

TOWN OF PHILIPSTOWN ZONING BOARD OF APPEALS

Philipstown Town Hall, 238 Main Street, Cold Spring, NY 10516

April 11th, 2022 Minutes

Present

Robert Dee (Chair)

Granite Frisenda

Janice Hogan

Vinny Cestone

Ralph Puglielle (Attorney Drake Loeb PLLC)

Absent

Lenny Lim

Adam Rodd (Attorney Drake Loeb PLLC)

Please note that these minutes were abstracted in summary from the meeting and a taped recording. Chair Dee opened the meeting at 7:30 pm.

Chair Dee: The first order of businesses is to approve the minutes from the February meeting.

Mr. Cestone: I'll make a motion to accept him as submitted.

Chair Dee: Granite seconds them. All in favor?

Chair Dee: Aye

Vinny Cestone: Aye

Granite Frisenda: Aye

Janice Hogan: Aye

Chair Dee: Now the minutes for the March meeting. Any changes or corrections? No okay. I make a motion that they be approved.

Mr. Cestone: I'll second.

Chair Dee: All in favor?

Chair Dee: Aye

Vinny Cestone: Aye

Granite Frisenda: Aye

Janice Hogan: Aye

Chair Dee: Okay that takes care of that.

Adam & Diana Hird, 30 Walmer Lane, Cold Spring, NY 10516 TM# 16.20-1-25.1and

Chair Dee: Then we have an application for Adam and Diana Hird, 30 Walmer Road in Cold Spring. It's for proposed garage applications building permit 26' by 60'. The application proposes a 1,560 square foot garage with workshop and office within. The application does not comply with chapter 175-10D of

the zoning code. This is from Greg Wunner the Code Enforcement officer this application the building permit was denied. I believe we have somebody here tonight that's going to represent?

Beth Sigler: Beth Sigler, Sigler Henderson Studio representing Adam and Diana Hird at 30 Walmer Lane.

Chair Dee: Okay you have the authorization form so we're okay with that. I looked over everything and everything seems to be pretty much in order. One question I do have though I see that the garage is 1,560 square feet but, in the application, you put that the garage only uses 860 square feet or something like that.

Beth Sigler: The garage itself is 862 square feet, it has an office and a shop as accessory uses to that. The garage itself doesn't exceed the 1,000 square feet. They wanted to make sure that the office could be accessible for the future so we didn't want to put it above the garage.

Chair Dee: Okay is the office a personal office?

Beth Sigler: It's a personal office yes.

Chair Dee: It's not a business office?

Beth Sigler: It's not a business it's for the homeowner.

Chair Dee: So, the whole entire building is 1,562 square feet. Now under what he's coding here under 175-10D and there's a lot to it. There's like commercial and so on and so forth, wind turbines but yours it says that non-commercial recreational usage shall be permitted as an accessory use in all districts provided they don't create noise, traffic, dust, odor or other impacts that exceed those normally associated with single family residence uses. So, basically that's what we're looking at. So, we're going to look at the application tonight, why don't you just give us a little outline of what you're planning to do here.

Beth Sigler: Okay, the overall project we're renovating a house that was from the 1950's it has three additions to it. So, it's not really possible to add anything to the house given the landscape and the way the additions were added to it. So, we're proposing to do an accessory structure which has a garage, a shop for the owner's personal use and a personal office for writing. What we wanted to do was keep the footprint as small as possible and not have multiple buildings on the site. The site has been previously, it's a lot of acreage that's been mowed and they want to concentrate the house and the garage and building in one area and then let the rest of the acreage go back to a natural state so there's not as much mowed area. So, the idea is to keep that garage structure and shop and office as one structure. One; because it's easier to heat and cool something that's one structure rather than having several structures. It just limits construction on the site. They're interested in also renovating the house so the first floor can have all the functions and be accessible for future and also having the office as something that is accessible and not like a typical home office above a garage structure and that's the basics of the project.

Chair Dee: You have pretty much everything filled out and we got the deed here and what year was it built any idea?

Beth Sigler: The house it was the first structure was 1950, there was a 1970 addition and a 1998 addition and a 2000 addition.

Chair Dee: You have a current survey which is all stamped and dated and you filled out the five factors. Are there any questions for anybody on the board?

Janice Hogan: May I ask why it was rejected by the building department, was it because it exceeds the square footage allowed in section 175-10 by 560 square feet is that the primary reason?

Chair Dee: Well, the primary reason is that it's an accessory building and they need a special permit, am I correct on that?

Ralph Puglielle: I believe that's accurate.

Chair Dee: What was it 175-10. I think he's going more with the fact that it's a special, if you read them right a garage is only 1,000 square feet. Detached garage associated with a single-family residence should not exceed 1,000 square foot footprint area. My thing is it was a variance or a special use permit? That's the thing so you could have Adam check on that to make sure that's one or the other I'm just trying to find out. It might be a special use permit or it might be a variance. But I think of course as an accessory building that it might be a special use permit like we get especially use permits for wind turbines and stuff like that and also industrial uses but if it's just a garage and it's over 1,000 square feet of people you're saying the garage is only 800 and something square feet so that's where the question where Adam can ask the Building Inspector.

Beth Sigler: My understanding is he is saying the whole structure is the garage as opposed to a garage with accessory uses.

Chair Dee: I just don't know if that's what he's reading it. If he's saying the whole building is a garage then that would be one thing, that would be like a variance, right?

Mr. Cestone: Is it an accessory structure?

Chair Dee: An accessory structure right that's different or is it you know so we just have to know from the attorney and he's got to talk to the building inspector and exactly what we're looking at here what we need so you're on the right playing field that's what I'm trying to say. There are times people do a building or something like that we give a special use permit or something like that. I don't think that covers that; I think what this is for the garage. I think he's under the understanding that it's 1,500 square foot and even though using a portion of it for garage it's still the same building.

Beth Sigler: That was my understanding.

Chair Dee: He'll check with the Building Inspector and so we know for the next meeting exactly what we're dealing with okay but I'm pretty sure that's what it is. He just gave us a section so you could read that section ten different ways unfortunately. A lot of these a lot of these sections you read I mean you know.

Beth Sigler: There's a lot of things in the code I feel like you can interpret many ways.

Chair Dee: It could be this way it could be that way so that's we just want to make sure we have the right thing. Now what happens is we'll take a vote whether the application is complete and we vote that it's complete we'll set up what's called public hearing. That'll be for next month which will be Monday May 9th. That'll be here in the same place. What happens is the secretary will send out letters to all the surrounding neighbors notices that this is going on and everything else like that and they'll be able to go

to the Town Hall and look at the plans if they want to or they'll be able to come here at the meeting and speak their piece and ask you questions or ask about the project you know whether their concerns might be or a lot of times nobody comes, people just have no problems with it and a lot of times the people do have concerns so we just want to make sure everybody's heard.

Beth Sigler: Absolutely.

Chair Dee: Okay, so at this point in time I make a motion that the application is complete.

Vincent Cestone: I'll second that.

Chair Dee: All in favor?

Chair Dee: Aye

Vinny Cestone: Aye

Granite Frisenda: Aye

Janice Hogan: Aye

Chair Dee: Like I say we'll go over more in detail.

Beth Sigler: Just one question. So, Cheryl sends out the notice, we don't do that?

Chair Dee: Do you have the addresses?

Ms. Rockett: Yes.

Chair Dee: So, when you come here, we'll go with five factors which would go towards the north and to the sides and everything else like that and this way anybody who's here will have a chance to ask questions. Okay are you all set. Any new business? Any old business? Can I get a motion to adjourn?

Mr. Cestone: I'll make a motion.

Mr Frisenda: Second.

Chair Dee: All in favor?

Chair Dee: Aye

Vinny Cestone: Aye

Granite Frisenda: Aye

Janice Hogan: Aye

The meeting was adjourned at 7:42 pm.

Date Approved: 5/9/22

Respectfully submitted by



Cheryl Rockett
Zoning Board Secretary