

ZONING BOARD OF APPEALS

November 23, 2009

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, November 23, 2009, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Vincent Cestone, Chairman, at 7:30 p.m.

PRESENT:	Vincent Cestone	-	Chairman
	Bill Flaherty	-	Member
	Robert Dee	-	Member
	Paula Clair	-	Member
	Adam Rodd	-	Counsel
ABSENT:	Lenny Lim	-	Member

Vincent Cestone - First item on the agenda is Mr. and Mrs. Timmer. Are they here? Let the record show that we sent them a letter. This the fourth or more meeting that they have not shown up. Their application is withdrawn. Next item on the agenda is Mary Dawn Inc. Someone to speak for the applicant?

Alan Steiner - Yes I am here your Honor. I talked to Sakara about an hour ago and I know that she expected to be here. I expect her any minute. And also the builder is going to be here.

Vincent Cestone - Okay so we will continue on

Alan Steiner - Thank you.

Vincent Cestone - Alright. We will return to that. Review of the minutes of October 26th. Are there any corrections? Paula?

Kim Shewmaker - Give me page number, I have it right here. So we'll go for it.

Paula Clair - Okay there is a blank space on, well the first blank space that you have here

Vincent Cestone - On page 7

Kim Shewmaker - Thank you

received
11/23/09 *Kim*

Paula Clair - Under my

Kim Shewmaker - So additional variance period blank

Paula Clair - Yeah. After that is complaints were voiced that Mr. Jones the owner of Garrison. This is not my observation. This was complaints voiced by neighbors and I want the record to reflect that. I actually have a transcript of what I had said and then, let's see, the second blank

Kim Shewmaker - Operating

Paula Clair - Right to operate a non-conforming business at that site. That's what I

Kim Shewmaker - Which would cancel the right to operate

Paula Clair - Yes a non-conforming business on that site. And then the next blank, I had occasion to pass the site before Mr. Jones put in a request for a variance and, okay, although he had not received such variance, was the next thing that I said. And then another little tiny thing

Kim Shewmaker - What page

Vincent Cestone - Same page

Paula Clair - And I passed it in my car, I was struck by the unsightliness of the site and there was one other tiny little thing. Can I get back to you. There was another little error.

Kim Shewmaker - No problem.

Paula Clair - But those were the blanks that were missing

Vincent Cestone - Any other corrections? I make a motion to accept the minutes as corrected. Do I have a second?

Bill Flaherty - Second

Vincent Cestone - All those in favor?

All Board Members - Aye

Vincent Cestone - Opposed?

Vincent Cestone - Next review for completeness of John P. Scanga. Is the

applicant here? This is not a presentation. You really don't have to present. This is so that we can make sure that the application is complete and if there is any questions that the board has, that you will be ready for your public hearing so we don't, so it can be done as quickly as possible.

Applicant's Representative – okay

Vincent Cestone - Just quickly, what are you looking to do?

Applicant's Representative – It is an existing commercial subdivision on Lady Blue Devils Lane. It is a six lot subdivision. Sorry, 5 lot subdivision and 3 of the lots are built out. The variance is for one of the lots that we are proposing to combine with an existing lot in order to construct an addition on the existing Scanga woodworking facility. We are looking to construct as an existing 25,000 square foot building on lot number 4. We are proposing to combine number 3 with it to construct a 25,000 square foot addition. Both of the lots are 2 acres. One 2.01 and the other 2.0. We are looking for a front yard variance because the way that the addition would extend from the building it would actually enter the front yard set back created by the curvature of the cul-de-sac. And while we could avoid the front yard variance by constructing a U shape, we think that you will agree when you take a look at the proposal that it makes much more sense to keep the front of the building straight, we are able to keep the building further separation from a residential district, we are able to disturb less existing wooded area, and we don't believe the front yard setback is really a significant issue due to its proximity within the subdivision. As I said it is a 5 lot commercial subdivision, it is at the end of the cul-de-sac, there is really nothing happening down there. The only people driving down there are going to be the people from this facility.

Vincent Cestone - And this is related, you are in the planning board right now

Applicant's Representative - We are. We are also looking for a second variance for total building coverage.

Vincent Cestone - Lot coverage

Applicant's Representative - I am not sure how you word it. The total amount of square footage of the building on the lot as opposed to the amount of impervious cover on the lot. There is two requirements. The building cannot exceed 25% of the lot area

Vincent Cestone - Yes that is lot coverage

Applicant's Representative - Okay. The impervious can't exceed 50%

Vincent Cestone - Right.

Applicant's Representative - Because of the nature of the business the building is more space intensive than the requirement for parking. We are not exceeding the total impervious cover for the lot, we are staying below the 50%. But the building itself is going to be 28 and change so it is 3% variance we will looking for on that. And it is worth noting that the same variance was actually granted for the existing facility when it was constructed as a 25,000 square foot facility on Lot 4.

Vincent Cestone - Do you have anything

Adam Rodd - No. I think the applicant summarized it. It is 2 variances. One for street line setback and one for lot development coverage. The application looks to be complete.

Vincent Cestone - I will put you on for our next meeting which is January 11th

Applicant's Representative - Okay. If you could just bear with me, obviously we are not very familiar with the way of your procedures. Advertisement, notification, do we do that

Vincent Cestone - No we do that

Applicant's Representative - Okay. Anything we need to do other than show up then

Vincent Cestone - No. Just bring your evidence and make presentation.

Applicant's Representative - Okay

Adam Rodd - One thing that I assume was done, but we should take care of it is whether the application was referred to the County pursuant to General Municipal Law 239. That needs to be done.

Kim Shewmaker - Does the Planning Board do it?

Adam Rodd - We would need to verify if the Planning Board has done it already. If it hasn't been done, then Kim would need to do that.

Vincent Cestone - I called the Planning Board Chairman and he said that it has been done.

Kim Shewmaker - So then we would need a copy of it.

Adam Rodd - Well we would need to see a copy of the referral, the date of the referral and any comments that came back.

Vincent Cestone - Okay. I'll get with the Planning Board Chairman and ask him to provide it to us.

Applicant's Representative - Is it customary that baring anything, any unusual circumstances that a decision might be rendered at the public hearing

Vincent Cestone - It depends. It depends on how complicated it is. We are not obligated to. We have done it. And we have not done it. It depends on how complicated and it depends on residents and other things that the board may ask for.

Applicant's Representative - Understood. Very good.

Vincent Cestone - We'll see

Applicant's Representative - Very good.

Adam Rodd - To play it safe, we probably should send a referral to the County. The planning board might not have raised any issued about the area variances.

Kim Shewmaker - Okay.

Adam Rodd - I say we play it safe and send it.

Kim Shewmaker – okay. Can't hurt.

Vincent Cestone - We have a lot of decisions tonight and I am going to recommend that we waive the reading that we normally do. Does anybody have an issue with that? No. First one on the agenda is Garrison Contracting. If anybody wants to see the decision, they can come here and look at it or they can go down into the Town Hall and look at it. I make a motion to accept it as submitted. Do I have a second?

Bill Flaherty - I'll second.

Vincent Cestone - All those in favor?

All Board Members - Aye

Vincent Cestone - Okay the next one is Dean Anderson.

Kim Shewmaker - Vinny?

Ande Merante - Can I ask a question on Garrison Contracting?

Vincent Cestone - Sure.

Ande Merante - Can you just summarize the resolution?

Vincent Cestone - What the issues were?

Ande Merante - No the resolution. Summarize the resolution. Only for Garrison Contracting.

Adam Rodd - The resolution denies the application for area variances. They needed a variance from the setback from the center line and they also needed a variance from the adjoining residential district boundary line. And applying the Town Law the Zoning Board denied their request for variances on those two items of the zoning code.

Ande Merante - Okay. Thank you.

Vincent Cestone - Okay. Next resolution is for Dean Anderson and it is for granting his variance request. I'll make a motion to accept it as submitted. Do I have a second?

Bill Flaherty - I'll second

Vincent Cestone - All those in favor?

All Board Members - Aye

Vincent Cestone - And the next resolution is for David and Martha Rome. It is to grant the variance requested they applied for. I make a motion to accept it as submitted.

Lenny Lim - I'll second

Vincent Cestone - All those in favor

All Board Members – aye

Vincent Cestone - Next resolution is for Billy Williams. And this is to grant his request. I'll make a motion to accept it as submitted. Do I have a second?

Bill Flaherty - Second

Vincent Cestone - All those in favor

All Board Members – aye

Vincent Cestone - And the final one is Milton Mercado and Nancy Mercado. And it is to grant the variance request. I'll make a motion to accept it as submitted.

Bill Flaherty - I'll second

Vincent Cestone - All those in favor

All Board Members -- aye

Vincent Cestone - All right we are back to Mary Dawn. Is there any old business?

Adam Rodd - Well while we are talking, I am very curious about Scanga as to why they call it Lady Blue Devil Drive. There has to be some connection to someone that went to Duke

Kim Shewmaker - No. Haldane High School is the Blue Devils.

Adam Rodd - Oh Haldane.

Kim Shewmaker - And the Lady Blue Devils is the girls' basketball team

Adam Rodd - That proves I live on the other side of the river because I would have known

Vincent Cestone - I'm surprised we even let you here.

Bill Flaherty - The girls' basketball team is well known. They are very talented.

Adam Rodd - I just saw Blue Devils and I was like someone had to have gone to Duke.

Bill Flaherty - The girls' won two consecutive times. Excellent. It is a force to be reckoned with in the Hudson Valley.

Vincent Cestone - You're up. Okay, you're asking for an extension. And this board wanted to know when everything was going to be completed and this would be a final extension

Alan Steiner - I understand

Vincent Cestone - Okay. And you were going to tell us why it wasn't done previously.

Alan Steiner - Yeah, it wasn't done previously because we had a great deal of

difficulty getting financing given the nature of the economy. And Sakara had spent quite a lot of time working with Score and particularly with James Epinger and he was able to put together a package of financing that will result in her being able to get a loan to pay for the construction when it is completed and Mr. Viletto along with Tom McHale of the New York Business Development Corporation has been working with him to get construction loans to have the funds to build the building.

Vincent Cestone - So the financing is in place

Alan Steiner - Yes

Vincent Cestone - When is construction going to start

Mr. Viletto - I am prepared to go into construction almost immediately. When I say that the, M&T bank give us the final approval?

Alan Steiner - I think they did

Mr. Viletto - That was the only thing holding it up was the final approval from M&T, which was part of the Score

Vincent Cestone - How long will it take for you to

Mr. Viletto - It will take about 6 months to complete the full construction. Going into the winter time, I am saying, mid-summer will be probably when construction will be complete.

Vincent Cestone - Any comments from the board

Bill Flaherty - Well you currently have two locations from which you do business right? On Route 9

Sakara - One

Alan Steiner - The location she is in now is a temporary one. It was suggested by this Score guy that she have an on-going business. She was able to obtain a small loan, \$25,000 loan to put in the machine that carries all the dry cleaning around. So she is, that is a rental and she there right now.

Bill Flaherty - Is that in the Philipstown Square?

Sakara - No.

Alan Steiner - It is where the blue printing place was

Mr. Viletto - We are ready to go. Thank you very much.

Sakara - Thank you

Adam Rodd - Just so in terms of specific date that we are going to put in the resolution for completion. Do you want to make it the last day of November. November 30, 2010?

Vincent Cestone - Yes

Adam Rodd - As a completion date

Vincent Cestone - Right. Okay

Alan Steiner - Thank you

Vincent Cestone - If there isn't any old business, I make a motion to adjourn

Robert Dee - I'll second

Vincent Cestone - All those in favor

All Board Members - aye

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

DATE APPROVED: 11/11/10

Respectfully submitted,



Kim Shewmaker
Secretary