



**ZONING BOARD OF APPEALS  
July 9, 2018  
MINUTES**

The Zoning Board of Appeals for the Town of Philipstown held their regular monthly meeting on Monday, July 9, 2018, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York.

**PRESENT:** Robert Dee - Chairman  
Vincent Cestone - Absent  
Paula Clair - Absent  
Granite Frisenda - Member  
Leonard Lim - Member  
Adam Rodd - Attorney (Drake Loeb PLLC)

**\*\*PLEASE NOTE that these minutes were abstracted in summary from being present at the meeting and the television video. If anyone should seek further clarification, please review the video.**

**Chairman Robert Dee** opened the meeting at 7:30 P. M. with the Pledge of Allegiance.

**Minutes**

**Chairman Robert Dee:** First order of business is approval of minutes from our June 11th meeting. Does anybody have any corrections or changes or?

**Paula Clair:** Nope.

**Chairman Robert Dee:** Anybody? Nothing? Make a motion that we, minutes be accepted?

**Vincent Cestone:** I do.

**Paula Clair:** Second.

**Leonard Lim:** I'll second.

**Chairman Robert Dee:** All in favor?

**Vincent Cestone:** Aye.

**Leonard Lim:** Aye.

**Paula Clair:** Aye.

**Granite Frisenda:** Aye.

**Chairman Robert Dee:** Takes care of that one. Okay, uh, the 28/30 Hudson River Lane called up, she called up this morning, she wants to push it off to our September 10th meeting. So, she'll be, so we'll reschedule-

**Leonard Lim:** The 10<sup>th</sup>?

**Chairman Robert Dee:** Yes, Monday September 10<sup>th</sup>. We're gonna reschedule her for Monday September 10<sup>th</sup>. Is anybody here for that? No there's only one man here, so there's nobody else for her. Okay. Next order of business is Mr. Rathe, 28 Hudson Way, Cold Spring, alright. And this is a continuation of a public hearing regarding a garage at 28 Hudson Way and he's looking for a variance on the, the zoning that says with 175-10, which says a thousand square feet. He's looking for a, let's see if I got it correct this time, okay, 3680 square feet?

**Gregory Rathe:** With the attic, yes.

**Chairman Robert Dee:** Well, yeah, well, that's what the attic. That's first floor and second floor. The first floor is 2,200- 2,200 square feet and the second floor is 1480 square feet. That's what your plans say. So, you're looking for 3,680 square feet total. Okay. I know we had asked for a survey and you had called me and said that Glenn Watson wouldn't be able to put in where the garage was going to go, the proposed garage, on the old survey because he couldn't, wouldn't be able to get a survey by this meeting and I said that was okay because in speaking with Greg Wunner of code enforcement. He says he requires a as-built survey anyway. So, it's in order to get a CO. When you get down to the CO, he's gonna require an as-built survey. So, I can see where the proposed garage is going. You really don't need a, there's no sideyard variances, there's no front yard variances. The only thing you're looking for is the exception of the 1000 square-foot. Anybody here want to speak on this? Okay, nobody here. Okay.

**Leonard Lim:** Explain to me why you really need one so big because it's much bigger than your house, isn't it?

**Chairman Robert Dee:** You want to step, step up to the mic please.

**Gregory Rathe:** My business is woodworking, I like to do a lot of woodworking. So, a large portion will be for storing, for machinery, table saws and band saws, etc. I collect, you know, old motorcycles, so I like to work on them as well. So, you know, I'm, I've got lots of stuff from generations for storage, primarily.

**Leonard Lim:** You can see one of my concern here is that second floor. Because you got water going in the building?

**Gregory Rathe:** Nope.

**Leonard Lim:** No water at all.

**Gregory Rathe:** No water. I'm not even planning to sheet rock the upstairs. There's no-

**Leonard Lim:** So, it's just electricity.

**Gregory Rathe:** Just electricity. There's no septic, there's no running water. No, no water exiting the building either.

**Leonard Lim:** Okay.

**Adam Rodd:** Just to clarify, it's, the structure is 35 by 60?

**Gregory Rathe:** Correct.

**Adam Rodd:** And the square footage of the entire structure would be 3600?

**Gregory Rathe:** The, so, it's, approximately, yes.

**Chairman Robert Dee:** 6-8-0. 3-6-8-0, according to the- that's the second floor, first floor and second floor, square footage.

**Adam Rodd:** But that's all part and parcel of what's considered this detached residential garage structure, correct?

**Gregory Rathe:** Correct. Okay.

**Chairman Robert Dee:** Okay. Anybody have any questions before I go over the factors? Anybody have any other questions?

**Vincent Cestone:** What would you do if you were denied?

**Gregory Rathe:** I would ask how do we get it approved? What would be the next steps?

**Chairman Robert Dee:** He means is there another means of doing it. Would a smaller garage suffice for you and stuff like that? That's what he's trying to say.

**Gregory Rathe:** I'm sorry. Umm, yes, it would. It would suffice.

**Vincent Cestone:** Okay.

**Leonard Lim:** Is this the minimum amount you need?

**Gregory Rathe:** No, I think this is the maximum. I want to do this once. I'm planning to live here for the rest of my life and I figure if I'm gonna do this once I should do it right. So, that's my plan, you know, my, I have family in the town of Cold Spring back to 1903 and I'm planning to enjoy my time here.

**Chairman Robert Dee:** Okay. Well I've been up there and, really, I don't see any, I don't think you're in any sight or vision of any other building or anything like that, that I can see and all like

that, so I don't see anybody being disturbed and as I can see by nobody's here, I guess there's nobody disturbed because letters go out to all neighbors and all like that so, I guess there's no disagreement there. So, I just want to go over the five factors. These are questions we ask you in order to be considered for the application. Number one, what possible detriment would the variance have on nearby properties? Well, I've been up there and I seen it, I don't see any detriment to nearby property because there's not too many properties nearby. You're thirty foot from the line I don't, this, I don't see any houses really around you, maybe one to the south, I guess, right, it would be?

**Gregory Rathe:** There is one to the- on Hudson way there is one house.

**Chairman Robert Dee:** One house there but that's pretty far away from you.

**Gregory Rathe:** I'd say probably 300 feet.

**Chairman Robert Dee:** Yeah, right, 300 feet from you. And from where I can see they don't even see the building line. How many acres are, do you have there?

**Gregory Rathe:** 8.5.

**Chairman Robert Dee:** 8.5 acres, okay. 1b. What impacts would the variance have on the character of the neighborhood? Well, seeing there's only really two houses up there I don't see any, any impact on the neighborhood because it's not really a congested area. It's kind of, is that a private road?

**Gregory Rathe:** It is a private road.

**Chairman Robert Dee:** It is a private road.

**Gregory Rathe:** There's four lots on it.

**Chairman Robert Dee:** Okay. Number two, if you didn't get the variance, how else could you build what you want to accomplish your goal? Well let's see, the variances that would be, right now is the thousand square feet and I guess you say, like you said, you're doing woodworking and motorcycles and whatnot like that, you're looking for, you're looking for a lifetime building so, you're looking to put enough- I guess the storage, upstairs is for storage, while I look at it, because it has beams, you can't really get to the whole upstairs; there's no way it could be made a living space, it's more of a storage there.

**Gregory Rathe:** It's an attic. It's, based on the design, really for the design is the pitch. I mean if I'd, if I'd known I had to get zoning for that, I would have thought about a different roofline.

**Chairman Robert Dee:** Yeah.

**Gregory Rathe:** Because-

**Chairman Robert Dee:** Well, we go by the whole square footage, you know what I'm trying to say? So, you know, so-

**Gregory Rathe:** I wasn't aware of that.

**Chairman Robert Dee:** Okay. What code requirement are you seeking to vary? That's Town Code 175-10 which limits the size of a garage associated with a single-family residence to a thousand square feet. Okay. I think this is, what, the third garage we've had in the last two months or fourth garage to make it bigger? Everybody wants big garages.

**Leonard Lim:** (Inaudible).

**Chairman Robert Dee:** I guess so. What impact or effect would the, will the variance have on the current physical and environmental conditions of the area? Now you're just having the removal of five or six trees. Well, it's pretty heavily wooded and seeing it, to me anyway, and looking at the area, looking at the location, there's really, they're really not gonna bother anybody, there's only one other house up there which is a good distance away from here. So, I don't see any issues there, unless anybody has any problems, speak up, you know. Is the variance requested as a result of self-created hardship? That's a tricky question because yes, it is a self-created hardship because you could just, you know, without going for a variance you could do (inaudible) garage, okay. So, you created it yourself because you want something bigger, for future use and everything else like that so. But that's not a question that knocks you out of the box, is what I'm trying to say, that just happens to be in there. I can tell you, looking at the area, looking at the house and everything like that, I don't have any problems with it. Does anybody have any other questions they want to ask, to this? Anything?

**Vincent Cestone:** No, no, nothing more.

**Chairman Robert Dee:** Okay. At this time, I make a motion that the public hearing be closed.

**Vincent Cestone:** I make the motion.

**Leonard Lim:** Second.

**Chairman Robert Dee:** All in favor?

**Vincent Cestone:** Aye.

**Leonard Lim:** Aye.

**Paula Clair:** Aye.

**Granite Frisenda:** Aye.

**Chairman Robert Dee:** Aye. Okay. At this time can I get a motion on the application. Make a motion-

**Adam Rodd:** Paula's making the motion.

**Paula Clair:** Yeah. I make a motion to-

**Chairman Robert Dee:** Vote on the application?

**Paula Clair:** To vote on the application.

**Leonard Lim:** I'll second.

**Chairman Robert Dee:** All in favor?

**Vincent Cestone:** Aye.

**Leonard Lim:** Aye.

**Paula Clair:** Aye.

**Granite Frisenda:** Aye.

**Chairman Robert Dee:** Aye. Alright. And the application?

**Vincent Cestone:** I vote no.

**Chairman Robert Dee:** Vote no.

**Leonard Lim:** I'll vote yes.

**Chairman Robert Dee:** Vote yes.

**Granite Frisenda:** I vote yes.

**Chairman Robert Dee:** You vote yes.

**Paula Clair:** I'll vote yes.

**Chairman Robert Dee:** Yes, and I vote yes. So, it's four to one the applications approved. Now, what happens is, the attorney makes up that resolution, okay. He emails, sends it to our secretary, she calls me and I go in and sign it. But that'll be at least 30 days.

**Gregory Rathe:** Okay.

**Chairman Robert Dee:** Okay. Alright?

**Adam Rodd:** That's fine.

**Chairman Robert Dee:** Okay. So, 30 days and he'll and then the secretary will call you when it's ready, when it's signed, and then you can go get your building permit. Okay?

**Gregory Rathe:** Thank you very much.

**Chairman Robert Dee:** You're all set. Thank you.

**Gregory Rathe:** Have a good evening. Thank you for your help.

**Chairman Robert Dee:** You're more than welcome. Seeing that the other gentleman cancelled until September, seeing that we have August off, can I get a motion to-

**Leonard Lim:** I'll second and I'll see you in September.

**Vincent Cestone:** I'll make the motion.

**Chairman Robert Dee:** You make the motion to- all in favor?

**Vincent Cestone:** Aye.

**Leonard Lim:** Aye.

**Paula Clair:** Aye.

**Granite Frisenda:** Aye.

**Chairman Robert Dee:** Aye. The meeting's over, we're done.

**(The meeting adjourned at 7:43 pm by a unanimous decision.)**

NOTE: These minutes were prepared for the Zoning Board of Appeals and are subject to review, comment, emendation and approval thereupon.

DATE APPROVED: \_\_\_\_\_

Respectfully submitted,

Tara K. Percacciolo  
Secretary

To: Ms. Tara Percacciolo  
Secretary to the Zoning Board of Appeals and the conservation Commission: Philipstown

October 3, 2018

**RE 28-30 Hudson River Lane, Garrison New York**

Dear Tara,

Kevin and I had the good fortune to purchase properties on Hudson River Lane out of the floor zone. Therefore, we are formally withdrawing our application for zoning variances, Conservation Commission approval and a building permit for 28-30 Hudson River Lane.

Once more, we really appreciate all your help and guidance throughout the process.

Thank you,

Dana Sottile Reymond

Dana and Kevin Reymond  
28-30 Hudson River Lane  
Garrison, New York 10524

October 3, 2018

To the Members of the Zoning Board of Appeals,

Prior to our meeting with you on May 14, 2018 you received a letter, dated May 9, 2018, from Jim and Melanie Matero our neighbors at 32 Hudson River Lane (Matero). This twelve (12) page letter was clearly written to you with the sole objective to delay, obstruct or otherwise sabotage our project despite its assertion to the contrary. And it worked, for although we had a pre-application meeting on December the 9<sup>th</sup> with Robert Dee, Ron Gainer, Gregg Wunner and our team; and although the ZBA deemed our application complete for a public hearing; we were dismissed on the night of our hearing at Robert Dee's suggestion that we were unprepared and sent to the Conservation Commission [CC]. The CC was not pleased with having us appear before them without having our variances granted first. It is our understanding the CC has issued a letter to the ZBA expressing their concerns over this motion. The CC approved our plans at the meeting pending our lot merger (the DOH also approved our septic design under the same conditions). The CC Chair, Mark Galezo also stated, when visiting our properties, that the plans we are proposing improves upon what stands today and that we are approaching our project in an honest and transparent fashion. The Conservation Commission hearing was interesting, informative and there was a straight dialogue between us and them, relating to matters of the environment alone, which is their obligation and duty. Whether or not we are disliked by members of the town who live next door to us was of no concern nor of interest to them.

Matero letter

Matero wrote the letter which contains numerous false, unsupported, unprofessional and opinionated allegations about us and our proposed plans. We also learned the MTA was called to forewarn and complain that we planned to build and there would be trucks going over the train tracks. I suspect since the tracks can withstand trains, it can withstand trucks as it did recently during the construction of the Matero's new home. The hypocritical statements were from the pen of Matero in a childish angry rant; not aimed at our project, which would have benefited them in every way but as a display of their hateful personal feelings against my husband and myself. We hand-delivered a letter to Matero inviting them to review the plans with us to diffuse the hostility. What was before them was an opportunity for more relaxed existence between the four of us, given the reality we would neighbors for life only 19 feet away from each other, but they chose to go to war. Contrary to their claims, the Matero's are clearly attempting to stop us from building the house that we want. They built the house they wanted along with 11 out of 14 existing homes on the lane. Accordingly, we feel compelled to set the record straight lest you be misled.

As no one had the courage to put their signature on the letter, not even the authors, we feel it should have been discounted but it was not. Melanie Matero was the only neighbor to review our plans in the Building Department; she did so the Friday before our May 14<sup>th</sup> ZBA public hearing and made no copies. This can be confirmed by Tara Percacciolo, our secretary to the ZBA. Our council, Michael Liguori and ourselves checked in with Tara to inquire on a regular basis. As a result, not one of the other "signees" saw our plans. It would not be unreasonable to ask how these neighbors could possibly "sign on" to the assertions and intent of the Matero letter without viewing the plans? During a weekend in April we invited all neighbors over to view our plans. We were available four hours on each of a Friday, Saturday and Sunday and not one of the opposing neighbors stopped by our home. We extended the same offer to our neighbors in Cold Spring when we renovated 37 Pine Street in 2009, the year we began paying taxes in this county.

Here are some reactions to a few selected complaints in the Matero letter:

1. They believe our design is ugly and is a threat to the style of the neighborhood.

The style of our house is not germane to the jurisdiction of the zoning board. These claims are both unjustified, incorrect and the opinion of our project stylistically is not any neighbors, nor town jurisdiction to comment upon. Please refer to a quote from the ZBA meeting minutes dated February 8th, 2014 by board member Paula Claire which is copied below. Paula Claire states:

"I don't understand why this person is dictating something that is within the town code. You can't tell people that they can't do something that is within the acceptability of the Towns Code because you don't like it."

2. They claim we listed our current home for rent and were afraid our new home would be rented.

The statement is false, not to mention irrelevant to zoning matters, nor neighbor matters. This is really grasping at things to complain about. We calculated the time away since owning our home which amounts to 32 weeks. In addition it is our part time weekend-only home. We have never once rented our home and if we had, it is our business.

3. They hate the trees we planted and stated we are environmental outlaws in doing so. They hate our fence.

These issues are not germane to zoning matters. Matero fails to mention that they also planted a tree that impairs our entire view to south. Our trees were planted in accordance with local rules, and they were planted to provide shade on the western portion of our home as it bakes in the summer. ALL properties north of Matero have trees and no one sees the river in total unless they walk to the edge of their property and many neighbors have fences. Our fence, from the river back 42 feet is only four feet high which blocks no one's view.

4. They complain our dock is perfectly fine and do not need a new one.

This is not germane to zoning matters nor their place to comment. Given Matero installed a ninety-foot dock for a 21-foot boat, should be reason enough to cease and desist with this complaint.

5. They do not want us to repair our sea wall.

This is not germane to zoning matters nor their place to comment.

6. They advised that the ZBA should send us to the CC prior to variance approval.

This suggestion does not stand on professional merit.

7. They are afraid the design will create a precedent.

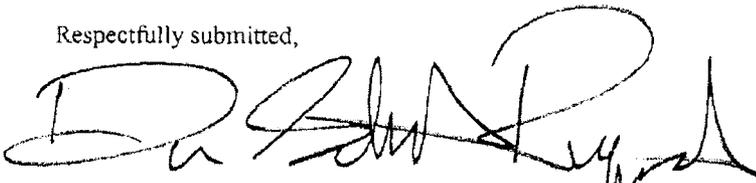
This point is not germane the zoning matters, we are not in an architectural review area. There is no precedent as one needs two lots to create such a design and there are none left on the lane which can do so. Some individuals simply do not like the unfamiliar and things they do not understand. It is a misfortune that some berate others house plans and praise their own.

#### Conclusion

Given all the opportunities we gave the Matero's to review the plans with us, so we could discuss their concerns, suggest that their comments via an unsigned document are less about trying to find common ground than to intentionally and maliciously disrupt our plans and waste the time of the ZBA and all others involved. We find the Matero's to be less than straight forward with no courage to speak to us. The hypocrisy is laughable as Matero failed to stand up to their own points with respect to communication, notice, environmental sensitivity, their bedroom count and use of the third floor on their application and testimony during their public hearing. Their declaration of environmental stress and architectural knowledge hold no merit as they are unqualified to speak to such matters, unfounded and written without authority. We found their plans to be sneaky and misleading. And when we spoke at their hearing we did not try to stop their project but to learn about their intentions as we know they planned to knock down their house, although the testimony of Melanie Matero, Michal Monteleone and the plans relayed a different story.

Matero keeps trying to find contradictions in our application and they will be hard pressed in doing so. Our process is transparent as are our plans and our intentions.

Respectfully submitted,



Dana and Kevin Raymond



APPEAL # 919 Tax Map # 72.17-1-14

Final hearing date \_\_\_\_\_ Zoning Board decision APPROVED / DENIED

Date application submitted \_\_\_\_\_

Application fee \$ \_\_\_\_\_ Escrow \$ \_\_\_\_\_ Received by \_\_\_\_\_

To the Zoning Board of Appeals, Town of Philipstown, New York.

I (we) BETSY A. HADDAD

residing at 15 LAKE CELESTE DRIVE, GARRISON, NY 10529

Telephone: home 917-450-8817 business NA

HEREBY appeal the decision of (name and title) \_\_\_\_\_

whereby he/she

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ a BUILDING PERMIT \_\_\_\_\_ a CERTIFICATE OF OCCUPANCY \_\_\_\_\_

For \_\_\_\_\_

To \_\_\_\_\_

of \_\_\_\_\_

For property at tax map # 72.17-1-14 in zoning district RC-RURAL CONSERVATION

WHEN FILLING OUT APPLICATION, ATTACH ADDITIONAL PAGES AS NECESSARY TO ANSWER QUESTIONS

1. LOCATION OF PROPERTY: (Give 911 address and a map and detailed narrative giving directions to the property using road names, such as Route 9 or 9D, Old Albany Post Road, East Mountain Road South, etc. and landmarks such as Garrison School, North Highlands Fire House, Highlands Country Club, etc.)

SEE EXHIBIT A - ATTACHED

2. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS (include those opposite on streets/highways. Use additional sheets if necessary. This information may be obtained in the Town assessor's office)

SEE EXHIBIT B - ATTACHED

EXHIBIT # 1

3. FURTHER BASIS OF APPEAL - INTERPRETATION (provide Section Code section, paragraph by number. Do not quote text of code)

SEE EXHIBIT C - ATTACHED

4. PREVIOUS APPEALS (If there have been any previous appeals for this property or any portion thereof, set forth the appeal number, date, relief sought and the ZBC decision resulting.)

SEE EXHIBIT C. ATTACHED

TYPE OF APPEAL

an INTERPRETATION of the Zoning Code or Maps

a VARIANCE from the Zoning Code

a SPECIAL USE PERMIT under the Zoning Code

5. DETAILS - APPEAL (Complete only that section which applies to the appeal you are submitting)

- (a) INTERPRETATION of the Zoning Code is requested

(1) An exact statement of the interpretation requested is:

SEE EXHIBIT C - ATTACHED

(a) A VARIANCE from the Zoning Code is requested:

(1) An exact statement of the details of the variance requested is:

SEE EXHIBIT C - ATTACHED

(2) The grounds on which the variance should be granted are:

SEE EXHIBIT C - ATTACHED

(c) a SPECIAL USE PERMIT is requested:

NOT APPLICABLE

(1) The reason the permit is requested:

N.A.

(2) An exact statement of use for which the permit is requested:

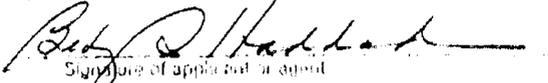
N.A.

(3) The facts showing the use is permitted as a SPECIAL USE under the code and the ability of the applicant to comply with the requirements of the code for granting of a special use permit:

N.A.

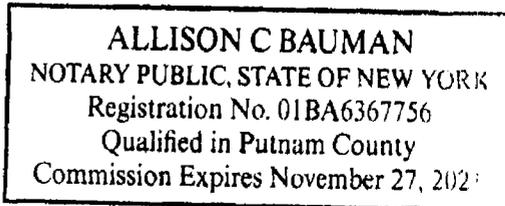
STATE OF NEW YORK COUNTY OF PUTNAM

being duly sworn, says that the foregoing appeal and papers attached, that the statements and representations therein are true to the best of my knowledge and belief.

  
Signature of applicant or agent

Sworn before me this 27 day of September 2018

Notary Allison C. Bauman County Putnam



SUBMISSION REQUIREMENTS: (1) For a VARIANCE or INTERPRETATION please submit (7) individual packets  
(2) For a SPECIAL USE PERMIT please submit (19) individual packets

Each packet containing one each of the below listed items. These items are very specific and MUST be complied with exactly.

1. Completed appeal form
2. Deed to property
3. Denied application for Building Permit or Certificate of Occupancy
4. Building plans with ONE ORIGINAL professional seal and signature
5. Survey prepared by NYS licensed surveyor, showing all property lines, structures and dimensions to property lines. One survey with ORIGINAL professional seal and signature
6. Certificates of Occupancy for any existing structures
7. Contour maps as required by conditions

THE CITY OF EL PASO, TEXAS BOARD OF APPEALS  
SUPPLEMENTAL QUESTIONS TO AREA VARIANCE APPLICATIONS

In accordance with state law, the Zoning Board must grant or deny an area variance based on specific factors and a balancing of the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood and community. We have developed this Supplement to assist you with preparing, submitting and presenting your case to the Zoning Board. Please complete the factors 1a - 5 below and submit with your application (attach additional pages if necessary). We have provided suggested questions which will assist you in answering each factor and in preparing for the Board's review. It is strongly suggested that you structure your presentation at the hearing in accordance with the factors. Provide facts and proof to support each factor.

FACTORS TO BE CONSIDERED BY THE BOARD

- 1a. What possible detriment would the variance have on nearby properties?  
How close are nearby structures? Will your structure be visible to others or will it block a view? Do you propose exterior lights?

SEE ATTACHED - EXHIBIT C

- 1b. What impacts would the variance have on the character of the neighborhood?  
Have others in the neighborhood received similar variances? Does the Neighborhood contain similar structures with similar setbacks/heights etc.?  
Is your property similar to or different from others in the area? - If several of your neighbors were to receive variances in the future similar to the one you now request, would the neighborhood be changed?

SEE ATTACHED - EXHIBIT C

2. If you didn't get the variance, how else could you build what you want or accomplish your goal?  
For example: different location or design, shorter fence, smaller deck, smaller overhang or addition?

SEE ATTACHED - EXHIBIT C

3. What is Code requirement you seek to vary?

SEE ATTACHED - EXHIBIT C

How large of a variance do you seek?

SEE ATTACHED - EXHIBIT C

4. What impact or effect will the variance have on the ground plane and surrounding  
adjacent areas in the area? Is there grading for a building proposed? - Will you be paving previously unpaved  
surfaces? - Are you proposing to remove any vegetation? - Are there wetlands or  
other water courses on site? - Will normal drainage patterns be affected? - How  
close are the nearest wells or septic systems? - Will the proposed use or activity  
produce emissions (noise or odors)? - Will traffic be increased? - Is the area considered scenic?

SEE ATTACHED - EXHIBIT C

5. Is the variance requested as a result of "self-created hardship"?  
Was there a need for the variance when you purchased the property? - How long  
ago did you purchase the property? - Did you build the structure without a permit?  
Is the need for a variance as a result of someone's mistake? Describe

SEE ATTACHED - EXHIBIT C

# kamentall architects p.c.

Date: 03 October 2018

Property : 19 Lake Celeste Drive, Garrison, NY  
Tax ID #: 72.17-1-14  
Zoning District – RC (Rural Conservation)

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## ZONING BOARD OF APPEALS (ZBA) APPLICATION - EXHIBIT A

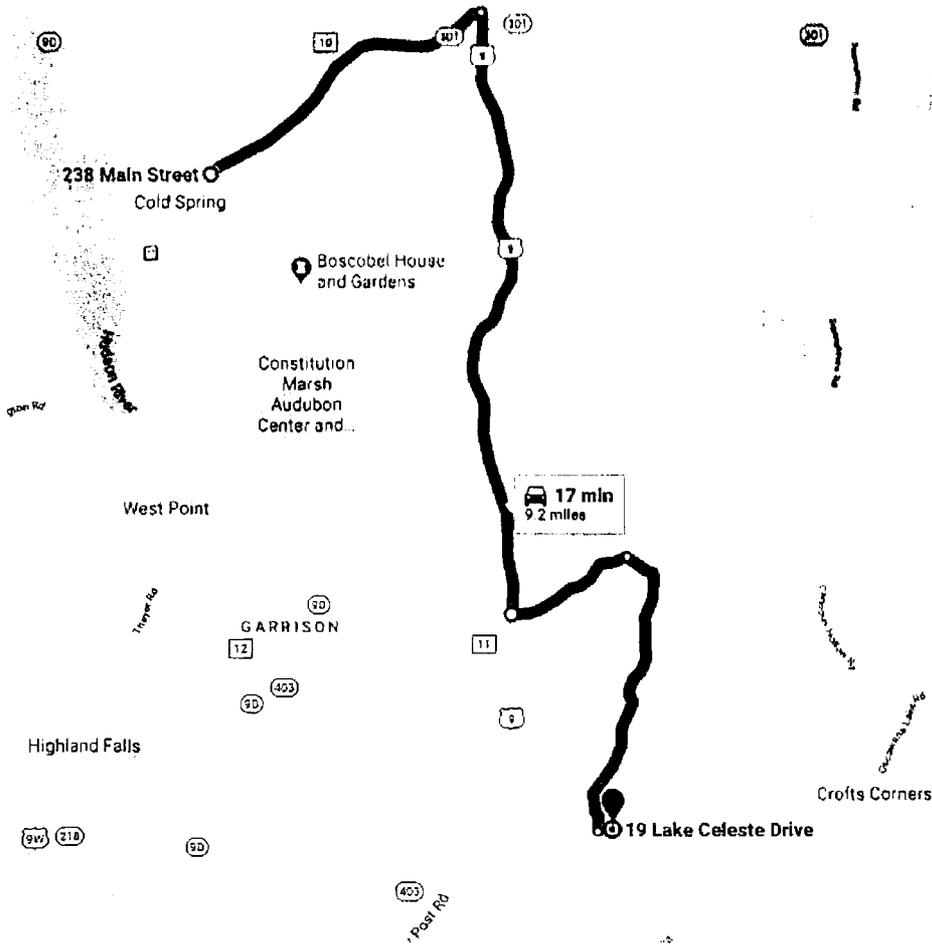
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The following are responses to and correlates with the ZBA Application for the above-mentioned property.

1. Location of Property: (911 address 19 Lake Celeste Road)  
Directions from Town of Philipstown townhall (238 Main Street, Cold Spring, NY) to 19 Lake Celeste Drive, Garrison, NY:
  - Head Northeast on NY-301 E / Main Street toward Parsonage Street (2.2 miles).
  - Turn right onto U.S. 9 South (4.1 miles).
  - Turn left onto Travis Corners Road (9 miles)
  - Turn right onto Old Albany Post Road (2 miles)
  - Turn left onto Lake Celeste Drive (0.1 mile with destination on the right)

SEE MAPS BELOW:

EXHIBIT # 1A



Google 2018



EXHIBIT # 1B

Location Map

# kamentall architects p.c.

Date: 03 October 2018

Property : 19 Lake Celeste Drive, Garrison, NY  
Tax ID #: 72.17-1-14 // Zoning District -- RC (Rural Conservation)

## ZONING BOARD OF APPEALS (ZBA) APPLICATION - EXHIBIT B

The following are responses to and correlates with the ZBA Application for the above mentioned property.

### 2. Adjoining Property Owners:

#### A. Adjoining Property to the South

Tax ID: 72.17-1-15

Address: 15 Lake Celeste Drive

Owner: Betsy A. Haddad – 15 Lake Celeste Drive, Garrison, NY 10524

#### B. Adjoining Property to the North – Across Lake Celeste Drive

Tax ID: 72.17-1-10

Address: 10 Lake Celeste Drive

Owner: Susan B. Gill / Susan B. Gill Revoc. Trust – 7 E 14 St, Apt 18EF, New York, NY 10003

#### C. Adjoining Property to the East

Tax ID: 72.17-1-13

Address: 25 Lake Celeste Drive

Owner: Robert Smythe – 4807 Wellington Drive, Chevy Chase, MD 20815

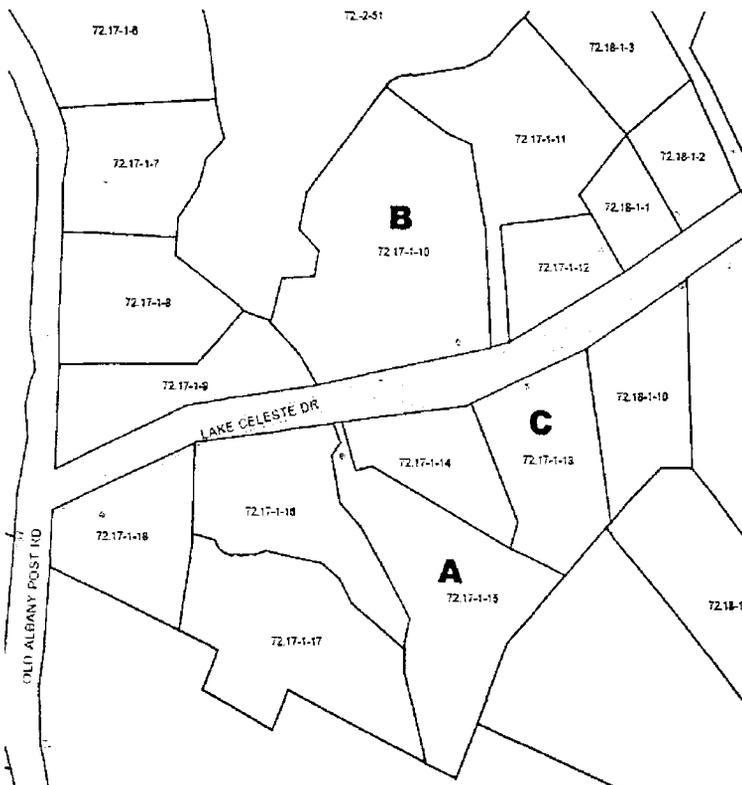


EXHIBIT # 10

Tax Parcel Map

Date: 03 October 2018

Property : 19 Lake Celeste Drive, Garrison, NY  
Tax ID #: 72.17-1-14 // Zoning District – RC (Rural Conservation)

Page 1 of 3

## ZONING BOARD OF APPEALS (ZBA) APPLICATION - EXHIBIT C

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The following are responses to and correlates with the ZBA Application for the above-mentioned property.

3. Provision of Zoning Code Involved:
  - Article III, Chapter 175-11, B and Chapter 175 Attachment 2 (Dimensional Table).
4. Previous Appeal:
  - No Previous Appeal found in files.
5. Details of Appeal: Area Variance
  - (b) (1). Statement of the details of the Variance requested is as follows:

The existing one-story, 1,021 sf residence is pre-existing non-conforming in respect to the required front yard setback (24.4' where 60' is required), rear yard setback (44.7' where 50' is required) and impervious surface coverage (22.24% where 10% or less is required), due to the irregular shape and non-conforming lot size of 0.463 acre in a 10-acre zone. The lot is approximately half the size required.

The proposed renovation of this cottage basically consists of the addition of a front entry porch, an extension of an existing bedroom, interior alterations and the re-build of an existing open deck located at the side and rear of the existing cottage. If constructed, the proposed construction would increase the existing non-conformity by having a resulting front yard of 23.17' where 60' is required, a resulting rear yard of 39.39' where 50' is required and result in an impervious surface coverage of 25.07% where 10% or less is required. Please see the attached site plan with zoning chart.

- (b) (2). The grounds on which the variance should be granted are as follows:

Due to the irregular shape of the property, the undersized lot, the pre-existing non-conformity to current dimensional zoning requirements and the placement of the existing cottage on the lot, a variance would be required for any addition to this property. The existing cottage is situated entirely on the front yard setback and the as-of-right, buildable area of the lot is 858 sf configured in a 'wedge shape'. The proposed construction represents a modest increase to the non-conformity and is in character to the neighborhood of what was originally summer lake cottage community.

Based on the above and following, the requested variances are minimum necessary and adequate to provide the benefit sought by Ms. Haddad while preserving and protecting the character of the surrounding community.

EXHIBIT # 1D

**SUPPLIMENTAL WORKSHEET FOR AREA VARIANCE:**

1a. What possible detriment would the variance have on nearby properties?

1b. What impacts would the variance have on the character of the neighborhood?

The granting of the requested area variance will not create any detriment to nearby properties, nor will there be any undesirable change in the character of the neighborhood.

The scale of the addition of the front porch (182 sf) and the extension of the bedroom (76 sf) represent a modest increase and will blend in architecturally and fit the character of the neighborhood. The rebuilt open deck is largely in the same footprint as the existing deck, which is in-need of replacement due to deterioration. The additions can be seen from the road; however, they are screened from the neighboring properties with vegetation, forest and terrain. There will be lighting at each exterior door per the requirement of the New York State Residential Building Code. The proposed work will not block any views.

Many of the houses on Lake Celeste Drive have been increased in size and height over the years. Because of the 'summer lake cottage' origins of the neighborhood many of the houses are placed close to Lake Celeste Drive, which is a private road.

2. If you did not get the variance, how else could you build what you want or accomplish your goals?

There is no feasible alternative that would not require an area variance on this property. The existing cottage has three bedrooms, a small kitchen and only one bath. Ms. Haddad would like to add a powder room and enlarge the kitchen slightly, making it more functional. The proposed plan accomplishes this by taking square footage from an existing bedroom at the north corner, yet it has the bathroom. Powder room and kitchen largely in the same location as the existing plumbing core of the house. To retain the use of this bedroom 76 sf was added to the north side of the cottage.

The existing cottage does not have a front door; it only has a rear door onto the existing wood deck. Ms. Haddad would like to add a front porch and create an entry foyer. A front door needs to be in proximity to the road and driveway.

The desire for a powder room in a three-bedroom house, an adequately sized kitchen, a front entry and porch is a reasonable request by today's standard.

3. The proposed construction would require an area variance for the front yard setback, rear yard setback and impervious surface coverage. The existing cottage is pre-existing non-conforming to the current zoning regulations and Ms. Haddad is requesting to increase the non-conformity as follows: Front Yard by 1.23', Rear Yard by 5.31' and Impervious Surface coverage by 3%.

4. What impact or effect will the variance have on the current physical and environmental conditions of the area?

The addition of the front porch is located on a wetland buffer along with approximately 30% of the existing house. The buffer zone is located on the 'driveway' side of the house and in the front yard. A front porch and entry need to be contiguous with the driveway and road. The porch will be constructed with pier footings with a floor plane elevated above grade, limiting excavation. The extension of the bedroom at the north side of the house and the rebuild of the deck will also have pier footings and thus limited excavation.

The increase in impervious surface over existing conditions is 3% (565 sf) and will be mitigated by stormwater retainage devices and/or rain gardens.

5a. Is the variance requested as a result of a "self-created hardship"?

Ms. Haddad purchases the property in 2015. The existing house and property are pre-existing non-conforming in respect to the required front yard setback, rear yard setback and impervious surface coverage, due to the irregular shape and non-conforming lot size of 0.463 acre in a 10-acre zone.

Due to the origins of the neighborhood as a 'summer lake community' where the houses were originally designed to be cottages and often placed close to the private access road. This cottage is still small (1,021 sf) and is located wholly on the front yard, the lot is undersized and the increases in non-conformity are modest.

END

THIS INDENTURE, made the 24<sup>th</sup> day of March in the year 2015

BETWEEN

BRENDA WALDMAN, as surviving tenant by the entirety, residing at 145 East 15<sup>th</sup> Street, Apt. 17U, New York NY 10003

and

BETSY A. HADDAD, residing at 260 West Broadway, <sup>Apt 5b</sup> New York, NY 10013, party of the second part

WITNESSETH, that the party of the first part in consideration of Ten Dollars and other valuable consideration does hereby grant and release unto the party of the second part, the heirs, distributees or successors and assigns of the party of the second part forever,

See Schedule A annexed hereto

SUBJECT TO mining and mineral rights, if any, owned others than the party of the first part.

SUBJECT TO covenants, conditions, easements, restrictions, agreements, encroachments and licenses, and reservations of record, if any, affecting said premises, provided same do not prohibit the use and maintenance of the present structure,

SUBJECT TO any state of facts an accurate survey may show.

SUBJECT TO zoning laws and building restrictions

SAID PREMISES being known as 19 Lake Celeste Drive, Garrison, New York 10524

Being the same premises conveyed to David I. Waldman and Brenda Waldman, husband and wife, party of the first part by Jean Usatch, party of the second part, by deed dated November 28, 1978, and recorded in the Putnam County Clerk's Office on December 6, 1978 in Liber No. 757 of Deeds at Page 27 and David I Waldman having died on February 18, 2014.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof, TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the distributees or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

EXHIBIT #

1E

142 W X 405

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

*Martin H. Olesch*

*Brenda Waldman*  
BRENDA WALDMAN

ACKNOWLEDGMENT

STATE OF NEW YORK)

COUNTY OF Putnam<sup>ss.</sup>

On this 24<sup>th</sup> day of March in the year 2015 before me personally appeared Brenda Waldman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument

*Karissa L. Bulson*  
Notary public

KARISSA L. BULSON  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN DUTCHESS COUNTY  
COMMISSION EXPIRES 10/10/18

BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS  
BRENDA WALDMAN

Tax Map No. 372689-72.17-1-14  
County of Putnam  
Town of Philipstown

TO

BETSY A. HADDAD

Record and Return by Mail to  
Camille S. Linson, Esq.  
13 Parrott Street  
Cold Spring, NY 10516

**SCHEDULE "A"**

Title #: 14RW-X605

(Amended 11/21/14)

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Philipstown, County of Putnam, and State of New York and particularly described as Lot No. 3 on a map entitled, "Map No. 1, Lake Celeste, situate in the Town of Philipstown, Putnam Co., N.Y." surveyed by J. Wilbur Irish, P.E. & L.S., 906 South Street, Peekskill, N.Y. which said map was completed February 15, 1947, and was duly filed in the Office of the Clerk of the County of Putnam on the 7th day of July, 1947, as Map No. 387 together with all that lot, piece or parcel of land lying between the northerly boundary of said Lot No. 3 as shown on map entitled, "Map No. 1" aforesaid, and the southerly boundary of the "Traveled Way" as shown on map entitled, "Map of Roadway, Right of Way, and Common, situate in Lake Celeste, Town of Philipstown, Putnam Co., N.Y., surveyed by J. Wilbur Irish, P.E. & L.S., 906 South Street, Peekskill, N.Y." which said map was prepared July 12, 1947 and was duly filed in the Office of the Clerk of the County of Putnam on the 18th day of July, 1947, as Map No. 387A being more particularly bounded and described as follows:

**BEGINNING** at a point in the southerly line of the Right of Way Parcel as shown on the said Filed Map No. 387A (Lake Celeste Drive [a private road]), said point being North 79° 59' 30" East 198.17 feet to a point and South 86° 51' 10" East 184.97 feet from the northwesterly corner of Lot No. 1, as shown on the said Filed Map No. 387, at intersection of the said southerly line of the Right of Way Parcel (Lake Celeste Drive [a private road]) with the easterly line of Old New York & Albany Post Road, said point of beginning also being an iron rod in a stone wall found at the northeasterly corner of Lot No. 7, as shown on the said Filed Map No. 387, lands now or formerly Salah & Haddad (Liber 1896 cp 355); thence through the said Right of Way Parcel (Lake Celeste Drive [a private road]), North 4° 01' 10" West 13.57 feet to a point in the southerly line of the said "traveled way"; thence through the said Right of Way Parcel, along the southerly line of the said "traveled way" the following courses: North 79° 35' 20" East 20.10 feet to a point, on a curve to the right having a radius of 147.53 feet a length of 75.31 feet to a point, South 71° 09' 40" East 35.94 feet to a point and on a curve to the left having a radius of 77.06 feet a length of 37.84 feet to a point; thence through the said Right of Way Parcel (Lake Celeste Drive [a private road]), along the westerly line of lands now or formerly Smythe (Liber 1753 cp 182), South 11° 28' 30" East 8.89 feet to an iron pipe found at the northwesterly corner of Lot No. 4 as shown on the said Filed Map No. 387; thence along the westerly line of the said Lot No. 4, lands now or formerly Smythe (Liber 1753 cp 182), the following two courses: South 11° 28' 30" East 160.31 feet to a point and South 29° 43' 20" West 30.00 feet to a point; thence along the northeasterly, northerly, and easterly lines of the said Lot No. 7, lands now or formerly Salah & Haddad (Liber 1896 cp 355) the following courses: passing through a capped iron rod found on line, North 49° 36' 30" West 207.48 feet to a P.K. Nail found, South 85° 58' 50" West 20.00 feet to an iron rod in a stone wall found and North 4° 01' 10" West 59.35 feet to the point or place of **BEGINNING**.

TOWN OF PRINCETON  
238 Main Street  
Cold Spring Harbor, NY 11724  
(646) 285-3200

### CERTIFICATE OF OCCUPANCY

SEC-BLK-LOT: 89/72.17-1-14

CO/CC Issue Date: 1/23/2011

OWNER'S NAME: WALDMAN, DAVID  
& ADDRESS: WALDMAN RESIDENCE  
145 EAST FAIRVIEW  
NEW YORK, NY 10524

Location of project : 19 LAKE CELESTE DRIVE

WORK DESCRIPTION : REMOVED EXISTING ROOF AND  
ADD HEAVY ROOF TRUSSES

A building permit having been issued, all required  
inspections having been completed, all applicable  
and the project having been found to be in compliance with  
codes, rules, and laws, this certificate is hereby issued.

11  
N  
-

NOT VALID UNLESS SIGNED IN INK BY THE TOWN ENGINEER  
UNDER THE SEAL OF THE TOWN OF PRINCETON



## Town of Philipstown

Code Enforcement Office  
238 Main Street, PO Box 155  
Cold Spring, NY 10516

Office (845) 265- 5202 Fax (845) 265-2687

Betsy Haddad  
15 Lake Celeste Drive  
Garrison, NY 10524

10/1/2018

Re: Proposed alterations and addition  
Location: 19 Lake Celeste Drive  
Tax# 72.17-1-14

Included:

1. Application for building permit
2. Site plan package
3. Property Survey
4. Construction Plans

The application proposes a 1 story addition approx. 8' x 10.5' (heated) requiring a front yard variance where 60' is required and 23.17' is proposed.

Proposed covered porch (unheated) requires a front yard variance where 60' is required and 36.45' is proposed. Also requires a rear yard variance where 50' is required and 39.94' is proposed.

Proposed open wood deck and steps require a rear yard variance where 50' is required and 39.39' is proposed.

Since the setbacks do not meet the requirements of the Philipstown Zoning Code 175-11B the building permit application is DENIED.

If you are aggrieved by this decision, you may submit an application to the Zoning Board of Appeals pursuant to the provisions of Article IV of the Town Code within 60 days of the date of this letter.

An application is enclosed. Any questions please contact this office.

Greg Wunner

Code Enforcement Officer