

ZONING BOARD OF APPEALS

February 8, 2010

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, February 8, 2010, 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.

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

ABSENT:

little bit out of order. One of the applicants has another occasion, so we are going to let him go. So take them in reverse order. Nazareth Way LLC. Someone to speak for the applicant?

Glennon Watson - Hi. Glennon Watson. You have an application package for a special use permit to permit the conversion of an existing house that up until recently was a home for unwed mothers into an office space for non-profits. This is the Thompson House on the south side of Philipsbrook Road or I guess it is now called Snake Hill Road. Opposite, about opposite Avery Road. Very little in terms of the site plan is being prepared. The biggest thing we have to do is build a parking lot. And that is, when you see the design, you will see that is in the nature of the one at Boscobel. It is wooded. So we have submitted an application, set of plans, architectural, hopefully tonight you will find that it is complete and refer it to the Planning Board and refer it to the County Planning Board for the 239.

Vincent Cestone - Adam

Adam Rodd - Yeah, I've looked over the application and I spoke to Glen earlier. Before we can schedule a public hearing we do need to send the materials over to the Planning Board for a report. It is also appropriate to send it to the County for their 239m report so that will be done. And at this juncture that is all that the Board needs to do.



Vincent Cestone - Okay. I can do that as a regular motion then

Adam Rodd - Yep

Vincent Cestone - Okay. Motion that we refer this to the Planning board. All those in favor

Bill Flaherty - I'll second

All Board Members - Aye

Vincent Cestone - Okay second and aye

Vincent Cestone – Opposed?

Glennon Watson - Thank you

Kim Shewmaker - Glen? Did you send all the copies to the Planning Board? Because I only received 8 copies.

Glennon Watson - I'll check with Michelle to see if she sent them separately.

Kim Shewmaker - I'll send the letter then and tell Ann to look for the applications if she has not already received them. Thank you.

Vincent Cestone - Joseph Cmar? I guess we can do it with him being here. I've looked at and I feel it is complete. Adam?

Adam Rodd - Yeah. This is an application, as far as I can tell, he is not asking to do any new construction at all. Apparently there are improvements on this property, it is a single family home, the dwelling is 29.3 feet from the street line. He is required to be 40 feet back. And it turns out that the C of O's that were previously issued, at least according to the application, were done in error. So, it seems that he is just seeking to get a C of O for the dwelling that has been in place for a long time.

Vincent Cestone - Okay. We can't put it on for the 22nd. Does the board have any comment on this before I put it on for a public hearing

Bill Flaherty - I wish the applicant were here because I have a question about relative to the placement of the garage on the map that I have. And it looks like that garage _____ back in _____ but it appears to me that the garage is the exact setback as the house is. And I like to have a dimension shown on that map where that garage is because eventually someone is going to come in and say hey that garage is not conforming and the C of O was issued in error.

Vincent Cestone - The garage is from 1956

Bill Flaherty - 1958

Vincent Cestone - And I called our Building Department about that. And he said it is pre-existing so it is grandfathered. I saw that too and I was wondering why

Robert Dee - There were 3 CO's on this property that were issued in error?

Vincent Cestone - Yeah

Robert Dee - Okay

Adam Rodd - Well based on the write up all I can see in terms of what doesn't comply with zoning at least as written by the building department is the setback. The front yard setback. And that's it.

Vincent Cestone - The 8th.

Adam Rodd - The 8th of March. Is that 2nd Monday

Kim Shewmaker - Yes

Adam Rodd - okay

Vincent Cestone - Next review for completeness is Cynthia A. Wing. Is the applicant here?

Kim Shewmaker - Okay I got a telephone message this evening when I got home from a Mr. Cloherty I guess his name was. He is actually the applicant. I guess this Cynthia Wing must be the representative and he was told downstairs that he was not on the agenda. So he is probably not going to be here. So I called and told him he was on the agenda but I got a voice mail as well.

Vincent Cestone - We can review it. I looked at it and I didn't see anything. Did you Adam?

Robert Dee - I've got one issue. In the application it says from the Board of Health that this is a cottage separate from the home. It is for one bedroom. They submitted an application and said the Board of Health approved it but the letter in here states that the Board of Health denied it.

Adam Rodd - Yeah. I actually followed up on that. I saw that as well. And apparently they did submit an amended plans and got approval with conditions

from the Board of Health. I only have one copy, but I can bring this next time. So they have the approval with conditions and again they are conditions that include it is going to be one bedroom which the applicant agreed to. So it looks like, unless the Board has any other concerns, that we could put it on

Robert Dee - Is this a separate dwelling?

Vincent Cestone - Yeah

Robert Dee - Would this come under accessory apartment? I mean I don't see anything in the application here about an accessory apartment

Adam Rodd - They are only here again, the only thing they are appealing from is the setback. They are required to be 40 feet from the street line and they are proposing 27 feet. So as far as the building department who reviewed this, the only thing that they are not compliant with is the setback requirement. And that's why they are here

Vincent Cestone - When they come here at the next meeting, why don't you ask specifically if this is an accessory and if they say yes, there is no application here for an accessory apartment.

Robert Dee - Right. Because it looks like it is on the same piece of land. Two houses. So that would make it an accessory apartment.

Vincent Cestone - I think you're right.

Bill Flaherty - I have a map here and it shows as best as I can see, I have difficulty making it out. Is that 27.8 or 17.8?

Vincent Cestone - For what

Bill Flaherty - The distance from the road to the structure. It should be 27.8 but it looks like 17.8

Robert Dee - It looks like one piece of property that's my concern. If it is one piece of property, how can you have two houses on it without the other house being an accessory apartment.

Vincent Cestone - Well we have to make sure when they are here, we have to specifically ask them that question. And if they do, we will have to ask them to amend their application

Adam Rodd - On the map that I have it looks like they are proposing, it is a 27 foot setback. In terms of the accessory apartment issue, again perhaps it is something we would need to touch base with Bob Emerick of the Building

Department because he was never denied, we are an appellate board, was never denied anything to do with an accessory apartment. So technically they are not before us on that issue. I think that either myself or Vinny can contact Bob Emerick and get clarification on that as a point of information. But they are not before the board on that issue.

Robert Dee - We just had a prior issue where 3 CO's were issued in error

Adam Rodd - I understand that, but we are just, we are the zoning board of appeals. We hear appeals from denials.

Vincent Cestone - What I'll do is I'll give him a call this week

Bill Flaherty - Just to clarify

Vincent Cestone - I think it is a good idea

Adam Rodd - Well do we want to put it on for a public hearing or do we want to ask the applicant for some clarifying questions before we put it on for a public hearing? I am okay for putting it on for a public hearing.

Vincent Cestone - Put it on for a public hearing and if we need more information, we can just continue it.

Adam Rodd - Sure

Vincent Cestone - Why don't we just do that

Adam Rodd - Okay

Kim Shewmaker - March 8th

Adam Rodd - okay

Vincent Cestone - Okay. Next review for completeness is Craig Stern and Deirdre G. Stern. And I have reviewed it and it looks complete. Adam?

Adam Rodd - Let me pull it out.

Lenny Lim - They are on for completeness and public hearing?

Vincent Cestone - Yes. Remember the last meeting

Lenny Lim - Oh yeah

Bill Flaherty - Well I had a question relative to the previous variance that was

the audience on this? I will make a motion to close the public hearing. Do I have a second

Bill Flaherty - I'll second

Vincent Cestone - All those in favor

All Board Members - Aye

Vincent Cestone - Do we want to vote on this? Len?

Lenny Lim - I'll vote. I vote in favor

Robert Dee - I vote in favor

Paula Clair - I vote in favor

Bill Flaherty - I'll vote in favor

Vincent Cestone - And so will I

Deirdre Stern - Thank you

Kim Shewmaker - When do you want to do the resolution

Adam Rodd - I can have the resolution by the next meeting which I guess will be the 8th

Kim Shewmaker – okay

Adam Rodd - They asked for when the resolution would be done and it will be on the 8th

Vincent Cestone - It will be done on the 8th

Deirdre Stern - Okay. Fine. Perfect. Thank you.

Vincent Cestone - Okay we are going to do John Scanga with a continuation of the public hearing. The only thing we were looking for on this was measurements. And I think we have them now.

Lawrence Paggi - You should have them on the plans that look like this. I've given you an elevation rule of the maximum height that you asked for. It is going to be a maximum of 26 feet. And I have given you the length and width on both the existing and the proposed buildings; 250 feet wide and 100 foot deep.

Vincent Cestone - So that is the same height as the building next to it, right?

Lawrence Paggi - Yes it is. The intention is to make it look uniform.

Vincent Cestone - Any questions from the board?

Robert Dee - No. He gave me what I asked for the, the heights. So it falls well within the zoning laws.

Lawrence Paggi - The allowable height is 40 feet.

Bill Flaherty - I have a question. On the original drawing that you submitted, in the rear of the building you show a 25 foot distance between the edge of the building and the edge of the parking space. On the last drawing you show 20 feet. Is there a reason for this change?

Lawrence Paggi - That should continue to be 25 feet.

(Bill showing Mr. Paggi the drawings)

Bill Flaherty - 20 feet here and 25 feet here

Lawrence Paggi - That's a good question. It is supposed to be 25 feet

Bill Flaherty - 25 feet

Lawrence Paggi - Yes because that is a backing lane. It should be 25 feet.

Bill Flaherty - Will you change this

Lawrence Paggi - Yes

Vincent Cestone - Any more questions from the board?

Robert Dee - It shows we do look at them

Lawrence Paggi - Yes. Good pick out

Vincent Cestone - Any comments from the audience on this?

Adam Rodd - Just to clarify that the street line setback is, that you are asking for

(tape went to all static...white noise...nothing more recorded)

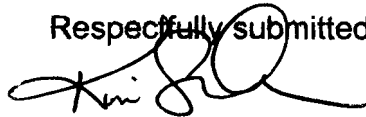
From my memory...

- 1) **John P. Scanga's** appeal was unanimously granted by the Board and the resolution will be ready for the March 8th meeting.
- 2) **Eric and Brittney Trenczer's** appeal was still lacking adequate information. The board held this public hearing over until March 8th so the applicants can collect the information needed.

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

DATE APPROVED: 3/8/10

Respectfully submitted,



Kim Shewmaker
Secretary