

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

June 11, 2018
7:30 P. M.

Regular Monthly Meeting

Pledge of Allegiance

Approval of Minutes:

- May 14, 2018

New Business:

Gregory & Samantha Rathe
28 Hudson Way, Cold Spring

TM# 38.-3-87.1

Appeal #

(The applicants are seeking approval to build a new 35 x 60 foot detached garage which requires a variance under town code 175-10, which limits the size of a garage associated with single-family residences to 1000sf.)

Public Hearing:

Leonard Lindros
593 Route 9D, Garrison

TM# 81.-1-33

Appeal #

(The applicant is seeking approval to build a new, 24 x 24 foot detached garage which requires a variance for a side yard setback of 10 feet where 30 feet is required.)

Dan & Rebecca Ward
69 Hy Vue Terrace, Cold Spring

TM# 27.8-1-47

Appeal #915

(The applicants are seeking approval to build a new, 1-story, 2,492 sf, detached garage which requires a variance under town code 175-10, which limits the size of a garage associated with single-family residences to 1000sf. They also seek a variance under town code 175-74, which limits the size of an accessory structure to ½ the size of the principal building.) (Continued from May 14th)

ZONING BOARD OF APPEALS
May 14, 2018
MINUTES

The Zoning Board of Appeals for the Town of Philipstown held their regular monthly meeting on Monday, May 14, 2018, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York.

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

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

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

Minutes

Chairman Robert Dee: First off is the minutes from April 23rd's meeting. Anybody have any changes or corrections?

Leonard Lim: No.

Granite Frisenda: No.

Chairman Robert Dee: Okay. I make a motion that the minutes be accepted.

Leonard Lim: I move.

Chairman Robert Dee: All in favor?

Leonard Lim: Aye.

Granite Frisenda: Aye.

Chairman Robert Dee: Aye. There'll be two members absent tonight, they both called in sick. So, you're gonna have to put up with three, three of us.

Leonard Lindros – 593 Route 9D

Chairman Robert Dee: First order of business is Mr. Leonard Lindros 593 Route 9d, Garrison. How are you? Just tell us who you are and-

Leonard Lindros: Leonard Lindros Jr., Leonard W. Lindros Jr.

Chairman Robert Dee: I went to your site Saturday. I met you on Saturday down by your house and you showed me where you're gonna put the garage and all, you know, and everything else. I think you said you had a letter from a neighbor that it was okay?

Leonard Lindros: It should be in there.

Chairman Robert Dee: Okay, and that was the neighbor who is next door so that would pretty much be the only one who would be affected by it right? I don't see here, the only thing I don't see here, you know what I don't see? I don't see a name or address of neighbors. See because we have to send out letters to-

Tara Percacciolo: No, there's these and then I look them up on the computer.

Leonard Lindros: Well we have the Percacciolo's next door to us.

Chairman Robert Dee: Alright.

Leonard Lindros: That's on the North and-

Chairman Robert Dee: Alright. Maybe you could get it.

Tara Percacciolo: I'll get it.

Chairman Robert Dee: Get it from him. Okay, the secretary will get it from you, the neighbors, okay? I got – one of your questions, one of your answers to your question - I just got, it was really, I found very interesting, was that your wife and you are gonna turn 80 this year.

Leonard Lindros: Yes.

Chairman Robert Dee: And you found it difficult to shovel out the vehicles.

Leonard Lindros: Well we're finding it more difficult, yes.

Chairman Robert Dee: I don't blame you. So that's why you want the garage. Alright. I think everything is here. The only thing we're gonna need is-

Leonard Lim: Is this acceptable?

Chairman Robert Dee: Hand drawn?

Leonard Lim: Yeah.

Chairman Robert Dee: Okay. You want, you want a architect to do it?

Leonard Lim: That's – don't we always?

Chairman Robert Dee: Okay. Your drawing is done by hand, a hand drawing, okay. The problem we have with that is that we usually require a architect to draw the drawing, so we have the exact measurements because your hand drawn measurements may not be exact, you know and everything so-

Leonard Lindros: They're pretty good. I built, I did the drawings on the main house. I had them stamped.

Chairman Robert Dee: That was a while ago thought.

Leonard Lindros: But they were full size.

Chairman Robert Dee: Right, right, right, so, I think we're gonna ask, we'll ask a drawing from an architect or somebody to give us the drawings, has to be stamped by an architect.

Leonard Lindros: Okay.

Granite Frisenda: Or an engineer.

Chairman Robert Dee: Or an engineer.

Leonard Lindros: Okay.

Chairman Robert Dee: Either, somebody, either an engineer or an architect to stamp the drawings. Or maybe the guy who's, maybe the guy who's gonna do the garage know's somebody or something like that.

Leonard Lindros: Yeah, well, you're looking at the GA here.

Chairman Robert Dee: You're gonna do the garage too?

Leonard Lindros: Oh yeah, sure.

Chairman Robert Dee: Boy I'll tell you, you're a strong man, I'll tell you. Shovel your cars out at 80 and doing your own, building your own garage, you're okay in my book. All right, so, we're gonna need all that by next month because all this is is to approve your application to see that everything is, you know, here.

Leonard Lindros: Okay.

Chairman Robert Dee: And we see that we need a couple of things, okay?

Leonard Lindros: But, we'll be able to go in a month from now?

Chairman Robert Dee: It will be, your meeting will be June, June 11th, be Monday June 11th. It'll be here for and that'll be a public hearing.

Leonard Lindros: Yes.

Chairman Robert Dee: What they'll do is, the secretary, she'll send out notices to your surrounding neighbors notifying them of what you plan to do. And then, if anybody has any objections or concerns, or want to look at the plans, they can go to town hall, look at the plans and everything else like that.

Leonard Lindros: Can I cut into the ground?

Chairman Robert Dee: No.

Leonard Lindros: I cannot, okay.

Chairman Robert Dee: You know, you can call the building inspector on that but as far as I'm concerned, no.

Leonard Lindros: Okay, because, all I wanted to do is just, there's all ledge right there where I'm building this and I wanted to make sure that it's, what concrete I'm gonna need and-

Chairman Robert Dee: Well, yeah, if you want to, if you're looking about looking to see if there's ledge I don't see, you know- I don't see an issue with it.

Leonard Lindros: As you can see there's not much digging.

Chairman Robert Dee: Right, right, so you wanna make sure you can build but you can't build anything as of yet.

Leonard Lindros: Oh no I didn't say build. I just want-

Chairman Robert Dee: Right, you just want to investigate the soil and stuff like that. Yeah, I don't see any problem with that.

Leonard Lindros: Okay thank you very much.

Chairman Robert Dee: Okay thank you. We'll see you next month.

Leonard Lindros: Right.

Tara Percacciolo: Can I just have someone move on the public hearing?

Chairman Robert Dee: Oh, I like a motion that, motion that the application be accepted as complete, of course with the exceptions of the two things that have to be done also.

Leonard Lim: I make a motion.

Chairman Robert Dee: Second?

Granite Frisenda: I'll Second.

Chairman Robert Dee: Aye. All right. There's only three guys here so it's gonna be tough. Moe, Larry & Curly. Alright. Okay.

Leonard Lim: When's the meeting?

Chairman Robert Dee: June 11th. Next meeting is June 11th, right? That's the second Monday?

Granite Frisenda: That's the second Monday?

Chairman Robert Dee: Yes.

Ward – 69 Hy Vue Terrace

Chairman Robert Dee: Okay. Next order of business is a public hearing on Daniel & Rebecca Ward, 69 Hy Vue Terrace, Cold Spring. The applicants seeking approval build a new, one story, 2492 foot square detached garage which requires a variance under the town code 175-10, which limits the size of the garage associated with a single-family residence to 1000 square feet. They also seek a variance under town code 175-74, which limits the size of an accessory structure to half the size of the principal building. Correct?

Dan Ward: Correct. Yes.

Chairman Robert Dee: Okay. Want to tell us a little bit about what you're trying to do here?

Dan Ward: Sure. Well we have- okay. As you can see on the plat plan here, our house is, we have a very small house. We've been there for 30 years. We have 30 years' worth of stuff packed everywhere. We have trusses in the ceiling. We have a very, it's a very narrow, cheap, modular house from the 70s and we don't even want to park our cars in there because it's so close to get in there. We have, we have three cars. I have a car that, that I'd like to store in there as well that's a, it's a vintage car. We have, I don't have a shed. We have our stuff sitting outside. We have a boat that we, we trailer to different marinas and stuff, that's sitting outside. I just have stuff all over my yard and I just think that it would be nice to put everything inside. In addition to that, we have, Rebecca, my wife's parents, which will probably be moving in with us soon and we need some room for their stuff. We just, we just need more space and I think just the appearance of the property would be better if we just put everything in the garage. So, it's kind of everything sitting

in the driveway, so. And we decided, we've been here for 30 years, we want to retire here. We love it here. And we just want some room for our hobbies in the future too, so.

Chairman Robert Dee: Right.

Dan Ward: My wife's a physical education teacher, she has lots of stuff. I'm a teacher as well, I have lots of stuff. We just, we would just like to have more space.

Leonard Lim: You're talking about your in-laws moving in, is that living space above the garage? Is that what you're making?

Dan Ward: No, absolutely not. Absolutely not.

Leonard Lim: Is there gonna be water or anything going up there?

Dan Ward: No.

Leonard Lim: Just electricity.

Dan Ward: Probably just electricity. I mean, I'm even not even gonna put a second floor. If I can afford to in the future, I will, I'm just kind of looking for the long-term.

Leonard Lim: That's what, I want to know about the future, if you're gonna build an apartment up there.

Dan Ward: No absolutely not. Absolutely not. No, we don't want-

Chairman Robert Dee: What do you mean by a second floor in the future?

Dan Ward: Just you know like for a loft area.

Chairman Robert Dee: Right.

Dan Ward: And, I mean, I may not, really at this point I don't even think I'm gonna put the dormers in there but, it's just, we just basically want some storage and enough area to store vehicles and the boat and that sort of thing.

Chairman Robert Dee: I can tell you now, if we approve it we're probably gonna put a restriction that there's no living space there.

Dan Ward: Yeah, I have no problem with that.

Chairman Robert Dee: okay

Dan Ward: No problem. I have no plans of putting an apartment up there. We don't want any tenants. We want a nice, quiet lifestyle-

Chairman Robert Dee: Well it's a big space, you know, it's a big space, that's what we're trying to, you know.

Dan Ward: No, understandable. Good question.

Leonard Lim: Plus, you said your in-laws are coming, I figure you might put them out there.

Chairman Robert Dee: Put them in the garage and lock the door.

Dan Ward: Don't give me any ideas.

Chairman Robert Dee: Alright. Is there, before, is there anybody here who wants to speak on this? No? Okay let me note that there's no opposition or no- Let me go over, we're gonna go over the five factors with you here. These are questions we ask so we can get a determination. What are the possible detriment would the variance have on nearby neighbors? Your answer is, the neighbor to the left at 59 Hy Vue Terrace is 75 feet away and will see the garage the most. The other neighbors are lower or higher and have trees as a buffer so it won't be, you know, would not obstruct anybody's view. I guess there's no, like you say, the neighbors are all notified, there's nobody here really, against it, so we, that would, I guess-

Dan Ward: I've also got another letter from the neighbor across the street, Ken Barton.

Chairman Robert Dee: Okay.

Dan Ward: So, can I submit that?

Chairman Robert Dee: Oh, you can give that to the, give that to the secretary.

Dan Ward: Okay. That's in favor.

Chairman Robert Dee: Okay. Second question. If you didn't get the variance, how else could you build what you want to accomplish? The proposed location for the garage is the least intrusive area on our property. We would not be able to accomplish our goals with a smaller structure.

Leonard Lim: Why won't a smaller structure help out? You have that much stuff to put in there?

Dan Ward: We've got three- I'm looking for the future too and our hobbies and that sort of thing. We just really don't have space in the house for anything. So, once we put everything in there, including my in-laws stuff we have three cars, a boat, I have a car, a vintage car, that I'd like to store in there.

Chairman Robert Dee: (Inaudible) had some vintage cars that you want to put in there or something like that.

Dan Ward: Yeah, so just need, for- I mean some people have hobbies where they collect little trinkets. I guess, my hobby, I just need more space.

Chairman Robert Dee: You are gonna put cars in there, you're not gonna load it with junk right? You're gonna put cars in there; you're not gonna load it with junk, are you?

Dan Ward: Yes.

Chairman Robert Dee: Cars, right? Cars.

Dan Ward: Yes.

Chairman Robert Dee: Okay, alright, just checking. Don't want to put stuff in there that, you know, it's supposed to be vintage cars in there and other things. Okay, no problem. What is the code requirement you seek to vary? Sections 175-10d and 175-74 B. That means, we have an ordinance where you can't have a garage any bigger than 1000 square feet here and you're going to, well you're more than doubling the size because you're looking for 24. You're not looking for any other variances. What I mean by that is, you don't need sideyard, you don't need a rearyard.

Dan Ward: We are meeting all the setbacks.

Chairman Robert Dee: Right, you're all within the setbacks on that. What impact or effect will the variance have on the current physical and environmental conditions of the area? See attached statement. Well, you tell me. What impact will, or effect, will the variance have on the current physical or environmental area? What do you think?

Dan Ward: The physical environmental area. Well, I mean-

Chairman Robert Dee: It's going to have a negative impact is what I'm trying to say.

Dan Ward: I've got, the property, compared to most of the properties on our road, as you come up Hy Vue Terrace, most of the properties are very narrow and long and they drop off in the back, and my property is at the top of the road, as it levels off at the top, and they are very flat and the lots are a lot more, there's a lot more room, buildable space. So, this is an area here, that, on the side here, I've got trees. My neighbors have both cut down their trees to the property line on both sides. I've intentionally left trees to maintain a buffer for my neighbors. So, I'm leaving trees all along here, there's trees going to be in front here, there's trees in front of my property and I'm gonna leave as many as I can behind here and also over here. And, so, I'm trying to maintain a buffer for my neighbors, not clear all my trees. I could have cleared all my trees, just like they did, and we'd be open. So, I'm trying to keep it, you know, from the road you're really not gonna see it, you know, in the spring and summer at all.

Chairman Robert Dee: Okay.

Dan Ward: And my neighbors in the back here, this does, as I said, it is, this slopes down and they're set down. When you stand in my backyard you see the tops of the houses back there and they also have woods behind them, so we have a nice buffered area, you know, the neighbors around there. I've tried to maintain that, even though my neighbors haven't, but I've tried to do that, so I'm trying to be neighborly. I'm trying to be aware of, you know, keeping a little space between us and I think, I think they appreciate that.

Chairman Robert Dee: Okay.

Leonard Lim: Are you going to have a paved driveway and area around the garage?

Dan Ward: Not around the garage, no. The only part that I'm going to add is this-

Leonard Lim: Show me where the pavement is.

Dan Ward: What's that?

Leonard Lim: You have pavement for a driveway?

Dan Ward: Yes, I do.

Leonard Lim: And there's no, there's not gonna be any pavement around the garage?

Dan Ward: No, the only pavement I'm adding is just this little part in the front here. This is existing.

Leonard Lim: Yeah.

Dan Ward: And the only part I'm adding is this right here. There's, no, there's just going to be natural trees. I'm gonna leave trees very close on this side, so this whole front is going to be trees, in the back here there's going to be trees, and over here as well.

Leonard Lim: Okay the reason for my question is-

Dan Ward: Yes.

Leonard Lim: Between the pavement and the size of that garage, there's gonna be a lot of runoff. Where is the runoff going? Is it heading towards the neighbor's property? Where's your runoff from the water going?

Dan Ward: Well that's something that, I'm really not an expert on that. My architect could address that or-

Leonard Lim: Then you better bring him.

Dan Ward: Do we need to put in a dry well? Whatever the building department tells me to do I'll do.

Chairman Robert Dee: Well, what's in the back of your property? You said it drops off?

Dan Ward: Yes, there's houses here. Their lots go down to Perks and their whole back here is all woods. There's no, they really don't use it for anything.

Chairman Robert Dee: Okay. Does the water drain off there? I mean your regular rainwater?

Dan Ward: The regular rainwater, it kind of, my yard slopes this way, so it kind of goes this way.

Chairman Robert Dee: Okay.

Leonard Lim: Towards the neighbor. It flows towards the neighbors?

Dan Ward: It really doesn't, I don't see it, it just seeps into the ground. I really don't see anything running off-

Leonard Lim: It ain't gonna seep in with pavement.

Chairman Robert Dee: Yeah but how much pavement are you putting on? You already have a paved driveway correct?

Dan Ward: Yes, this is all existing. We're adding this amount here, which is 613 square feet of pavement.

Leonard Lim: Yeah but there's gonna be runoff coming off the 2,000 square foot garage too. It's all got to go somewhere. That's what I'm trying to find out. Where's it going?

Dan Ward: It's gonna have gutters. It'll go to whatever the building department tells me I need to do. If I have to put it in a dry well I'll put a dry well in. If you want me to dig out and put gravel back here, French drain or whatever.

Leonard Lim: I'm just trying to find out where all this run off is going to. Is it heading towards the neighbor's yard? Is it, where, is it heading towards the road? I don't understand where all your runoff is going.

Dan Ward: No it's an excellent question I just haven't gotten to that detail yet but, that's, I mean, would the building department be able to tell me what I need to do? Or my architect?

Leonard Lim: Who would do it? I don't really know. Somebody has-

CROSSTALK - INAUDIBLE

Adam Rodd: Let me just, there is no- you weren't referred for the need for a variance for impervious surface coverage. They-

Chairman Robert Dee: Right.

Dan Ward: I'm at 16.5%.

Adam Rodd: He doesn't need a variance for that. I mean, if the board wants some additional documentation to satisfy yourselves that the construction of this garage will not have detrimental water impacts to neighbors, is that what your concern is?

Leonard Lim: Exactly.

Adam Rodd: Well, I mean, if that's the case, the board could leave the public hearing open, so you can supply the board with that documentation, if the board wants to do that. It's up to the board.

Leonard Lim: And I'd also like to let you know, with only 3 board members here, if we have a vote tonight, you need 3 yeses. If you get one no, you're gonna lose it. If you have five members here, you have a better shot at getting it. If you want to put it off until the next meeting when there's five members-

Chairman Robert Dee: Well if you want to come back next meeting with an answer to the runoff. What I mean by that is, you have, you're gonna have gutters there right? And you're gonna have downspouts?

Dan Ward: Yes, yeah.

Chairman Robert Dee: You're gonna have downspouts.

Dan Ward: Yes.

Chairman Robert Dee: All right, yeah, you might have, maybe a dry well to the downspouts might clear that up. You know what I'm trying to say?

Dan Ward: That's what I was figuring on because, you know, it's gonna need something like that.

Chairman Robert Dee: Yeah, I think if he put the gutters-

Leonard Lim: Yeah but it's not in the plan.

Chairman Robert Dee: No it's not in the plan.

CROSSTALK – INAUDIBLE

Leonard Lim: It would have to show me where anything's going.

Chairman Robert Dee: It would have to be in the plan. I think if we can, if we keep the meeting open until next month and then come up with a plan for the runoff, basically from the roof, from the building like that. So, if you can put, you put gutters and if you could put downspouts with dry wells or something like that, for me, that would satisfy me, you know. I don't know what's gonna satisfy the rest of the board but I wouldn't have any problem with that. So that's what I'm suggesting you do, okay. Come up with the plan, show us on the plans how you're gonna take care of that and we'll put you on for next month, which is June 11th.

Dan Ward: Okay.

Chairman Robert Dee: Okay. Is there anything else you think we require? Anything else?

Granite Frisenda: No.

Chairman Robert Dee: Okay thank you.

Dan Ward: Okay thank you.

Chairman Robert Dee: Alright so that'll be held over until next month, he comes up with the plans for that.

Reymond – 28 & 30 Hudson River Lane

Chairman Robert Dee: Next one is a public hearing, is Dana & Kevin Reymond, 28 & 30 Hudson River Lane, Garrison.

Mike Liguori: Good evening members of the board. If you could just bear with us, we're gonna use the-

Chairman Robert Dee: Sure, go ahead, set up.

Mike Liguori: Thanks.

Chairman Robert Dee: Mr. Liguori, let's just, I want to go this first so we know where we're at here. You're seeking approval for a new single-family residence and two garages which require various variances of both the principal structure as well as the accessory structure. You ready?

Mike Liguori: I am, thank you.

Chairman Robert Dee: Okay, let's start over again.

Mike Liguori: Okay.

Chairman Robert Dee: All right you're seeking an approval for a new single-family residence with two garages which require various variances for both the principal structure as well as the accessory structures and a special permit for the enlargement of non-conforming structure. The variances sought include, a variance to permit the non-conforming structures to be moved, 2 variances for the side yard setback for the principal structure, one variance for the side yard setback for the accessory structure, 2 front yard setbacks for the accessory structure and a side yard setback for the deck.

Mike Liguori: That's correct.

Chairman Robert Dee: That's correct. Okay. That's a lot of variances. Explain it.

Mike Liguori: Good evening, members of the board. My name is Michael Liguori. I'm an attorney at Hogan and Rossi, Brewster, New York. I have with me Chuck Lembo Chuck is our architect for the Reymond project. Chuck is to my right, to my left is John Kalin. John is our civil engineer and has designed the upgrade to the septic system which is currently, has a contingent approval. The contingency is the proof of the submittal of the merger to the health department. We have a letter that says, your redesign is approved subject to our receipt of that document.

Chairman Robert Dee: Correct.

Mike Liguori: And, so what I'll do is-

Chairman Robert Dee: The same will be here too.

Mike Liguori: Correct. Correct. I put three boards up in front of the Zoning Board and the public for purposes of the public hearing. The board to the right is our existing condition plan, that's an as-built survey of the property. Number 28 is this structure that is right here and number 30 is this structure that is right here; single-family residential, single-family residential, garage, garage.

Chairman Robert Dee: Which is accessory?

Mike Liguori: So, right now, they are two separate parcels.

Chairman Robert Dee: Right.

Mike Liguori: The only thing that is accessory is the garage to each house.

Chairman Robert Dee: Okay.

Mike Liguori: Okay and if you, let me just grab my book, I'll just give you some exact calculations.

Chairman Robert Dee: Are you going to put two new garages in?

Mike Liguori: Yes, yes. That's the, I'll get to the existing, the proposal in just a minute. Okay. So, both 28 and 30 are identical in land size; 28 is 15,850 square feet, 30 is also 15,850 square feet. And, as we made the board aware at the last meeting and also in our presentation documents, the bulk of these parcels are submerged in the Hudson River. So, if you see the blue, this is where our property line ends, out here into the river and then comes back. So, these are fairly long parcels of land and that's consistent with the parcels that are located in Manitou, which is the hamlet in which these properties are located.

Chairman Robert Dee: The blue is the water, is that what-

Mike Liguori: The blue is the water, but our title, we have fee title all the way out to this particular point.

Chairman Robert Dee: Correct. So, a portion of the lot is under water.

Mike Liguori: A good portion is under water, that's correct. So, at 28 we have an approximately 876 square foot single-family residential structure with a 396 square foot garage, that's this garage right here. Number 30, we have a 1497 square-foot single-family residential structure, two-story house, and a 396 square foot garage. The proposal is to, we've made application to the Zoning Board for a proposal to merge these two parcels into one parcel and to construct a new single-family residence within the northerly and southerly footprints of the existing, of what exists. So, the proposed new structures, new structure, it's a single-family residence. It's comprised of two buildings. We also have two garages. And the proposal is to relocate. So, here we are on 28, we're going to stay within the footprint of the northern property line on 28. We're gonna relocate the garage, which is presently about three feet away from the property line, to a point that's almost 13 feet away, so that garage is going to come in. On 30, we're going to stay within the side yard of the property to the south, the Matero property. We're going to maintain a 19, approximately 19 square foot distance and we're gonna enlarge this structure and if you see the gray, the gray is what exists and these lines overlay the gray to show you that enlargement. And that enlargement is what triggers the necessity for the special permit and that enlargement also triggers the need for the, quote unquote, relocation. So, there was, when I first got the application I was a little confused about that particular point, you know, what was it that triggered that, because it didn't seem to be very obvious, it didn't jump off the page at me as to what that was, but that is precisely what triggers those two requirements in the request for the variances. The board has our proposed architectural plans, so what I'm, I'm just gonna run through the variances and then I'll turn it over to Chuck for a few minutes, to just give you an idea of what's going to be built, and then I'll come back and really get into the test for the variances. But, so we've, we are, with our proposal, seeking to construct a single-family residential structure. That structure is going to be connected by a deck in between the two properties. That deck is designed so as to not be, not qualify as impervious surface. We were advised by the town's engineer and the building department, if we maintained a particular distance between the boards that we wouldn't trigger impervious coverage, so we sought to do that because it seems to be a very obvious benefit, as far as dealing with impervious surfaces and being so close to the river.

Chairman Robert Dee: Is that a deck or is that a walkway between the two structures?

Mike Liguori: It's a deck.

Chairman Robert Dee: How far is, is it above the ground?

Mike Liguori: It's above the ground.

Chairman Robert Dee: Okay, deck above the ground but it, but you have,

Mike Liguori: It connects both, yes, it connects the two structures.

Chairman Robert Dee: Right.

Mike Liguori: And Chuck will get into the architecture. The, this house is designed, it's designed to, in such a way with the windows, it operates together, whereas you can see into each structure from the interior. Its complete design is for a singular purpose.

Leonard Lim: Have you put the walkway in the square footage?

Mike Liguori: As far as requiring-

Leonard Lim: The total square footage. If it's enclosed, you gonna close the walkway?

Mike Liguori: No, we're not going to enclose the walkway. No. If we were to enclose the walkway, we would certainly have to include it in the square footage but because we are not enclosing it and because we are going to maintain a particular separation distance between the floorboards, we don't trigger the requirement for additional impervious surface.

Chairman Robert Dee: Okay. How long is the walkway? Do you know?

Mike Liguori: Chuck if you can, I'll just have you jump in for a minute.

Chairman Robert Dee: Alright. Just one question, the length of it.

Chuck Lembo: You're talking about-

Chairman Robert Dee: The walkway between the two houses.

Chuck Lembo: The deck?

Mike Liguori: Yeah, the deck.

Chairman Robert Dee: I'm talking about what connects the two houses.

Chuck Lembo: Yes, I understand.

Leonard Lim: Well it's a walkway, deck.

Chuck Lembo: It's a deck it's not a walkway. It's um-

Chairman Robert Dee: Are you gonna walk on it to get from one house to the other?

Chuck Lembo: Yes, it's-

Chairman Robert Dee: Okay.

Chuck Lembo: The distance between the two structures is 22 feet. So, this dimension is 22 feet.

Chairman Robert Dee: So, the walkway or deck whatever you want to say is 22 feet.

Chuck Lembo: Yes, and it's the depth of, it's about 31-foot six feet from where it starts and it ends in the back of this annex structure here.

Chairman Robert Dee: Okay. Quick question, I don't want to get too involved. If you made that deck or walkway or whatever you want to call it shorter, would you need all the variances?

Mike Liguori: If we made it shorter?

Chairman Robert Dee: Yeah.

Mike Liguori: No, no. So, let me just jump in and explain where the variances are triggered. No, the deck is not part of the, the deck is not relevant for purposes of-

Chairman Robert Dee: The deck is relevant. What I'm trying to say is, you're talking about one house.

Mike Liguori: That's right.

Chairman Robert Dee: Two structures.

Mike Liguori: Two – yes.

Chairman Robert Dee: Okay, you need variances.

Mike Liguori: That's right.

Chairman Robert Dee: If you put them closer together-

Mike Liguori: Understood.

Chairman Robert Dee: Would you need less variances?

Mike Liguori: Understood, yes. We, if the house was, if the two structures were brought together-

Chairman Robert Dee: Correct

Mike Liguori: We would require less of a variance on both the north and south side.

Chairman Robert Dee: That was my question, go ahead. You answered it.

Mike Liguori: Gotcha. Okay, so, the particular design and the variances that are needed the, I'll take it from 20, the north parcel first. We have a 20-foot side yard setback on this particular piece of property, it's non-conforming and, according to the regulations, that nonconformity in this particular area would trigger a 20-foot side yard. So, for the north property we have an existing 5' 9" setback to the north and we are proposing to maintain that exact 5' 9" setback, we're not encroaching any further into the setback than what already exists. For the garage, the existing garage is about 3 ½ feet, like I said earlier, when I first started talking, that existing garage is going to be moved out of the, not out of the setback but it'll be moved and be 12' 9" away from the northern property line. So, the nonconformity is being decreased from 3 feet to 12 feet, so we have an additional area that we are providing for that. The next variance for that garage is to, bear with me here. Okay, so the face of those garages, which are in this area here, those require a variance, there's a 60-foot requirement from the east property line, which would be the front property line, and those structures are proposed at 27 feet. That 27 feet represents, on number 30 almost exactly where the existing garage is, so we, we're able to almost identically maintain that. On the 28 we come out a little bit further into that setback but both are at the 27-foot mark. So, we come out a little further than what exists but maintain uniformity along the front line. We felt that that would be aesthetically important to have that uniform location. On 30 we have an existing, again we need a 20-foot setback. We have approximately 19 ½ feet, so we need one, we need half a foot of a variance for the 30 Hudson River Lane. And then as far as the garage goes, we don't need a variance for the garage for the side yard, it's just that front yard that triggers the variance requirement. The last variance that's required relates to the proposed deck to be constructed in the north west corner of the property. There's an exemption for a structure that's I believe up to 150 square feet, this covers 350 and it requires a permit and a variance in order for us to construct that. If it was at 150 square feet we'd be able to build it without triggering any variances. So-

Leonard Lim: That deck is going to be right up to the property line?

Mike Liguori: So the, which deck? The, so in the middle?

Leonard Lim: No, the one on the river.

Chairman Robert Dee: The one you just spoke about.

Mike Liguori: Oh yes. That is proposed to be located about six inches away from the property line to the north. And again, that's subject to a 20-foot variance, so we're right on the, right on the property line.

Chairman Robert Dee: Okay.

Adam Rodd: This would be, just so I'm clear, a deck to the rear of the property identified as 28 Hudson River?

Mike Liguori: That's correct.

Adam Rodd: And that's a rear deck?

Mike Liguori: That's a rear deck. It's an independent deck, it's not, obviously, not connected to anything.

CROSSTALK – INAUDIBLE

Mike Liguori: Wooden deck on the ground.

Adam Rodd: Okay and that would need a side yard variance?

Mike Liguori: Yeah. From our reading of the code, because of the size, it appeared to trigger a, the need for a variance.

Adam Rodd: So, 20 feet is required and the sideyard setback you're proposing for the standalone deck on 28 would be?

Mike Liguori: Six inches.

Adam Rodd: Six inches from the-

Mike Liguori: From the North property line.

Adam Rodd: Okay.

Mike Liguori: Right and if-

Leonard Lim: How far is that deck from the house?

Mike Liguori: That deck is, let me just take a look at the scale. So we have one inch equals, is it, is that the-

Chuck Lembo: That's 60, so about 90.

Mike Liguori: About 90 feet.

Chairman Robert Dee: Okay, so you want to put a standalone deck and you're looking for a 19 ½ foot variance.

Mike Liguori: That's correct.

Leonard Lim: Out of 20.

Chairman Robert Dee: Okay. Go ahead.

Mike Liguori: So those are the variances that are required. I'm gonna turn it over to Chuck as far as what the architectural is proposed to look like and then we'll come back and I'll address the criteria for the board.

Chuck Lembo: Good evening.

Chairman Robert Dee: Hi.

Chuck Lembo: Hi. Okay, so, the way this has been designed is that the structure on the 30 property is the main living area of the house; this one has a living room, kitchen, and a bedroom, bathroom. The building up here, the annex building is what we've been calling it, this is a library, a art studio, there's a bathroom, and then a spiral stair that runs up to a, we're calling it a view perch, it's more like an observation deck with a roof, like a roof patio.

Chairman Robert Dee: Is there a kitchen in there?

Chuck Lembo: No there is not and there's not proposed one either.

Leonard Lim: How many square feet is that observation deck?

Chuck Lembo: I believe it's, hold on a second. I think it's 133, hold on. It's actually enclosed, it's the second story of that house. It's 133 square feet.

Leonard Lim: And it's enclosed.

Chuck Lembo: Yeah.

Leonard Lim: Okay.

Chuck Lembo: The house lies in an AE7 flood zone so the finished floor is set at 10 feet. So, you have 2 foot of free board up to 9 feet and then the actual structure, the building, anything above free, anything below free board has to be flood resistant material so we're pushing it up another foot so we can have, another foot so we can have a wood frame floor and still be within the requirements of the state flood code. So that's why these are set at 10 feet, which is roughly 5 feet above grade. The grade is not meant to be regraded, it's just that the house will be, have a higher first floor than it currently has. And then the maximum, I believe we have 12-foot

ceilings. Both the main structure and most of the annex are one-story with a 12-foot ceiling and then another 3 feet of roof structure and a parapet on top, so the overall height, 22 feet from grade. And then there'll be this deck at the same level, 10 feet above, 10-foot elevation, 5 feet above grade that connects both buildings. So the main entrance would be to come, you'd park over here, you walk between the 2 garage structures, go up the steps, and then you would enter the house or the annex from this deck.

Chairman Robert Dee: Let me ask you a question. Looking at that, at your proposed photo there, the second building, what is that, the accessory building or what are you calling that? The one with the observation-

Chuck Lembo: This is the main house here and this, let me put this up. This is the main living structure here. This is the connecting and this is that annex building that houses the library, the art studio, the bathroom, and this small piece that pokes up above is the view, the observation-

Chairman Robert Dee: Observation room. What's the height for the observation deck to the ground. Or vice versa.

Chuck Lembo: That would be, the top of the roof is elevation 34, so it's 29 feet above grade, overall, here, this dimension is 29.

Chairman Robert Dee: From the top of that-

Chuck Lembo: To grade.

Chairman Robert Dee: To grade, it's gonna be 29 feet.

Chuck Lembo: Yes.

Chairman Robert Dee: Okay. Now that deck that runs between the two structures I guess, is there pilings on that deck? Is that what, how, you know I'm trying to look at it now.

Chuck Lembo: This is basically just, it's just a screened fence, like a decorative screening from the street with, you know, a gate, so-

Chairman Robert Dee: What's the height of that deck from the grade level?

Chuck Lembo: 5 feet. The deck level is even with the finished floor levels of both structures, so they're all 5 feet.

Chairman Robert Dee: Okay. And we said that, the length of that deck again was, I forgot.

Chuck Lembo: Say that again, I'm sorry?

Chairman Robert Dee: The length of that deck or the length of the walkway is?

Chuck Lembo: Hold on. The width between the structures is, it's 22 feet.

Chairman Robert Dee: Okay.

Chuck Lembo: 22 feet between.

Chairman Robert Dee: So, it's 22 feet long.

Chuck Lembo: Yes.

Chairman Robert Dee: Okay. That was my question about if it was made shorter you would -

Chuck Lembo: I understand now.

Chairman Robert Dee: Need less variances.

Chuck Lembo: Yes.

Chairman Robert Dee: Okay. And the garage is, do you show the garages in your proposed?

Chuck Lembo: The garages are ghosted in and honestly, they haven't really been designed yet. I mean they're basically just, they would, you know, emulate the same shape of the building, same similar materials, but they're just strictly used as a garage and for storage. They haven't, we haven't really delved into any type of design development yet. They're just schematic boxes at this point.

Chairman Robert Dee: Well we'd have to have that before we made any decision.

Chuck Lembo: Alright.

Chairman Robert Dee: Okay. Any questions on this?

Leonard Lim: Yeah. The numbers here are confusing to me. You have a proposed living space 2312.76.

Chuck Lembo: 2312, that's correct.

Leonard Lim: Okay and the existing you say is, what, 3165?

Mike Liguori: We, I made a mistake. I miscalculated the existing in the chart.

Leonard Lim: No wonder why my numbers don't add up.

Chairman Robert Dee: Can't make any mistakes here. Numbers, we'll check your numbers.

Leonard Lim: Then the application's wrong, if he doesn't have the right numbers in it.

Chairman Robert Dee: Well he's gonna correct that.

Mike Liguori: (Inaudible) wrong. All the variances requested are correct.

Chairman Robert Dee: Okay.

Leonard Lim: I still don't see the numbers adding up, I'm sorry.

Chairman Robert Dee: Okay. Let me ask you, I want to just ask you one question. Is this a "all in thing"? What I mean by that is, let's say the board felt that that deck in the back, standalone deck, that was too much of a variance. Does that kill your project?

Mike Liguori: I'd have to talk to the client. I'd ask them.

Chairman Robert Dee: What I'm trying to say is, you know, I'm asking because you know-

CROSSTALK – INAUDIBLE

Chairman Robert Dee: If it comes to where, let's just say at one point the deck is the, what turns it down, you know, you understanding, for the one piece, that's what I'm trying to say.

Mike Liguori: I completely understand.

Chairman Robert Dee: Okay. Well you ask your, and at the next meeting you can get back to me.

Mike Liguori: Fantastic.

Chairman Robert Dee: Okay.

Mike Liguori: So, I'll, you guys have any more questions for Chuck?

Chairman Robert Dee: No, I think, you got any more questions on that?

Leonard Lim: Well, the numbers. You have here there's gonna be 2180 gross square feet of living space?

Chuck Lembo: 2312.

Mike Liguori: 2312.

Leonard Lim: 2312. And how much for the storage, building storage or garage, anything?

Mike Liguori: Yeah, the garage is, total-

Chuck Lembo: 391?

Mike Liguori: That's correct. They total-

Leonard Lim: Go ahead, give me the total.

Mike Liguori: Okay. The total of the two is 792.

Leonard Lim: So that's over 3,100 square feet then, almost, right?

Chairman Robert Dee: Yeah.

Leonard Lim: But I don't, I don't see how- you have here it's gonna decrease the square footage by 852 feet?

Mike Liguori: I made a mistake in the existing column of the chart.

Chairman Robert Dee: Okay.

Mike Liguori: In the text, if you flip to the prior page, I lay out what the existing conditions are.

Chairman Robert Dee: All right well could you give us a real, another copy with the correct figures?

Mike Liguori: Yes, certainly.

Chairman Robert Dee: Sure, okay, no problem.

Leonard Lim: That's why my numbers are not adding up. Okay.

Mike Liguori: And, my apologies, I think what I did was, I had messed up the difference between the square footage of the area versus surfaces, living area versus surfaces, in that particular, in that chart.

Chairman Robert Dee: Okay.

Leonard Lim: So, you see where I'm coming from, the numbers just didn't add up at all.

Mike Liguori: Completely understand.

Chairman Robert Dee: Right and, like, you're talking about garages, and you're gonna, you're looking for a variance for a garage, correct?

Mike Liguori: We need a variance to have garages.

Chairman Robert Dee: Okay. We have to know what it looks like, okay? So there's way you're, there's no way in hell I'm gonna say to you, okay fine I'll give you a variance for a garage, we have no idea what it even looks like.

Mike Liguori: Understood.

Chairman Robert Dee: So, there's a lot of things missing here, in this puzzle, okay? I know, I see you got six letters for, in favor.

Mike Liguori: That's right.

Chairman Robert Dee: I think, right?

Mike Liguori: Yes.

Chairman Robert Dee: Alright, that's a tie, you got six against, okay? There's a letter in here from, a seven-page letter, from six neighbors who have a lot of concerns.

Mike Liguori: Right, we have a copy of that letter which we'd like to go through. Obviously, if you'd open the public hearing, certainly we'd hope you-

Chairman Robert Dee: I don't know if we have to go through it tonight because I'll tell you, there's a lot here missing. First of all, I wouldn't even want to look at this without an approval from the wetlands board, Conservation Board.

Mike Liguori: Can we talk about that for a minute?

Chairman Robert Dee: Sure.

Mike Liguori: Okay. I wanted to touch on that in particular because it's very important for us to tackle the Zoning Board at the outset. And the rationale is, you know, particularly from an environmental perspective, is that there's still a lot left to do municipally, as far as approvals go after the zoning board. We don't, we, let's say, hypothetically, you know, variances were granted for the project. Next stop would be the Conservation Commission, we'd also deal with the DEC and the Army Corps of Engineers. It's not zoning board then building permit. So, respectfully, we also don't believe that the claim of the neighbors that we're gonna have a significant, you know, environmental impact by our project, there's no basis that forth, you know, in their letter with any, you know, professional support. If you take a step back and say, hey what's going on here, we have a new house that's going to get built on Hudson River Lane. There have been a number of reconstructions that have gone on on Hudson River Lane, including by all of the people that have complained in that particular letter. There's either been renovation or construction of some sort. So, just taking a step back and saying, hey what's really going on here, we have a construction of a single-family residence on a piece of property that's next to the Hudson River. In our opinion, you know, that's not particularly unique to any of the properties that exist on the river, but more importantly is that the Conservation Commission will dive into the environmental aspect of the construction and make sure that we have an erosion and

sedimentation control plan, take a look at where the well is, examine what we have, you know, been able to get conditionally approved by the Health Department. So, what we'd like to do, and the reason why we tackled the Zoning Board first is, you drive our design. We don't know what our zoning is, what our setbacks are, until we finish with the Zoning Board of Appeals, and it's a heavy-lift, it's an expensive project. And the risk is, we spend a lot of money on design, right, we satisfy the Conservation Commission, hypothetically, and then we get here and we don't have success here at the Zoning Board. So, the thought was, and the rationale is, let's tackle the Zoning Board. We can make the Zoning Board aware, I think you guys are fully aware that if the next lap was the Conservation Commission, you guys don't lock in anybody. All you do is set our parameters for zoning purposes. If we don't satisfy the Conservation Commission, its end of story, we don't go anywhere. We, you know, we basically go back to the drawing board and say is there another way to tackle this thing that doesn't require variances or, frankly, is there another way to tackle this thing that would satisfy the Conservation Commission. So, for us, it's, getting that lockdown is critical and for you guys, I think you can feel comfortable knowing that the Conservation Commission is going to do the deep dive on the environmental review that's required. And it's not to say you guys would put off any environmental review. I, frankly, the appropriate thing to do is to take a look at this thing, look at the area variances, see if the area variances do create some environmental impact, that's clearly part of the test. But the construction is really what, in our opinion, it's the construction and the impact of the construction that we believe the Conservation Commission is going to be looking at in depth, in order to determine whether or not there's going to be an environmental impact. So, we think you guys should feel comfortable knowing that they would come next, that we're not getting around anything, it's where we would end up immediately after here, and them simultaneously with DEC and Army Corps. So, with that ahead of us, I don't think we need to hang back with the Zoning Board until they're all done, because to spend all that money, have all those drawings designed, have John do all of our civil engineering, create all those plans, and then get here and not have success, would be a really inefficient use of resources. That's why we chose to come here first.

Chairman Robert Dee: Okay. Were you here at last month's meeting?

Mike Liguori: I was.

Chairman Robert Dee: Okay and did you hear the gentlemen that had a pool, wanted to put a pool in down on Hudson River Lane?

Mike Liguori: I did and I know he went to the conservation first.

Chairman Robert Dee: He went to Conservation first.

Mike Liguori: He did. That's correct.

Chairman Robert Dee: You're going to do the same thing here. We're not going to look at this until it goes before the Conservation Board, okay? You explained this, you got to, there's a couple, there's a lot of things missing, okay? We want to see the garages. I know it's an expense, I understand it and I can understand not wanting to do it, I understand. But we can't just do it. I

mean, if I'm gonna send a pool to the Conservation Board before we vote on it, I'm certainly going to send a house to the Conservation Board before we vote on it.

Leonard Lim: 2 houses.

Chairman Robert Dee: 2 houses, well-

Mike Liguori: It's one house.

Chairman Robert Dee: One house. It's one house with a bridge but, so that's would be my opinion. My opinion is that we're going to keep the meeting open until such a time and I'll tell you the other thing makes me uncomfortable is the property is not joined together. I understand what you're saying, you know, that they want, you know, don't spend the money-

Mike Liguori: Can you get advice from your attorney on that? Because you're uncomfortable but there isn't a basis for the uncomfotability. You have-

Chairman Robert Dee: Well, yeah, I'll tell you what- there is a basis, because I've got two separate lots. So, let's, we'll have to do, write the whole thing over, and you want variances on two separate lots. You're asking me to give variances as one piece, is that correct?

Mike Liguori: Chairman Dee-

Chairman Robert Dee: I'm, answer my question please. I asked you, are you asking me to give variances as if it's one piece?

Mike Liguori: No, because the variances don't take effect until the lots get merged. They legally do not take effect.

Chairman Robert Dee: Okay.

Mike Liguori: Look they're-

Chairman Robert Dee: We're gonna keep this open, we're gonna keep this open, okay, until such a time that you come back here with a approval from the Conservation Board.

Mike Liguori: Okay. So, is, are you going to open the public hearing or are we not going to open the public hearing?

Chairman Robert Dee: At this point time no, I'm not going to open the public hearing.

Mike Liguori: Okay.

Chairman Robert Dee: Well, no I have to open the public hearing because, and I'll have, to keep it open I would have to open the public hearing, yes. I can't-

Adam Rodd: Well just to clarify, this was noticed for today for the commencement of a public hearing. So, we started the public hearing, we received testimony. The Chairman, as I understand it, would like to get input from the Conservation Board on the proposal, similar to the last application that was made on Hudson River Lane, where they needed a Conservation Board approval. So, the public hearing would be kept open-

Mike Liguori: Well it hasn't been opened, there hasn't been a resolution to open the public hearing. I mean, if the board voted to open the public hearing, unless you say it's customary for the board to just come in and it's open-

Chairman Robert Dee: Well, it's customary for here, with the application-

Mike Liguori: My experience has been, the board makes a motion to open the public hearing.

Adam Rodd: Maybe I am misunderstanding but at the last public, at the last meeting it was a review for completeness.

Mike Liguori: Correct.

Adam Rodd: And I believe the Board determined that the application, at that point, was complete.

Mike Liguori: Right.

Adam Rodd: It was then noticed, and I see it on the agenda unless there's a misprint, that this is a public hearing for 28 and 30 Hudson River-

Mike Liguori: I get, my question is, is it customary for the board to take a vote to open the public hearing or is it just, it is what it is. It is the public hearing? The board doesn't-

Adam Rodd: Yeah, I guess to answer your question, it is what it is. We voted that it was complete-

Mike Liguori: Okay.

Adam Rodd: At the last meeting, it was noticed for today, so the public hearing commenced. You gave testimony at the part of the, the public hearing.

Mike Liguori: Okay.

Adam Rodd: And I believe that the board wants to get input from the Conservation Board as to those issues. So, we're gonna, I would suggest that, obviously, you keep the public hearing open, this public hearing.

Mike Liguori: That's fine, I just wasn't sure if it was officially opened or you opened it before he turned it over to the public. That's all and the reason why it was relevant is that, if it hadn't

officially been opened and we had to go to Conservation Commission before coming back, you might have required a re-noticing depending on time. I was really just drawing down on what would technically be required.

Chairman Robert Dee: No, it's open.

Mike Liguori: Okay.

Chairman Robert Dee: Okay, is there anything else you'd like to speak on?

Mike Liguori: I guess the question is if you want me to address any of the criteria or if you want to just wait until we-

Chairman Robert Dee: I think, you know, I think you, you've covered mostly everything. I think, you could say the reason the conservation board has to look at this before we look at it because there's a big part of it is underwater, I mean, you know, it is a flood area.

Mike Liguori: Yeah, that we understand. I mean, you know, there's no construction proposed in the underwater part.

Chairman Robert Dee: Right, so (inaudible) sent the pool, a fellow to put a pool, down to Conservation Board, you know, I'm gonna send a house, that's for sure, okay, to look at it. And you're gonna have to come back with the garages, plans for the garages because we certainly can't give a variance on something we don't know what it's gonna look like. All right. Anybody in the audience want to speak to this here tonight? No? Okay. All right we're gonna keep the public hearing open. Any questions from the board? Okay.

Mike Liguori: Thank you.

Chairman Robert Dee: Thank you sir. At this time, I'll make the motion we close.

Leonard Lim: Second.

Chairman Robert Dee: Second, alright. All in favor?

Leonard Lim: Aye.

Granite Frisenda: Aye.

Chairman Robert Dee: Aye. Okay.

(The meeting adjourned at 8:26 pm by a unanimous decision.)

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

DATE APPROVED: _____

Respectfully submitted,

Tara K. Percacciolo
Secretary



Town of Philipstown

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

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

Gregory Rathe
167 rt 301
Cold Spring NY

5/24/2018

Re: Proposed Garage
Location: 28 Hudson Way
Tax# 38.-3-87.1

Included:

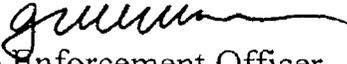
1. Application for building permit
2. Plans for proposed Garage
3. Site plan showing proposed location

The application proposes a detached garage located 30' off North property line.
The Proposed structure is 2000 square feet.

The Town of Philipstown Code Chapter 175-10 (D) states in part
"attached garages associated with single family residences shall not exceed 1000 sf
In foot print area"

Since the proposed garage does not comply with the requirements of the code,
The application is DENIED.

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

Greg Wunner

Code Enforcement Officer

APPEAL # _____ Tax Map # 38.-3-87.1

Final hearing date _____ Zoning Board decision APPROVED / DENIED

Date application submitted 6/1/13

Application fee \$ 100 Escrow \$ _____ Received by _____

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

I (we), GREGORY + SAMANTHA RAHE

residing at 167 ROUTE 301, COLD SPRING NY 10516

Telephone: home 917 579 0555 business 212 620 5555

HEREBY appeal the decision of (name and title) _____

whereby he/she

GRANTED _____ DENIED _____ a BUILDING PERMIT _____ a CERTIFICATE OF OCCUPANCY _____

For _____

To _____

of _____

For property at tax map # _____ in zoning district _____

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

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

28 HUDSON WAY,
COLD SPRING, NY,
10516

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

32 HUDSON WAY
167 ROUTE 301

3. PROVISIONS OF ZONING CODE INVOLVED (give Article, Section, Sub-section, paragraph by number, Do not quote text of code)

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

NO

TYPE OF APPEAL:

_____ an INTERPRETATION of the Zoning Code or Maps

a VARIANCE from the Zoning Code

_____ a SPECIAL USE PERMIT under the Zoning Code

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

(a) INTERPRETATION of the Zoning Code is requested

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

~~BAR~~ / GARAGE EXISTED ON PROPERTY
UNTIL 2014, SCALE 30 X 60.

REPLACE ~~BAR~~ / GARAGE WITH
NEW CONSTRUCTION.

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

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

BARN / PERMISSION TO BUILD
GARAGE 35 X 60.

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

- PREVIOUS EXISTING GARAGE (BARN).
- 30' FROM PROPERTY LINE.
- PROPERTY CONSISTS OF 8+ ACRES

(c) a SPECIAL USE PERMIT is requested:

(1) The reason the permit is requested: DUE TO SCALE.

(2) An exact statement of use for which the permit is requested: BARN AND
GARAGE USE.

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

PHILIPSTOWN ZONING BOARD OF APPEALS
SUPPLEMENTAL WORKSHEET FOR AREA VARIANCE APPLICANTS

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

FACTORS TO BE CONSIDERED BY THE BOARD

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

How close are nearby structures? - Will your structure be visible to others or will it block a view? - Do you propose exterior lights?

POSITIONED TO BE 30'
FROM PROPERTY LINE. WILL NOT BE SEEN
FROM ANY OTHER BUILDINGS/PROPERTY.

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

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

NONE -

2. If you didn't get the variance, how else could you build what you want or accomplish your goal?

For example: different location or design; shorter fence; smaller deck; smaller overhang or addition?

VARIANCE IS FOR SCALE.

3. What is Code requirement you seek to vary?

How large of a variance do you seek?

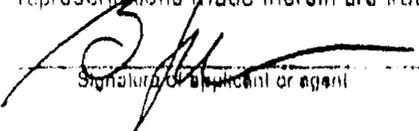
4. What impact or effect will the variance have on the current physical and environmental conditions in the area? Is there grading (or blasting) proposed? - Will you be paving previously unpaved surfaces? - Are you proposing to remove any vegetation? - Are there wetlands or other watercourses on site? - Will normal drainage patterns be affected? - How close are the nearest wells and septic systems? - Will the proposed use or activity produce emissions (noise or odors)? - Will traffic be increased? - Is the area considered scenic?

REMOVAL OF 5-6 TREES.

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

STATE OF NEW YORK, COUNTY OF PUTNAM

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


Signature of applicant or agent

Sworn before me this 1 day of June 2008

Notary, Putnam County New York


LINDA M. VALENTINO
Notary Public, State of New York
No. 01VA6056840
Qualified in Putnam County
Commission Expires April 2, 2019

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

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

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

Form 3264

Standard N.Y.B.T.U. Form 8001 - Given and Sent, National Government Agents' Stamp - Acknowledgment

CHARLES BAUGH, CO-TRUSTEE

LAWRENCE R. HAUT, CO-TRUSTEE

[Handwritten signatures]

[Large handwritten signature]

IN PRESENCE OF

WITNESS

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

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

[Extremely faint and mostly illegible text, likely the main body of the deed or trust agreement.]

For Linda, thank you, Greg

For Linda, thank you, Greg

Date: 6/1/2018 8:43 AM

From: Gregory Raths <gregory@lhdiplayers.com>

Subject: Deed for 28 Hudson Way

Deed for 28 Hudson Way

STATE OF NEW YORK
COUNTY OF PHILIPSTOWN

All those certain acres of land situated in the County of PHILIPSTOWN, COUNTY OF PHILIPSTOWN, State of New York, known and designated as Lot 1 of Block No. 4 of a certain subdivision "Hudsonway Plaza" approved by the "Board of Health" dated June 2, 2000, and dated September 14, 2000 and filed in the Philipstown Clerk's Office, Division of Land Records, on January 13, 2001 in New York County and designated as follows:

BEGINNING at the point of the southerly line of New York State Route 307, also known as State Highway 1369, as established by the New York State Department of Transportation on March 19, 1999 reconstruction of State New York Highway 1369, that occupies coordinate notation North 522,673.36 (N) East 309,317.06 (E) of the New York State Coordinate System East Zone (NY 40, 1927), which point is situated the following (3) courses and distances:

1. North 377,000.00 East 372.40 feet
2. North 580,000.00 East 28.36 feet and
3. North 450,000.00 East 375.70 feet

From the point where the said southerly line of New York State 307 is intersected by the line dividing the lands so conveyed to Manning, and the northerly line thereof northerly of Elizabeth Todd Hasley and northerly of Gibson and Manly (previously dated July 13, 1966 and 1977, and previously identified as part of subdivision (a) (Lawrence)), on the southerly line that occupies coordinate notation North 522,673.36 (N) East 309,317.06 (E) of the said New York Coordinate System, East Zone:

FINANCING AGREEMENT in and to the said southerly line and southerly line of New York State Route 307, also known as State Highway 1369, as established by the New York State Department of Transportation on March 19, 1999 reconstruction of State New York Highway 1369, that occupies coordinate notation North 522,673.36 (N) East 309,317.06 (E) of the said New York Coordinate System, East Zone:

1. North 450,000.00 East 375.70 feet
2. North 580,000.00 East 28.36 feet
3. North 377,000.00 East 372.40 feet
4. North 450,000.00 East 375.70 feet
5. North 580,000.00 East 28.36 feet
6. North 377,000.00 East 372.40 feet

WARRANTY OF TITLE

The Grantor warrants that the title to the premises described in this deed is his own, that he has the right to sell the same, that the same are not subject to any lien or encumbrance, and that he has the right to execute this deed.

WARRANTY OF TITLE (continued)

- 1. South 027 028 029 West 028 029 030 East
- 2. South 027 028 029 West 028 029 030 East

WARRANTY OF TITLE (continued) The Grantor warrants that the premises described in this deed are not subject to any lien or encumbrance, and that he has the right to execute this deed.

- 1. South 027 028 029 West 028 029 030 East
- 2. South 027 028 029 West 028 029 030 East
- 3. South 027 028 029 West 028 029 030 East
- 4. South 027 028 029 West 028 029 030 East

WARRANTY OF TITLE (continued) The Grantor warrants that the premises described in this deed are not subject to any lien or encumbrance, and that he has the right to execute this deed.

- 1. South 027 028 029 West 028 029 030 East
- 2. North 027 028 029 West 028 029 030 East
- 3. South 027 028 029 West 028 029 030 East
- 4. South 027 028 029 West 028 029 030 East
- 5. South 027 028 029 West 028 029 030 East

WARRANTY OF TITLE (continued) The Grantor warrants that the premises described in this deed are not subject to any lien or encumbrance, and that he has the right to execute this deed.

- 1. North 027 028 029 West 028 029 030 East
- 2. North 027 028 029 West 028 029 030 East

RECORDED
IN THE OFFICE OF THE CLERK OF THE SUPREME COURT
IN AND FOR THE COUNTY OF ALBANY
ON 02/14/2022

THIS DEED WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE SUPREME COURT IN AND FOR THE COUNTY OF ALBANY ON FEBRUARY 14, 2022 AT 10:00 AM. THE DEED WAS FILED BY THE ALBANY COUNTY CLERK'S OFFICE.

Albany County, New York
In the County of Albany, State of New York, I, the undersigned, being duly qualified, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the County of Albany, New York.

Beneficial State Bank
Without Government
Title No. 21596
Handwritten and AS, Pa

THIS DEED WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE SUPREME COURT IN AND FOR THE COUNTY OF ALBANY ON FEBRUARY 14, 2022 AT 10:00 AM. THE DEED WAS FILED BY THE ALBANY COUNTY CLERK'S OFFICE.

Albany County, New York
In the County of Albany, State of New York, I, the undersigned, being duly qualified, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the County of Albany, New York.

RECORDED AT REQUEST
DPR/C/GEAKY
PC BOX 26
PERKINSVILLE, NY 12968
914.366.8700
RETURN BY MAIL TO

TOWN OF PHILIPSTOWN
333 Main Street, PO Box 188
Gold Spring, NY 10818
(848)266-8202 / (848) 266-2687 fax

CERTIFICATE OF OCCUPANCY

SEC-BLK-LOT: 89/38.-3-87.1

Permit No : 2014:11467

CO/CC Issue Date: 12/22/2014

CO/CC Number : 2014:11467

OWNER'S NAME: BANK OF AMERICA
& ADDRESS 214 NORTH TRYON STREET
21ST FLOOR
CHARLOTTE, NC 28255

Location of project : 28 HUDSON WAY

WORK DESCRIPTION : DEMOLITION OF CARRIAGE HOUSE (GARAGE) 25' X 65'

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

ISSUED BY :


Code Enforcement Officer

NOT VALID UNLESS SIGNED IN INK BY A DULY AUTHORIZED AGENT AND
UNDER THE SEAL OF THE TOWN OF PHILIPSTOWN

CERTIFICATE OF OCCUPANCY

new # 38-3-87 6289

Philipstown Tax Map 39 Block 2 Lot 2

Location of Premises Rt 301 opposite Jaycox Cold Spring

Michael Mastroangelo of same address having

heretofore filed an application for a building permit pursuant to the Zoning Law, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee therefore and the undersigned having by inspection ascertained that the applicant has subsequently proceeded with the erection or improvement of the proposed structure in compliance with the requirements of the laws as aforementioned and that the said work and materials met every requirement of the laws as aforementioned and that the premises have now been fully completed and are ready for occupancy pursuant to the provisions of law. Now, therefore, this certificate of

occupancy is hereby issued under the seal of the Town of Philipstown this 29 day of Dec, 1990

Sw 5th pool built prior to 1977 20' x 40' in ground

TOWN OF PHILIPSTOWN, NEW YORK

Not valid unless signed in ink by a duly authorized agent and under the seal of the Town of Philipstown.

By [Signature] BUILDING INSPECTOR

The Cold Spring Press, Cold Spring, NY

BUILDING PERMIT S Riverside Drive NY NY 70023 6289

Philipstown Tax Map 39 Block 2 Lot 2

Location of Premises Rt 301 opposite Jaycox

Michael F Mastroangelo of same address havir

heretofore filed an application for a building permit pursuant to the Zoning Law, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee in the su of \$ 50 minimum, it appearing from the said application that the proposed improvement is intended to and will comply with the requirements of the law as aforementioned, a building permit hereby granted this 29 day of Dec, 1990.

Additional information: Sw 5th in ground pool built prior to 1977

TOWN OF PHILIPSTOWN, NEW YORK

Not valid unless signed in ink by a duly authorized agent and under the seal of the Town of Philipstown.

By [Signature] BUILDING INSPECTOR

The Cold Spring Press, Cold Spring, NY

487

BUILDING DEPARTMENT

TOWN OF PHILIPSTOWN

TOWN HALL, COLD SPRING, N. Y. 10516

TEL. 265-3329

Certificate of Occupancy

CONFORMING AND
FOR EXISTING NON-CONFORMING USE

New 38-3-87
TM 39-2-2

Date MARCH 7, 19 89

THIS CERTIFIES premises owned by MICHAEL F. MASTRANGELO, located at PHILIPSTOWN ROUTE 301, COLD SPRING, N.Y. 10516 and described as R-40

were in existence and used as A ONE OR TWO FAMILY RESIDENCE OR DWELLING on April 23, 1957, the effective date of the Zoning Ordinance of the Town of Philipstown; that such premises and use continue unchanged to the date hereof and are an existing non-conforming use under and subject to the provisions of said Ordinance, and the amendments thereto.

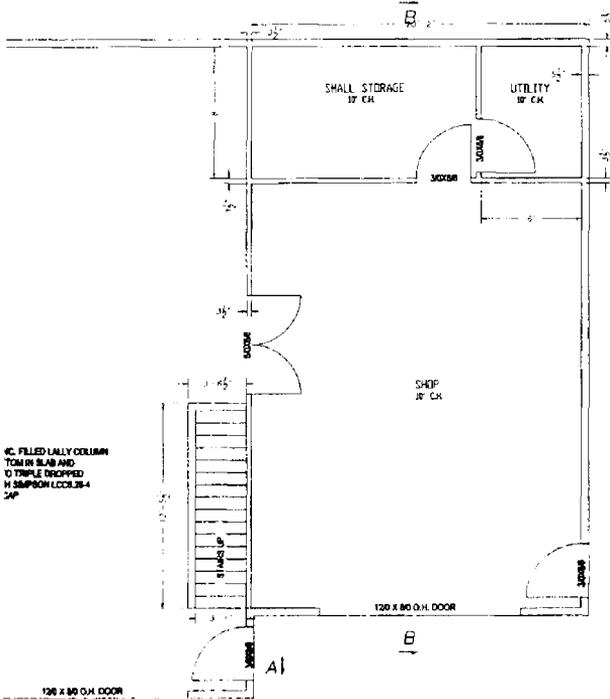
This certificate is issued in that said premises are in a R-40 District and
 Are being used as RESIDENCE Lot area is 20 acres ft. Width of lot is ft. Total percentage of lot covered is 4.1%

- Yard dimensions are: Front 220'; Side 170'; Rear 200'
- Accessory building or use is (GAR. BARN) - (TOOL SHED) (CART SHED)
- Other (CHICKEN COOP) - (STONE LEAN TO) (STONE PUMP HOUSE)
- Accessory building or use is (GAR. BARN) TRACTOR STORAGE
- Other (TOOL SHED) STONE LEAN TOOLS (ATT SHED) GAR
- Accessory building or use is (CHICKEN COOP) STONE FIRE WOOD
- Other (STONE LEAN TO) IN FIELD
- Accessory building or use is (PUMP HOUSE) WATER SUPPLY (DOG HOUSE)
- Other

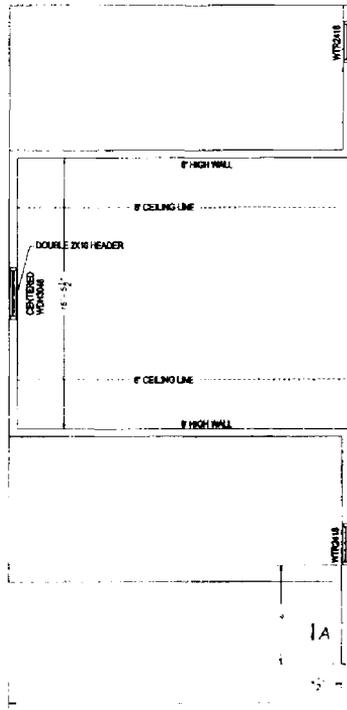
Applicant acquired premises from Wm & Mary Perry, by deed dated JUNE 15, 1977 and recorded in the Putnam County Clerk's office on JUNE 24, 1977 in Liber 467, Page 878 p. 435

Now, therefore, this Certificate of Occupancy is issued under the seal of the Town of Philipstown, this .. 8 day of March, 19 89

Issued to Michael F. Mastrangeolo
Fee: \$18.00

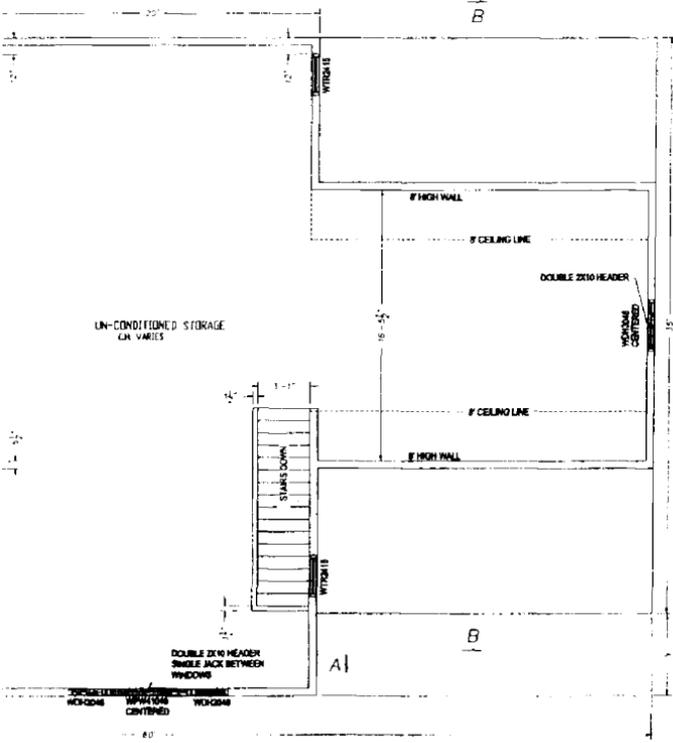


IC FILLED LALLY COLUMN
 TOP IN SLAB AND
 10 TRIPLE RIPPED
 H SAMPSON LCC0238-4
 CAP



FIRST LEVEL FLOOR PLAN

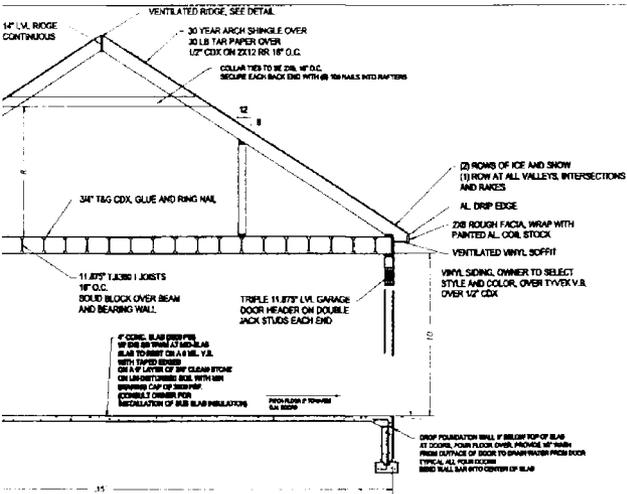
1/24/81-8



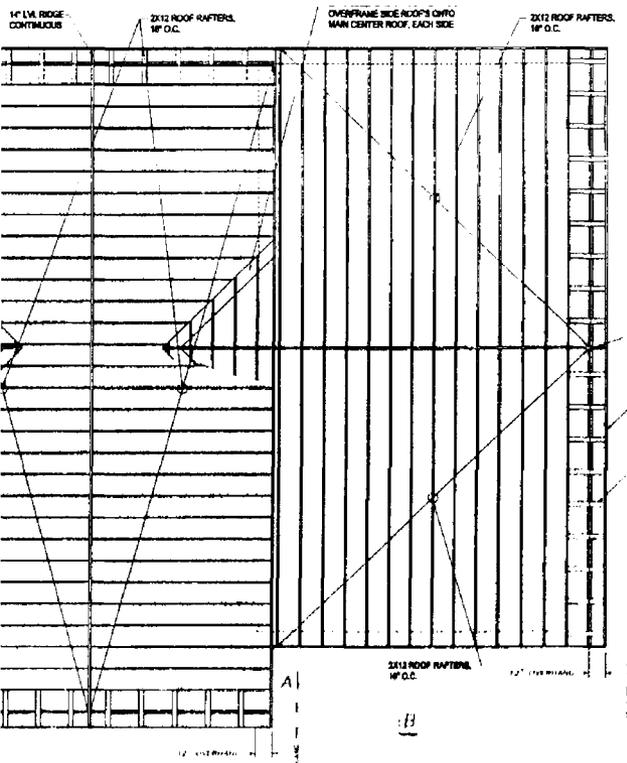
UPPER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

ALL WINDOWS ARE SHOWN AS
ANDERSEN 400 SERIES
VERIFY WITH OWNER PRIOR TO
CONSTRUCTION

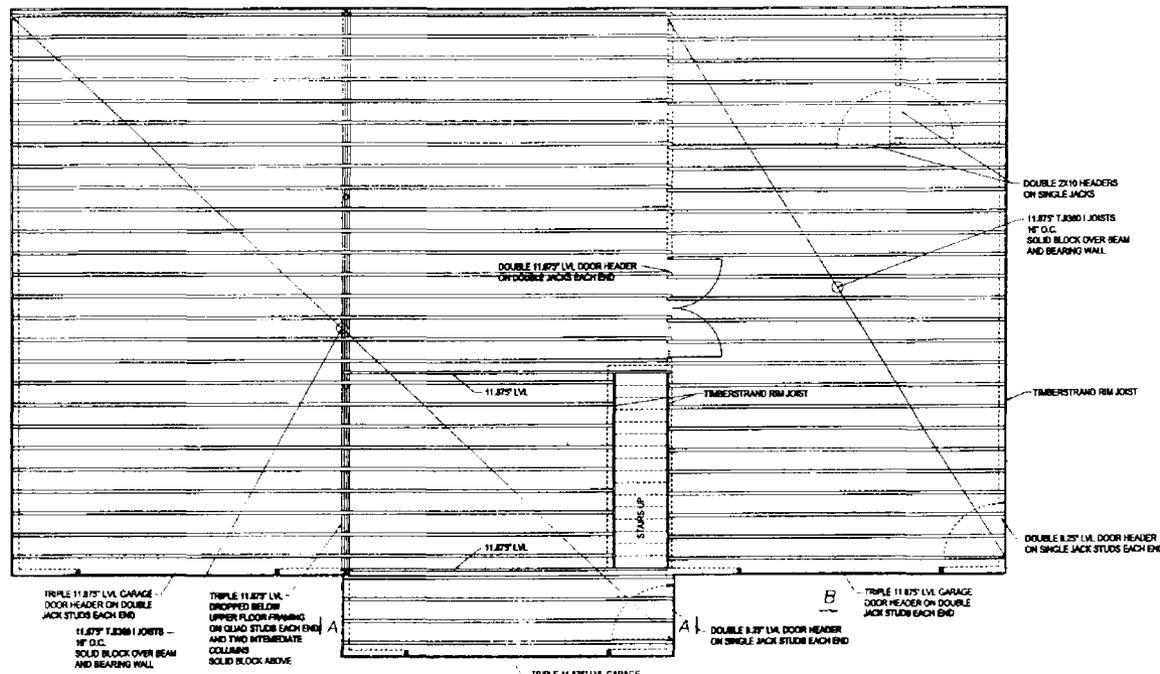
1	5/21*/18 Initial Release
No.	Date: Description:
<i>Two Story Barn</i>	
 MICHAEL P. CARR P.E. Consulting Engineer 14 Woodland Drive Saratoga, NY 12858 Phone: 518-584-4777 email: mcarr@carcorp.com	
CLIENT: Gregory Balle 38 Jackson Way Can Spring, NY 12018	
LOCATION: Town of Philipstown Putnam County	
	372



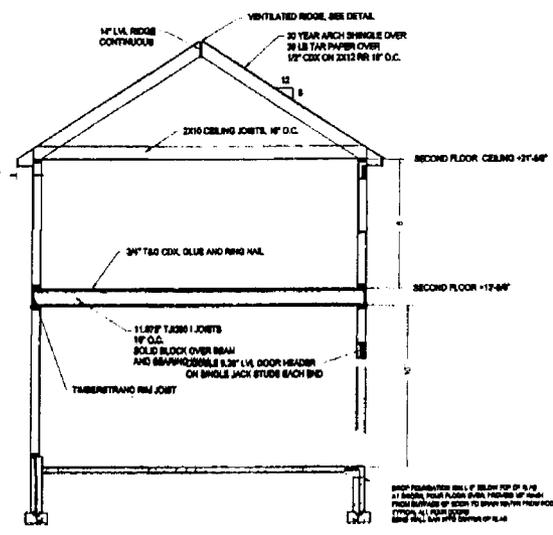
SECTION B-B
SCALE: 1/4"=1'-0"



ROOF FRAMING PLAN
SCALE: 1/4"=1'-0"



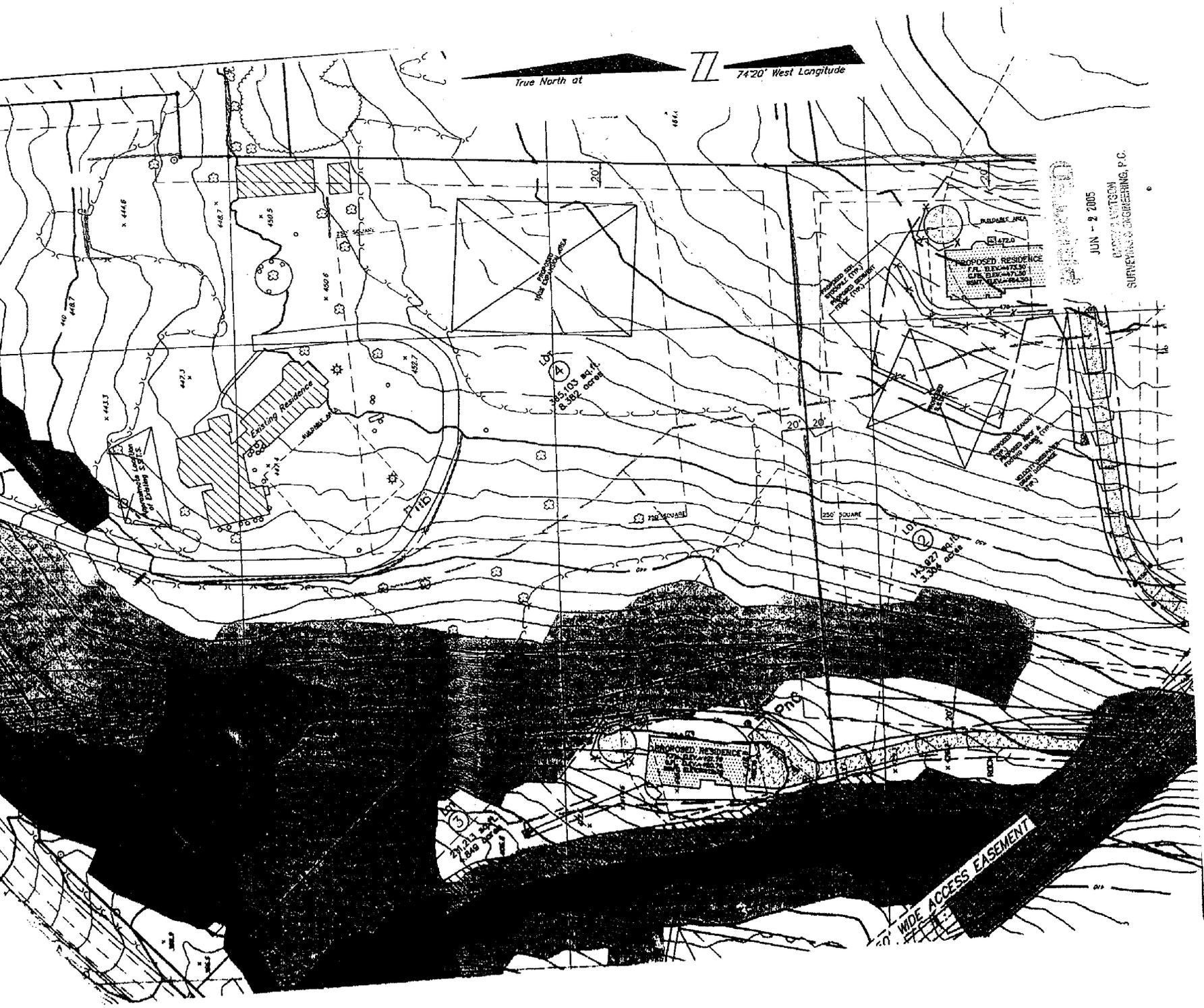
UPPER LEVEL FRAMING PLAN
SCALE: 1/4"=1'-0"



SECTION A-A
SCALE: 1/4"=1'-0"

1	5/14/18	Initial Release
No.	Date:	Description:
Two Story Barn		
MICHAEL P. CORR P.E. Consulting Engineer 15 Woodland Drive Marlton, NJ 08053 Phone: 609-584-9170 email: mcorr@mpcorr.com		
CLIENT:	Gregory Ruffo 28 Hudson Way Coff Spring, NY 10818	
LOCATION:	Town of Philipstown Putnam County	
PROJECT NO.:	374	

True North at  74°20' West Longitude



2016

Garage

28 Hudson Way

Google Earth
Year 2013
Date 9/19/13

Google Earth

Imagery Date: 9/19/2013 41°25'59.30" N 73°55'51.42" W elev. 450 ft. eye alt. 8100 ft.

28 Hudson Way



Google Earth
Year 2016
Date 4/16/16

Imagery Date: 4/16/2016 41°26'01.42" N

30' to property line

Proposed
New Garage
Location

28 Hudson Way

Google Earth
Year 2016
Date 4/16/16

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Zoning Board of Appeals of the Town of Philipstown on Monday June 11, 2018 at 7:30 P.M. at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York to hear the following appeal:

Leonard & Karen Lindros, 593 Route 9D, Garrison, TM# 81.-1-33. The applicants are seeking approval to build a new, 24 x 24-foot, detached garage which requires a variance for a sideyard setback. The applicant is proposing a setback of 10 feet, where 30 feet is required under the Town of Philipstown Code Chapter 175 Dimensional Table. The property is located in the RR Zoning District.

At said hearing all persons will have the right to be heard. Copies of the application, plat map, and other related materials may be seen in the Office of the Building Department, 2 Cedar Street, Cold Spring, New York.

Dated 5/25/2018

ZB-69 Hy Vue - WARD

Date: 5/14/18

To: Town of Philipstown
Zoning Board of Appeals
238 Main St.
Cold Spring, NY 10516

RE: The Ward residence
69 Hy Vue Terrace
Cold Spring, NY 10516

To Whom It May Concern,

I am writing to express my strong support for the proposed construction of the single story garage on the property of my neighbors Dan & Rebecca Ward located at #69 Hy Vue Terrace, Cold Spring, NY TM#27.8-1-47 which is currently under your review. I have examined their construction plan and would like to express my full endorsement of the variance approval being sought from the Zoning Board of Appeals for the project. I feel that the proposed structure will be in keeping with the neighborhood as a whole and knowing Dan & Rebecca for many years, I have the utmost confidence that the project will be done properly and with the purest of intent for the final intended use. Please feel free to contact me with any questions/ concerns.

Regards,


Kenny Barton, Owner

60 Hy Vue Terrace
Cold Spring, NY 10516
(914) 403-5147