

**Town Of Philipstown
Zoning Board Of Appeals**

February 9,2015 at 7:30pm

MEETING AGENDA

1.) Approval of January 2015 Minutes

2.) PUBLIC HEARING

William Stellmacher residing at 72 Steuben Rd. Garrison NY 10524 Appeal #887 TM# 91.5-1-20 is located in the HR (Hamlet Residential) zone with a required set back of 10 feet. The existing shed built in 1972 is 3 feet from the property line, therefore are seeking a 7 foot variance.

3.) Old/ New Business

**TOWN OF PHILIPSTOWN
ZONING BOARD OF APPEALS**

JANUARY 12, 2015

MINUTES

PRESENT: Robert Dee (Chairman)
Paula Clair
Lenny Lim
Taylor Palmer (ZBA Council)
Tina Andress-Landolfi (Secretary)

ABSENT: William Flaherty
Vincent Cestone

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday January 12, 2015 at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Robert Dee, Chairman, at 7:25 p.m.

PLEDGE OF ALLEGIANCE WAS SAID

Robert Dee- I will speak first on the Glen Watson thing. I read the letter. We gave a year extension.

Badey and Watson Rep- Yes, (name inaudible) really he just wanted to clear everything up, and make sure that the T's are crossed and I's are dotted. We just wanted acknowledgement from the board that you had received the letter , and that everything was good. Now we go back to the Building Department.

Robert Dee- Ok, so he is happy and everyone is happy?

Badey and Watson Rep- Yes, I think everyone is happy.

Robert Dee- Good, you cant do any better than that. Thank you very much.

Paula Clair- Can I just ask a question? Why was it that they thought they needed an extension in the first place?

Badey and Watson Rep- They must have had.

Robert Dee- There was a lot of damage from Sandy.

Paula Clair- So, they just need to ask for a new variance when they are ready?

Badey and Watson Rep- It sounds like they don't need a new variance.

Paula Clair- OK

Badey and Watson Rep- I just read it today, knowing that Glen was not going to be here.

Paula Clair- Ok. Thank you.

Tina Andress- Landolfi- Do you want to do my minutes?

Robert Dee- Sure lets do the minutes. Minutes of October 2014. Does anyone have corrections or changes?

NO CHANGES MADE

Robert Dee- I make a motion to approve the october minutes as submitted.

Lenny Lim- I will second

Robert Dee- All in favor.

All members were in favor. Motion carried October 2014 minutes approved.

Robert Dee- Now November 10, 2014 minutes. Any changes or corrections.

Lenny Lim- No

Paula Clair- No.

Robert Dee- Ok I make a motion to accept the November minutes.

Lenny Lim- I will second.

Robert Dee- All in favor?

All members were in favor. Motion carried. November 2014 minutes approved.

Robert Dee- Now we have the approval of Resolution for 125 Old Albany Post Rd. Is Anyone here for that? Ok, we really don't need them here for that I guess.

Taylor Palmer- The prepared resolutions have been circulated to the Board for their review. We have copies that Tina has in front of her now, and she can provide those copies to you.

Robert Dee- We put in there, that it was not going to be more or less correct? It is going to be exact?

Taylor Palmer- Yes, that is correct. There is a condition on the approval found on page five that specifically states that.

Robert Dee- Do you want to read those to us?

Taylor Palmer- Sure. Excuse me it is page six. The conditions are The structure granted conditional variance by this decision shall not be further enlarged except in accordance with all provisions of the Philipstown Code and shall remain in the configuration as shown on Applicant's maps and plans. No further enlargement or reconfiguration of the structures is authorized without Building Department and/or Zoning Board approval as needed. The second condition is that The setback from the side yard for the side deck shall not be less than 25.0 feet (a variance of 5.0 feet).

Robert Dee- Does anyone have any concerns with this here? I will sign it.

Paula Clair- Do we do a vote?

Taylor Palmer- The vote was taken for this matter.

Paula Clair- I did not.

Taylor Palmer- That is correct. You are listed as absent in the last vote.

Robert Dee- Next is review of completion for 72 Steuben Rd. Is anyone here for that?

Tina Andress- Landolfi- Not yet, the weather is pretty bad out there. It is taking people some time to get here.

Taylor Palmer- The roads are a little slow today.

Robert Dee- Lets check it over for completeness anyways, we can always set the Public Hearing for next month. I guess they were here a few months ago, and the gentlemen's health is not too good, and they are trying to get the variance to sell the house. I guess my question would be, if we are in

favor tonight that it is complete and set it up for a Public Hearing, can we do the public hearing and the resolution in the same night.

Taylor Palmer- In this case yes. We had previously prepared a resolution in anticipation in trying to get them on an earlier schedule, but they did not have their application completed at that time, so we would be able to have a resolution ready for signature by the board. Of course the board would need to review it and sign off on it. If the board sees fit we can certainly have resolution prepared and signed off on at that time.

Robert Dee- Ok, so you can have it prepared for that night. I am trying to help these people along as best we can. They are not here, I guess because of the weather. Did everyone look at this? The application looks complete to me. Do you have any questions on it?

Lenny Lim- Nope

Paula Clair- Do we have the survey?

Robert Dee- Yes, the survey is in their file. I have it here if you want to see it. There are a lot of letters here stating that the shed was built before 1972, but I cant take neighbors letters to determine that.

Taylor Palmer- It is a pretty straight forward application as far as variances are concerned. The letters of support provided can be discussed at the next meeting after the public hearing would generally be considered a type 2 action under SEQR, because it is dealing with a shed that is already existing and that is one of the type 2 considerations. It is one of the more basic applications to consider.

Robert Dee- It has been there for a while.

Lenny Lim- Shall we deem it complete?

Robert Dee- Yes, so I will make a motion that we deem the application complete for appeal # 887 at 72 Steuben Rd.

Lenny Lim- I will second.

Robert Dee- All in favor?

All members in favor. Motion carried. Application deemed complete.

Robert Dee- We will set it for next months meeting on February 9th. at 7:30. We will have the Public Hearing and resolution prepared. The Board can check over after the Public Hearing, and if everything seems ok, we can check the resolution and sign it that night. This way we can save them some time. Glen Watson we did, and the minutes we did.

Taylor Palmer- If I may Mr. Chairman. A resolution needs to be made to set the Public Hearing now that you have declared the application complete.

Robert Dee- We set it.

Taylor Palmer- There was no vote.

Robert Dee- Im sorry. I make a motion that we set a Public Hearing.

Paula Clair - I second.

Robert Dee- All in favor?

All members were in favor. Motion carried. Public Hearing Set .

Robert Dee- We had an anonymous letter about some issues on Steuben Rd. We asked that the building inspector check into it, and said?

Tina Andress- Landolfi- At this time there are no current violations observed on the property, and they have looked into it.

Robert Dee- Ok, tell him thank you.

Tina Andress- Landolfi- Sure.

Robert Dee- We cant answer it, because it was an anonymous letter, but he did go down and check on it.

Robert Dee- You are with Steuben Rd.

Kathleen O'Driscoll- I am.

Robert Dee-Come up here for a second. We went through everything, and the application is complete, and we set it up for a public hearing next month. We are going to have the resolution there too. So we are first going to have the Public Hearing, then go through the resolution, and if everyone agrees to sign it, we will have it there.

Kathleen O'Driscoll- We will have it have it right away?

Robert Dee- Yes, it you will have it right away. That will be February 9th. I am sorry that is the way it has to go.

Kathleen O'Driscoll- Yes, that is the way it worked out.

Robert Dee- I read the letters, but that is not legal enough for me to say the shed has been there since 1972. We are saving you a month, two actually, but that is the best we can do.

Kathleen O'Driscoll- Ok. Am I done?

Robert Dee- Yes, you are done. Sorry to bring you out here.

Kathleen O'Driscoll- That is Ok. So February 9th?

Robert Dee- Yes February 9th we will do the whole thing.

Kathleen O'Driscoll- I will come back that night.

Lenny Lim- Do you have anything with proof at all that it was put there in 1972?

Kathleen O'Driscoll- Just his word, and Mr. Stellmacher is a very nice man, and he bought the house in 72. There was a shed there, and somewhere on the property card it showed it. He did replace it, and he put

siding over the years. We have photos from a long time ago but there is no date on the back. I have talked to some neighbors, and they do remember it being there.

Robert Dee- Are you the realtor?

Kathleen O'Driscoll- I am the realtor.

Robert Dee- Just advise people to make sure they have all their permits. If he had a permit when he did, he would be ok.

Kathleen O'Driscoll- Yes I know.

Robert Dee- I cant tell you how many people get caught like that with the realtors. The realtors come crying to us that they have to have the sale, We understand that, but all they had to do was get it the first day, and they would not be here.

Kathleen O'Driscoll- Yes I understand that. Thank you.

Robert Dee- Anything else?

Taylor Palmer- The only thing is that I understand from the Zoning Board Secretary that the board did previously consider the letter that we received from Glenn Watson. We would recommend if the board sees fit a response letter from our office to Mr. Watson indicating the boards understanding of his letter. It is a way to memorialize it. Of course the record is appropriate for this meeting, but just authorizing a letter from our office.

Robert Dee- Tina, you can take care of that.

Tina Andress- Landolfi- The attorney takes care of that.

Robert Dee- You take care of it?

Taylor Palmer- Yes

Robert Dee- It just says that they don't need an extension.

Taylor Palmer- Correct, and if the board sees fit, make a motion for our office to prepare that letter.

Robert Dee- I make a motion that the attorney prepare a letter to be sent to Glen Watson.

Lenny Lim - I second.

Robert Dee- All in favor?

All members in favor. Motion carried. Letter to be prepared by attorney and submitted to Glen Watson.

Robert Dee- Any old business or new business?

NONE

Robert Dee- I make a motion that we adjourn.

Lenny Lim- Second

Robert Dee- All in favor.

All members were in favor. Motion carried. Meeting adjourned at 7:38 pm

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

DATE APPROVED: _____

Respectfully Yours,

Tina Andress- Landolfi, ZBA Secretary