

# ZONING BOARD OF APPEALS

March 10, 2014

## MINUTES

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

<b>PRESENT:</b> Robert Dee	- Chairman
Paula Clair	- Member
Bill Flaherty	- Member
Vincent Cestone-	- Member
Lenny Lim	- Member
Taylor Palmer	- ZBA Council

<b>ABSENT:</b> Tina Andress- Landolfi	- Secretary
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## **PLEDGE OF ALLEGIANCE WAS SAID**

### **WILL AND GRACE VOGEL APPEAL # 885**

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.

Mr. Dee read into the record two letters of support from Frank and Sarah Geer (neighbor) and Beverly Cuten. Mr. Dee explained that in 1997 a 6x16 foot side porch was granted a variance, with a condition that the porch not be enclosed, screened or heated. Mr. Dee informed the board of other conditions that were also placed on the variance at that time. Mr Dee pointed out that Mr. Lim was on the board at that time, and asked Mr. Lim to elaborate on why that restriction was placed.

Mr. Lim stated that the restriction was only placed because the applicant was just asking for a porch and they wanted to make sure the applicant did not convert it to living space. Mr. Lim said they gave him one room, and one porch and the board just wanted to make sure it stayed that way. That was the only reason the condition was placed.

Mr. Dee opened the Public Hearing. Mr. Vogel spoke about the project and what the proposed scope of work was. He stated that the structure would remain in the exact same foot print.

Mr. Cestone asked the applicant what he would do if this were denied.

Mr. Vogel stated that they would have to bring the area in 3.7 feet, and this would take space from them.

Ms Clair stated that <sup>A</sup>site visit was done, and she thought that if they were not to get the restriction lifted it would be a great loss of space for the owner.

ZBA Council Taylor Palmer notified the board that the Putnam County Department of Planning had no issues with the project. He also stated that a Neg Dec was not required on this project

Mr. Dee closed the Public Hearing.

Mr. Dee made a motion to remove to restrictions that were placed on the previous variance. The first restriction was the the enclosed porch not be further enclosed or heated or converted to living space. The second restriction was no electric or heat. Mr. Dee stated that the other two restrictions would remain in place. ( Conditions 1 and 2 listed on original variance would still remain and conditions 3 and 4 would be lifted.) Mr. Flaherty second the motion.

### **ROLL CALL VOTE**

**Mr. Flaherty- Aye**

**Paula Clair - Aye**

**Robert Dee- Aye**

**Lenny Lim- Aye**

**Vincent Cestone - No**

**MOTION CARRIED 4 to 1**

Under New/Old business the board held a discussion in reference to a letter written from Dana Raymond located at 28 and 30 Hudson River Lane. requesting an extension on time to rebuild after Hurricane Sandy.

Mr. Watson explained the history of the property and the damage by the hurricane. He stated that the owners were not sure what they were going to do about fixing the two places. Mr. Watson said that there was a time limit

of six months, and that is why they were asking for an extension of time from the ZBA.

Mr. Palmer explained that this was not a variance and just a request. He told the board that this could also fall under a repair and could extend the rebuild to two years.

Mr. Cestone made a motion to grant a one year extension starting March 10, 2014 and will expire on March 10, 2015. Paula Clair second the motion.

### **ROLL CALL VOTE**

**Bill Flaherty- AYE**

**Paula Clair- AYE**

**Robert Dee- AYE**

**Lenny Lim- AYE**

**Vincent Cestone- AYE**

### **ALL MEMBERS WERE IN FAVOR MOTION CARRIED**

Mr. Palmer said that a letter would be prepared giving confirmation of the extension.

Mr. Dee made a motion to close the meeting. Mr. Lim seconded the motion. 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