

**ZONING BOARD OF APPEALS**

**July 13th 2020**

**Minutes**

**The Zoning Board of Appeals for the Town of Philipstown held a monthly meeting on Monday, July 13<sup>th</sup> 2020, Via Zoom**

**PRESENT:** Robert Dee - Chairman  
Vincent Cestone - Member  
Granite Frisenda - Member  
Adam Rodd - Attorney (Drake Loeb PLLC)

**Absent:** Paul Clair- Member  
Lenny Lim-Member

**\*\*PLEASE NOTE that these minutes were abstracted in summary from being present at the meeting and sound recording. If anyone should seek further clarification, please review the sound recording.**

**Chairman Robert Dee opened the meeting at 7:30 P. M.**

**Minutes**

**Chairman Robert Dee:** First question I have is on the minutes, does anybody have any changes to the minutes? Last month's minutes

**Vincent Cestone:** No, not at all

**Chairman Robert Dee:** Granite?

**Granite Frisenda:** No

**Chairman Robert Dee:** No, okay can I get a motion to except the minutes?

**Vincent Cestone:** I'll make that motion

**Chairman Robert Dee:** Can I get a second?

**Granite Frisenda:** I'll second

**Chairman Robert Dee:** Granite second. I'm gonna say that's unanimous the minutes are passed unanimous. The second one is going to be on Dennis Clark and Denise Grillo 28 Lane Gate Road are they here?

**Kelly MacIntyre:** Yes, they are here

**Chairman Robert Dee:** The correspondence from that was the Planning Board that they are referring an issue over to us. We don't have the information in front of us so that will be next months. That's just a correspondence explaining a lot line change on a few lots.

**Dennis Clark:** Hello?

**Chairman Robert Dee:** Mr. Clark?

**Dennis Clark:** Yes

**Chairman Robert Dee:** You're Mr. Clark?

**Dennis Clark:** Oh, there we go. Good evening, hi

**Chairman Robert Dee:** Okay, you are at 28 Lane Gate Road

**Dennis Clark:** Yes

**Chairman Robert Dee:** Okay, you are at 28 Lane Gate Road, right?

**Dennis Clark:** Yes

**Chairman Robert Dee:** Okay you are looking for Yes, can you hear me?

**Dennis Clark:** Yes

**Chairman Robert Dee:** You want to put an 85 square foot addition to the second floor, kitchen and bath?

**Dennis Clark:** Yes

**Chairman Robert Dee:** Okay, and also you are going to replace the deck?

**Dennis Clark:** Yes, we need to do a new deck. We do, yes

**Chairman Robert Dee:** Okay, so you are looking for two variances. You are looking for a variance on the side yard setback where 30 feet is required. You are looking for 27 nine so, you are looking for two-foot three-inch variance on the side yard correct?

**Dennis Clark:** Yeah, we are reducing the size of the deck there. That is actually a reduction from what it is.

**Chairman Robert Dee:** Oh, okay all right

**Dennis Clark:** May I

**Chairman Robert Dee:** Second variance is

**Chairman Robert Dee:** Go ahead

**Dennis Clark:** Can I explain, we were here two years ago

**Chairman Robert Dee:** Yeah, I remember

**Dennis Clark:** A variance to do a garage and a kitchen and we never did that. That was so, all I'm trying to do now is replace the deck that I have and add onto the kitchen and bath upstairs.

**Chairman Robert Dee:** Okay

**Dennis Clark:** I can't use the variance that I had from two years ago to do what I'm doing now.

**Chairman Robert Dee:** Okay, but two years ago we gave you the variance correct?

**Dennis Clark:** Yes, absolutely

**Chairman Robert Dee:** Okay, well it's no value to you now

**Dennis Clark:** I know that

**Chairman Robert Dee:** Okay, having it in hand doesn't mean anything. All right you know how the procedure works then. You know tonight is a review of your application to see if there's anything else we need and it is complete. We will then vote on it and if we vote that it is complete then we'll set up for a public hearing and the public hearing would be next month would be August 10<sup>th</sup>. Could you hear me?

**Dennis Clark:** Yeah

**Chairman Robert Dee:** Okay, so I guess my question now is with the other board members. Vinny do you have any questions on this application? Do you need anything else or do you think everything is pretty much there?

**Vincent Cestone:** I think everything is there. I think everything is pretty much there. Questions can wait until the public hearing, there's nothing out of the ordinary.

**Chairman Robert Dee:** Okay, Granite?

**Granite Frisenda:** I agree, I don't see anything that's out of the ordinary.

**Chairman Robert Dee:** I don't see either. The only thing Mr. Clark is where the meeting is going to be. We are not sure yet okay, it may still be on zoom or maybe at the Recreation Center over on 9D.

**Dennis Clark:** I'm fine with either one

**Chairman Robert Dee:** The one in the Recreation Center will be in person. The Town Board said they are going to set it up with chairs and so forth apart and everything else like that would you have an issue with that?

**Dennis Clark:** No not at all, I'm fine with that.

**Chairman Robert Dee:** okay, we'll vote on this right now. Can I get a motion that the application is complete?

**Adam Rodd:** Bob

**Chairman Robert Dee:** Go ahead, wait

**Adam Rodd:** I'm counsel for the board, just a quick request to Mr. Clark before the public hearing one bit of information we would need from your application is an indication of what the floor area of your home is now in terms of square footage and how much larger it will be with your addition.

**Dennis Clark:** Okay, do you want me to turn that into the Zoning Board in town?

**Adam Rodd:** As long as they get it before the public meeting that would be fine.

**Dennis Clark:** I can do that, yes

**Chairman Robert Dee:** Okay, can I get a motion that the application is complete?

**Vincent Cestone:** I'll make that motion

**Chairman Robert Dee:** Can I get a second?

**Granite Frisenda:** Second

**Chairman Robert Dee:** Alright, so all in favor?

**Vincent Cestone:** Aye

**Granite Frisenda:** Aye

**Chairman Robert Dee:** Aye. Okay now Mr. Clark your application is complete. You're just gonna have to get that information to the Town Building Department. Try and get it you know as soon as possible because what happens, our secretary mails out a package and the information will be in it and we will have a chance to look at it okay.

**Dennis Clark:** Okay, thank you

**Chairman Robert Dee:** You are all set and you are all set for that public hearing now and you will be notified, I'll have Kelly, our secretary probably call you tomorrow and let you know exactly where the meetings gonna be okay?

**Dennis Clark:** Okay

**Chairman Robert Dee:** Okay, thank you. All right the next one is 48 Old Albany Post Road. Is there anybody here representing that?

**Vladimir Levin:** I am, Vladimir Levin the architect representing the homeowner.

**Chairman Robert Dee:** Okay, alright you have a letter here, let me see I have it. Oh yeah, I got a letter authorizing you to do that right?

**Vladimir Levin:** Yes sir

**Chairman Robert Dee:** Okay, this is again how the procedure is here. We're going to review the application and see if we need anymore information or whatever. If all the information is here then what we'll do is we'll set up a public hearing next month which will be August 10<sup>th</sup>. We haven't decided exactly where its going to be so, but you'll be notified like tomorrow or the next day where that meeting will take place. Now you know what I understand here you're looking for a second story edition and you're asking for a, what you are asking for is a 28-foot sideline where 34 is required. So, you are only looking for a two-foot variance for the side yard, is that correct?

**Vladimir Levin:** That's correct

**Chairman Robert Dee:** Okay, then on the front you're asking for a, you have a 59-foot setback where 60 is required so, you're looking for a three variances actually right?

**Vladimir Levin:** Well there is so, there's two parts to the project. There is the second story addition to the existing house so, there they house is existing non-conforming and we're just putting a second floor above there. So, there we need a variance for the side yard and for the front yard.

**Chairman Robert Dee:** okay

**Vladimir Levin:** Then the second part is a carport addition where there currently is a carport so, we're proposing to take down the existing carport put up a bigger carport which also has a covered living area so, a pavilion if you will and we're also looking to expand the paved area. So, we are looking to make a connection between the house and the carport pavilion to give the owner an outdoor living space. So, with the carport and the new patio there the carport is non-conforming with respect to the rear yard and we are also over in the impervious coverage. So, I guess that's for different issues, two the second story addition and two for the carport and a patio.

**Chairman Robert Dee:** I mean pervious surface is that another variance Adam?

**Adam Rodd:** Yes, I believe it's a slight increase in the impervious surface coverage and there are regulations about that in the RR district. It's in the application.

**Chairman Robert Dee:** It's in the application. So, we are talking about four or five variances?

**Adam Rodd:** Four

**Vladimir Levin:** Four by my count

**Chairman Robert Dee:** Four variances okay. Now you said where the carport is going is there anything there now? Is there an assisting structure?

**Vladimir Levin:** Yes, so I don't know if you are looking at the site plan that I submitted. So, it's sheet 100. The site plan shows the existing carport is dashed in lighter colored

dash line. So, there is a retaining wall that is holding that degrade it's a pretty severe grade there. So, there's an existing retaining wall and the carport is just on the inside of the retaining wall so we're taking down the carport and making essentially putting a new carport in the same location just slightly bigger. It's natural place to put it is at the end of the driveway and then attached to the carport is a covered pavilion area. So, the whole shape is kind of dog leg shaped but part of it upward part is pavilion.

**Chairman Robert Dee:** Okay, seeing that this is pre-existing non-conforming we're gonna have to know how much more square footage you're adding on in the house. The second story.

**Vladimir Levin:** okay

**Chairman Robert Dee:** I mean, okay go ahead

**Adam Rodd:** Let me be clear if before the next meeting if you could supply the Zoning Board secretary with the floor area that exist now on the structure and what the square footage would be of the floor area with the new second floor edition.

**Vladimir Levin:** Okay

**Chairman Robert Dee:** Okay

**Chairman Robert Dee:** Alright, Vinny do you have any questions or anything else you need for this application?

**Vinny Cestone:** This application doesn't show the neighbor on the right side which is normal. I would suggest to the applicant that if you would talk to your neighbors that you're going to be getting closer to and if they're okay with it. If that neighbor would be willing, he doesn't have to come to the meeting but if he could give you a letter saying that he's okay with that, that would be helpful for you.

**Vladimir Levin:** Thank you, we'll do that.

**Chairman Robert Dee:** Granite do you have any questions?

**Granite Frisenda:** No, I'm alright

**Chairman Robert Dee:** You are alright? Okay. I think it is complete so you're gonna have to just supply us with that other information and we'll be set. So, can I get a motion on this that it's good application that be voted complete?

**Vincent Cestone:** I'll move again

**Chairman Robert Dee:** You will move again okay, Granite? There is only three of us here so, alright so we'll vote it's unanimous okay. So you are all set okay, you're just gonna have to get that information to us quickly as you can because that happens is our secretary mails out some items in a packet to us like a week before or something like that so, we could have time to look at it okay?

**Vladimir Levin:** Okay

**Chairman Robert Dee:** Of course, your neighbors will be notified and anybody could come and speak up you understand that?

**Vladimir Levin:** Okay

**Chairman Robert Dee:** And if it's a friendly neighborhood and they want to get letters you know that's fine too.

**Vladimir Levin:** Okay, I'll tell the owners to do that

**Chairman Robert Dee:** Alright, you are all set again now at the meeting like to sit to you all this time where it's going to be exactly, I don't know okay, it might be either on zoom or maybe at the Recreation Center which is on Route 9D. Someone will tell you. Thank you so much sir you are all set.

**Vladimir Levin:** Thank you, good night

**Chairman Robert Dee:** Good night. Is there any other business anybody has? Any other questions?. Now as far as the zoom meeting John is not on anymore, John left us I guess anyway, Vinny how do you feel about it? Vinny how do you feel about a zoom meeting or an in-person meeting for next month let me put it that way?

**Vinny Cestone:** I would like to take another month of using zoom just to see how things fall out with covid 19. The temperature yeah that if it's really hot in there it would be very uncomfortable but, I'm concerned about the Covid 19. Since we are all in that age group that were susceptible.

**Chairman Robert Dee:** Okay, Granite how do you feel about it?

**Granite Frisenda:** It doesn't make a difference for me

**Chairman Robert Dee:** No difference to you, okay you don't care.

**John Vantassel:** Can I just pipe in. If you guys are uncomfortable the last thing, I want is for anybody to be uncomfortable. So, lets do what makes the majority of you comfortable. If Vinny and Bob if you're not comfortable meeting in person then by all means lets wait till September. I do not want you to be uncomfortable I appreciate what you are doing currently as long as you feel you're effective what it seems like you are then continue it this way and we'll revisit it in September.

**Chairman Robert Dee:** Alright that sounds good. I think that's the best point at this time because no one really knows exactly what's going on right now. What I'm trying to say there is a lot of questions to this stuff.

**Adam Rodd:** One thing that I would add is Kelly when you do the public notice in the newspaper the zoom link address would need to be, if we are doing it by zoom which I understand we are, that would have to be in the public notice so, the public knows how to participate.

**Kelly MacIntyre:** Yeah, I will put the link in the paper also put for them to contact me if they would like and I could copy and paste it to them too, no problem.

**Chairman Robert Dee:** Okay, do they have anybody on the zoom here tonight from the Town Kelly do you know?

**Kelly MacIntyre:** No

**Chairman Robert Dee:** Okay, I guess that's it. I guess if you would like me to call Paula and Lenny and ask them how they feel.

**Granite Frisenda:** Well I mean if

**Vinny Cestone:** We have three here

**Granite Frisenda:** Yeah, its fine

**Chairman Robert Dee:** Alright, lets go with the zoom meeting for the next month and then we'll look at the September. Hopefully everything will be in better shape.

**John Vantassel:** Sounds good, fine with me. I don't want anyone to be uncomfortable.

**Chairman Robert Dee:** Is there any other business? Anything else You want to discuss? That's it. Alright can I get a motion to adjourn?

**Granite Frisenda:** I'll make that motion

**Vincent Cestone:** I'll second

**Chairman Robert Dee:** All right, all in favor?

**Vincent Cestone:** Aye

**Granite Frisenda:** Aye

**Chairman Robert Dee:** Aye

**(THE MEETING ADJOURNED AT 7:50 PM BY (UNANIMOUS DECISION))**

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

**DATED APPROVED:** \_\_\_\_\_

Respectfully submitted,

Kelly MacIntyre

Secretary