

ZONING BOARD OF APPEALS

October 20, 2014

MINUTES

Present: Robert Dee (Chairman)
Vincent Cestone
Lenny Lim
William Flaherty
Paula Clair
Taylor Palmer (ZBA Council)
Tina Andress- Landolfi (Secretary)

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday October 20, 2014 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.

The Pledge Of Allegiance was said.

Robert Dee- I ma going to go out of order here. I would like to ask Mr. and Mrs. Estvanik first. 125 Old Albany post rd. At last moths meeting we asked you for a few different things. Do you remember what they were?

Joseph Estvanik - Yes I do. One was stamped survey by engineer with deck, list of adjoiners, and letters from neighbors if any.

Robert Dee- Yes we got those.

Joseph Estvanik- The deed with the property record. Those were the three things.

Robert Dee- Ok. Is this what you gave us? (He hands Mr. Estvanik copies of what he had)

Joseph Estvanik- Yes, but I don't see the stamped copy.

Tina Andress- Landolfi- Yes I have the original copy and the Building Inspector has the other.

Robert Dee- We asked for six copies.

Joseph Estvanik- She said to give at least two stamped copies, and the rest did not have to be.

Tina Andress- Landolfi- Yes I did.

Robert Dee- Ok who told you that?

Joseph Estvanik- Tina

Tina Andress- Landolfi- I did

Joseph Estvanik- Would you like to see a copy of it?

Robert Dee- No that is fine if she has them. I have a problem with this, and I will tell you why. For example we have a second application and these are his plans. I would like you to take a look at that.

Joseph Estvanik- Ok

Robert Dee- This is not that.

Joseph Estvanik- What I was told specifically by you and everyone else here and I was very clear when asking so that I would not have to come back again. You told me that I needed that copy that I drew from scale from my survey that I had, and I drew my to scale deck on it, and you told me no, it needs to be stamped by a engineered architect, same thing with seal. So I had him draw it up and payed him money to take care of that, and that is what I submitted.

Robert Dee- That is not a deck it is a square.

Joseph Estvanik- What copy do you have sir?

Robert Dee- I have this one here.

Joseph Estvanik- That is exactly what the deck is, and if you want specifics let me show you.

Robert Dee- I saw the ones you did by hand, and that is up to the building inspector. That is not our concern.

Joseph Estvanik- That is the detailed drawing.

Robert Dee- That should be on here.

Joseph Estvanik- Did you see my survey?

Robert Dee- Yes I have it here.

Joseph Estvanik- That is no different than what I handed you. It does not have to look like someone else's survey with detailed drawings on it. I gave those drawings to the building department with the details of the proposed deck.

Robert Dee- Yes but on the survey you don't show the deck, do you?

Joseph Estvanik- That is not the one. The one you have there has the seal. Do you see the deck right there.

Robert Dee- It is a square.

Joseph Estvanik- It has the size and setbacks on it. That is what I was told I needed. It is a simple square, that is all I am asking for.

Vincent Cestone- It does not have the setbacks on it.

Joseph Estvanik- Yes it does.

Vincent Cestone- Actually it does not.

Taylor Palmer- Mr. Chairman if I may, I will read the provision that is in the Towns Code that is specific to the requirements for any submissions of a variance to the towns Zoning Board of Appeals section 175-59 subsection B subsection 2. All applications for variances shall be submitted to the Zoning Administrative Officer at least 10 days before the meeting of the Zoning Board of Appeals and shall be accompanied by six copies of a plot plan, drawn to scale with accurate dimensions, showing the location of all existing and proposed structures on the lot. This requirement may be modified for larger properties to show only those existing structures in the vicinity of the requested variance. The rest is not relevant to this application.

Robert Dee- Ok so he has the six copies, I can understand that, but it does not show us any setbacks on this thing.

Joseph Estvanik- Yes it does. See right there.

Robert Dee- Who drew this?

Joseph Estvanik- The engineer.

Robert Dee- Now who drew this?

Joseph Estvanik- The engineer. This is the same thing.

Robert Dee- The engineers name is not on it.

Joseph Estvanik- Yes, but the one with the seal is the one that needs to be submitted.

Robert Dee- Who told you that? The engineer?

Joseph Estvanik- I was told by Tina and yourselves what to submit. The best to my understanding it was submitted. Do you have the one with the seal in front of you? I need to see it.

Robert Dee- Yes. we only have the one copy.

Joseph Estvanik- Do you see where it says 20 plus or minus feet.

Robert Dee- Can you read that again Mr. Palmer.

Joseph Estvanik- I heard that, and I don't see how that is pertaining to more detail (inaudible)

Taylor Palmer- It says it needs to be a copy of the plot plan drawn to scale with accurate dimensions showing the location of all existing and proposed structures on the lot.

Joseph Estvanik- OK that is exactly what that is (inaudible)

Robert Dee- The way it shows here I have no idea what it is, because it looks like a brown square.

Joseph Estvanik- You know what it is because it goes along with my building permit.

Robert Dee- You don't have a building permit. If you had a building permit, you would not be here.

Joseph Estvanik- I submitted a application, and it gets denied because of the variance,(inaudible) Can I ask anyone else if it is not clear if this is a deck on the house?

Vincent Cestone- First it does not look like it is the measurement of 22 feet plus or minus. What does plus or minus mean.

Joseph Estvanik- Are we going for inches?

Vincent Cestone- On the original drawing it says 22.16 feet (inaudible) The measurement is not exact.

(INAUDIBLE EQUIPMENT MALFUNCTION)

Joseph Estvanik- The Building inspector did review everything and gave a denial because of the setback. This is unbelievably splitting hairs for a simple deck. That is straight forward.I don't6 understand how there is an issue going forward.

(inaudible)

Joseph Estvanik- It seems that I am pushing uphill on this.

Robert Dee- We are not pushing you uphill. We have tried to help you. I think that we were very gracious to you the last time you were here in explaining everything to you.

(inaudible)

Vincent Cestone- This is the first time in 20 years I have seen plus or minus on a survey. On building documents yes, but never on a survey.

Joseph Estvanik- I understand (inaudible)

From this point forward minutes are completed from notes Recorder was not working properly. Video footage available for full audio of meeting.

It was explained to Mr. Estvanik that exact measurements would be needed and placed on the survey to complete the application. Mr. Palmer did explain to the board that it is not required in our code to have them certified by a licensed engineer, but they do need to show what the structures are on a plot plan. The board still required that the plans be stamped. They also instructed Mr. Estvanik that he needed to answer the five factor questions as well. It was explained that the appeal would be placed on the next agenda to review the application for completeness again, and would go right in to Public Hearing if there were no issues.

William Stelmacher Appeal # 887
72 Steuben Rd
Seeking a seven foot variance for an existing shed built in 1972

The board and Kathleen Odriscol (agent for applicant) reviewed the application and explained the location of the existing shed. She was told that the five factors needed to be answered, copy of the deed, and list of adjoining and their information. Mr. Cestone suggested that if they could prove the shed was built in 1972 and prove what the Zoning Requirements were at that time, they may might not need a variance. It was agreed that if the owners could prove the shed existed before Zoning Law then no variance would be needed. If not, then a review of the application for completeness would be done at the next meeting, and if it were deemed complete then they would go into Public Hearing at the November meeting.

Mr. Dee had asked if there was any new business, and Mr Flaherty asked if they had seen a letter from a property owner on Steuben Rd. complaining about a neighbor using property for business illegally. Mr. Dee told the board that the letter has been forwarded to Code Enforcement, and it was not under the jurisdiction of the Zoning Board.

Mr Dee made a motion to adjourn the meeting. Lenny lim seconded the motion. All members were in favor.

Meeting was closed at 8:20 pm.

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

DATE APPROVED: January 12, 2015

Respectfully Yours,


Tina Andress- Landolfi, ZBA Secretary