream.

Mr. Smith stated yes, I'm not too sure either. But there are two homes that are over there.

Board Member Bodor stated right. And they are down from this hill...this plateau where your field is.

Mr. Smith stated right. I mean, the way the topography is, is there's kind of a valley...

Board Member Bodor stated right.

Mr. Smith stated when you're going down [Route] 311, at the intersection of 311 and [Route] 164.

Board Member Bodor stated yes.

Mr. Smith stated and you kind of go back up the road again.

Board Member Bodor stated yes.

Mr. Smith stated and then where we are is more on a plateau setting.

Board Member Bodor stated right.

Chairman Buzzutto stated is that the house where the boat was always parked...

Board Member Bodor stated yes.

Chairman Buzzutto stated up on the right side there.

Board Member Bodor stated yes. Rudin was on the corner...

Chairman Buzzutto stated yes.

Board Member Bodor stated the old millhouse.

Chairman Buzzutto stated that's right.

Board Member Bodor stated and then next I can't remember the name. It's still the same owner for years.

Chairman Buzzutto stated right.

Board Member Bodor stated yes.

Mr. Smith stated yes. I believe you are correct with that.

Board Member Bodor stated yes.

Chairman Buzzutto stated yes.

Mr. Smith stated and I've never heard, either during the construction process or while the horses were there, or since, you know, when I did this, I've never heard any complaints from an individual at all.

Chairman Buzzutto stated well, if the variance were granted, I would like to see a horse on the property. Confirm that that's what it's going to be used for. I know I probably couldn't put that in the stipulation, but...

Board Member Burdick stated no.

Board Member Bodor stated no.

Board Member Burdick stated we can't.

Chairman Buzzutto stated but I would like to.

Board Member Bodor stated we can't.

Board Member Burdick stated well, that's the reason why he's looking for this, so he has the opportunity to do that.

Chairman Buzzutto stated yes.

Mr. Smith stated yes, it would be very difficult to have that property to be used as a horse area without this kind of a structure on it...

Chairman Buzzutto stated yes.

Mr. Smith stated because any type of animal...any type of horse needs some kind of a run-in structure to go in during adverse weather conditions.

Board Member Burdick stated there's no other sheds or stalls or anything on the property, correct.

Mr. Smith stated that's correct.

Chairman Buzzutto stated there's one shed in back of the...what is it, a cottage.

Board Member Burdick stated that a utility shed he said.

Chairman Buzzutto stated it's a utility one though.

Mr. Smith stated yes, and that's only, you know, 10' long by 6' or 8'. I forget what the dimensions are.

Chairman Buzzutto stated what is this. What is that [referring to the survey].

Board Member Bodor stated it's a wire fence...

Board Member Olenius stated septic tank.

Board Member Bodor stated area. Oh.

Board Member Olenius stated it says septic. It's a septic tank for the cottage.

Chairman Buzzutto stated oh I see. Right above it. I didn't see it. Okay.

Board Member Bodor stated yes.

Chairman Buzzutto stated I don't know...

Board Member Olenius stated is this where your primary residence is, to the west and south right here, behind the cottage.

Mr. Smith stated yes, I have a... Yes, that's where my primary residence...

Board Member Olenius stated wrapping around this corner here.

Mr. Smith stated wrapping around it, yes.

Board Member Olenius stated okay.

Chairman Buzzutto stated where's that.

Board Member Olenius stated this is his primary property; all this [referring to a survey]. And it encompasses this. Where his primary residence is.

Chairman Buzzutto stated okay.

Mr. Smith stated and I think it also has the name on it as well.

Board Member Olenius stated Clarissa Cady it says there was formerly.

Mr. Smith stated I believe that's the case.

Board Member Olenius stated okay.

Chairman Buzzutto stated is that all one tax map. That one. Tax map...parcel.

Mr. Smith stated there are two separate tax parcels.

Chairman Buzzutto stated two separate.

Mr. Smith stated right. So this is one tax parcel.

Chairman Buzzutto stated right.

Mr. Smith stated and then we're...where I reside, is a separate tax parcel. And that's in this area over here.

Chairman Buzzutto stated okay.

Mr. Smith stated and then the neighbor over here, he has a series of barns, which are in the back. His house is approximately over here. And then over in this...And then he goes out 20 acres on Cushman Road for maybe 1,000 feet. And I think he's looking for a variance. But right now, he has fields which have a number of horses and alpaca as well.

Board Member Olenius stated does he access from Red Shutters Drive or what's that...

Mr. Smith stated no. Where he...He has his own access which is over here. He does not have any access over here because what happens is where the road is, it's in a gully setup and he does not have any road encroachment or access at all.

Chairman Buzzutto stated so how does he gain access. Does he...

Board Member Olenius stated he continues straight down there.

Chairman Buzzutto stated oh, it comes down there.

Board Member Olenius stated towards Mr. Smith. Yes.

Mr. Smith stated right. And then, just to kind of put it in perspective, I drew a line here. This is kind of where the fence is now. There's a white fence that goes along the gravel driveway that goes down here. And it would encompass the property. And again, the way it's just set up, again the issue is the front yard. And again, there is just no where to really put it. And again, where the topography for the land is, there's a slight hill. And because there's a slight hill, when the wind is prevailing from this direction, it kind of shoots over the structure itself. And that's important for the animals as well, for additional shelter. If I were to put the structure in the center over here, it would offer some protection, but it wouldn't offer as much protection as much protection as it is right here because of this kind of little dip in the land.

Board Member Olenius stated it's sheltered in a depression.

Mr. Smith stated it's in a depression.

Board Member Olenius stated where it's sited right now.

Mr. Smith stated right.

Chairman Buzzutto stated did you want to take a look at the property. See what it looks like, or do you think it's warranted.

Board Member Bodor stated that's up to you.

Mr. Smith stated and again, the reason why I'm doing this is I'm looking to get the refinancing with Putnam County Savings Bank. No matter what bank I go to, I think there's going to be an issue. And if at all possible, I'd like to resolve it. The...I've tried to refinance the house before. There hadn't been an issue with regard to my personal credit or the property itself. Due to the banking environment today, it is absolutely impossible or it is an extremely uncomfortable process to do any kind of refi[nance], and I've got Putnam County Savings Bank on board. They just have no issues with it. And the refinancing is contingent upon this application being approved.

Chairman Buzzutto stated and that's the only violation, or what you would call it, that they found on the property. Just that particular...

Mr. Smith stated this is the only...

Chairman Buzzutto stated it's the only...

Mr. Smith stated this is the only issue that's outstanding presently.

Chairman Buzzutto stated on the survey, yes.

Mr. Smith stated on the survey. I've been approved. They've done other credit checks. Everything's ready to go for a close, subject to the approval of the property...or the variance.

Chairman Buzzutto stated excuse me [referring to coughing]. Do you think...

Board Member Olenius stated and...I don't have a problem. I just want to clarify one thing. This shed, when there are horses on the property, was never used to store manure or anything. It was purely for shelter for the animals. Is that correct.

Mr. Smith stated right. The animal would just go in there. You can't store manure in there. The horse would take care of their business in the field and then I have a rake that kind of goes out there and breaks up the manure.

Board Member Olenius stated right.

Mr. Smith stated okay.

Chairman Buzzutto stated let it ride.

Board Member Bodor stated what.

Chairman Buzzutto stated let it ride the way it is.

Board Member Burdick stated I'm okay with it.

Chairman Buzzutto stated yes, I'm okay with it. I don't believe the shed could be moved because of the construction on it. It is pretty fragile to move. You might eliminate the side yard, but you still have to move it though.

Board Member Bodor stated yes.

Chairman Buzzutto stated I don't think that's feasible. Well, there's nobody in the audience to get anything from there, so...Unless, you (inaudible) the audience [speaking to Rich Williams, Town Planner, in the back of the room]. Okay.

Mr. Smith stated he's a supporter.

(Laughter)

Chairman Buzzutto stated alright. Close the public hearing.

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

Board Member Herbst stated I'll second.

Chairman Buzzutto stated all in favor. Do you want a roll call on that or a second.

Board Member Bodor stated no.

Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated okay. Public hearing's closed. Do you want to read in the reso.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF...

[Dictaphone machine started to make noises]

Board Member Herbst stated maybe it's a telephone ringing [referring to the Dictaphone machine making noises]

The Secretary stated it should be good [referring to the Dictaphone machine].

Board Member Olenius stated hurry up. The train of thought's leaving the station quick.

The Secretary stated go.

[Laughter]

Board Member Olenius continued to read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
John Smith, Case #23-09
*For Area Variances for an Existing Run-in Shed***

WHEREAS, *John Smith* is the owner of real property located at 80 Red Shutters Farm Road (R-4 Zoning District), also identified as **Tax Map Parcel # 23.6-1-5, and**

WHEREAS, *John Smith* has made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-27 A(12)(a) and B.(1) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing 12' x 32' x 8' run-in shed with tack room for horses in the front yard, and

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

WHEREAS, §154-27 B.(1) of the Patterson Town Code states that no farm structure or building, or structure or building for the housing of any permitted farm-type animal, nor the storage of manure or any other odor- or dust-producing substance shall be permitted within 100 feet of any property line, and

WHEREAS, the Applicant has a 60' side yard setback; ***Variance requested is for 40'***; and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on **December 16, 2009** 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 building has been in place for approximately 9 years and it's primarily an equestrian area where the property sits.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the siting of the house in the right rear corner of the property and the construction of said shed could not be moved without a financial burden.*
3. the variance requested *is* substantial *however not so much so as to cause a denial of the requested variance.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because as stated before, it has been in existence and sits on approximately 5 acres of property.*
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 *John Smith* for an area variance pursuant to §154-27 A(12)(a) in order to allow the existing 12' x 32' x 8' run-in shed with tack room for horses to remain in the front yard, and

BE IT FURTHER RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants an area variance of 40' from the side yard setback of 100'* as required by §154-27 B(1) of the Patterson Town Code; Permitted accessory uses, in order to permit a 60' side yard setback between the existing 12' x 32' x 8' run-in shed with tack room for horses and side property lines.

Board Member Burdick stated second.

UPON ROLL CALL:

Board Member Bodor -

Board Member Bodor stated although I appreciate the fact you'd like to keep the area rural and keep the possibility of horses residing on this large acreage, due to the size of this acreage, it is my feeling that I have to vote against this because 60' from that side line can be taken care of by taking down that shed, moving it to another location, and that piece of the variance would not be necessary. Especially when there are residences on the adjoining property where that 60' side line is. So I have to say no.

Board Member Bodor	-	no
Board Member Burdick	-	yes
Board Member Herbst	-	yes
Board Member Olenius	-	yes
Chairman Buzzutto	-	no

Resolution carried by a vote of 3 to 2.

Mr. Smith stated so, what does that mean.

Board Member Herbst stated you got it.

Mr. Smith stated oh.

Board Member Bodor stated you got it.

Mr. Smith stated alright.

Board Member Bodor stated you got it.

Mr. Smith stated thank you very much.

Chairman Buzzutto stated okay.

Board Member Olenius stated good luck with everything.

Chairman Buzzutto stated good luck. Okay, next on the...Other business.

Board Member Bodor stated is there any other business.

Board Member Olenius stated just minutes.

3) MINUTES

Chairman Buzzutto stated minutes.

Board Member Bodor stated we have three sets of minutes: October 27, 2009, October 28, 2009, November 23, 2009.

Chairman Buzzutto stated okay.

Board Member Bodor stated I make a motion to accept all three sets as presented.

Chairman Buzzutto stated one question on the November 23rd, page 5. I'd like to strike out where "Chairman Buzzutto stated I have lied a few times in my life". I'd like to strike that from the minutes. That's possible.

Rich Williams stated you said it.

Chairman Buzzutto stated what.

Rich Williams stated if you said it, it was on the tape. And that's got to stay.

Chairman Buzzutto stated it's got to stay.

Rich Williams stated you can't...

Carl Lodes stated you can't move to strike it.

Rich Williams stated yes, I mean...Yes. It was said and it was on the tape, it's got to stay.

Chairman Buzzutto stated okay. I didn't mean it like it said. I mean, when I was knee...

Rich Williams stated if you wanted to put a paragraph in there to clarify what you meant, you know, you could do that.

Chairman Buzzutto stated okay.

Rich Williams stated you can bracket it and say, you know...

Chairman Buzzutto stated I mean, little white ones, you know. The little white ones. When I was knee high to a grasshopper.

Rich Williams stated just tell Sarah what you really meant by the statement.

Chairman Buzzutto stated fibs.

Rich Williams stated okay.

The Secretary stated page 25.

Chairman Buzzutto stated I'm sorry.

Board Member Bodor stated page 25, November 23rd minutes.

Chairman Buzzutto stated yes.

Board Member Bodor stated it's about half way down.

Chairman Buzzutto stated well, that's what I meant anyway. It's better than asking for a Mercedes-Benz from a telephone company.

[Laughter]

Chairman Buzzutto stated like Herby...Like Jerry did. Okay.

Board Member Herbst stated you remember that, huh.

Board Member Olenius stated I'll second the motion to accept the minutes.

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

Chairman Buzzutto stated he asked for a Mercedes-Benz, didn't he.

Board Member Bodor stated anything else tonight.

Chairman Buzzutto stated no.

Board Member Bodor stated I make a motion to adjourn the meeting.

Board Member Herbst stated second.

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

Meeting was adjourned at 7:40 p.m.