

# **ZONING BOARD OF APPEALS**

238 Main Street, Cold Spring, New York 10516

February 8, 2016

7:30 p.m.

## **PUBLIC HEARINGS**

- 1) **JOHN A. SABATINI & KIMBERLY J. SABATINI: Appeal #891** for a Variance. The appellants seek relief from restriction on the type of construction that can be built on slopes greater than 20% (Sec. 175-36B(1)) and greater than 35% (Sec. 175-36B(2)). The applicant also seeks relief from the limitation on the maximum amount of impervious surface that exists on a lot. (Location 101 Dick's Castle Road, Garrison) in an RR District. TM #60.-1-11
- 2) **JAMES & MELANIE MATERO: Appeal #892** for a Variance. A Variance to this property approved on October 7, 1996 (Appeal #566) for the encroachment into the setback of the side and rear deck, with condition states "No further enlargement or reconfiguration of the structure is authorized without a building permit and/or Zoning Board approval as needed". The proposed alteration and addition to the rear and side deck will enlarge and reconfigure the existing decks, this will require a variance from the Zoning Board. (Location 32 Hudson River Lane, Garrison) in an R-80 District. TM #89.7-1-6

## **REGULAR MEETING**

- 3) **REVIEW OF MINUTES:** February 23, 2015  
July 13, 2015  
September 14, 2015  
October 26, 2015  
January 11, 2016
- 4) **OLD BUSINESS/NEW BUSINESS**

Robert Dee, Chairman  
Zoning Board of Appeals

## **ZONING BOARD OF APPEALS**

**February 23, 2015**

### **MINUTES**

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, February 23, 2015, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Robert Dee, Chairman, at 7:30 p.m.

<b>PRESENT:</b>	Robert Dee	-	Chairman
	Lenny Lim	-	Member
	Paula Clair	-	Member
<b>ABSENT:</b>	Vincent Cestone	-	Member
	Bill Flaherty	-	Member

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

Robert Dee opened the meeting after the Pledge of Allegiance.

Approval of January 12, 2015, minutes. No corrections from the Board. Robert made a motion to accept the minutes as presented. Paula seconded.

Public Hearing for William Stellmacher (72 Steuben Road). Bob asked if anyone in the audience had any comments. No comments. Bob stated that he received letters from the following neighbors:

- 69 Steuben Road
- 75 Steuben Road
- 143 Putnam Road<sup>1</sup>
- 76 Steuben Road
- 142 Putnam Road
- 141 Putnam Road
- 144 Putnam Road
- 139 Putnam Road

All stating that they have no problems or concerns with the existing shed.

Lenny brought up a concern stating that the application states "construction of new shed". Someone in the audience stated that it is an existing shed that has been there for over 40 years. Bob stated that the wording is in error...that Lenny was looking at the Resolution and that will be corrected.

Bob made a motion to close the Public Hearing. Lenny seconded. All present Board members are in favor.

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**Zoning Board of Appeals Minutes of February 23, 2015**

Bob made a motion to grant the variance. Paula seconded. All present Board members are in favor.

Regarding the review of the Resolution, Lenny stated that the resolution was incorrect with the wording of "new" shed. Bob stated that the attorney will make the necessary corrections and unfortunately we cannot sign it tonight. The attorney will make the corrections, forward it to all the board members for review, and then Bob will come to Town Hall to sign. No need to make the applicant wait another month to get this resolution.

Old Business/New Business – the Board's attorney stated that he is working on revising the application procedures in coordination with the Town Board. Members asked that they be permitted to review before it is finalized.

Bob stated the next meeting will be March 9<sup>th</sup>, 2015. If there are no new applications, this meeting will be cancelled.

Bob made a motion to adjourn. Lenny seconded. All present Board members are in favor.

**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,

Kim Shewmaker  
Interim Secretary

## ZONING BOARD OF APPEALS

July 13, 2015

### MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, July 13, 2015, at the Butterfield Library, 10 Morris Avenue, Cold Spring, New York. The work session was opened by Robert Dee, Chairman, at 7:30 p.m.

<b>PRESENT:</b>	Robert Dee	-	Chairman
	Lenny Lim	-	Member
	Paula Clair	-	Member
	Vincent Cestone	-	Member

<b>ABSENT:</b>	Bill Flaherty	-	Member
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**\*\*PLEASE NOTE that these minutes were abstracted in summary from the television video. If anyone should seek further clarification, please review the video.**

Robert Dee opened the meeting after the Pledge of Allegiance.

Regarding Verizon Wireless' application at 22 Sky Lane in Garrison, Michael Sheridan is the attorney representing Verizon. He stated that he believes there is no need for a 280A access for the Special Use Permit.

Bob stated that this is before the Board tonight for completeness. The next meeting they will do the completeness and public hearing if the application is not deemed complete tonight. Bob is waiting to hear back from Kevin Donohue, Code Enforcer, to find out what access he is referring to. Kevin is on vacation.

Mr. Sheridan stated he does not believe it is an issue due to the previous entities at this site.

Bob asked if they were putting in a 14x20 equipment shelter. Applicant stated it is a platform not a shelter. Bob asked what the size of the platform will be since he could not find the measurements. The applicant reviewed his drawings and stated he would get back to the Board with that information.

Bob said we also needed clarification on the 200 sf allowable by Code if it is for a shelter or platform. The applicant said the installation unit is smaller.

Bob said that the correspondence sent to the attention of Vincent Cestone as Chairman needs to be amended to Robert Dee as Chairman.

Bob also asked for proof of insurance. Applicant asked if the proof of insurance should come from the contractors or Verizon. Either way not a problem and they will supply.

Vinny asked if this was reviewed by our RF Engineer. Was this sent to Mr. Comi? The Board's attorney stated that the Board can refer this to Dick Comi and Ron Garner tonight. His recommendation is that the Board refer to the Engineers and if no additional issues, we can schedule the Public Hearing with the understanding that if any issues arise, the Public Hearing will remain open.

Bob asked about the Verizon easement. Applicant stated that there is an easement to allow Verizon over the property. They have a signed agreement with the property owner by way of Lease. Bob asked that they produce a copy of the Lease.

Bob stated that the application is not complete. The additional information needed:

- 1) size of equipment platform
- 2) check with the building inspector about the 200 sf if it is for a platform
- 3) change the name of the Chairman on the documents submitted
- 4) insurance
- 5) notify engineers

Vinny made a motion to refer the application to the RF and Town Engineers to get the ball rolling. Paula seconded. All present Board members agreed.

Bob stated that the next meeting is September 14, 2015 for completeness and Public Hearing. Bob made a motion and Vinny seconded. All present Board members in favor.

Regarding the issue of amending the January 2015 minutes. Dana Reymond of 28 Hudson River Lane would like the minutes to reflect the following changes. The minutes are currently written as **Robert Dee – I will speak on the Glen Watson thing. I read the letter. We gave a year extension.** The requested change is as follows and to be placed above Robert Dee's first line of the topic. **Following topic is in reference to 28 Hudson River Lane owned by Dana Reymond addressing a letter written on property owners behalf by Badey and Watson in order to inform the ZBA that no extensions or variances are needed based on discovery and a conversation between Zoning Administrator Kevin Donohue and Glen Watson for damage that was done during Hurricane Sandy.** Bob asked if there were any issues from the Board Members. No issues. Bob made a motion to accept the changes to the Minutes. Paula seconded. All Board members in favor.

Bob made a motion to adjourn. Lenny seconded. All present Board members agreed.

**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,

Kim Shewmaker  
Interim Secretary

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## ZONING BOARD OF APPEALS

September 14, 2015

### MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, September 14, 2015, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Robert Dee, Chairman, at 7:30 p.m.

**PRESENT:** Robert Dee - Chairman  
Lenny Lim - Member  
Paula Clair - Member  
Vincent Cestone - Member

**ABSENT:** Bill Flaherty - Member

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

Robert Dee opened the meeting after the Pledge of Allegiance.

Bob started the meeting by stating that they are here tonight to review the application for the cell tower (Verizon) for completeness. The Board is in receipt of the Town Engineer's (Ron Garner) report. Bob made a motion to deem the application complete. Vinny seconded. All present Board members approved.

Bob made a motion to open the Public Hearing for Verizon. Paula seconded. All present Board members approved.

Ron Garner stated he had limited discussions with the applicant and the Board's attorney in order to understand the matter and for the status before the Board. He has submitted a memorandum to the Board outlining significant issues regarding the Special Use Permit before the Board. This application is considered a "Minor Project" and this wording should be reflected in the Resolution. The property abuts a municipal boundary and the Board is required to file a 239M to make referral from the Putnam County Planning Department. Per the Board's secretary, this has not been done. This needs to be resolved immediately since this board cannot take final action until the County responds. The applicant has not 1) mentioned or agreed to maintain the equipment and remove if necessary; 2) provided proof of insurance; and 3) post bond

Bob stated that they have not heard back from Mr. Comi (Board's Engineer)

Ron also stated that for a complete application the applicant needs a letter from the Code Enforcer stating that there are no code violations on the subject property. Also, relating to the site access and whether or not the applicant needs a 280A, the applicant does not

believe he needs it. Ron spoke with the Board's attorney and both believe this is not needed.

Vinny asked Ron from an engineering standpoint, does this antenna have enough strength to support the additional weight. Ron stated that the filing includes that assessment.

Vinny made a motion to deem this a Minor project. Lenny seconded. All present Board members agreed.

The Board members reviewed the short form EAF and asked questions or for clarification from Michael Sheridan (attorney for Verizon).

The Board's attorney stated that no one from the Public is present to ask questions. He suggested that the Board could close the public hearing and give him direction in order to create the resolution for the next meeting.

Vinny asked to see a map of coverage because Philipstown residents who reside between Route 9 and the tower do not have Verizon service. Is this application for capacity or coverage? Michael Sheridan stated he would get a coverage map

Bob stated that he is leaving the public hearing open and the next meeting is October 26, 2015.

Vinny made a motion for a straw poll vote so the attorney has some direction. Lenny seconded. All members voted in favor of granting the application.

Bob made a motion to adjourn. Lenny seconded. All Board members in favor.

**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,

Kim Shewmaker  
Interim Secretary

## **ZONING BOARD OF APPEALS**

**October 26, 2015**

### **MINUTES**

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, October 26, 2015, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Robert Dee, Chairman, at 7:30 p.m.

<b>PRESENT:</b>	Robert Dee	-	Chairman
	Lenny Lim	-	Member
	Paula Clair	-	Member
	Vincent Cestone	-	Member

<b>ABSENT:</b>	Bill Flaherty	-	Member
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Robert Dee opened the meeting after the Pledge of Allegiance.

Bob opened the meeting with a Completeness of Application for 201 Moog Road, Garrison, for a Variance for a tennis court. It is an existing tennis court. The applicant requests a variance for a fence on the east side that is 10.4 feet high and within the 30' side setback. So they are requesting a side line variance.

Glennon Watson is representing the applicant. He said the tennis court is about 30 years old and was a community tennis court. At some point between 1983 and 1988 it became part of the property.

Bob handed Glen two checks totaling \$1200 which is an overpayment of the fees. Glen gave Bob a check for the \$100 fee to bring to Mariann at the Building Department.

Bob made a motion to deem the application complete. Vinny seconded. All present Board members agreed.

Bob stated that the Public Hearing would be on November 9, 2015...two weeks from today if we could get the notice in the paper and alert the neighbors. Vinny mentioned that the paper's deadline was today. Mr. Watson stated that he will take care of the publishing in the paper as well as notifying the neighbors. Bob thanked him for his help since the Board is shorthanded.

Bob opened the public hearing for the cell tower at Sky Lane (Verizon). Michael Sheridan is present representing the applicant. Verizon wishes to co-locate on an existing tower on Sky Lane adding antennas and equipment at the base.

Mr. Sheridan mentioned that the outstanding issues have been completed. The County referral, the Board received a copy tonight. Mr. Comi's comments from a site visit his associate attended and there are no issues. The coverage towards Route 9, he handed the Board members an affidavit from their Engineer stating that this is a capacity site designed to improve coverage. Vinny asked to see the coverage map. Mr. Sheridan stated that it is not producible but he has submitted the affidavit to provide coverage. Vinny and Mr. Sheridan went back and forth on the merits of having the coverage map and whether or not it is necessary. The Board's attorney stated that a map is required for new towers. Code specifies that for co-locations they do not have to provide that service will improve. Vinny asked if the applicant should produce what the Board asks for specifically. The Board's attorney stated it is voluntary on their part to provide. The applicant chose to provide a sworn statement instead of a map. Vinny asked if Verizon was refusing to supply it. Mr. Sheridan responded...at this point yes. The Board's attorney clarified what is needed for co-locations on existing towers.

Bob read the report from Mr. Comi and Mr. Garner was present to clarify any points and answer questions. Mr. Garner identified conditions and gave specific language to the Board's attorney to include in the Resolution.

Bob made a motion to go into Executive Session to discuss with the Board's attorney. Lenny seconded. All present Board members agreed.

#### BACK IN SESSION

The Board's attorney read Code 46 Communication Towers. Section F refers to the site plan submission. Section F.1(b) could support the Board's request regarding the coverage map. Bob stated that the majority of the Board believes the coverage map should be included for Special Use Permits. A straw poll was taken regarding whether or not a coverage map should be provided and all present board members stated yes. Mr. Sheridan disagreed. Bob stated that the Board believes a map would put them at ease. He asked Mr. Sheridan if he would be able to present a map at the next meeting on November 9<sup>th</sup>. Mr. Sheridan stated he would try. Vinny suggested that he bring a before and after map.

The Board's attorney suggested that the Board direct him to prepare a resolution with the contingencies provided by Mr. Comi. Bob made a motion to draft a resolution and Lenny seconded.

Bob made a motion to adjourn and Lenny seconded. All present Board members agreed.

**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,

Kim Shewmaker  
Interim Secretary

## ZONING BOARD OF APPEALS

January 11, 2016

### MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, January 11, 2016, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Robert Dee, Chairman, at 7:30 p.m.

<b>PRESENT:</b>	Robert Dee	-	Chairman
	Lenny Lim	-	Member
	Paula Clair	-	Member
	Vincent Cestone	-	Member

<b>ABSENT:</b>	Position Vacant	-	Member
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**\*\*PLEASE NOTE that these minutes were abstracted in summary from the television video. If anyone should seek further clarification, please review the video.**

Robert Dee opened the meeting after the Pledge of Allegiance.

Bob opened the meeting starting with 101 Dick's Castle Road in Garrison. The applicants seek relief from restriction on the type of construction that can be built on slopes greater than 20% and greater than 35%. The applicant also seeks relief from the limitation on the maximum amount of impervious surface that exists on a lot.

Glennon Watson and Justin ?? are present representing the applicant. Mr. Watson stated that the parcel sits on a little over 7 acres and was part of the original Dick's Castle property. Mr. Watson displayed a map...the darkest gray indicates the slope is greater than 35%; the lighter gray is between 20% and 30%. In 2011 zoning was adopted that restricts the type of development on 20% grade and 35%. There is a common driveway that runs through the middle of the property which restricts where any building can take place. Applicants wish to construct on the north side with an extension and a pool as well as an access driveway up to that area for the construction. The Planning Board states we are not eligible and we need Zoning Board approval.

Bob asked if this application was denied by the Planning Board. Mr. Watson stated that the application was referred to this Board. Bob asked if we needed the denial letter. The Board's attorney stated we do not need a letter since this is a referral.

Mr. Watson explained that they wanted an addition on the north end and next to it a pool and patio and this will be carved into the hill.

Bob asked Mr. Watson what exactly he was seeking from this Board. Mr. Watson stated a variance for the 10% steep slope restriction; a variance for the 35% steep slope

restriction; and, to raise the amount of impervious surface from 10% of calculated buildable area to 12%. Bob asked if this was three separate variances. Mr. Watson responded yes.

Lenny asked how big the addition was that they planned to build. Mr. Watson said 1500 sf. Bob asked how big the current house is. Jason answered 3100 sf.

Bob asked if there were any neighbors visible to the property. Mr. Watson referred to the map to explain where the neighbors were located...but not close

Bob asked if there was rock or a combination. Jason said a lot of rock. Lenny asked if there would be blasting. Mr. Watson stated no. Jason said they would be drilling and using water jets. But mostly they plan to build retaining walls and fill.

Bob asked if they were to receive the Variances do they still need to go the Planning Board. Mr. Watson said yes.

Bob asked the Board if there were any questions. Lenny motioned to deem the application complete. Bob seconded. All present Board members agreed.

Bob set the public hearing for February 8, 2016, and asked if Mr. Watson could do the Board a favor in light of the fact there is no secretary and publish the public hearing notice and notify the neighbors. Mr. Watson said he would take care of it.

Bob stated the next item on the agenda is for 32 Hudson River Lane. Applicants are seeking a variance to this property approved on October 7, 1996 (Appeal #566) for the encroachment into the setback of the side and rear deck, with condition states "No further enlargement or reconfiguration of the structure is authorized without a building permit and/or zoning board approval as needed". The proposed alteration and addition to the rear and side deck will enlarge and reconfigure the existing decks, this will require a variance from the zoning board.

Lenny stated that there were no measurements; an architectural is needed.

The applicants' representative Mike ?? is present.

Mike stated they are raising the roof. But it is not a livable second floor. It is just to get storage out of the basement. He handed a set of plans to Bob. Bob stated the Board needs 5 additional sets.

Bob stated that the basement is below the flood level. Mike stated that the first floor is 11 feet. So they need to move the mechanicals out of the basement and relocated them between the first level and the attic.

Bob asked about the deck. Mike stated that part of the deck in the back is existing allowable via variance. Bob asked if he was removing the deck. Mike stated a small portion will be removed to make a smaller deck.

Bob stated they need architectural with measurements and they need all this before the Board can set a Public Hearing.

Lenny stated that they are staying in the original footprint, just going up. Mike said the deck needs the variance due to the language in the last variance. Part of the deck is coming out and making it a smaller deck.

Bob repeated that the Board requires five additional sets of plans. Mike said he could bring them down first thing tomorrow morning.

Bob said he would deem this application complete with the stipulation that the Board receives the plans. Motion to deem this application complete upon receipt of plans and set for public hearing on February 8, 2016. Vinny seconded. All present Board members are in favor.

Bob stated the next order of business is the application review. The Board's attorney stated that he will review and send suggested changes to the Board for review. Bob said that the 1 week prior submission needs to be 2 weeks. The Board's attorney said he would change the meetings from the 2<sup>nd</sup> and 4<sup>th</sup> Monday of the month. He said he would make changes and circulate for discussion.

Bob made a motion to adjourn. Lenny seconded. All present Board members are in favor.

**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,

Kim Shewmaker  
Interim Secretary