

**ZONING BOARD OF APPEALS**

**Via Zoom**

**January 11th, 2021**

**7:30 P.M.**

**Regular Monthly Meeting**

**Pledge of Allegiance**

**Approval of Minutes:**

**November**

**Correspondence:**

**Christopher Flagg & Heidi Snyder, 699 Old Albany Post Road (Planning Board)**

**Old Business:**

**Public Hearing:**

**Lakeisha Esau & Martin Friedman, 66 Highland Dr, Garrison, NY TM#90.8-2-41**

The proposed scope of work consists of a 2<sup>nd</sup> floor on the existing 1<sup>st</sup> floor exterior walls and the extension of decks to the side and rear on new posts and piers.

**New Business:**

**Tony & Kim Ricci, 3315 Route 9, Cold Spring, New York**

**TM#16.20-1-8**

(applicant seeks to convert existing 2<sup>nd</sup> floor storage to a one-bedroom apartment)

**Eben Shapiro & Sue Atkins, 420 Indian Brook Rd, Garrison, NY TM#50.-2-16**

(Applicant is proposing to construct a detached garage (+-877 SF) at the end of the existing driveway, which is located within the front yard setback.

**\*\*\*NOTE: All items may not be called. Items may not always be called in order \*\*\***

James R. Loeb  
Richard J. Drake, *retired*  
Glen L. Heller\*  
Marianna R. Kennedy  
Gary J. Gogerty  
Stephen J. Gaba  
Adam L. Rodd  
Dominic Cordisco  
Ralph L. Puglièlle, Jr.  
Nicholas A. Pascale

Alana R. Bartley  
Aaron C. Fitch  
Judith A. Waye  
Michael Martens

Jennifer L. Schneider  
Managing Attorney

\*LL.M. in Taxation

December 21, 2020

**Zoning Board of Appeals  
Town of Philipstown  
Town Hall, 238 Main Street  
Cold Spring, NY 10516**

**Re: Christopher Flagg and Heidi Shyder  
699 Old Albany Post Rd., Garrison  
Our Matter ID: 6082-70201011**

**Dear Chairman Dee and Board Members,**

I am writing at the direction of the Planning Board in regard to the Zoning Board's inquiry as to whether the Planning Board has any particular concerns or input in regard to the above-referenced application for variances which is pending before the ZBA. At its November meeting, after reviewing the nature of the property, the proposed development and the variances under consideration, the Planning Board directed that the enclosed technical memorandum from its engineering consultant be provided to the ZBA for its consideration. The Planning Board concluded that, other than the comments in the technical memorandum, there are no particular concerns or issues regarding the proposed development which it wishes to call to the attention of the ZBA.

Very truly yours,

  
STEPHEN J. GABA

SJG/ev/920453

cc: Planning Board  
Ron Gainer, P.E.



**RONALD J. GAINER, P.E., PLLC**  
31 Baldwin Road, Patterson, NY 12563  
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office 845-878-6507

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**TO:** Town of Phillipstown Planning Board      **DATE:** November 16, 2020  
**FROM:** Ronald J. Gainer, PE      **SUBJ:** Flagg - Snyder Site Plan; Old Albany Post Road

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**Project Scope:** Addition to an existing Single-Family Residence  
**Zoning District:** "RC" ("Rural Conservation") Residential Zoning District

On Sunday, November 15, 2020, the Town of Phillipstown Planning Board conducted a site inspection of the above-noted project to evaluate potential concerns that may warrant further study for the Site Plan application being processed by the Board. The site visit was attended by the following persons:

- |                   |                            |
|-------------------|----------------------------|
| • Kim Conner      | – Planning Board member    |
| • Dennis Gagnon   | – Planning Board member    |
| • Laura O'Connell | – Planning Board member    |
| • Neal Tomann     | – Planning Board member    |
| • Heidi Wendel    | – Planning Board member    |
| • Chris Flagg     | – Applicant/Property Owner |
| • Julia Rogers    | – HHLT representative      |
| • Ron Gainer      | – Town Engineer            |

During this site walk, the Site Plan prepared by Windigo Architecture, LLC, Dated September 30, 2020 was utilized to evaluate the development proposal.

### **PROJECT OVERVIEW**

The application concerns a residentially zoned property lying along the west side of Old Albany Post Road, at the Travis Corners Road intersection, involving a 5-acre property. The tract currently contains an existing residence, with a 1,760-sf addition planned which will be connected to the main dwelling via a breezeway. An existing garden shed will be removed to permit the construction of the addition.

### **SITE COMMENTS/OBSERVATIONS**

The following summarizes observations and matters discussed over the course of the inspection:

1. **Site Disturbance** – The addition will be placed perpendicular to the current dwelling, and lie adjacent to the existing gravel driveway/parking area. The areas along both frontages is generally flat. Grade slope upward in a southwesterly direction to the westerly property boundary. Existing grade in the area of the addition is 3-5 feet higher than grade at the parking area.

As the addition will be at the same grade as the present structure, significant re-grading will be required to construct it. As this is not clearly illustrated on the Architect's plans, the Board felt that the following information should be provided on any resubmittal of the project plans –

- a grading plan should be developed to illustrate the extent of re-grading necessary, showing existing and proposed grades.
- Cross-sections (north-south, east-west) through the addition and overall site should be provided.

C:\Users\Owner\Documents\Phillipstown\Phillipstown Planning Board\Flagg-Snyder SP\Correspondence\11-16-20 Flagg SW memo.doc

**RE: Flagg - Snyder Residential Site Plan; Old Albany Post Road**

- Given the extent of soil removals required, the applicant should also establish the extent of earthwork necessary to construct the addition, and hopefully balance the cuts & fills so that off-site disposal is avoided (which, if required, would place additional construction traffic impacts on Old Albany Post Road).
2. **SSTS** – The existing SSTS is located to the south of the existing residence, in a lawn area adjacent to Old Albany Post Road. The property owner had previously located the septic tank, just off the porch on this side of the dwelling. However, he is uncertain what specific components comprise the system. As the number of bedrooms on the property will increase, the adequacy of the system and whether any upgrades are necessary, will be responsibility of the Putnam County Department of Health (PC DOH). A referral to the PC DOH has been made to by the Planning Board, although no response has been received to date.

Confirmation from the Putnam County Department of Health must be provided to either assure that the on-site utilities are adequate for the expanded use of the site, or otherwise establish what system renovations are required to properly serve the addition. The applicant should retain an engineer to evaluate the existing layout and sizing of the SSTS.

3. **Building Architecturals** – The architectural plans provided should clearly identify colors of the building exterior wall and roof materials.
4. **Stormwater Management** – The plans must identify the overall site disturbances which will result from the site development planned, as well as the extent of any new impervious area to be created, in order to verify the extent of details necessary to satisfy applicable SWPPP requirements.  
  
A "limits of disturbance" line should be noted on plan, and the overall areas of disturbance and impervious areas calculated. Further, with any increases planned in impervious areas, it would be appropriate to determine whether run-off from any new impervious areas could be infiltrated, which has become a standard practice for roof areas. This plan, once developed, should incorporate a construction sequence.
5. **Lighting** – The location and details of any new exterior lighting planned should be provided, so the Board may evaluate whether any off-site impacts could result that require mitigation/shielding. Further, any exterior safety and security lighting proposed should encompass "Dark Sky" guidelines, to minimize light pollution.
6. **Erosion & Sediment Controls** – All required erosion control measures to be put in place during construction should be identified.
7. **Conservation Easement** – The property is encumbered by a Conservation Easement, which is held by the Hudson Highland Land Trust (HHLT). Copies of these easements should be provided to the Board, for their reference and files. During the site inspection, Julia Rogers explained that the easement itself was somewhat non-descript. It addresses the appearance of the 3 visible sides of the dwelling. It does permit further development to the north of the existing residence, but limits disturbances along Old Albany Post Road. Nevertheless, if PC DOH requires any repairs to the existing SSTS, this would be permitted under the Conservation Easement. The Board felt that the areas of the site that the easement encumber should be illustrated or notated on plan, and all applicable development restrictions referenced.



**RE: Flagg - Snyder Residential Site Plan; Old Albany Post Road**

**At the conclusion of these discussions, the site meeting ended.**

**c: Carl Frisenda, Highway Supt  
Greg Wunner, Code Enforcement Officer  
Stephen Gaba, Esq.  
Applicant (c/o Windigo Architecture, LLC)**



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**Ronald J. Gainer, P.E., PLLC**

**ZONING BOARD OF APPEALS**

**November 9th, 2020**

**Minutes**

**The Zoning Board of Appeals for the Town of Phillipstown held a monthly meeting on Monday, November 9<sup>th</sup>, 2020, Via Zoom**

**PRESENT:**

Robert Dee – Chairman  
Vincent Cestone – Member  
Paula Clair – Member  
Granite Frisenda – Member  
Lenny lim - Member  
Adam Rodd – Attorney (Drake Loeb PLLC)

**Absent:**

**\*\*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:** The first thing is the minutes; anybody have any changes to the minutes?

**Paula Clair:** No

**Chairman Robert Dee:** No, No okay, I make a motion the minutes be accepted

**Vincent Cestone:** I'll second

**Chairman Robert Dee:** Okay, Vinny second, all in favor?

**Paula Clair:** Aye

**Vincent Cestone:** Aye

**Granite Frisenda:** Aye

**Lenny Lim:** Aye

**Chairman Robert Dee:** Aye.

**Lakeisha Esau & Martin Friedman, 66 Highland Dr, Garrison, NY  
TM90.8-2-41**

**Chairman Robert Dee:** The scope of the work is to consist of a second floor, you want to put a second floor on. The applicant second floor addition and deck extension within a front yard setback

**Paula Clair:** That is Tony Ricci that we g\have up

**Chairman Robert Dee:** What is that Paula?

**Paula Clair:** You said we are doing; we're not doing Tony Ricci first right?

**Chairman Robert Dee:** Oh, were doing

**Paula Clair:** Because the piece of paper that was up there was Ricci

**Chairman Robert Dee:** I know, he is not here, nobody is here for him yet. We are going to do the 66 Highland Dr

**Paula Clair:** No, I understand, Okay

**Chairman Robert Dee:** Martin Friedman, who representing them?

**Martin Friedman:** Martin Friedman is here and Mary Ting the architect is also here.

**Chairman Robert Dee:** Okay Mr. Friedman, Didn't I talk to you in March or something like that?

**Martin Friedman:** Yup

**Chairman Robert Dee:** Oh, Okay alright well. Your paperwork done now for the application?

**Martin Friedman:** Yes, you have it

**Chairman Robert Dee:** Right, okay alright. What you are looking for here I guess is a front yard setback, you want 42.5 feet where 50 feet is required and you're looking to put a second story on. Now what that comes under that comes under 175 23 of the code. Now what that is any house that's non-conforming pre-existing has to come before a Board to do basically any kind of work on it okay, and you need a permit to do that. That's the first thing and the second thing is, if it goes over 25 percent then you need to get variances.

**Martin Friedman:** Right

**Chairman Robert Dee:** Okay, so what we're talking about here, we're talking about a front yard variance, a special permit to do the up to the 25 percent and I'm sure it looks like it's over 25 percent

**Martin Friedman:** It's over 25 percent

**Chairman Robert Dee:** So, you would need a variance now. I one thing I'm gonna have to know is the square footage of the house at this time and what is the square footage that you intend to put on:

**Martin Friedman:** Okay,

**Mary Ting:** You saw the application

**Martin Friedman:** You have that information

**Chairman Robert Dee:** You have that on the application?

**Martin Friedman:** Yes, well it's on the plans that are with the application

**Mary Ting:** It's on the application

**Chairman Robert Dee:** It's on the application. Okay, I'm looking at the application

**Lenny Lim:** I'm looking myself

**Adam Rodd:** Yes, as I looked at it you now, the existing home has 1,934 square feet is that correct?

**Mary Ting:** Sounds right

**Martin Friedman:** Sounds right, yeah



**Adam Rodd:** And then, the addition is going to add 1,470 feet?

**Martin Friedman:** It also sounds about right

**Chairman Robert Dee:** 1,470? Okay. Now also, I'm looking at your plans. You're looking to put a deck on also in the back, another deck?

**Martin Friedman:** Well there's an existing deck on the side and there's an existing deck in the back

**Chairman Robert Dee:** Okay

**Martin Friedman:** So, we're looking to redo both of those and expand them a little bit

**Chairman Robert Dee:** Okay, and then you're gonna put a stairway down towards the lake is that what

**Martin Friedman:** Well there's, we're gonna put a stairway in to connect the two decks

**Chairman Robert Dee:** Right

**Martin Friedman:** and another, another uh stairway going down into the backyard which is still always from the stream but towards

**Chairman Robert Dee:** Right, right okay, I understand. Do you live in the home? Is it occupied?

**Mary Ting:** Yes

**Chairman Robert Dee:** You live in the home, right?

**Martin Friedman:** Yes

**Martin Friedman:** Yes

**Chairman Robert Dee:** Okay, just asking. Okay fine. What this is for this meeting here for is to make sure we have all the information that we need okay, and then if we do that, we'll vote that we have the application is complete okay, and then we will set up a public hearing. Now, what happens at the public hearing is all your neighbors are going to be notified, you know and people can come on the meeting like this and ask questions and so on and so forth and they are entitled to actually, Kelly can they go to

the Town hall anymore if you want to go look at the plans? That's a question

**Kelly MacIntyre:** They can come to the Building department if they call me and I can make an appointment for them to come.

**Chairman Robert Dee:** Oaky, alright somebody calls you and that's what it is, right so what happens is that somebody calls the Town Hall and wants to get the plans they can go and look at the plans. Okay, and they can also come to the meeting and get on zoom or whatever and what concerns that have either for or against you know, I don't know you know that's up to you. Have you spoken to any neighbors at all or anything about it or?

**Martin Freidman:** Um, well a couple of my neighbors know

**Chairman Robert Dee:** I'm just curious

**Martin Friedman:** and believe me by the time the rest of the people who are close enough to care

**Chairman Robert Dee:** yeah, they'll get notified, they'll all be notified

**Martin Friedman:** They will be certainly be speaking to me before the next meeting.

**Chairman Robert Dee:** Yeah, what we do is we send out notifications for them

**Martin Friedman:** I understand

**Chairman Robert Dee:** From the Town, and everything else like that

**Mary Ting:** The soft touch comes from you

**Chairman Robert Dee:** What?

**Mary Ting:** I said the soft touch comes from the owner

**Chairman Robert Dee:** Oh, okay. Alright, does any Board Members have any questions? Any missing material for this application? Anything you need, any further questions?

**Lenny Lim:** Not me

**Chairman Robert Dee:** Not you Lenny. Anybody else?

**Adam Rodd:** Yeah, one thing I just wanted to just um, just so I understand, you're requesting for relief. I understand that you're going to be expanding the decks on the side and the rear?

**Martin Friedman:** Yes

**Adam Rodd:** And I just wanted to clarify what will the new setbacks be with the expanded decks? In other words, if you're expanding it on the side

**Mary Ting:** They comply

**Adam Rodd:** Oh, so

**Mary Ting:** Everything complies

**Martin Friedman:** The setback is for the front part of the second floor

**Mary Ting:** And not only that, it is going to be set back from the previous variance which have been granted.

**Adam Rodd:** Alright, so you don't need variances from the side and the rear setback?

**Mary Ting:** No

**Martin Friedman:** No, it's only from the front

**Adam Rodd:** Only from the front, okay you answered my question

**Martin Friedman:** And that's so that we can keep the line of the front of the house where it is without having to set that back

**Adam Rodd:** Okay

**Chairman Robert Dee:** Alright, anybody, any Board Members have any questions or anything else like this, or need any more information and so forth? Alright, I make a motion that this application be accepted as complete?

**Lenny Lim:** I'll make it

**Chairman Robert Dee:** Lenny Lim seconds it. All in favor?

**Paula Clair:** Aye

**Vincent Cestone:** Aye

**Paula Clair: Aye**

**Granite Frisenda: Aye**

**Chairman Robert Dee: Aye.** It's anonymous. Alright, Mr. & Mrs. Ting we're gonna set up your meeting for uh, it's gonna be Monday the same thing on Zoom but's it's gonna be January 11<sup>th</sup> we don't meet in December

**Martin Friedman: Okay**

**Chairman Robert Dee: Okay,** the Monday January 11<sup>th</sup> at 7:30 that same thing on here, you know and what we'll do at that time is listen to the public and everything else like that and hopefully we can make a decision that night.

**Martin Friedman: Very Good**

**Mary Ting: Thank you**

**Chairman Robert Dee: Alright,** thank you have a good night

**Mary Ting: You too**

**Chairman Robert Dee: Kelly,** is anybody for Ricci here?

**Kelly MacIntyre: No**

**Chairman Robert Dee: Alright,** so put Ricci over to January 11<sup>th</sup>

**Kelly MacIntyre: Okay,** and I'll give them a call tomorrow

**Chairman Robert Dee: Yeah,** because what time is it? Already you know it's 7:40 and you know I hate to put them over like that but I don't know, but I'm not going to wait you know all night during that so, are there any other business? Anybody? Alright, I'll make a motion that the meeting be adjourned.

**Vincent Cestone: I'll second**

**Chairman Robert Dee: All in favor?**

**Paula Clair: Aye**

**Vincent Cestone: Aye**

**Paula Clair: Aye**

**Granite Frisenda: Aye**

**Chairman Robert Dee: Aye**

**(THE MEETING ADJOURNED AT 7:40pm 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**