

TOWN OF PHILIPSTOWN ZONING BOARD OF APPEALS
Philipstown Town Hall, 238 Main Street, Cold Spring, NY 10516
March 14th, 2022 Minutes

Present

Robert Dee (Chair)
Granite Frlsenda
Janice Hogan
Lenny Lim
Vinny Cestone
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: Before we start the meeting, I just want to take a minute to silence for the poor people in Ukraine. Let's just hope that things get better over there.

Public Hearing

Betsey Haddad, 15 Lake Celeste, Garrison, NY TM#72.17-1-15

Chair Dee: The first order is a public hearing or a Betsey Haddad, 15 Lake Celeste, Garrison, NY. The applicant is seeking four variances. First one would be a special permit per section 175-23b of the town code for the enlargement of a pre-existing, non-conforming structure. What a pre-existing non-conforming structure is, a zoning code for Philipstown started April 4th, 1957. So, any house built before '57 is classified as pre-existing, non-conforming and to do any work you need a permit and a variance. The second they would need is a variance pursuant to 175-23B-2 to allow an increase in floor area of more than 25%. Third is a variance to town code 175 attachment 2 to permit the construction of an addition that shall be set back 27.67 feet from the side yard lot where 30 feet is required and the fourth one is a variance of the town code 175 attachment two, dimensional table, maximum impervious surface coverage. In order to increase the maximum impervious surface coverage to 10.56% where 10% is required. This property is located in the RC zoning district. Anybody here want to us what you're trying to do here? Okay just identify yourself and go over by the microphone there please.

Manuel Quezada: Good evening my name is Manuel Quezada, I work for Kamentall Architects, thank you for having me here and definitely agree with you a person is better than being on Zoom. As you stated we are seeking 4 variances. I don't think that is something that increase or damage what the existing conditions are in the house. I think we are improving the area with what we're seeking and I think the more difficult one is the non-conforming status. So, I feel that that actually we actually are improving the existing conditions for you allowing us the additional square footage that we were improving for the house with the mobility and the function in the house itself.

Chair Dee: Well, you understand what that is that's because when they started the code the houses were built before you had to conform to the code so they made them pre-existing, non-conforming and you need a permit to do it.

Mr. Quezada: Correct and though the variances are very minor as you stated. It's only like the impervious surfaces are a few percentage over the allowance and obviously the setback is also about two and a half feet over what they allow is unfortunately the way that the shape of the lot itself and the way the setbacks are being proposed kind of includes a corner of the house within itself. So, that's what we are seeking our four variances in front of you now.

Mr. Lim: There are a lot of variances.

Mr. Quezada: That is correct, but very minor variances as well.

Mr. Lim: A lot of variances for a piece of property.

Chair Dee: And the addition what's it for, bedrooms or for a kitchen?

Mr. Quezada: These are mainly for bedrooms. The kitchen is going to be staying sort of in the same area where it is right now. The part where it is encroaching within the setbacks is going to be part of the office and the main entrance so that's the two and a half feet that we are seeking.

Mr. Lim: You said an office, for what?

Mr. Quezada: For the owner, with Covid we need a little bit more flexibility in how things are going on now and in the future, so they're designing for an office space.

Chair Dee: You folks came to us February 8th of 2021 and we sent you to the Conservation Board because you were in wetlands like that yes you know I read there; they did approve it correct? I read it but there's a list of conditions.

Mr. Quezada: Correct.

Chair Dee: Okay, yes and you understand that if you violate any of these conditions you'll stop the work immediately, correct?

Mr. Quezada: We do.

Chair Dee: Okay, you'd have a hard time coming back to us again that's what I'm trying to do.

Mr. Quezada: Yes, we don't want to come back, we're asking for additional variances.

Chair Dee: If you get approved at all, I'm just trying to say so that's the thing you know. All right, like I said the house was built in the 40's and it is this kind of small house. I understand it is very small and I looked at the area looked at the house and I don't see it really violating anybody's area or any space. I don't see it you know bothering the neighbors or anything else like that you know. I don't know if there's anybody here to speak to that.

Mr. Quezada: We have the owner here if that will be okay or appropriate for her to speak?

Ms. Haddad: I just wanted to say I've worked with Kamentall before and we came before you but not Manuel another architect there and you can check with Greg Wunner. I mean we did a good job, we

really wanted to make sure everything was well done and to the letter and we put in a nice rain garden and everything. So, I just wanted to say Kamentall is and that's very important I know to you all and to me if there are requirements, we'll make sure they get done.

Chair Dee: Well, they'll be checking on it because I think you have to (inaudible) Conservation before you even start. What was the square footage again?

Mr. Quezada: The existing house right now is 1400 square feet and what we're proposing is 2100. Some of the space is being utilized part of the basement that is not utilized right now right so we're increasing part of that to make it function and obviously the square footage that we added on the first floor.

Mr. Lim: It's going to be a 50% increase?

Mr. Quezada: Yes, about 50% of the house, correct.

Chair Dee: Yeah, it was over the 25%.

Mr. Quezada: Correct and that's part of the what we have said.

Mr. Lim: (inaudible)

Chair Dee: Yes, see like I say with the pre-existing, non-conforming even to touch it, you can do 25% more but you've got to get a permit then to go over that you have to get a variance that's why we're talking four variances.

Mr. Quezada: We understand that and again just keep in mind that part of the existing house is not being utilized fully because it's just the height of the ceilings. So, we're trying to utilize all that stuff so as a part of the existing does not count as a habitable space, so now we're trying to make it habitable. So, the square footage if you look at the perimeter of the house, we're not increasing that much, literally the outline of the building, the only thing that we are doing and may I show you here? So, if you look at the diagram that we have part of what we're trying to accomplish is this part here. So, this is the square footage that we are adding into the house itself right so it's just the yellow portion. So, if you were to flip the other pages it gives you a little bit of more diagrammatic information and what we're increasing. So, this is the line obviously as you can see this is the setback that we're encroaching as well. We are adding the rain gardens. One of the provisions that always ask for the Environmental Board is that this we actually removing part of the house to make it more as a deck. So, this yellow portion here is part of the building envelope itself but we are removing part of an addition that was done previously and we are actually putting a patio some a little more outdoor space as well. So, the bulk of the construction itself is just going to be on this corner here.

Chair Dee: Right, your kind of squaring off the house.

Mr. Quezada: Correct, yes and I show that in different diagrams as well if you look at the drawings you have or the drawings that I have here as well and flipping that over I believe I included the floor plans as well to give you a little bit of an idea of what the layout looks like and what we're trying to accomplish as well. And just highlighting again the areas on yellow those are areas that we are trying to improve the property itself. The last one is just more like how the house is going to look so just to give you an idea that we are trying to keep a very traditional with everything else in the neighborhood as well.

Chair Dee: Okay, any board members have any questions?

Mr. Cestone: How close is your nearest neighbor?

Mr. Quezada: Betsey owns the property up on top and then we have one across the stream. I want to say at about 150 feet away from there. That's the closest neighbors that she has right now for that for that property.

Chair Dee: Yes, so if anybody has any questions or something they could either go to the town look at the plans or they could come here tonight.

Mr. Quezada: I'm not sure if they received anything, any letters from any of the neighbors but we're not aware anyone is in opposition of the project.

Chair Dee: Well, if anybody had any real problem they would be here, basically that that's how it happens. Anybody else have any questions, Adam? You're good? Okay. All right now is anybody from the audience that would like to speak to this? Okay. So, let's make note that there's nobody from the audience to speak except the owner. Okay, at this time I'll make a motion to close the public hearing, okay can I get a second?

Mr. Cestone: Second.

Chair Dee: All in favor?

Robert Dee (Chair): Aye

Granite Frisenda :Aye

Janice Hogan :Aye

Lenny Lim : Aye

Vinny Cestone : Aye

Chair Dee: Okay, it's unanimous. Now we're going to vote on the four variances.

Mr. Lim: Do we have to vote on all of them individually?

Mr. Rodd: I mean you could theoretically if there's one particular variance but I think it doesn't make sense because it's an integrated application. In other words, the addition that they're proposing creates a small insufficiency on the side yard setback but the addition also encompasses the floor area, it also encompasses impervious surface coverage, it also encompasses the need for a special permit. So, you can't pluck one out, that wouldn't make much sense.

Chair Dee: Is there one you have a problem with or are you concerned about or something?

Mr. Lim: No.

Chair Dee: I think it'd be best to vote on it as a package. I'm going to take a roll call vote on this thing. Again, it's four variances.

Mr. Cestone: I vote to approve.

Mr. Lim: I vote to approve.

Mr. Frisenda: I vote to approve.

Mr. Hogan: I vote to approve.

Chair Dee: I vote to approve. Okay it's a unanimous vote.

Mr. Quezada: I appreciate your time and I appreciate the work that you guys do, thank you.

Chair Dee: It's your lucky day because how this used to work, one meeting one month where you have to give your application we will review it, okay then next month we would do it where we'd vote on it and then the attorney would have to get it together and the next month is when we signed the resolution. But thanks to our secretary and the work from our Building Inspector we've got a form that I can sign and give it tonight and you can go tomorrow and get your building permit if you want. So, I'll sign that and you're all set. You can bring that tomorrow to the Building Inspector and then the resolution will come from the attorney, when he sends it to our secretary I go up and I sign and that'll go into the official file but this is enough for you to get your building permit, it saves you a month.

Chair Dee: Any old business, any new business? I'd like to welcome Janice to the Board. I know she'll do well and I'd like to welcome our new representative over there from Town Board. She's going to be there reporting to the board so be nice to her.

Chair Dee: Thank you. All right I need a motion to adjourn.

Lenny Lim- I'll make the motion.

Mr. Cestone: I'll second.

Chair Dee: All in favor?

Robert Dee (Chair): Aye

Granite Frisenda :Aye

Janice Hogan :Aye

Lenny Lim : Aye

Vinny Cestone : Aye

The meeting was adjourned at 7:54pm.

Date Approved: 4/11/22

Respectfully submitted by



Cheryl Rockett
Zoning Board Secretary