

ZONING BOARD OF APPEALS

February 10, 2014

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday February 10, 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.

PRESENT: Robert Dee	- Chairman
Paula Clair	- Member
Bill Flaherty	- Member
Vincent Cestone-	- Member
Lenny Lim	- Member
Taylor Palmer	- ZBA Council
Tina Andress- Landolfi	- Secretary

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PLEDGE OF ALLEGIANCE WAS SAID

Robert Dee- Everybody got copies of minutes. Im not going to ask you to approve them now, read them, then we will approve them at the next meeting. First order of business is the approval of the resolution for 20 Nazareth Way. Appeal number 884 it is an area variance. The applicant was seeking to subdivide the property and would create a 9.285 acre parcel when 20 acres is required . The applicant will convey the lot to the State of New York for park purposes. The applicant will accept the condition that would require conveyance to the State. Mr. Palmer you have prepared that correct?

Taylor Palmer- Yes Mr. Chairman we have provided it to the board members and have circulated it accordingly.

Robert Dee- Will you read it?

Taylor Palmer- It is six pages.

Tina Andress- Landolfi- Not the entire thing, please tell him where you want him to start.

Taylor Palmer- OK we will start at the balancing test and conclusion and Roll Call.

Robert Dee- Correct.

Taylor Palmer-BALANCING TEST & CONCLUSION

Based upon the above findings, and taking into consideration 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, the Board finds that the balance weighs in favor of approving the variance sought to create a 20.015+/- acre parcel, and a 9.285+/- acre

substandard parcel, which the petitioner intends to convey to the State of New York for park purposes, and included the following terms and conditions to the approval: An area variance for the minimum lot size for the proposed 9.825+/- acre substandard lot is conditioned on the lot being conveyed to the State of New York for park purposes only. The ZBA recommends that, should the Planning Board determine to grant subdivision approval, that it do so on the condition that a note be added to the plat to indicate that the 9.825+/- acre substandard lot has no independent use other than conveyance to the State of New York for park purposes.

Vincent Cestone- I make a motion to accept as submitted.

Lenny Lim- I will second

Robert Dee- All in Favor?

All members were in favor. Resolution passed.

Glen Watson- You got a letter from Dana (inaudible)

NO BOARD MEMBERS OR ZBA SECRETARY KNEW OF ANY LETTER

Glen Watson- Ok so I guess there will be no discussion.

Taylor Palmer- Also for the record (inaudible) from the county.

Tina Andress- Landolfi- How did she send the letter Glen?

Glen Watson- I believe email.

Tina Andress- Landolfi- I have nothing.

Robert Dee- It is ok when we get it we will discuss it. The next order of business Will and Grace Vogel 406 Route 9D In 1997 the property was granted a variance for a screened in porch which encroached in the setbacks 3.7 feet. A provision was attached that the area could not be converted to living space. The applicants are seeking that the provision be lifted, so that the area can be converted to living space.(inaudible) They already have their variance.

Taylor Palmer- They already have the variance,so the work that they are intending to do could be considered a type 2 action under (inaudible) It is a single family home, they are not changing the footprint.It is still an area variance that you would be granting, but there would be the _____consideration for the boards review of the zoning regulations in the Town Of Philipstown. I did note that the property is located in the scenic overlay district. As long as the applicant is building in the same foot print, it should be consistent. It is for the board to determine the proper qualifications in the code. They are specific for area variances.

Robert Dee- We are here tonight to determine if the application is complete. It looks complete to me.

Taylor Palmer- If I may suggest the project itself is located on Route 9D, therefore it would need to be referred to the county for its determination, because it is located within 500 feet of State or County road.

Vincent Cestone- Does there have to be a motion?

Taylor Palmer- The board would make a motion authorizing Tina to do that.

Vincent Cestone- I make a motion.

Lenny Lim- I second

All members were in favor Motion passed.

Robert Dee- I make a motion to set a public hearing for next month.

Lenny Lim- I would like to get a copy of the old one to see why we did what we did first. I would like the minutes.

Paula Clair- You did not deny it, you just made a condition at that time. You granted the variance.

Vincent Cestone- I remember there was a reason on why they were not allowed to convert it, but I cant remember.

Paula Clair- I looked at the papers and it did not say.

Vincent Cestone- The minutes would say it.

Robert Dee- Tina do we have the minutes from 1997.

Tina Andress- Landolfi- I could not tell you honestly going back to 1997. Im sure we do, but it is a matter of finding them , and I will look for them.

Robert Dee- Please see if you can get them. If they are not available to us, then we will have to do without. I ask that there be a vote that this be determined complete.

Lenny Lim- I will second

Robert Dee- All in Favor?

All members were in favor. Application deemed complete.

Robert Dee- Now we can set it for public hearing for March 10th at 7:30 pm

Vincent Cestone- Tina if you find those minutes can you please send them to us?

Tina Andress- Landolfi- Yes.

Robert Dee- It appears that they are taking down the screen porch and putting a foundation, but without the final

(Inaudible multiple speaking)

Robert Dee- Old Business. ZBA training session was held on Tuesday January 28th at the town hall. All board members and secretary were in attendance. The training was held by Susan Jainchil with AKRF. The training was well received. I would like to thank Councilman Van Tassel for arranging that.

Councilman Van Tassel- Thanks for attending.

Robert Dee- It was great.

ZBA members discussed some legal questions they had with Taylor Palmer. Mr. Palmer stated that he would put a memo out answering their questions they had pertaining to the training they had, and any other questions.

Robert Dee- Anything under new business ? I make a motion to adjourn.

Lenny Lim - I second

Robert Dee- All in favor?

All Members were in favor meeting closed at 7:50 pm

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

DATE APPROVED:_____

Respectfully Yours,
Tina Andress- Landolfi, ZBA Secretary