

**ZONING BOARD OF APPEALS**  
238 Main Street, Cold Spring, New York 10516

March 14, 2016  
7:30 p.m.

Regular Monthly Meeting

**PUBLIC HEARINGS**

NONE SCHEDULED

**REGULAR MEETING**

1. **JOHN A. & 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 applicants 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 the RR District. TM #60.-1-11 **RESOLUTION**

2. **James and 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. **RESOLUTIONS**

3. **REVIEW OF MINUTES:**

FEBRUARY 23, 2015  
JULY 13, 2015  
SEPTEMBER 14, 2015  
OCTOBER 26, 2015  
JANUARY 11, 2016  
FEBRUARY 8, 2016

- 4 **NEW BUSINESS:**

Return escrow for the Friars of the Atonement, Old West Point Road E TM #82.-2-41.-1

5. **OLD BUSINESS:**

ZBA Application – review

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

## **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.

<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.

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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**\*\*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 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

## **ZONING BOARD OF APPEALS**

**February 8, 2016**

### **MINUTES**

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, February 8, 2016, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Robert Dee, Chairman, at 7:35 p.m.

<b>PRESENT:</b>	Robert Dee	-	Chairman
	Paula Clair	-	Member
	Vincent Cestone	-	Member
	Adam Rodd	-	Counsel

<b>ABSENT:</b>	Position Vacant	-	Member
	Lenny Lim	-	Member

Robert Dee opened the meeting at 7:35 pm after the Pledge of Allegiance.

**Robert Dee** – Since Mr. Watkins is not here yet due to the weather; we are going to move to the second public hearing. James and Melanie Matero. Appeal #892 for 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. Located at 32 Hudson River Lane, Garrison in an R-80 District. First, I got two letters from neighbors regarding this who could not be here tonight. I want to read them into the record first so everybody has it. First letter is from Dorothea Lang of 36 Hudson River Lane and it is dated January 15, 2016. “To the Members of the Zoning Board of Appeals; I am sending you this letter in support of Jim and Melanie Matero’s application for variances to make renovations to their home at 32 Hudson River Lane. I have spoken to them and reviewed their proposed plans. I believe their project will not only significantly reduce any impact of future flooding but will also enhance the neighborhood as a whole both aesthetically and by increasing our overall property values. I sincerely hope all the neighbors feel this way so the approval can be swift allowing the majority of the outside work to be done in the spring reducing the construction noise during our beautiful summer on the river. Sincerely, Dorothea Lang.” The second letter is from Kiri Martin. “Hello, we are the homeowners at 34 Hudson River Lane in Garrison. We will not be able to attend the upcoming public hearing about the renovations to the house next door, so I am writing to let you know that we are in support of the project. We have seen the plans and discussed with the Materos - the improvements they wish to make on their house seem well within the limits of what other houses on the street have already done on similar land spaces, as well as being particularly vital for them to prevent future flood damage. We’re hoping the other

neighbors are equally supportive and would love to see this project be completed on schedule. Please feel free to reach out if there is anything we can do to help. Thanks very much! Kiri Martin and Alfonso Romero”. With that is the applicant here?

**Melanie Matero** – Yes.

**Robert Dee** – Come up to the microphone and give us your name and address and tell us a little about what you are trying to do

**Melanie Matero** – My name is Melanie Matero and I live at 32 Hudson River Lane in Garrison. We were severely impacted by super storm Sandy. But because we have a basement that is partially submerged and partially above ground, the majority of the damage was to mechanicals. We lost water systems and electrical panels and basically all the mechanicals. So basically what we are proposing to do is create an attic space that can house the mechanicals and can store personal items that you would typically store in a basement, but we don’t want to do that. So that is the initial intent of what we are trying to accomplish.

**Robert Dee** – Okay. Do you have the architect here

**Melanie Matero** – I have the general builder here

**Robert Dee** – I would like to ask him some questions

**Melanie Matero** – Sure

**Robert Dee** – Thank you very much. I know you didn’t have these at the last meeting but you dropped them off the next day.

**Michael Carr** - Yes

**Robert Dee** – And I mailed them out so we had ample time to review. I just have a couple of questions. It looks like you are staying within the original footprint

**Michael Carr** - Correct

**Robert Dee** – You are not going outside the footprint at all

**Michael Carr** - Just a couple of cantilevers 18 inches in the front and 24 to the south

**Robert Dee** – Okay so you are basically doing a dormer thing

**Michael Carr** - We are just extending the first floor and just cantilevering it past the foundation

**Robert Dee** – Okay. There is no second or third floor



**Michael Carr** - No. There is no livable space being added here

**Robert Dee** – Okay. I got an email from someone here stating that you are demolishing this house. You are only doing what is on here

**Michael Carr** - Correct. We are just doing this

**Robert Dee** – Okay. As far as the deck, the existing deck. It looks like you are shrinking the size

**Michael Carr** - Correct

**Robert Dee** – Okay. It looks like you are going down to an 8 by 12

**Michael Carr** - It is roughly a 12 by 12 and that section of the deck is existing and we are going to remove it per code

**Robert Dee** – Right but that deck is already there

**Michael Carr** - It is already there

**Robert Dee** – So you are pretty much removing 50% of the deck

**Michael Carr** - Actually more because it wraps around the other side of the house

**Robert Dee** – So 60 to 70% of the deck is going to be removed

**Michael Carr** - Correct

**Robert Dee** – Okay. And the deck is not going to extend out any further than the current deck that is there

**Michael Carr** – correct

**Robert Dee** – Anybody have any questions?

**Vincent Cestone** - Yes the cantilevered part that is on the back of the house how wide is that

**Michael Carr** – On the south side

**Vincent Cestone** - Yeah this side

**Michael Carr** – That is the front side of the house. That is 24 inches. 2 feet

**Vincent Cestone - Okay**

**Robert Dee – And you are not extending the ceiling, the roof line**

**Michael Carr – The roofline I think is about 26 and a half feet**

**Robert Dee – That is well within the guidelines**

**Michael Carr – Yeah, I believe that is 40 feet**

**Robert Dee – It looks like you are putting windows in the back**

**Michael Carr – There are doors there so they are going to put windows**

**Robert Dee – Now what are you going to put up in this utility room?**

**Michael Carr – The electrical panel is going to go up there from the first floor, oil burner, heating source will be moved to the attic as well as the water softener system**

**Robert Dee – So the oil burner is going up there too**

**Michael Carr – Yes**

**Robert Dee – Because I know the basement is below the flood line**

**Michael Carr – Yes the basement is. The first floor isn't**

**Robert Dee – And I know they got hit during Sandy pretty hard like a lot of us got hit I guess**

**Michael Carr – correct**

**Robert Dee – Okay. Does anyone on the board have any questions?**

**Vincent Cestone - What is the change in the total height going to be**

**Michael Carr – From the existing**

**Vincent Cestone - Yes**

**Michael Carr – I am not too sure about from the existing**

**Vincent Cestone - Is it a full floor that is being added**

**Michael Carr – No**

**Vincent Cestone** - Or just a small space

**Michael Carr** – The dormers are creating a basically an 8 foot ceiling up there. But the rest is just raising the ridge

**Vincent Cestone** - Is there anywhere in these drawings state what the maximum height is going to be

**Michael Carr** – Of the existing

**Vincent Cestone** - Yes

**Michael Carr** – I am not too sure of the existing. But the new elevations are there

**Robert Dee** – I've got the total height of the roof line and it well below the requirement. It is 26.5

**Vincent Cestone** - Okay

**Paula Clair** - That is the new

**Michael Carr** – The new height

**Paula Clair** - Okay

**Robert Dee** – I guess you are going to peak off at the top

**Michael Carr** – Yes

**Robert Dee** – You are putting in two dormers one in the front and one in the back and you are going to peak it off

**Michael Carr** – Yes

**Robert Dee** – And what are you doing on the side. Are you changing the stairs on the side?

**Michael Carr** – On the side deck area. Yeah. Right now it is part of the west side deck that surrounds the house. That whole section is going to be removed. That back or side entry will be built as a platform with stairs. The same size as it is now but it doesn't wrap around. I think it comes out 5 foot 6 and it is going to stay within those parameters.

**Robert Dee** – When we state applicants need plans we have to specify smaller plans. And I see that the dormers that you are putting on are still within the footprint

**Michael Carr** – Correct

**Robert Dee** – So you are not going anywhere outside of the footprint, front, side, back

**Michael Carr** – No

**Robert Dee** – Okay. Anybody have any questions or with the plans? Okay. Please be available for any additional questions

**Adam Rodd** - Yeah if I can just clarify because obviously we will have to incorporate this into a resolution. I am looking at what is identified as Sheet 2 of 2. Where it says 5 foot 6; 5 foot 6; 5 9 and then 6 – is that referring to the sideline setbacks on the north

**Michael Carr** – That is on the north yes

**Adam Rodd** - Okay and the other setbacks, that would be the south

**Michael Carr** – Yes

**Adam Rodd** - So those would be the proposed setbacks

**Michael Carr** – The river being here. Metro north being here

**Robert Dee** – Pretty much the same as what you had under the old variance

**Adam Rodd** - Are you proposing any rear yard setbacks

**Michael Carr** – No

**Adam Rodd** - Okay

**Robert Dee** – Hang around. There might be more questions. Is there anyone who would like to speak to this?

**Dana Reymond** – Yes. Sir is it okay if I place the plans here as a reference

**Robert Dee** – Sure

**Dana Reymond** – Okay

**Robert Dee** – And you are?

**Dana Reymond** – I am Dana Reymond and this is my husband Kevin Reymond.

**Robert Dee** – I am going to have to ask you to speak into the microphone so she can get it on the video. Take your time

**Dana Reymond** – My name is Dana Reymond and my husband is Kevin Reymond and we reside directly to the north of the Materos

**Robert Dee** – Okay we spoke on the phone and you send me some emails

**Dana Reymond** – Yes. We learned about this through the ZBA

**Robert Dee** – Okay let me explain to that. Here is the letter here that was to go to you and it was sent on January 15<sup>th</sup> and it was returned by the post office. It says return to sender no mail receptacle and unable to forward

**Dana Reymond** – We have two mail boxes

**Robert Dee** – This is from your mailman. This is from the post office. It says return to sender no mail receptacle unable to forward

**Dana Reymond** – What is the address

**Robert Dee** – 28 Hudson River Lane

**Dana Reymond** – We have two mailboxes out there

**Robert Dee** – You should speak to your mailman then

**Dana Reymond** – Maybe I should get a post office box

**Robert Dee** – But it is not the Town's fault

**Dana Reymond** – That is good to know

**Robert Dee** – Now I guess, I know you sent me a four page

**Dana Reymond** – I have cut it down some

**Robert Dee** – You cut it down. Then lets address your issues one by one

**Dana Reymond** – We are very happy that the Materos have decided to renovate their fishing shack from the 1940's because it definitely needs improvement. When we received these plans, they felt to us a bit confusing and a bit incomplete

**Robert Dee** – Okay what is confusing

**Dana Reymond** – And we have several questions

**Robert Dee** – Okay

**Dana Reymond** – Let me start with the attic space. It is my understanding that when you have an 8 foot ceiling height it becomes habitable space. It is also insulated, it is also sheet rocked, there is no ventilation to the sides of the house typically what you would have in an attic space, vent ridges. But if you look at the second the attic is enclosed. It is a conditioned space. With vent ridges I am not sure what they are ventilating. The other side of the dormer area is 6 feet. So we have a habitable side and an unhabitable side. I have a few questions and I was hoping to talk to the designer professional or the construction engineer but if it is acceptable to speak to Michael about it since he is building the house to ask a few more questions

**Robert Dee** – Address your questions to the board and I will ask him

**Dana Reymond** – There is one section, two sections longitude and lengthwise. So north south and east west. The attic area upstairs appears to be sheet rocked. My question is when you are in their living area and you look up at that new area are you looking at an entirely enclosed space and is the only access to the space through a tiny crawl space?

**Robert Dee** – Lets do one at a time. Are you asking about where they are putting the utilities

**Dana Reymond** – My question is is this attic space that is not a full floor because it is a double height space, there is a sub-basement which is half underground and half above ground, which got flooded. The next is their living space. So lets call that the second floor

**Robert Dee** – Well that is not a second floor because that is a sub-basement

**Dana Reymond** – No the next floor where they live

**Robert Dee** – The first floor

**Dana Reymond** – Okay first floor. Then there is the attic space. When you are on the first floor you have a double height space. So the attic is kind of skirting around. It is in the floor plans. So when I look up, am I able to see to this attic space or is the only access to this space through the little hatch that they are providing. Or is there a balcony railing looking down onto the space

**Robert Dee** – Okay Mr. Carr, is there a balcony railing

**Michael Carr** – No. At the end of the living space that is vaulted will be walled and sheet rocked so the attic space is totally enclosed

**Dana Reymond** – Fully enclosed

**Robert Dee** – Okay next question

**Dana Reymond** – Okay the boiler that is in the basement, oil I believe.

**Michael Carr** – Yes it is oil

**Dana Reymond** – And it is going to be up in the attic space. That sounds a little odd and I am just wondering that whatever we have whether it is propane or oil it needs to be fed and it needs to be fed by Downey or Pidala. How do you actually do that and to me oil burning in a wood frame house there has got be something about that

**Robert Dee** – That would be towards the building department.

**Dana Reymond** – That's just

**Robert Dee** – Lets go slow

**Dana Reymond** – Okay

**Robert Dee** – Because I am not that quick. That would be with the building department. So if he is doing something wrong there, the building inspector will stop him. The building inspector has to come down and check him if this is approved. I am not saying this is approved. If this is approved, the building inspector will be down there every step of the way. Believe me. So if there is anything illegal, it is not for us to determine

**Dana Reymond** – It would be appreciated if understanding why there are two dormers with windows if there is no benefit to anybody because the space is enclosed. In other words are the windows there with the light and the air for mechanical equipment only, the windows will not shine light down into their living space and I ask this question because I would like to know if this area is going to be used for bedrooms now or are they intending to do that in the future

**Robert Dee** – Is the area going to be used for bedrooms

**Michael Carr** – No. And the original design of the house called for no dormers. The problem was the roof was so massive because of the run the owners tried to address

**Robert Dee** – Why don't you step up here. She can't hear you I guess for the video

**Michael Carr** – The original concept was without dormers. The dormers were added because the roof itself was so large and when you look at it it was basically a big flat plane. So the dormers were added to break up that roof point

**Dana Reymond** – So there is no intention to use this space in the future for habitable space

**Michael Carr** – No. There is no staircase going to it. Just an attic entrance

**Dana Reymond** – Okay that answers that question. I have a few more

**Robert Dee** – Sure. Take your time

**Dana Reymond** – Okay. We object to the height.

**Robert Dee** – The height of what

**Dana Reymond** – The height of the house. It is almost like adding an entire story with 660 square feet of storage.

**Robert Dee** – I understand your objection to the height. The height is well within the Town limits. And they don't have a second story.

**Dana Reymond** – Okay

**Robert Dee** – Now you live next door

**Dana Reymond** – Yes

**Robert Dee** – And you have a second story

**Dana Reymond** – But we have a master suite and an office

**Robert Dee** – I understand. But you have a second story

**Dana Reymond** – We do. It was bought that way

**Robert Dee** – Okay next question

**Dana Reymond** – I wonder if you could provide to us a plan. A third floor plan. And I wonder if you could provide for us a demo plan. So I can understand what it is as us as neighbors what we can expect. Because when I look at the sections, the sections were done by Michael Carr Engineer and I am not sure who did the design for this house. I think in a conversation with Melanie, I think it was a student. But the sections seem to, can you verify for me the framing for the basement area is new or is it existing. May I show you on the plans

**Michael Carr** – Yeah. What do you mean, the floor?

**Dana Reymond** – Okay this here. It is a little unclear if this is new construction or not

**Michael Carr** – No that is existing

**Dana Reymond** – That is existing. So okay.



**Robert Dee** – Next question

**Dana Reymond** – You are keeping the existing living floor to the house

**Michael Carr** – Yes

**Dana Reymond** – The site plans done by Glenn, who was our consultant for a year and a half, most of the site plans that we have show, he is working on our house so he has a full site plan of our house, our garage and our deck and then we have partial plan of our neighbors. The whole reason for this is so that we can see what our neighbors are doing and how it impacts us. Yet the site plan from 1996 from Badey & Watson then revised in December 2015 doesn't show our home or deck. And we would like to see that.

**Robert Dee** – Well. I understand what you are saying but when they give us a survey, it doesn't have to show the houses next door

**Dana Reymond** – It shows partial

**Robert Dee** – I know but he doesn't have to show anything. It just has to show the property we are discussing

**Dana Reymond** – But this is about site lines and everybody down

**Robert Dee** – So you can see your house

**Dana Reymond** – Yes on the plans as to how it relates to the decks

**Robert Dee** – I am not going to request that. I don't see the reason for it

**Dana Reymond** – It is about site lines to the river

**Robert Dee** – Okay let's talk about site lines to the river. What do you think that is being done here that

**Dana Reymond** – May I show this to you

**Robert Dee** – Sure you can

**Dana Reymond** – The neighbors on the other side house is there, but our house is not

**Robert Dee** – That's just the way it was done. Let me explain something. He can come here with just his survey and show what he is doing with just his house and nobody else's.

**Dana Reymond** – But that is not showing the surrounding context. The surrounding context is important to us

**Robert Dee** – That is why we contact you. I wouldn't expect him to have a site plan of all the houses that are connected

**Dana Reymond** – I am not asking for that

**Robert Dee** – To who we sent letters to

**Dana Reymond** – I am not asking for that. I am asking to have the same consideration that has been shown on this plan for the neighbor to the south for us

**Robert Dee** – What would that accomplish here

**Dana Reymond** – What would that accomplish. To be sure and certain that the deck is not extending out very far because if you notice on the plans they don't dimension the deck

**Adam Rodd** - If I can just briefly add on this. Just to address those concerns

**Robert Dee** – Sure

**Adam Rodd** - Maybe hopefully this will be helpful. In 1996 the reason why we are here for some background is they obtained side yard variances in 1996 with the condition that no further reconstruction etc without zoning board approval. That is why they were referred here for the additions that they are making. As I understand it, and perhaps the applicant can reconfirm, they are not increasing the non-conformity with any side yard setbacks. That they are not going further north or the south

**Dana Reymond** – Is that written anywhere because I cannot find it

**Adam Rodd** - Well it is the numbers that are provided on their map. So they are not going further into any side yards. They are building within the same footprint and actually if I understand the applicant, and they can correct me, I believe the footprint on the south side sideyard will be decreased. So they are not asking for any further variances. They are asking to reconstruct with what they have and not asking for any further variances.

**Dana Reymond** – Okay to the west where that deck is is not being extended out any further than what it is now

**Robert Dee** – No it is not. It is actually going to be smaller. You won on that one, it is going to be smaller. Less deck

**Dana Reymond** – Well not necessarily. I want them to have their deck. I just want to understand it

**Robert Dee** – It is not going to ruin your site. It is going to be the same deck that is there now

**Dana Reymond** – On the north façade there is only one window and the house is a lot taller now. There is an eave overhang not onto our property but there is an eave. On the south side there is no eave. We have one window on that façade. So if you think about the scale of this house now, with vinyl siding, we have this overhang that adds to it being very ominous and we would like to know why it is there and why it is not there on the south. What its function is

**Michael Carr** – As far as the windows being there?

**Dana Reymond** – No no no. Not the window.

**Michael Carr** – The overhang

**Dana Reymond** – This guy right here

**Michael Carr** – I don't know. I would have to talk to the designer. I don't know why. The design for it on one side and not the other

**Dana Reymond** – Well we ask that it be removed. If it has no function, it seems a little supercilious to being very ominous in scale. And I am talking about this here

**Robert Dee** – What do you want removed?

**Dana Reymond** – I am looking at East Elevation Proposed. Top left of sheet ST-4. And if you see on this side of the house the roofline if flush and on this side of the house it comes out.

**Robert Dee** – It is still the same height though

**Dana Reymond** – It is still the same height

**Robert Dee** – This little overhang here, I see it

**Dana Reymond** – But this is what we are looking at

**Robert Dee** – But they are still within their footprint

**Dana Reymond** – It is within the footprint but I am asking why it is there

**Robert Dee** – That's the way they want it. That's the way it is designed. You can't pick on somebody's house because you don't like it

**Dana Reymond** – I am trying not to do that

**Michael Carr** – As far as that goes, we would add it to the other side because I would never want to build a house without an overhang because of water infiltration. That just might be a design flaw. But that would get added to the other side of the house regardless.

**Dana Reymond** – Okay so maybe I brought up a good point

**Michael Carr** – We wouldn't want to have a house with the fascia flat

**Robert Dee** – You will have to deal with the building inspector on that

**Michael Carr** – We will. We will just do a revised drawing

**Robert Dee** – You won that one

**Dana Reymond** – What we are here for is to ask questions because we feel we didn't get the information

**Robert Dee** – I am giving you plenty of time. I even went out of my way and brought you copies of everything and dropped them off at your home

**Dana Reymond** – You certainly did

**Robert Dee** – I am trying to help.

**Dana Reymond** – The last question I believe I have, I would like to go over my notes. But there is only one elevation marker for the new house

**Robert Dee** – The roof line height

**Dana Reymond** – Yeah at the ridge line and it reads 26 feet 5 approximately

**Robert Dee** – Let me see. It is on

**Dana Reymond** – ST-4

**Robert Dee** – It says 26.5

**Dana Reymond** – It says 26 feet 5 inches approximately

**Robert Dee** – Approximately

**Dana Reymond** – That just adds a little concern in regards to that attic space.

**Robert Dee** – Well we can say it can't be any higher than 26.5

**Dana Reymond** – We would request that

**Robert Dee** – Would that be fine?

**Dana Reymond** – If it be signed by a professional or something

**Robert Dee** – The building inspector looks at that. As long as it is within the height line of the code. It is 26.5 approximately. Adam can we put it in that it can't be any higher?

**Vincent Cestone** - I wouldn't vote for it if it wasn't in the resolution

**Robert Dee** – Okay so we say 26.5 is that possible to put that in there?

**Adam Rodd** - Well...they are building it within maximum height limit of building code

**Robert Dee** – Correct

**Adam Rodd** - They don't need a height variance. Understand that we are just a board with limited jurisdiction. We can't

**Dana Reymond** – It is storage space and then someone is making it habitable. We just want to make sure that it is 30 feet. It is storage space.

**Adam Rodd** - If it is within the code, in other words it has to conform to the limitations of the zoning code or they will not get a building permit, they will not get a certificate of occupancy.

**Dana Reymond** – Okay. I wonder if they could talk about...are you going to be conditioning the attic space?

**Robert Dee** – I am sorry. What was that question

**Dana Reymond** – Are you going to be conditioning that attic space

**Michael Carr** – No

**Dana Reymond** – Okay

**Michael Carr** – It will be insulated

**Dana Reymond** – Okay

**Michael Carr** – And most of that attic space is roof rafters and that will be insulated

**Dana Reymond** – Okay. Will you be going for a septic permit for a new septic

**Robert Dee** – They are not requesting that

**Dana Reymond** – I know but that septic is as old as the house

**Robert Dee** – There are a lot of old septs. If we required everyone in Philipstown to change, it would cost people a fortune. They are not adding any bedrooms they do not need a septic permit from the Health Department

**Dana Reymond** – I just wonder why you are keeping the first floor framing of an old house where it is 4 inch thickness. I don't even know if that is to code. But ripping the roof off and not changing the whole house, I mean I think I know why but

**Robert Dee** – That is up to them

**Dana Reymond** – Okay well I think all my questions have been answered. Kevin do you have any questions?

**Kevin Reymond** – No

**Dana Reymond** – Okay thanks

**Robert Dee** – Thank you very much. Okay anybody else? Anybody else have any questions

**Shawn Sullivan** - Hi

**Robert Dee** – Name and address please

**Shawn Sullivan** - My name is Shawn Sullivan and I live at 8 Hudson River Lane. I have lived there 37 years. I am definitely in support of the Materos getting their variances. We've lived through Hurricane Sandy, Irene, Lee and they need mechanicals moved. I think their plan is well within a reasonable amount of addition and will strengthen the property values of their home and all of our homes down there. So I just wanted to speak in favor of the variance being approved.

**Robert Dee** – Okay thank you very much. Anyone else want to speak? Any questions?

**Vincent Cestone** - My only concern is the approximately. Can we put in the resolution that the maximum height will be. I would feel more comfortable and let me tell you why. Because on Hudson River Lane when I was Chairman we had a lot of variances for height and we had on in particular with a resident who put in the plan and it didn't have heights and all of a sudden it was a three story building. Even those these people are not going to do that I would feel more comfortable if we had it nailed down.

**Robert Dee** – Okay let me explain something. First of all there are five people on the board. One person is ill and the second person is celebrating his Chinese New Year. So there are only three and it has to be an unanimous vote. All three have to be in agreement. It can't be 2 and 1. So if that is his objection, could that be put in there? Is that possible? Is that legal to put in there is my question.

**Adam Rodd** - They are not seeking a height variance there is a particular concern, it is kind of a belts and suspenders, certainly we can add a condition where the height must conform with and certainly not exceed the maximum height requirement set forth in the zoning code. I mean they are not here for a height variance, just the plans that were presented. And they conformed with the height regulations. There wasn't an issue with that but we can certainly add that as a condition. That is a perfectly legitimate condition.

**Vincent Cestone** - If the applicant doesn't have a problem with that, I would be okay with that

**Robert Dee** – What the attorney is saying is basically as long as it is within the height of the zoning code, 40 feet, are you willing to

**Michael Carr** – Yeah, if we say at 30 feet maximum then we are fine with it. I don't want to be fighting over a half inch. I want a bit of leeway so if we are putting that stipulation on it

**Robert Dee** – Well according to the attorney

**Adam Rodd** - But we could if you are comfortable the height of the modified structure will not exceed 30 feet, if that's okay

**Michael Carr** – My client is fine with it

**Robert Dee** – Are you happy with that

**Michael Carr** – Yeah. Like I said I just want a little leeway

**Robert Dee** – Ms. Matero are you happy with the 30 feet

**Melanie Matero** - Yes. Our plan is to do it as it is shown.

**Robert Dee** – Yes. Do you have a question

**Dana Reymond** - I kind of object to that. We just gave them 3 ½ more feet

**Robert Dee** – They can take a lot more

**Dana Reymond** - I know they can

**Robert Dee** – They are graciously accepting to the 30 feet

**Paula Clair** - I don't understand why this person is dictating something that is within the Town's code. You can't tell people that they can't do something that is within the acceptability of the Town's Code because you don't like it.

**Robert Dee** – They could have made the roof line a lot higher. They chose to keep it, graciously chose to keep it at 30 feet. Okay at this point since there are no more questions I make a motion to close the public hearing. Second?

**Vincent Cestone** – second

**Robert Dee** – Lets make a motion on the appeal with 30 foot height, can we put that in there

**Adam Rodd** - Well the applicants have no issue with it

**Robert Dee** – They don't have to agree

**Adam Rodd** - But they agreed to keep the construction they are proposing to not exceed 30 feet as a condition. But you can do it

**Robert Dee** – Paula?

**Paula Clair** - if the applicant is in favor of that, then I say yes

**Vincent Cestone** - So will I

**Robert Dee** – And I approve. So what happens now, the attorney makes up the resolution and he will put in the 30 foot height that you agreed to and the building inspector will be checking on that to make sure there is no third story and all that, but that will be at next month's meeting. March 14<sup>th</sup>. The resolution will be reviewed, I will sign it give it to the building inspector. Thank you.

**Robert Dee** – Okay the next appeal is John Sabatini and Kimberly 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% (Section 175-36B(1)) and greater than 35% (Section 175-36B(2)). The applicant also seeks relief from the limitation on the maximum amount of impervious surface that exists on a lot. Located at 101 Dick's Castle Road in Garrison in an RR District. Mr. Watson will please give us a brief overlay again. I know you did it last time

**Glennon Watson** - Hi I am Glennon Watson. I am not sure but I will be as brief as I can. Mr. Kacur can discuss the architectural. And then I would like to get into the meat of the variances



**Robert Dee - Okay**

**Justin Kacur -** I'll hand these out too. These are smaller plans, a handheld copy of pretty much what is on these boards. If I may

**Robert Dee -** First just tell us who you are

**Justin Kacur -** Okay. I am Justin Kacur, architect for Highlands Architecture in Cold Spring. Our clients couldn't be here today. One is traveling on business and one is home sick. They asked me to read this letter if I could

**Robert Dee – Sure**

**Justin Kacur -** Dear Board, We are writing this letter because unfortunately either of us are able to be at attendance for tonight's meeting. John's job has him traveling out of state and I have the unpleasant variety of germs not socially acceptable for polite company. While I was hoping to be in attendance this evening but with so much coughing and sneezing and sniffing I felt absolutely sure you would prefer to hear from me from afar. If John and I had been able to speak with you directly this evening we would have emphasized a couple of key things as you review our application. The first is that we are not only long standing residents in the Hudson Valley but we also \_\_\_\_\_ in the military. We've lived and been exposed to so many wonderful places. But when the time came to buy our forever home for our family we chose Garrison. It was an easy choice because of the natural beauty of the area and the engaged community that it has. We fell in love with our home and its property especially since it appeared we would be able to add the additional indoor and outdoor space we've been originally looking for. Knowing that our home was nestled in the middle of 7 wooded acres left us comfortably believing that the changes and additions to the inside out outside of our home and property wouldn't be a problem. We also wanted to stress that if you seek architectural changes to our property we've always felt that it was tremendously important that our plans consider the well being, the ecology, close neighbors and our community. We are clearly willing to go above and beyond to ensure that all changes are ecologically and aesthetically sound. It is our belief that our proposed plans fall squarely within those parameters and the aesthetics of our current neighborhood. Because of who we are there is no other option for us to be innovated and environmentally sound. Keeping that in mind when you are reviewing the percentages in question and the small exception we are requesting we hope you will take into account how we have already conducted ourselves in the process, our history with the property prior to zoning changes, our proven record of following procedures and protocol. And please feel free to look upon me kindly keeping my infectious germs safely away from what we can only hope is our \_\_\_\_\_ site. Thank you so much for taking the time to consider our request. We appreciate it. Kim and John Sabatini

**Robert Dee –** She should win just on her letter

**Justin Kacur** - She's a writer so. I just want to briefly explain the architects just so you know what it is

**Robert Dee** – Sure

**Justin Kacur** - The house is an existing single-family residence. The footprint of it is slightly over 3000 sf and we are adding a footprint of 1487 sf. This is the look we are going for. This is an existing part of the house and there is the remaining part of the house, which is in your set of plans in black and white elevations with dimensions. So you can see the height on the low end, the low slope of this is 38'10" to the top peak. So there is nothing that is going to exceed that height at all. So this is what it is going to look like. Primarily a timber frame construction as you can see on your drawings. It is also some sheets in there that show some photographs of the house and the property and you can see if you have been there or you can see from the photograph that there isn't a whole lot in the way of low slopes on the property other than the septic field. There is a lot of exposed rock; there are a lot of slopes greater than 20%, which is our hardship in this lot. So we don't see on any of the maps any ridgelines blocking anyone's views, the neighbors have similar amenities that they are looking for such as pools and tennis courts and things like that. We are proposing this addition, a free-form pool built into the hillside and there are, I do have a section, a cross section so you can see how steep the site is and you can see the dotted line is existing slope and there is not a whole lot of cutting and the \_\_\_\_\_ is going to be impervious. With these retaining walls and the pool is going to be gunite type of pool we are trying to eliminate the amount of trees to be cut and we are looking for a road to go up on the side to this spot to this addition, to remain. But if we can't after the construction, we will bring it back to pervious. So that is basically it for the architectural. Glenn can handle the engineering, the technical aspects, drainage and erosion. Thank you

**Robert Dee** – So basically what you are asking from us, you still have to go back to the Planning Board

**Justin Kacur** - Yes. We had to go to the Planning Board for the pool permit on a steep slope and because our addition was exceeding 1000 sf.

**Robert Dee** – Okay

**Glennon Watson** - I am afraid this may get a little complicated. I apologize for that. But I think it may. The property we are speaking of is about 7 acres. Just a tad over 7 acres and it includes a significant portion of Dick's Castle Road that passes through the property. It exists on both sides of the road. What needs to be understood is that the new zoning, and it will be new for the rest of my life, limits what you can build on slopes greater than 20% and it further limits what you can build on slopes greater than 35%. So we have a piece of property, you can see the area that we have under 20% is in white; and the area that is between 20 and 35% is lighter gray and over 35% is the darker gray. To add a little more sparkle, the green is go to build, yellow is be cautious and red is stop. So you can see an awful lot of what we have here is inside the 50-foot right of way of

Dick's Castle Road, that's where it even strikes the balance. So essentially to come back here, the only place we can practically think of putting a pool is in this flat area here, possibly across the street and we don't think that's a good idea, but we have the septic system there so it knocks that area out. Also makes us much more public and much more visible to the neighbors. So the point that was chosen and I didn't have much to do with that, but wisely though was on the north side of the building so that the neighbors' tennis courts would not be affected by it. And avoided us going deeply into the rock up there on the north side. So that is why this area was chosen. Unfortunately, most of the area is either over 35 or over 20%, incidentally the driveway is something that could be built in the 20% and we talked to you about this last month and I showed you a different plan. It came up and swung to the south and then swings to the north. But if you look at this there is more that swings in the 20% slope. So we are seeking that relief. I've got a couple of things I want to go over with you in a second. What the most difficult part about it is the percent of impervious coverage is limited to a maximum of 10. Last month we told you that it was, that it was slightly over 10, but now it goes to slightly over 11. We did some more looking and we did some more topo and to be perfectly frank, the section of the code that defines that gives you at least 3 ways to calculate it. I've been doing it for a long time, three people did it in the office and we came up with 4 separate answers. It is just very difficult and the odd thing about it is if you look at note 8 in the use table it says that if you have a nonconforming lot you are exempt from the requirement. We are not a nonconforming lot and that particular element of impervious coverage for pre-existing lot is not one of the elements that is among the tests as to whether or not you are conforming or nonconforming lot. And all that stuff that is normal isn't. But that is not a test. Had we had a 4-acre lot, we wouldn't have to concern ourselves with that requirement. So it seems, to be perfectly frank, it seems to me backwards. If we have a big enough lot we can't put on this extra building; but if we had a nonconforming lot that was smaller, we could do it without even coming here. So to be perfectly frank it is very difficult to conceive how that works and I took the time and I talked to an attorney friend of mine, Rick O'Rourke, in White Plains. I just got him on the phone for free and I even called Russell who wrote the law and we were a little hedging in our bets, but we are asking relief so we can do what we are showing you here, this 1000 foot free-form pool the 1480 plus addition. The decks will be such that they don't count because they will be considered impervious material. The pool surround and a lot of the stuff will be impervious. We are trying to minimize to the greatest extent possible. The worse case scenario is being 9 and we are going to 14. But I can argue that the other extreme.

**Adam Rodd** - So what percentage of imperious are you looking for?

**Glennon Watson** - Enough to build this building.

**Adam Rodd** - And what number would that be?

**Glennon Watson** - Well in the worse case scenario, in taking the worse case situation, having us the least as we calculate it now, 9.9% which is under the minimum 10. And

the worse case if we calculate everything and we come up with 14.8. On the whole it is 5.5.

**Robert Dee** – So basically you are looking for 3 variances.

**Justin Kacur** - No. Two.

**Glennon Watson** - To construct these buildings in the 20 and 35%. I guess you can look at it as two; one for the 20% and one for the 35%. But it is essentially the same elements

**Justin Kacur** - Building on a steep slope as one

**Glennon Watson** - And then the impervious coverage percent. Just asking you to take note of the fact that a much smaller nonconforming lot would be exempt from the requirement. And these very difficult calculations.

**Adam Rodd** - I am just saying in terms of when the Board prepares the Resolution, we just would need to say the applicant proposing impervious surfaces in the amount of . blank. So

**Glennon Watson** - To be safe it would be 14.8

**Adam Rodd** - 14.8

**Justin Kacur** - not to exceed 14.8. We would not exceed that.

**Glennon Watson** - So I took, I am usually much more definite about my ideas about things but to be perfectly frank this has confused me and it has confused several people in the office. And a couple of people outside of the office. But at any rate I took a look at the 5 pronged balancing test, I would like to go over this and I have a copy for you I will hand in. First one being, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. My response is...An undesirable change in the character of the neighborhood will not occur. This is because the lots in the neighborhood, including the Sabatinis' are large and the houses are spaced far from each other. Moreover, when constructed, the Sabatini's house, although large by some standards, will be just about at the average for the neighborhood.

**Robert Dee** - That's true. I was down there.

**Glennon Watson** – 2. Whether the benefit sought by the appellant can be achieved by some method, feasible for the appellant to pursue, other than an area variance. The benefit sought by the appellant is to have a house large enough to raise their children and a small outdoor family area for all to enjoy. This cannot be achieved without constructing on steep slopes because most of the lot is steep and those areas on the lot that are not steep are unsuitable or unavailable. They are unsuitable because they would

be open and obvious and remote from the house and would be very obvious to the neighbors. They are unavailable because the only available space is already improved with a septic system. 3. Whether the requested area variance is substantial. In terms of sheer numbers and percentages, the variance are substantial. However, when viewed in terms of the size of the home that will be built, they are not. This is especially true when one considers that the lot is large and it is located among equally large parcels. 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The variances will not result in excessive construction or substantial increase in population in the area. There will be an increase in storm water runoff, but the appellants' site plan includes both permanent and temporary storm water facilities. There will be no increase in traffic or population. There will be no increase in the demand for water or septic flows. There will be a small loss of tree cover, but the appellants will be landscaping the disturbed areas. 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. Well, the simple answer is to allow something to happen, not to remedy a violation. Accordingly the difficulty is not self-created. Basically, we are not really here saying forgive me. We are here saying please.

**Robert Dee - Right**

**Glennon Watson -** So I have copies of this with a little more factual stuff added to it. I only read the conclusions.

**Paula Clair -** I have a question. The storm water runoff facilities. You mentioned temporary and permanent. Can you describe how you are going to handle the storm water

**Glennon Watson -** Well. First thing in the plan is I mentioned, Justin mentioned it, that they are going to be using as little impervious material as possible. There are things called pervious pavers, I am sure you have heard of them. But they allow the water to infiltrate even though it is a paved surface. The water goes through the pavers. So that is one thing. Over here we are going to catch, we have a rain garden here which will capture the water. Basically it makes a temporary pond. It fills during a storm and rather than run off and erode stuff it allows the water to seep in and at the same time it filters the water in the ground much like a septic system. We are hoping we are going to be doing a little more of that in the same area by the driveway. And the temporary stuff, really just fences and all that sort of stuff during normal construction.

**Paula Clair -** I know it is a very large lot. It has 7 acres. So the next house is pretty far away. So there is no possibility of any storm water runoff into anyone else's property

**Glennon Watson -** We think we will be well controlled here. The next house is here and the water would be traveling this way. The nearest house, I reported that to you last time,

I think is about 1100 or 1200 feet. There is water running off that property now during a storm. We think we will be able, we believe we will be able to control it so that there will not be anything significant. And we will be counterbalancing it over here to reduce stuff.

**Robert Dee** - Any questions? How would this be worded I guess is my question. How would we word it in the Resolution?

**Adam Rodd** - Well they are seeking Variances to allow construction on specified grade that limit what you can build. And they also want a variance to move the maximum amount of impervious surfaces on a lot

**Robert Dee** - Two variances. Can we do that in one resolution?

**Adam Rodd** - Yeah. Absolutely. Absolutely. One thing I just want to clarify. In terms of the resolution. You are seeking a 1,487 sf addition on a steep slope

**Glennon Watson** - Yes

**Adam Rodd** - And the installation of a pool approximately 1000 sf on a steep slope

**Glennon Watson** - Yes

**Adam Rodd** - And the driveway. Are you seeking a variance to reconfigure or to place a driveway and if you are is that permanent or temporary driveway?

**Glennon Watson** - If this were able to be permanent. The driveway can go on the 20% slope. So most of that driveway does not need a variance. A little bit over here needs a variance from the 35%. And the driveway, this is also a very strange thing, you see how we hatched the driveway here? None of that counts as impervious surface. The only thing that counts is the first 100 feet. To be perfectly frank it seems backwards to me. But that's what the rules say. So we are seeking to build a total of 8700 sf of human installed stuff. That includes retaining walls, driveway, the addition to the house, the addition of the pool and the patio area around the pool.

**Adam Rodd** - So a portion of the driveway is on a slope that is 35% or more

**Glennon Watson** - Right

**Adam Rodd** - So you would need a, per the plan, you would need a variance to place a driveway with one portion of the driveway on the slope that is on a slope that exceeds 35%

**Glennon Watson** - That's correct

**Adam Rodd** - Okay

**Vincent Cestone** - Glenn why wouldn't you move that, it seems like you are very close to not being on the 35. Why not just move it to not need a variance?

**Glennon Watson** - Well

**Vincent Cestone** - Because it looks like you are hooking in there. Just change the shape of the hook

**Glennon Watson** - There are horizontal and vertical alignment to be considered. I will take another look at that to be perfectly honest with you, but if I come in here I shorten the length of the driveway and when I shorten the length of the driveway I increase the grade. It is a straight percentage. If I have less of a base then I have a higher grade. So, part of the routing of the driveway has to do with making it long enough to overcome the grade with an acceptable driving surface.

**Vincent Cestone** - So you are trying to make it less steep

**Glennon Watson** - Less steep. Yes. Right

**Robert Dee** - If we granted this, what do you have to go back to the Planning Board for?

**Glennon Watson** - We have to go back to the Planning Board to complete site plan approval. They've been out there twice and walked around it twice. Site plan approval will address the grade of the driveway, it will address the erosion control, they are particularly concerned with this project and they said it at both site visits, they are particularly concerned with to know that we are only taking out the minimum number of trees. So we had to do a tree survey which is a very unusual in Philipstown. I think that is probably it.

**Robert Dee** - Okay

**Paula Clair** - Can I just ask what the amount of driveway that is going over the area that is above 35% in grade. What problems would that present normally

**Glennon Watson** - Well the philosophy that the steeper the grade in the land the more difficult to do construction the more threatened, there is more damage to the environment. Threatened activity. If we hit rock here, and there is every indication we are going to, it is going to be a very stable thing, but if it were a mountain of sand

**Paula Clair** - How much of the driveway will be in the 35%

**Glennon Watson** - Let me just eyeball that. I have to guess. This is 30 scale and that is probably an inch and a half...probably 450 sf or something like that.

**Robert Dee** - So are you going to have to come back to us for another variance for the driveway?

**Glennon Watson** - No. That would be included. The way it works is the distance between the lots is these heavier contoured lines is 10 feet rise. They maybe 2's, let me check.

**Justin Kacur** - The one thing that we did in our site walks is the first driveway that we laid out went the other way. It sought of went up by the septic field and turned back. That driveway was much steeper than this one. So in the very beginning it is steep but it levels out. It gets to more like 15 to 18% I believe on the last run. So there was an area of slightly less disturbance with this driveway but it is a lot less steep.

**Glennon Watson** - When we had it over here there was much more disturbance in terms of construction and protecting the septic. We had to build additional retaining walls and be very careful because of the space requirements

**Justin Kacur** - And when you walk this, the way it is going, if you were to walk the site you would realize, Glenn noticed it right away, I had drawn the driveway this way. He saw an opportunity to draw it this way because it was just a natural way to get up. It went around a large rock outcropping without having to move it and the Sabatini's liked that to keep some of the natural features there. This is a much better driveway than the original one that we had.

**Robert Dee** - Okay

**Vincent Cestone** - About the pool. How many gallons will it hold approximately?

**Justin Kacur** - It is about 860 sf and the deepest end is going to be 9 feet with an infinity edge. So I don't know the calculation

**Vincent Cestone** - Approximately 30,000 gallons

**Justin Kacur** - That's pretty good. I would have to look

**Glennon Watson** - 4000 cubic feet? 860 sf so say 900. Deep?

**Justin Kacur** - At the deepest 9 feet

**Glennon Watson** - And the lower end

**Justin Kacur** - It goes to like a little wading area

**Glennon Watson** - So 4 ½ feet, 5 feet deep is 4500 cubic feet times 7 roughly 7 right? 28,000



**Justin Kacur** - So if the water were to go down and over the road, there is not a house straight down below the pool. Fine Place is further down to the right.

**Robert Dee** - The Planning Board will address this

**Glennon Watson** - To the south of Fine Place is that swamp. The wetlands

**Justin Kacur** – perfect

**Glennon Watson** - There is the little old white house that the Marlow's own, that is up on a rise. It drops down into that marshy area over by St. Basil's

**Adam Rodd** - Just to, as I understand the map, the entirety of the pool on a slope that is 20% grade or above

**Glennon Watson** - The entire pool is on the 35% grade or above

**Adam Rodd** - Okay and with respect to the addition, is any of that on a steep slope as well

**Glennon Watson** - All of it is on the defined steep slope. The addition is on 20%, the pool is on 35% or greater

**Adam Rodd** – okay

**Robert Dee** - Any questions from anybody else? Anybody in the audience have any questions? Please note there is nobody in the audience. How would this be worded? If I asked for a vote on this, how would you word this?

**Adam Rodd** – Well, resolutions would be prepared. It would be a resolution to permit construction of various improvements including a driveway and an addition to the existing single-family dwelling, and pool on a steep slope as defined by the code and then the application would go back to the Planning Board

**Robert Dee** - Okay. At this time I make a motion to close the public hearing

**Paula Clair** - Second

**Robert Dee** - Now to make a motion to vote on the application. I am not going to go through all that again. What he said

**Paula Clair** - I would like to vote in favor of this. I am a little bit concerned about what would happen if the pool and the people below. I had a little with this kind of thing. I live on Gallows Hill Road and above me is Aqueduct. It is a steep slope between Aqueduct and Gallows Hill for my house. And years ago I heard this swishing sound and

I go out to see if it is raining and it wasn't raining and I stepped off my deck and there was 4 feet of water there from a pool from above.

**Robert Dee** - I think you are on a smaller piece of property than this gentleman is

**Paula Clair** - Yeah I know. I just wanted to be sure there wasn't any house directly below

**Glennon Watson** - I think you can express that concern. I don't know what kind of pool it was. If it was an above ground pool put in sloppily or if it was a Sear's special at \$49.95, which we are not going to have

**Paula Clair** - But amazingly it didn't do any damage to my house. My house is also on a slope and it just ran past it

**Glennon Watson** - It is at least 1000 feet or more to the nearest house

**Justin Kacur** - Just so you know too. The neighbor above the Sabatini's. If you are standing in their driveway looking up, they have a pool on a steep slope as well. So if their pool goes, it is going to come down on the Sabatini's house

**Robert Dee** - And the all the pools go

**Justin Kacur** - So I think they are all kind of living with that

**Robert Dee** - I think we are ready to vote at this time. Does everyone have enough information? Mr. Cestone?

**Vincent Cestone** - I vote in favor

**Paula Clair** - I vote in favor

**Robert Dee** - I vote in favor

**Justin Kacur** - Thank you very much

**Robert Dee** - It will be prepared for our next meeting on March 14<sup>th</sup>

**Justin Kacur** - Okay. Thank you very much

**Glennon Watson** - Thank you

**Robert Dee** - All right. As far as the minutes. Kim has given us a hand to clean up all these minutes that go back to February 2015. Mr. Lim is not here tonight. What I am going to do is push this over to the next meeting of March 14<sup>th</sup> and we will review them then. Is there any old business? New business? I make a motion to adjourn.

**Paula Clair - Second.**

**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