

**ZONING BOARD OF APPEALS
238 Main Street, Cold Spring, New York 10516**

**May 14, 2018
7:30 P. M.**

Regular Monthly Meeting

Pledge of Allegiance

Approval of Minutes:

- April 23, 2018

New Business:

Leonard Lindros

TM# 81.-1-33

Appeal #

593 Route 9D, Garrison

(The applicant is seeking approval to build a new, 24 x 24 foot detached garage which requires a variance for a side yard setback of 10 feet where 30 feet is required.)

Public Hearing:

Dan & Rebecca Ward

TM# 27.8-1-47

Appeal #915

69 Hy Vue Terrace, Cold Spring

(The applicants are seeking approval to build a new, 1-story, 2,492 sf, detached garage which requires a variance under town code 175-10, which limits the size of a garage associated with single-family residences to 1000sf. They also seek a variance under town code 175-74, which limits the size of an accessory structure to ½ the size of the principal building.)

Dana & Kevin Reymond

TM# 89.7-1-7 & 8

Appeal #

28 & 30 Hudson River Lane, Garrison

(The applicants are seeking approval for a new, single family residence and 2 garages, which require various variances for both the principal structure as well as the accessory structures, and a special permit for the enlargement of non-conforming structure. The variances sought include: a variance to permit the con-conforming structures to be moved, 2 variances for sideyard setbacks for the principal structure, 1 variance for sideyard setback for accessory structure, 2 front yard setbacks for accessory structure, and a sideyard setback for the deck.)

ZONING BOARD OF APPEALS
April 23, 2018
MINUTES

The Zoning Board of Appeals for the Town of Philipstown held their regular monthly meeting on Monday, April 23, 2018, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:	Robert Dee	-	Chairman
	Vincent Cestone	-	Member
	Paula Clair	-	Member
	Granite Frisenda	-	Member
	Leonard Lim	-	Member
	Adam Rodd	-	Attorney (Drake Loeb PLLC)

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

Chairman Robert Dee opened the meeting at 7:30 P. M. with the Pledge of Allegiance.

Minutes

Chairman Robert Dee: Okay first item of business. Approvals of the minutes from March 12th. Anybody have any changes or additions to the minutes? I'll make a motion they be approved.

Leonard Lim: Second.

Chairman Robert Dee: All in favor?

Leonard Lim: Aye.

Vincent Cestone: Aye.

Paula Clair: Aye.

Granite Frisenda: Aye.

WHUD Tower Replacement, 22 Sky Lane

Chairman Robert Dee: Aye. Okay. Next item is 22 Sky Lane, WHUD tower replacement. Mr. Gaudio.

Robert Gaudio: Good evening. Thank you. Robert Gaudio on behalf of Pamal Broadcasting.

Chairman Robert Dee: I know last meeting we talked about the house, you were gonna demolish the house.

Robert Gaudio: Yes.

Chairman Robert Dee: Did you get that?

Robert Gaudio: Yes, actually I have, and I can hand it up, a copy of the Certificate of Occupancy that the house was demolished and completely cleaned up.

Chairman Robert Dee: Okay. Great, okay thank you. And I guess the next item was about the road.

Robert Gaudio: Yes.

Chairman Robert Dee: And how are you gonna-

Robert Gaudio: So, what we've agreed to is, would be to post an undertaking and I think the town engineer had recommended \$30,000, if I'm correct about that, and we have no objection to that. And the only thing that we would ask is that there be a process. So, we've already hired a professional engineer that has experience with roads, has experience with roads going to telecommunications towers, Mr. Steve Burns who's here this evening. He's already inspected the road, documented it, videotaped it. What we would ask is maybe to have a site visit with town engineer, prior to construction, agree to the documentation of the current existing road, and then have another inspection after the construction is done. If the engineers agree, if there's damage done, we would agree to repair it. If for some reason the engineers disagreed about the level of damage or the cause of the damage, we would just ask to be able to come back and present our position to the board and let the board make the ultimate decision, but we don't have any objection to posting the undertaking or having the engineer, town engineer inspect it, along with our engineer, and documenting it all along the way.

Chairman Robert Dee: Well, I don't see a problem with that, that's a good idea, and then Mr. Gainer can handle that. He could examine it and everything. The only thing, the only question I have, I got your email. If there's a disagreement there you want to come back before us?

Robert Gaudio: Well I just think that if-

Chairman Robert Dee: We're not the civil court.

Robert Gaudio: I think that if, if there's a decision, if there's a disagreement- so if Mr. Gainer thinks that we did \$100,000 worth of damage and we think there was zero damage, I think we would just have to come back and ask the board for its determination.

Chairman Robert Dee: No, I wouldn't go with that because if he says \$100,000 worth of damage, we're gonna go with the town, our town engineer. That would be the decision so that,

your, of course, would be, you know, a court, you can go to a different court, civil court or something like that, but we're not a civil court. How am I gonna make a decision on that?

Adam Rodd: Well I think I did forward to you a letter of credit and I think the applicant has agreed, based on the recommendations from our town engineer, that in his estimation a \$30,000 posting should be sufficient to cover possible damage to the roadway that would be used to access the installation of this cell tower. So-

Chairman Robert Dee: That would be in a letter of credit?

Adam Rodd: Correct. Now if there's no damage whatsoever, assuming that Mr. Gainer looks at the road afterwards, then the letter of credit would be returned, nullified, whatever. If there was some damage, and again we're using \$30,000 as our estimate of an outer boundary, if Mr. Gainer indicated that, by his estimation, for example there was \$18,000 of damage, but the applicant thought there was only \$13,000, again, the most efficient way to deal with that would be simply to present the estimates to this board and we would make a determination. Hopefully it would never get there.

Chairman Robert Dee: How could the board, how could the Zoning Board- how could I possibly ask the Zoning Board? We're becoming a court of everything. I mean last month we were making code enforcement decisions. Now you're asking that, he's going to inspect the road, the engineers gonna inspect the road, we're not going to inspect the road, okay. We rely on the town engineer.

Adam Rodd: Correct.

Chairman Robert Dee: Now if he says there's \$18,000 worth of damage, that's a done deal to me, unless anybody feels differently.

Vincent Cestone: No, I agree.

Chairman Robert Dee: So, I don't know what we're doing here.

Adam Rodd: Well I mean we're not saying that-

Chairman Robert Dee: I'm not going to judge and jury, you know, damage to the road if I've never seen it, I don't know anything about it. How can I possibly decide that?

Adam Rodd: Well, what would be the alternate process to, opposed to-

Chairman Robert Dee: He'd have to take them to court. I mean he's familiar with courts.

Robert Gaudio: I mean are you comfortable with that? Is that, that would be the appeal process? Is that-

Adam Rodd: I mean I, what it would do, in essence, is, if you want to go that route, it would be \$30,000 letter of credit. If there's no damage the letter of credit would be nullified. If there is some disagreement, and again we would have to build it into as a condition of the approval, the remedy would be commencement of a proceeding in Putnam County. Supreme Court Putnam County, if it came to that.

Robert Gaudio: Yeah, I, look, I think this is a real remote situation, given the circumstances. I mean we trust Mr. Gainer's opinion. The heaviest piece of equipment will be a cement truck. There's been heavier equipment going up there to some of the, some of the construction sites. We just want to make sure that we kind of cross T's and dot I's and if you're comfortable with the fact that we would have the right, and that was built into the resolution, we'd have the right to challenge that. Again, I don't want to wish any bad (inaudible) on Mr. Gainer, if something happened to Mr. Gainer and someone who wasn't as reasonable were in his position three months from now, it just might, it might lower our comfort level. So, as long as you're comfortable with that and we can put that in the resolution, I think that would be, I think that would be fine.

Adam Rodd: We can do that.

Chairman Robert Dee: We can do it that way, because I'm not comfortable coming back here. Alright, anything else?

Robert Gaudio: No, I think those were the two main issues and I think we made a lot of progress over the past six weeks.

Vincent Cestone: Mr. Chairman?

Chairman Robert Dee: Yes?

Vincent Cestone: Can we agree on a timing? You know, the residents on Ridge Road, you know, they don't want to wait six months, eight months, a year, if there's no agreement. As long as there's an agreement we should say, we should tell them, 30 days, 60 days, whatever Mr. Gaudio feels comfortable with, that if there's an agreement. it will be done within a certain time frame. What do you feel comfortable with?

Robert Gaudio: Yeah, I think that's a great point. I think that once-

Chairman Robert Dee: From completion, completion of it? Is that what you mean? Once the tower is complete?

Vincent Cestone: Say there's damage and they, and everybody agrees that the damage was done from the constructions.

Chairman Robert Dee: Okay.

Vincent Cestone: That should be, okay, you agree within 60 days, 90 days, whatever, I'm gonna do the repair.

Robert Gaudio: Yeah, I'd say 90 days, with the understanding weather permitting.

Unknown: Depends on the weather.

Robert Gaudio: Yeah weather permitting. I mean we don't want to lay asphalt in the middle of winter so.

Chairman Robert Dee: No, of course.

Robert Gaudio: Maybe 90 days, subject to extension by the town engineer under, you know, applicable with construction and weather issues.

Leonard Lim: We agree on 90 days?

Chairman Robert Dee: 90 days.

Robert Gaudio: With the ability of the town engineer to extend that based –

Chairman Robert Dee: Depending on weather.

Robert Gaudio: On weather and those types of circumstances.

Chairman Robert Dee: Anything, anybody want to speak on this? Unless you have anything? Anybody else want to speak in regard to this? Yes? Just come up here, identify yourself please.

John Spina: John Spina, 60 Ridge Road, resident. We as residents feel that it's inevitable that any damage that's going to happen is not going to be visible right away. It's really just a driveway, like I said last meeting. So, by us taking pictures of the road, seeing what potholes are there, and then coming back in after the construction and say, okay there's no additional potholes, everything is fine, it's gonna undermine the road; there's no question. It undermines it with just car traffic right now there's potholes all over the place. It's broken off on the edges. I don't know who's gonna determine what potholes are gonna get fixed; this pothole was damaged, this pothole wasn't there, it just seems so vague that we're gonna just randomly say, there's no damage done, with trucks, cement trucks, they're heavy. It's an inch and a half of blacktop. It's like driving a cement truck on your driveway. It's, I can't believe that we're just saying, nothing's gonna happen, and if it does happen, it should be visible after the construction. I don't buy it. I don't buy it that we're gonna be able to determine that this is gonna happen immediately after and these signs are going to be visible.

Chairman Robert Dee: Well Mr. Gaudio is going to have his licensed engineer and the town is going to have our licensed engineer, gonna take pictures, going to review the road. The roads not in great shape to begin with, okay.

John Spina: It's not. We're trying to stop it.

Chairman Robert Dee: I mean let's be honest, I've been up the road a number of different times to check on it and all like that and see. It's not, there's problems there, number one.

John Spina: Right.

Chairman Robert Dee: I don't expect Mr. Gaudioso to repair the whole road. I mean, he's gonna do any repair damage that, if any damage was caused by the construction.

John Spina: Who's going to determine what damage was caused prior to and afterwards and what future damage by undermining the base that's there with these cement trucks?

Chairman Robert Dee: Well we're gonna have their engineer and our town engineer, okay. They're going to agree on what damage there is there now and if any damage afterwards, they'll agree on that.

John Spina: Okay.

Chairman Robert Dee: And you know like we said to agree on its price to-

John Spina: Right, I got it.

Chairman Robert Dee: Well, let me finish.

John Spina: Okay.

Chairman Robert Dee: They'll agree on the price if there's a price to fix it, if it has to be fixed or so on and so forth. We trust our town engineer, that's why we have him, okay? As far as afterwards, any damage, I can't ask him to possibly cover damage for the next ten years or something like that. I mean, there could be somebody going up with a cement truck tomorrow. I mean a house was built up there. It looked like a poured cement foundation. So, I'm sure there were concrete trucks going up to build the house up there.

John Spina: There was and there was a second access-

Chairman Robert Dee: Okay.

John Spina: Into Putnam Valley.

Chairman Robert Dee: There could be a concrete truck or a heavy truck going up the day after the job is complete. We don't know that.

John Spina: But, again, towns ask companies all the time to make repairs or make improvements to projects. It happens all the time and I can't see why this wouldn't happen in this case. That some repairs-

Chairman Robert Dee: It is happening. I am totally lost.

John Spina: Because there's no clear understanding as to what is really going to happen. Who's going to do the negotiating as to, as to whether it's gonna get repaired, potholes are gonna get filled, or anything gets done?

Chairman Robert Dee: The Town Attorney and the town engineer and their attorney and their engineer.

John Spina: Okay, so it's out of our hands.

Chairman Robert Dee: You know-

Leonard Lim: We just asked them to post a \$30,000 bond in case we have to repair the road.

John Spina: Okay.

Chairman Robert Dee: Can't ask for anymore.

John Spina: No, you can't ask for any more but I'm saying that potholes aren't gonna appear after these trucks. They're just, it's not going to happen. And we all know that.

Chairman Robert Dee: Yeah but that doesn't mean because they ran a heavy truck over of it, a pothole appears six months after, that it was their fault.

John Spina: Okay.

Chairman Robert Dee: Could be anybody's fault.

John Spina: Okay. I'm just telling you how we all feel. We feel that way.

Chairman Robert Dee: I understand how you feel and I'm gonna tell you what the law is and what the Zoning Board does and I think we're going out of our way to make sure that there's a letter of credit there instead of a bond which means they could just take the money out right away, you know I'm trying to say? So, the money's there, they're willing to put the money up front. But, that road is not in the best shape, so you can't blame them.

John Spina: We're only trying to keep it in as good a shape as we can, because we as resident's repair. The town doesn't come in and fill it.

Chairman Robert Dee: We agree with you. That's why we're having them put up the \$30,000.

John Spina: Okay.

Chairman Robert Dee: Thank you. Anybody else? Any other questions? Okay. Any board members have any questions on this application, on the public hearing or any questions or?

Granite Frisenda: No.

Chairman Robert Dee: All right. Then I make a motion to- Ron do they have everything for the town? Are we missing anything?

Ron Gainer: So, again, the last plans that were submitted go back to I think January-

Chairman Robert Dee: Gotta go to the - I'm getting a pointer from the director over there.

Ron Gainer: They go back to January of this year. We issued a technical memorandum to the board that was dated this past February. There were some statutory questions we had raised on the application, which the town attorney had responded to, to indicate the application was considered complete and we have some minor plan issues that have to be resolved and that should just be a condition of any action this board takes.

Chairman Robert Dee: All right so how do you want that worded in the resolution, the addition.

Ron Gainer: I think as a condition you can just identify the date of my resolution, of my memorandum as any technical issues in that memorandum have to be resolved prior to that endorsement by the chairman.

Adam Rodd: And the resolution should also indicate that it's subject to the posting of a letter of credit in the amount of \$30,000 to protect against any damage or losses that might be caused by the installation of the new tower. And we will then work on a resolution and the wording of that resolution. I'll work certainly with the applicant's attorney and that, we'll present that to you for signature.

Chairman Robert Dee: Do you have any objection to any of that Mr. Gaudioso?

Robert Gaudioso: No that's, that's fine. I think we may have cleaned up Ron's comments but we'll double-check on that and as long as- we just want to get started in the process of filing for the building permit application just so we can, we could beat next winter. I know it seems so far off since we finally got a sunny day today but, time in the summer time tends to drift by, so we appreciate that. Thank you.

Chairman Robert Dee: Okay, thank you. All right I make a motion at this time that the public hearing be closed.

Leonard Lim: I'll second.

Chairman Robert Dee: All in favor?

Leonard Lim: Aye.

Vincent Cestone: Aye.

Paula Clair: Aye.

Granite Frisenda: Aye.

Chairman Robert Dee: Aye. Okay I make a motion at this time. Roll call vote on the approval or disapproval of the replacement tower.

Vincent Cestone: I'll second.

Adam Rodd: Subject to those conditions that we discussed.

Chairman Robert Dee: Subject to all the conditions that we discussed.

Leonard Lim: I second it.

Chairman Robert Dee: Especially the \$30,000, we got to get the road fixed if it's broken. Okay, second, all in favor?

Leonard Lim: Aye.

Vincent Cestone: Aye.

Paula Clair: Aye.

Granite Frisenda: Aye.

Chairman Robert Dee: Aye. All right. I'm gonna, it's a roll call vote on the approval or disapproval.

Vincent Cestone: I approve.

Chairman Robert Dee: Mr. Cestone approves. Mr. Lim?

Leonard Lim: I approve.

Chairman Robert Dee: Approve.

Granite Frisenda: I approve.

Chairman Robert Dee: You approve?

Granite Frisenda: Yup.

Paula Clair: I approve as well.

Chairman Robert Dee: I approve. It's unanimous that the application is approved for the replacement of the cell tower, 22 Sky Lane. And the resolution, depending of course on the resolution, the conditions and resolution.

Robert Gaudioso: Thank you very much for your time, thank you.

Chairman Robert Dee: Thank you.

Berland, 22 Hudson River Lane, Garrison

Chairman Robert Dee: nNxt door of business is a public hearing, NeaveGroup and Todd Berland, 22 Hudson River Lane. Yes. Okay. Now, you're looking to put a pool, in the ground pool, right?

Kris Schmitt: Yes sir.

Chairman Robert Dee: At 22 Hudson River Lane which is right on the Hudson River, so.

Kris Schmitt: That's correct.

Chairman Robert Dee: You were here a couple months ago and I sent you to the Conservation Board but you did get approval from the conservation.

Kris Schmitt: We did get approval from conservation, yes.

Chairman Robert Dee: Okay. Now, tell us, you're looking for a couple of variances here. You're looking for, I guess it's 12 feet 5 inches, is that what is? On the north side?

Kris Schmitt: Correct. So, essentially the house itself has that same current setback, so we're gonna keep the pool in line with the house. It's on a non-conforming lot. We can't meet either setback from either side, being the 30 feet and the lots only 50 feet in width. So, we need a variance on the north and the south side.

Chairman Robert Dee: I thought that you're looking for a zero side yard.

Kris Schmitt: I saw that on there, that came through on the notes. There's a four-foot existing and that's what we want to maintain.

Chairman Robert Dee: So, let's, you're looking for a 12-foot 5-inch side yard setback on the north side of the property.

Kris Schmitt: Correct and then on the south side, from the pool itself-

Chairman Robert Dee: Where 30 feet is required, there's no 30 feet, nobody down there has 30 feet.

INAUDIBLE - CROSSTALK

Chairman Robert Dee: And then you're looking for zero lot line on the south side, no, four foot, I'm sorry.

Kris Schmitt: Well there's four foot is the existing house, to the pool is 26 feet. There was a potential outdoor shower that was gonna go on that south side that is not happening anymore.

Chairman Robert Dee: You're gonna have a tough time getting zero so I would say go with the four feet.

Kris Schmitt: Right, exactly.

Chairman Robert Dee: Okay four feet on the south side.

Adam Rodd: Just so, to clarify, this is the construction of a pool and a deck, correct?

Kris Schmitt: Correct.

Chairman Robert Dee: Right.

Adam Rodd: And on the, just to make it clear, on the north side, from the side yard lot line, you're, the, whatever improvements, are going to be set back 12 feet 5 inches on the north, from the side yard lot line on the north.

Kris Schmitt: Correct.

Adam Rodd: I just want to get that. And on the south, it'll be, is it 13 feet 2 inches? The deck will be 13 feet 2 inches from the south side yard?

Kris Schmitt: There's an existing deck here now, a smaller one, and we're gonna extend that (inaudible).

Adam Rodd: So that'll be 13 feet 2 inches.

Kris Schmitt: Correct.

Adam Rodd: And the pool itself will be 23 feet 2 inches from the south side yard lot line, is that correct?

Kris Schmitt: Correct.

Leonard Lim: (Inaudible).

Adam Rodd: Okay. I just wanted to make sure that the numbers were accurate.

Chairman Robert Dee: There's no (inaudible). I know the lots are very small there, that was an old-time fishing area, I think, (inaudible) cottages and stuff there I know. I read the thing, one thing about, in the approval from the Conservation Board they said you're not gonna store any chemicals on the property or something like that? Was that-

Kris Schmitt: That is correct. So-

Chairman Robert Dee: How are you gonna take care of the pool if there's no chemicals?

Kris Schmitt: We bring the chemicals in on our vans when we service it and then, as far as the chlorine goes, it's actually generated on site through a salt chlorine generator.

Chairman Robert Dee: Okay.

Kris Schmitt: So, there won't be any, you know, vats of chlorine or acid or anything like that staying there. No DE for filters, it's all cartridge, so, again, just no chemicals.

Paula Clair: I have a question. I didn't see any fence around the pool. Is, aren't you required to have a fence around the pool?

Kris Schmitt: So, that was one of the things I'm actually gonna discuss with the building department. There is a fence currently on the north and south side and on the east side.

Paula Clair: But not directly around-

Kris Schmitt: Between the river and the pool. They did put one up to contain their children for right now. It probably will not meet pool code, so I need to talk to the building inspector, but again, also, about the feasibility of, you're essentially coming from a body of water to protect from going into another body of water, so I wanted to make sure, you know, where they, the building department, would stand on that.

Leonard Lim: The fence isn't there to protect from water it's there to protect from the children wandering into a pool.

Paula Clair: Right.

Kris Schmitt: Understood. But what I'm saying is having the river there-

Leonard Lim: You're telling me you have fences on three sides.

Kris Schmitt: Correct and now there is a fence-

Leonard Lim: And you think a little child ain't gonna walk around a fence?

Kris Schmitt: No, no, no, or, so, or come in through the house. So, the fence currently surrounds the house. I need to deal with the building department on where they're gonna want us to put the-

Leonard Lim: You need to show us you're putting a fence all the way around the pool.

Kris Schmitt: We are.

Leonard Lim: Okay.

Kris Schmitt: We're gonna do the enclosure as according to New York State pool code. I need to check with the building department to see what all the requirements are gonna have, given that there's a body of water right there.

Paula Clair: Yeah but shouldn't the drawings reflect, you know, the fence that you're gonna put up?

Kris Schmitt: Yes, this does reflect the fence. So, it is down here-

Paula Clair: Well, not on all sides though.

Chairman Robert Dee: No, it doesn't reflect the fence around the pool as of now.

Paula Clair: Right.

Kris Schmitt: So, there is a fence here and (inaudible)

Chairman Robert Dee: Yeah but that's of no value, that's of no value to us. What we're looking for is a fence around the pool itself. And you know you have to do that. You want to go to the Building Inspector to know about the code, is that correct?

Kris Schmitt: Right, so, it's a big (inaudible) here in that the house itself is involved in the fence. So, there's a fence that comes along the front of the house to the garage and then from the garage to the property line. And then there's a fence here along the property line as well. And then (inaudible) goes around. But, what we typically need to figure out is the potential that anyone that's in the house (inaudible).

Chairman Robert Dee: Yeah what we're looking for is preventing children from the outside to go onto the property and get into the pool without having a fence around it.

Kris Schmitt: So right now, there is the (inaudible).

Chairman Robert Dee: No, I've been down there. Kids can, it's easy to get on the property. I was there, okay. It's not fenced in all around.

Kris Schmitt: Perhaps, since then – the only clarification I would need is on this side. They added a fence down here.

Chairman Robert Dee: Well how about, I'll tell you what-

Kris Schmitt: Okay.

Chairman Robert Dee: If this gets approved we'll put in a contingency that the fence has to be completely surrounding the pool according to New York State code.

Kris Schmitt: Okay, we can do that.

Chairman Robert Dee: Thank you. Anybody have any questions on this pool? Or any –

Vincent Cestone: How high out of the ground is the fencing gonna be?

Kris Schmitt: The fencing?

Vincent Cestone: Yeah, you're gonna-

Kris Schmitt: It needs to be a minimum of 4 feet.

Vincent Cestone: Say again?

Kris Schmitt: 4 feet for the fence per New York State.

Chairman Robert Dee: Whatever the New York State code-

Kris Schmitt: Yeah. Right.

Paula Clair: Yeah. I have another question. Your certificate of occupancy that you provided says Manitou River Road, Station Road, Garrison, doesn't say 22 Hudson River Lane.

Leonard Lim: The 2 addresses don't match up.

Kris Schmitt: I understand. We requested the Certificate of Occupancy's from the town and included in the packet what was in there. Is that- is there different ones? There's multiple C of O's on the property. Is there one maybe that was just in the file incorrectly?

Granite Frisenda: Maybe it became Hudson River Lane? Maybe.

Paula Clair: I don't know? Okay, here, one does say 22 Hudson River but it's for the garage and the deck.

Chairman Robert Dee: I think that happened years ago. Those houses are so old I think what happened, a lot of them didn't have CO's to begin with and then if they put something in later on like a garage you would get a CO for the garage and all like that. I think that's what's happened down there.

Kris Schmitt: We did have some trouble finding all-

Zshawn Sullivan: If I could clarify that. We used to get our mail-

Chairman Robert Dee: You have to come up and just.

Zshawn Sullivan: My name is Zshawn Sullivan, 8 Hudson River Lane. We used to get our mail on Manitou Station Road so our mailing address was Manitou Station. Then when 911 came along they actually named our lane.

Paula Clair: Oh.

Zshawn Sullivan: So, and it, we all have box numbers on the lane so, maybe that answers the question.

Chairman Robert Dee: Yup, okay. That helps us, yeah.

Kris Schmitt: Thank you.

Paula Clair: And also, on the short environmental assessment form you didn't answer questions 1 & 2.

Chairman Robert Dee: Alright let's ask him, see if we can ask him now. Alright. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule or regulation? That's a tough one. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule or regulation, yes or no. What's the answer?

Adam Rodd: The answer is no.

Chairman Robert Dee: No, right?

Adam Rodd: They're not seeking the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation.

Chairman Robert Dee: This is the short-form, right?

Paula Clair: Yeah.

Chairman Robert Dee: Does the proposed action require a permit, approval or funding from any other government agency? No.

Kris Schmitt: No.

Chairman Robert Dee: Okay?

Kris Schmitt: Sorry we didn't have that filled out.

Chairman Robert Dee: That's no problem. Anything else? Anybody else? Anybody have any other questions on this pool? Alright, I just want to go through the five factors quickly.

Adam Rodd: Just to be-

Chairman Robert Dee: Go ahead.

Adam Rodd: -you know accurate about it, they did receive approval from the Conservation Board.

Chairman Robert Dee: Correct.

Adam Rodd: So, technically you could answer 2 as yes but you did get the approval, which this board was notified of, just to be clear about that.

Kris Schmitt: Okay

Adam Rodd: I'm just bringing that up. I got a very dirty look from our esteemed buildings-

Tara Percacciolo: It wasn't a dirty look.

Chairman Robert Dee: It was her official look.

Adam Rodd: It was a nonverbal elbow in the ribs, so.

Chairman Robert Dee: Okay, let's see. What am I looking for here, the five factors? Did you fill out the five factors?

Leonard Lim: (inaudible)

Chairman Robert Dee: Well they're gonna put the fence is gonna be in the resolution.

CROSSTALK – INAUDIBLE

Leonard Lim: They have to show me they're gonna put a fence around this thing.

Kris Schmitt: We have to do a fence in order to close out the permit from the building department. What I'm saying is that-

Chairman Robert Dee: We're gonna put it in the resolution just so there's no question.

Kris Schmitt: Right, so the client has put up a fence to keep the kids out of the river right now, so I'm trying to figure out how we can-

Chairman Robert Dee: Right. How far are you from the river, 30 feet? 40 feet?

Kris Schmitt: Is the pool?

Chairman Robert Dee: Yeah. From the Hudson.

Kris Schmitt: Yeah about 30 feet.

Chairman Robert Dee: So, they're gonna put an inground pool 30 foot from the river, that floods. God bless. Okay, let's see, what possible detriment would the variance have on nearby properties? How close are nearby structures? And you answered, I do not see any detriment in granting a variance to nearby properties. The pool would not obstruct any views, it will only enhance the appearance of the backyard. The closest structure to the north is approximately 65 feet away and the structure to the south is 40 feet away. Well those houses are very close down there, there's only I think, what, 13 or 14 houses down there or something like that. They are all pretty close to each other. I don't see any obstruction of view or anything else like that, do you? Anybody?

Leonard Lim: No.

Paula Clair: No but if it floods-

Chairman Robert Dee: Well if it floods, that's his problem. Not, that's the owner's problem I mean if it floods, you know, that's, they're taking that-

Paula Clair: No, I know but it might

Chairman Robert Dee: You know, we do, there's a flooding- but you got a Conservation Board-

Kris Schmitt: The clients aware of the past history or their property-

Chairman Robert Dee: Okay.

Paula Clair: Yeah, but it could affect nearby properties if it floods.

Chairman Robert Dee: Well-

Leonard Lim: I don't know Paula, I think if one floods they all-

Chairman Robert Dee: Whether it's river water or chlorine water it's the same water I think. All right, number two, if you didn't get the variance, how else could you build and what would you accomplish your goal? Well, the only thing you could do is put maybe a small above ground pool or I guess or something like that right?

Kris Schmitt: Well we wouldn't meet the setback requirements.

Chairman Robert Dee: You wouldn't meet, you can't do anything down there without a variance and everything else.

Kris Schmitt: Without a variance. The lot's only 50 feet wide, so.

Chairman Robert Dee: The lot's only 50 feet wide to begin with, yeah, you're right. What code requirement do you seek to vary and how large of a variance do you seek? We went over that, do you have those numbers? Was it-

Adam Rodd: Yeah, the, right we won't over that, it's in the record. It's 12 and a half feet from the north side yard lot line. On the south side the pool will be 23 feet 2 inches from the south side yard lot line and the deck will be 13 feet 2 inches from the south side yard lot line.

Chairman Robert Dee: Okay. What impact or effect will the variance have on the current physical and environmental conditions of the area? Is there grading or blasting proposed? You're not gonna blast, just gonna-

Kris Schmitt: No. We're just gonna-

Chairman Robert Dee: There's no place to blast. You're just gonna dig, how far are you gonna dig down?

Kris Schmitt: So, we only need to dig down about two and a half feet since we're gonna be raised out of the ground. So, we're gonna go down and put a gravel drainage layer underneath and then the concrete and then everything else is above ground.

Chairman Robert Dee: Okay. Is the variance requested a result of self-created hardship? Was there a need for a variance when you purchased the property? How long ago did you purchase the property? We have that. Did you build the structure without a permit? No. So, self-created I guess you could look at a million different ways. You want, she wants to-

Leonard Lim: To me it's self-created.

Chairman Robert Dee: -put a pool. Right, you know, so, it is self-created because you want to put a pool in. I mean, you know, as far as that goes, it's a- you don't have to put a pool in.

Kris Schmitt: Right, I understand.

Chairman Robert Dee: I don't know how else to say it. You know, what I'm trying to say? So, you did bring it upon, the person that did, decided to do it, so.

Kris Schmitt: I took self-created as if, you know, if there's another place on the property to put a pool, but you're trying, as though we were trying to put it in a setback.

Chairman Robert Dee: No, it's like it's-

Kris Schmitt: I mean by buying a non-conforming lot, I guess, is that?

Chairman Robert Dee: Right, when you buy a non- anything you do with it, a lot like that, you're gonna have to need variances and like that so.

Kris Schmitt: Right.

Chairman Robert Dee: Okay, is there anybody here that want to speak about this? Yes. Sit down, please. Just come up and identify yourself.

Zshawn Sullivan: Hi, Zshawn Sullivan, 8 Hudson River Lane and I just have a question about it, looks like they're gonna put the pool up 18 inches?

Kris Schmitt: Correct.

Zshawn Sullivan: It'll be 18 inches above the ground level that's there now.

Kris Schmitt: Exactly.

Zshawn Sullivan: Okay and in Sandy and Irene and Lee, all those, most of those homes down there had four feet of water in them, so I don't know how 18 inches is going to be sufficient. I'm not making a statement to you guys as much as I'm making the statement to the people putting in the pool that it's not going to be out of the hundred-year flood plain; that's just been proven in the last ten years, twice.

Chairman Robert Dee: Oh, I agree with you.

Zshawn Sullivan: They had 55 thousand gallons of water in the basement of that house as the fire department, garrison fire department, said that they pumped out. And that's not, I mean, it's-

Chairman Robert Dee: That was like my concern also. That's the reason I sent it to the Conservation Board several months ago.

Zshawn Sullivan: Right.

Chairman Robert Dee: The Conservation Board, they're kind of the body that decides that type of thing as a (inaudible) and like that.

Zshawn Sullivan: Right.

Chairman Robert Dee: And they gave approval, we have written approval from the Conservation Board so, I agree with you 100%, you know, I wouldn't put a pool you know, next to the Hudson River, but that's, I'm not doing it.

Zshawn Sullivan: Right,

Chairman Robert Dee: So, uh, you know, this person wants to do it and, if it floods it floods and that's kind of like their issue.

Zshawn Sullivan: Right.

Chairman Robert Dee: It's not going to damage your property anymore.

Zshawn Sullivan: Nope, no.

Chairman Robert Dee: He's only gonna damage their own, so, it's kind of like, take it upon yourself.

Zshawn Sullivan: I mean, you know, the board has approved homes built down there not really out of the hundred-year flood plain either so.

Chairman Robert Dee: Correct.

Zshawn Sullivan: I just wanted to make aware that this 18 inches is not going to be above the flood plain by any means.

Chairman Robert Dee: I'm with you but it's not my pool.

Zshawn Sullivan: Okay, thank you.

Chairman Robert Dee: Thank you. Anybody else? Any other, any questions from the board?

Vincent Cestone: No.

Paula Clair: I think that he wants to-

Chairman Robert Dee: I'm sorry?

Kris Schmitt: No, I don't have any questions, I was just standing.

Chairman Robert Dee: I'm sorry?

Kris Schmitt: I said I don't have any questions.

Chairman Robert Dee: Okay.

Kris Schmitt: I was just standing. I didn't know if you had any other questions.

Chairman Robert Dee: Then sit down. Okay. Don't push your luck. Alright, at this point in time I make a motion that the public hearing be closed.

Vincent Cestone: I'll second.

Chairman Robert Dee: All in favor?

Leonard Lim: Aye.

Vincent Cestone: Aye.

Paula Clair: Aye.

Granite Frisenda: Aye.

Chairman Robert Dee: Aye. All right we'll take a vote on the issue and the variance for the building of the pool. Mr. Cestone?

Vincent Cestone: I vote to deny.

Chairman Robert Dee: Deny. Mr. Lim?

Leonard Lim: I'll, I'll vote to approve.

Chairman Robert Dee: Okay, so we got one deny, one approve. Mr. Granite?

Granite Frisenda: I vote to approve.

Chairman Robert Dee: Approve.

Paula Clair: I vote to deny.

Chairman Robert Dee: Deny. Always gotta throw it on me. Well, my concern was with the Conservation Board because I felt that it was too close to the water and everything else like that but, he went to Conservation Board and he got a permit so, I'm gonna have to vote to approve it. So, it's three to two so your, it is approved. You'll have to wait until you get a resolution, our attorney makes up the resolution, sends the resolution to us and then I sign it. Okay?

Kris Schmitt: Sounds good. Thank you for your time.

Chairman Robert Dee: Good luck.

Kris Schmitt: Thank you.

Grillo/Clark, 28 Lane Gate Road, Cold Spring

Chairman Robert Dee: Alright. Next order of business is 28 Lane Gate Road. This is a public hearing for an application which proposes, I know we had an issue with the side lines. 26-foot 1-inch side line or what have, we changed that the last time.

Justin Kacur: We changed that.

Chairman Robert Dee: To what?

Justin Kacur: We got an updated denial letter from the building inspector getting the dimensions correct.

Chairman Robert Dee: Okay, give me the new ones.

Justin Kacur: Okay. 20 feet, 1 ¼.

Chairman Robert Dee: 20 feet, 1 ¼.

Justin Kacur: That is the side yard variance we are seeking.

Chairman Robert Dee: 1 ¼.

Justin Kacur: Yeah.

Chairman Robert Dee: Who's gonna do all this measuring as to 1 ¼?

Justin Kacur: That's AutoCAD for you.

Chairman Robert Dee: All right.

Justin Kacur: It's exact.

Chairman Robert Dee: Side yard setback and, is that north, south, or what?

Justin Kacur: Well, it's on the southwest side of the house.

Chairman Robert Dee: And then and then you're asking for a-

Adam Rodd: You said Southwest?

Justin Kacur: Yes.

Chairman Robert Dee: Southwest side.

Adam Rodd: And it's 20 feet 1 inch, 1 ¼ inches.

Justin Kacur: Correct.

Chairman Robert Dee: And you're looking for a 22.4% impervious coverage where 10% is maximum allowed.

Justin Kacur: That's correct.

Chairman Robert Dee: 21.7 already exists.

Justin Kacur: Yes.

Chairman Robert Dee: Okay, so you're looking to go from 21.7 to 22.4.

Justin Kacur: Yes, that's correct.

Chairman Robert Dee: Okay then, want to explain to us what you're trying to do here with this-

Justin Kacur: Sure.

Chairman Robert Dee: Addition.

Justin Kacur: Yes. This is, so you have the revised letter and the certificates of occupancy where the also, the elements that were missing last time. So, we submitted those, Tara did actually.

Paula Clair: I have a question on that also. The certificate of occupancy that you submitted, first of all it just says Lane Gate Road, it doesn't say the number on Lane Gate Road. And then, so then I looked at the tax map number that's listed on the certificate of occupancy, it doesn't match the tax map number on your appeal.

Justin Kacur: Well, we went to the building department and the building department called us and said that they submitted the right ones. So-

Tara Percacciolo: (Inaudible) it changed, well for the entire town, at one point in time. Like, you'll see the ones from, the first one says 39 (inaudible)-

Paula Clair: Right, right.

Tara Percacciolo: And then it was changed at some point, all the, they all changed.

Paula Clair: Okay.

Justin Kacur: We wondered the same thing because it didn't have the number of the road on it-

Paula Clair: Right.

Justin Kacur: But we were trusting that they got the right ones.

Paula Clair: Okay.

Justin Kacur: So, thank you. Yeah so, the, I'm Justin Kacur from Highlands Architecture and my clients are Denise Grillo and Denny Clark, 28 Lane Gate Road. The existing house is non-

conforming and we've designed a two-story addition, it's 12 feet by 20 feet. We've also extended the deck slightly on the southwest. The first-floor level of the addition is a garage and the second floor is a kitchen. We've located this based on the site constraints of the driveway location and also the existing conditions of the existing house layout to make this addition as simple as possible, adding on to the existing kitchen and the plumbing and the roof lines. So, we've tried to keep this addition very simple, rectangular, relatively small. Yes, it is in the side yard setback, but the existing house is already non-conforming. The lot is small, it's .91 of an acre in a five-acre zone. Hence, that's why we have the, we're over the impervious as well. So, already the impervious is 21.7, the maximum is 10%, so that's what we're looking at right now. So, we think it's a good location for the addition. We've looked at some other options, we think this works well with the driveway. I don't know if any of you have been there but when you drive up it's a good location to then turn into the new garage bay door. And the rooflines as well, low slope pitch, nice looking, good scale and proportions with the existing house.

Chairman Robert Dee: Okay. How many square feet is, are you adding to the house?

Justin Kacur: Well, each floor level is 12 by 20, so it's a total of 480.

Chairman Robert Dee: Okay. And the square footage of the house now is what? Any idea?

Justin Kacur: 1750.

Chairman Robert Dee: Okay.

Justin Kacur: That's about it.

Chairman Robert Dee: That's about it?

Justin Kacur: Yeah. I have elevations if you'd like to see them.

Chairman Robert Dee: Any questions from anybody, from the board? Okay, anybody in the audience would like to speak regarding this? Okay, note that there's nobody to speak on it. All right so at this time I'm gonna go over the five factors and just see where we're at. What possible detriment would the variance have on nearby properties? Your answer, we do not believe there would be any detriment to nearby properties. Structure will be somewhat visible. Exterior lantern type lights will flank the new garage door. What impacts would the variance have on the character of the neighborhood? Minimal impact, your answer, only 364-foot land disturbance on a relatively low slope. House currently is smaller than others in the area. We do not believe that the neighborhood would be changed with the granting of these variances. Let's see, if you didn't get this variance how else could you build what you want or accomplish your goal? Project is not feasible in any other location based on existing construction, topography, property lines, setbacks, interior plan layout. Additions proposed are relatively small. What is code requirement you seek to vary? Side yard setback, impervious surface coverage. But like you said there's already 21% coverage there already, right?

Justin Kacur: Yes.

Chairman Robert Dee: You're looking to increase that to what 22 something?

Justin Kacur: 22.4 yeah.

Chairman Robert Dee: Okay. What impact or effect will the variance have on the current physical and environmental conditions in the area? You got no blasting as proposed. Adding 204-foot, square feet of paved driveway on flat area of site. No wetlands to our knowledge. Normal drainage patterns will be improved with our addition. There'll be a 22.843 away from existing well. Okay it's 22.8 feet away from the new corner of the garage addition. No traffic increase. Is the variance requested as a result, is itself created hardship? You got no, not a self-created hardship. Everybody answers the questions the same way. It is a self-created hardship because it's something you don't have to do.

Justin Kacur: Right.

Chairman Robert Dee: It's simple, it's not a hard question.

Justin Kacur: Right.

Chairman Robert Dee: But that doesn't mean, it doesn't mean that the variance is not going to be approved. I'm just trying to say is that, it was created by the person because they want to build something.

Justin Kacur: Correct.

Chairman Robert Dee: Okay. Now, as far as, this of course, the house was built within a 50-foot rear yard setback area. What do you mean by that?

Justin Kacur: The rear yard setback is 50 feet. The house was built in 1973 with no regard for setbacks.

Chairman Robert Dee: Right.

Justin Kacur: So, it was just placed up in the upper corner of the lot, so about half of the house is already in that setback.

Chairman Robert Dee: Okay. Any board members have any questions? Okay the letters were sent to the neighbors and all like that? We have (inaudible) nobody's here. Okay so I guess there's no objection from neighbors, there's nobody, nobody showed.

Leonard Lim: Wasn't the code in effect in 1973?

Justin Kacur: I'm sorry?

Leonard Lim: Was the code in effect, the zoning code, in 1973?

Justin Kacur: I'm not really sure but whoever built the house I mean-

Leonard Lim: (Inaudible) just build it where you want it?

Justin Kacur: They just built it there and when we offset the property lines and the setbacks we just realized that a lot of the house was already non-conforming, so I have no idea whether, in 1973, they were guided by the zoning.

Chairman Robert Dee: Right. But it does have a C of O, there is a CO for it. There is a certificate of occupancy.

Justin Kacur: Yes.

Chairman Robert Dee: Okay, thank you. Okay. I just want to make a motion that the public hearing be closed.

Paula Clair: Second.

Chairman Robert Dee: All in favor?

Leonard Lim: Aye.

Vincent Cestone: Aye.

Paula Clair: Aye.

Granite Frisenda: Aye.

Chairman Robert Dee: Aye. At this time, I'll take a roll call vote on the variance's required. Mr. Cestone?

Vincent Cestone: I vote to approve.

Chairman Robert Dee: Mr. Lim?

Leonard Lim: I'll vote to approve.

Chairman Robert Dee: Mr. Granite?

Granite Frisenda: I vote to approve.

Paula Clair: I vote to approve as well.

Chairman Robert Dee: And I vote to approve. So, it's unanimous. And again, you have to wait for the resolution to be, come to Town Hall and then I have to sign it (inaudible) okay? Thank you.

Ward, 69 Hy Vue Terrace, Cold Spring

Chairman Robert Dee: Next is an application for completion from 69 Hy Vue Terrace. Anybody here for that? You want to come up please? I had a pre-application meeting with you, I think, and we discussed it. You don't need any variances, you don't need a side yard, you don't need a front yard. All you need is the variance for, the town says you can only build a garage so many square feet, you need that. Right?

Dan Ward: Right, correct.

Chairman Robert Dee: Okay. How big is the garage you're looking for?

Dan Ward: 2494 I believe.

Chairman Robert Dee: 2494.

Dan Ward: Yeah.

Chairman Robert Dee: Square foot garage.

Dan Ward: Yeah, basically 2500 square feet.

Chairman Robert Dee: I'm sorry?

Dan Ward: Basically 2500 square feet.

Chairman Robert Dee: Is it 2494 or 2500?

Dan Ward: Just rounding up, yeah.

Chairman Robert Dee: Oh, 2494. Okay good. And we, and in the town code right downstairs there's only I think it's 1,000.

Paula Clair: 1,000.

Chairman Robert Dee: Right yeah only thousand feet available, yeah. What are you gonna do in the garage?

Dan Ward: Well I put an attachment on here I'll just read it to you here.

Chairman Robert Dee: Yeah but I'm asking you.

Dan Ward: Basically, we have, we have a cheap modular house from the 70s and it's very narrow, it's 23 feet wide. The garage is very narrow, we can't really park our cars in there. We have larger, four-wheel drive vehicles, as we are both teachers, and we commute way down to Westchester. So, just for safety we have four-wheel drive vehicles and I can't fit those in there; they're always sitting in the driveway. We have an extra car as well. I have a boat that I'd like to store in there. I don't have a shed on the property, so I'd like to store my snow blower, my leaf blower, my tractor, all those types of things. We also don't have any storage in the attic because we have a truss system up there. So, we have a, it's a small house to begin with and we just we have stuff crammed everywhere. So, we'd like to have some extra storage. In addition to that, my wife's parents are getting up in age and they may be moving in with us as well.

Chairman Robert Dee: Lucky you.

Dan Ward: So, we would just, we would just like to have some more room. We have a small house and we're not adding on to the house but we would just like to have the space and we've been living there for 30 years and we would like to stay. We don't plan on moving when we retire and just to have a place for my hobbies when I retire and you know, I know a lot of people add on to their house, we would just like to have a nice size garage.

Chairman Robert Dee: Okay, well this is just for completion. Is there anything anybody saw that wasn't in here and missing? Does he need any more information? Anybody have any? Okay, your application looks complete.

Dan Ward: Okay good.

Chairman Robert Dee: Now, it looks complete so-

Dan Ward: Okay.

Chairman Robert Dee: We're gonna vote on it, though, that it's complete. Then what we do after that, the town, our secretary Tara, will mail out letters to the neighbors, okay. And then there'll be a meeting on, our next meeting which is May 14th, I believe right? Yeah May 14th at 7:30, at the same time. And this way it gives your neighbors, 7:30 same place, this way it gives your neighbors, if they want to ask any questions or anything else like that.

Dan Ward: I don't know if you're interested in a copy of this letter but the garage, the property that the garage is going to be right next to, I got a letter from my neighbor if you like to –

Chairman Robert Dee: That's in here right? We'll discuss-

Dan Ward: No, it's not in there. I have a copy of it if you'd like it.

Leonard Lim: We all get a copy.

Dan Ward: I'm sorry?

Leonard Lim: 5 copies, 6 copies so we all get a copy.

Dan Ward: I have 8 copies here.

Chairman Robert Dee: All right, leave them with the secretary.

Dan Ward: Okay.

Chairman Robert Dee: And she'll include it with the packet that she mails out. She mails out a package of any information to us and so we'll have it for the meeting.

Dan Ward: Okay, very good.

Chairman Robert Dee: At this time I make a motion that the application is complete.

Vincent Cestone: Second.

Chairman Robert Dee: All in favor?

Leonard Lim: Aye.

Vincent Cestone: Aye.

Paula Clair: Aye.

Granite Frisenda: Aye.

Chairman Robert Dee: Aye. Okay and we're going to set this for a public hearing for May 14th, and that gives you enough time to send out everything, right Tara? Okay, so, May 14th and, you be here, and then we'll make a decision on that.

Dan Ward: Okay great. Thank you. Thank you very much.

Chairman Robert Dee: You're welcome.

Reymond, 28 & 30 Hudson River Lane, Garrison

Chairman Robert Dee: Next one is an application completion for 28 and 30 Hudson River Lane. Yes.

Mike Liguori: Good evening, members of the board, my name is Michael Liguori, I'm a partner at Hogan and Rossi, Brewster, New York. I'm an attorney. I represent Dana and Kevin Reymond in connection with the redevelopment of their property, 28 and 30 Hudson River Lane. We made a fairly comprehensive submittal to the Zoning Board in connection with their plans, together with a, their proposed renderings, a proposed site plan, survey of the property to show what exists at 28 and 30 Hudson River Lane. We prepared a number of schedules for the board, one addressing the criteria that the board would analyze in connection with the request. In addition,

letters from the neighbors. We have four letters in support, I have a fifth one here, and then also a letter from the Reymond's to their neighbor to the South, which I'll hand to Tara.

Chairman Robert Dee: Please give whatever you have to the secretary and she'll include it in our package for the next meeting. Let me ask you a question, yeah a lot of stuff, you know, a little streak down there. A lot of things going on, got the pool.

Mike Liguori: It's a busy neighborhood.

Chairman Robert Dee: 13 houses, got a pool and another house. I got a question. I attended a pre-application meeting with, you know, a number of people and your client. It was my understanding that 28 and 30 we're gonna be joined together.

Mike Liguori: I'll explain that.

Chairman Robert Dee: Sure, go ahead.

Mike Liguori: So, the proposal for the board is, well the proposal in front of the board, is to merge the parcels 20 and 30. As you're aware, from the other applicants that come, have come before you tonight, the parcels are a particular width and size, roughly 15,000 square feet in size, but they're half submerged, so they go out into the Hudson River. There's about 7,500 square foot of usable space on each parcel. The original proposal involved keeping the lots separate and that would, although they were proposed to be used together. And, obviously they're separate parcels right now, there's value to them as separate parcels, but the Reymond's have a plan to use their property for a singular residential use. And because of that, the proposal that's submitted to the town is to merge those parcels into one parcel, which would create a more conforming parcel, as opposed to having two separate applications go before you with variances down to the zero setback in between. The Reymond's felt it would be simpler, cleaner. Certainly, there's a, you know, potential for loss in value by not keeping them separate but they're willing to go forward with a merged parcel. They've consulted me in connection with the proposed merger. We believe that it's, it achieves the intent of the zoning code. If you look at that section of town, frankly, to have the zoning that's in place, it, frankly, doesn't really make too much sense with the minimum acreage requirement that's there; it's so significant that no one can do anything on that property, or on that lane, without coming to the Zoning Board of Appeals. So, I don't think anybody's interested in going to the town board for a rezoning but, we certainly aren't. In connection with that, like I said, in connection with our application, however, we are proposing to merge that land into one parcel, and that merger would happen after the municipality grants approvals, if it does. It would be the Zoning Board and the Conservation Commission, but prior to the issuance of a building permit, we would go to the Assessor, submit a letter to the Assessor to confirm that we desire to have a merger. From a zoning purpose, it would, it would happen immediately upon title coming in to one or the other owner of that property. So, while the Reymond's are the individual members of the entities that own that property, if you either took one or the other and conveyed the property, your zoning code says that when non-conforming properties come into a singular ownership, they are automatically merged for zoning purposes. We would take it a step further and ask the Assessor to remove the line, which would be accomplished with, by the amendment to the tax map.

Chairman Robert Dee: Okay. The only thing, I was understanding that, she, when they come before the board that if the properties were going to be merged- the houses are going to be demolished, from what I understand, the 2 houses they're gonna be demolished?

Mike Liguori: That's right.

Chairman Robert Dee: Okay. My only question would be, to the attorney, would be, if it's still 2 separate lots, how are we going to give them the variances, if it was approved?

Mike Liguori: Well we are not proposing 2 separate lots.

Chairman Robert Dee: No, I'm saying it's two separate lots as we stand here today.

Mike Liguori: That's right but it would be merged prior to the issuance of a building permit.

Chairman Robert Dee: Yeah but it wouldn't be merged prior to the issuance of our resolution.

Mike Liguori: Right but your resolution would be conditioned on the merger. So, we're in a catch-22. We're not-

Chairman Robert Dee: I know, you're right.

Mike Liguori: But you're not in a legal catch-22 because the condition is very clear. Your resolution would be conditioned that, prior to the issuance of any building permit, proof would have to be supplied to the municipality that the lots have been merged. So, we would go to the Assessor, perform the merger process. We would also have a deed which would, we would either put the ownership in singular ownership, we'd have to. So, we'd have this, you know, effectively a two-step process. We'd have a legal merger by title, that- let me go back. By putting the property in a singular ownership, we would have a merger in accordance with your zoning code. The next step would be the removal of the line between the two properties. That would happen with the assessor and that would be by amendment to the tax map. So, we would bring to you, we would bring to the building inspector, respectfully, proof that the merger has occurred, and once the building inspector has proof, then the effect of the variance would take effect and we'd be able to move forward.

Chairman Robert Dee: Mr. Rodd?

Adam Rodd: That's a fair characterization. Obviously, he still needs the variances as-right.

Chairman Robert Dee: We haven't got that far. I'm just trying to say, because I thought it was coming as one piece, you know, I'll be honest, at the pre-application meeting, you know. It was something, I didn't realize it was still going to be two lots as we make the determination.

Adam Rodd: Well, it's proposed, you know, ultimately to be one lot and the proposal entails numerous area variances, which we certainly can consider.

Chairman Robert Dee: Right. Is there any, actually this is just for us to see if it was complete. Is there anything missing here? Any questions?

Paula Clair: Can you point me, on your deed, to the address cuz I think, I couldn't find an address on the deed.

Mike Liguori: So, the Schedule A description is what controls.

Paula Clair: Schedule A?

Mike Liguori: If it's okay I'm just going to approach.

Paula Clair: Okay. I'm looking at-

Chairman Robert Dee: 28 or 30?

Paula Clair: Well I don't, I don't have - I have three, the section three but I'm missing section four. I see everybody else seems to have it.

Mike Liguori: So, the first deed is the deed between (inaudible).

Paula Clair: Yeah, right. Yeah, I see that but I don't see an address on it.

Mike Liguori: Okay, so, if you go to the second page-

Paula Clair: Right.

Mike Liguori: The tax map, 89.7-1-8, and I believe it was just photocopied out of order. The –

Chairman Robert Dee: She catches all this stuff.

Paula Clair: Well, no I just, I was looking at it and I just couldn't, didn't-

Mike Liguori: So, the, it's, there's a scheduling description for that particular piece of property and then you can also track the RP 5217. If you want to just flip a few pages you'll get to a Department of Taxation section (inaudible).

Leonard Lim: Sectionr 4?

Mike Liguori: Sorry, we're in section three.

Chairman Robert Dee: Section 3. That's alright.

Paula Clair: Yeah, I don't have section 4.

Mike Liguori: Okay. You got RP? Is that what you're looking at? That has the tax map ID number and the address of the property. That'll have-

Paula Clair: I don't see it.

Mike Liguori: If you go to just right above the signatures on the left-hand side you'll see 89.7-1-8 and that's the corresponding. If you look at the very top line, number 1 is the property address, 28 Hudson River Lane.

Paula Clair: Oh, I see it, ok. It's really hard to read, ok.

Mike Liguori: And then, for what would be section 4 for your particular binder is the next-

Paula Clair: Yeah, I'll have to look on with someone else because I don't have that in my, it was omitted from my binder. Okay 30, I see 30. Okay.

Mike Liguori: And in, do you see the highlight?

Paula Clair: Yeah.

Mike Liguori: (Inaudible) 30 Hudson River Lane and the metes and bounds description which is the Schedule A (inaudible) actual surveyors description of the property.

Paula Clair: Okay, alright.

Chairman Robert Dee: Okay, any other questions from any board members? Alright, at this time- you got a question?

Leonard Lim: How could it be, this is dated 12/18, okay no.

Chairman Robert Dee: No? You're good?

Adam Rodd: Just an important clarification, just looking at the plans, as I understand it, there's, and I'm just characterizing it, there would be two structures, one on each lot, but there's like a link between the two structures, sort of a deck?

Mike Liguori: Yeah so it is a single-family residence. It's unique. We're not, you know it's, it's a unique design but, so, there are two structures to be used in common as a single-family residence, connected by a deck. You'd see the house and a garage connected by a breezeway, it'd be categorized as one structure. We met with the building inspector. We have our denial in connection with our proposal and it's been categorized as a single-family house, it's intended to be used that way. The total bedroom count is two and if you guys want, I can go through, if you think it's worthwhile, just a run-through of what's there versus what's proposed. Unless you don't need to.

Chairman Robert Dee: No, we can do that at the public hearing.

Mike Liguori: Okay, great.

Paula Clair: I would want, for the public hearing, you provided a plan showing different neighbors but you didn't, your map didn't show the neighbor that is next to the 5.9 setback.

Mike Liguori: I thought we had the, I'll re-review. I thought we supplied information showing where they were.

Paula Clair: I don't see it.

Mike Liguori: Bear with me here. There's a few schematics, one of them is the water to land proximity, that's in tab number two. That's this document.

Chairman Robert Dee: Tab number 2.

Leonard Lim: Tab number 2.

Paula Clair: Yeah, basically I just would like to know how close the house is to the-

Mike Liguori: (inaudible).

Paula Clair: Right, on the five, on the 5.9.

Mike Liguori: On the 5.9 side.

Paula Clair: Yes.

Mike Liguori: Okay. We can supply that.

Paula Clair: Right.

Chairman Robert Dee: You're gonna need a, I guess the Army Corps of Engineers and all like that, you're gonna need approval from them or-

Mike Liguori: Yeah, so Army Corps will be required for purposes of the wall reconstruction and I actually have to turn to Dana - is Army Corps required for the house or is it just the outdoor? It's the wall, is that?

Dana Reymond: It's the wall.

Mike Liguori: Okay.

Dana Reymond: We don't want to do anything until we know what, you know, we receive our area variances so we're just waiting.

Mike Liguori: There's a repair proposed to the stone wall and that stone wall is the edge of the Hudson River and it's that repair that triggers the Army Corps permit, not the actual reconstruction of the house.

Chairman Robert Dee: Right, because there's a number of, there's like seven variances, six or seven variances.

Mike Liguori: Yeah there's seven variances.

Chairman Robert Dee: So we could do that at the public hearing.

Mike Liguori: Yeah and we'll supply any more information, anything I can think of that we haven't provided. I think we captured it all but if there's anything out there, including the distance for the northern property, we'll bring it, make sure that we have it.

Chairman Robert Dee: Okay.

Leonard Lim: Let me get this over, basically you're gonna merge two lots so this is actually only on one lot, this-

Mike Liguori: That's right.

Leonard Lim: Okay.

Mike Liguori: Yep.

Adam Rodd: Does any part of the deck go over any body of water?

Mike Liguori: No.

Adam Rodd: Okay.

Mike Liguori: No and we supplied a drawing to show exactly where the water is versus the (inaudible) and you can see where we are.

Leonard Lim: What page is that?

Paula Clair: Oh yeah.

Mike Liguori: That's, the document, that's in tab 2.

Chairman Robert Dee: Now you know it's a flood plain down there.

Mike Liguori: (Inaudible). I'll bring another one.

Paula Clair: Well no, no, that's not the problem. I just was looking at the certificate of occupancy and it's like, it, you can't read it. Does everybody else have the same certificate of occupancy that I do?

Chairman Robert Dee: Yes, I do.

Leonard Lim: I can't read it either, it's half blocked out.

Chairman Robert Dee: Yeah.

Paula Clair: Yeah.

Chairman Robert Dee: It looks like whoever copied it maybe had piece of paper on it or something like that. Could you see what she's talking about?

Mike Liguori: I can. So, we'll, if our copy is, if we can get a clear copy we will.

Paula Clair: Okay, cuz I mean this is-

Leonard Lim: We all need a copy.

Paula Clair: Yeah because that doesn't, I mean, I think that that's a problem, that certificate of occupancy, you know. I don't think that's acceptable the way it is.

Adam Rodd: We can ask the code enforcement officer, are there any open certificates of occupancy or not.

Mike Liguori: We're gonna tear down the houses anyway so, it's-

Chairman Robert Dee: Yeah. Right. Both houses are gonna be torn down.

Mike Liguori: I mean look, I don't want to assume variances granted but at the end of the day they, we would have a completely new certificate of occupancy for that.

Chairman Robert Dee: Are you going need to go before the Conservation Board on this?

Mike Liguori: We will, yeah, but with the size of the investment that needs to be made, what we wanted to do was, frankly, complete our proposal with the Zoning Board and then we would go to conservation. And that way we knew we'd be able to, it's a fairly significant amount of money getting through each of the steps of the process but knowing where we, where we stand with zoning, is very helpful for purposes of applying to the conservation commission. And again, it's kind of like a chicken and egg situation; you don't know if the Conservation Commission is going to do anything, they don't know if you're gonna do anything, but at the end of the day, with the variances that are required, we figured we would select the Zoning Board to start with and then proceed.

Chairman Robert Dee: Okay. Alright, any other questions? Alright at this time I make a motion that the application be complete.

Vincent Cestone: Second.

Chairman Robert Dee: All in favor?

Leonard Lim: Aye.

Vincent Cestone: Aye.

Paula Clair: Aye.

Granite Frisenda: Aye.

Chairman Robert Dee: Aye. Paula?

Paula Clair: I said Aye.

Chairman Robert Dee: Aye, aye. Ok so it's unanimous, the application's complete. You're gonna have the CO, a clear copy on the other thing.

Mike Liguori: We'll bring that and we'll get that distance.

Chairman Robert Dee: Yeah. And then it'll be May 14th.

Mike Liguori: Fantastic.

Chairman Robert Dee: 7:30.

Mike Liguori: Thank you so much. You have the addresses to send out for the neighbors? Even though I know we've got a lot of letters, everybody likes the idea. Still the letters have to be-

Mike Liguori: Absolutely.

INAUDIBLE – CROSSTALK

Chairman Robert Dee: There's always one neighbor that may not like it.

Mike Liguori: Thank you.

Chairman Robert Dee: Alright, thank you.

Comprehensive Plan Update Committee

Chairman Robert Dee: Okay, I think it says Mr. Prentice. He asked to give him some time.

Nat Prentice: I won't keep you guys long I just want you to, I have a present for you here.

Chairman Robert Dee: Sure, more presents.

Nat Prentice: Not really a present but – this is a press release. I see you have your signature tie on today, the one you had your picture taken for firms, that's the tie you were wearing.

Adam Rodd: You've been stalking me.

Chairman Robert Dee: Nat, that's a little scary there Nat.

Nat Prentice: The only reason we're here is just to let you know that we are in the process of trying to make the Comprehensive Plan for the Town a better document. It hasn't been looked at formally for 10 years.

Chairman Robert Dee: 10 years, yeah, alright.

Nat Prentice: It was finished in 2006, having, the process of writing it began in 2001. So, I kind of got after the Town Board, is John still here, to, just to see if they couldn't help us appoint the committee. And I want to introduce you to Teri Waivada who's a member of our committee. All the members of the committee are listed on the bottom of this press release that explains a bit about what we think our mission is. But the reason we wanted to come to you was just to let you know that the process is going on, in the hopes that you would- I'm just thinking about Granite, your dad was on that, you know when that group got started, your dad was on that group - just to let you know that the process is on and that the plan itself is in, easily, I mean, we can get you a nice big thick copy but you probably carry one with you just about everywhere you go, right Bob?

Chairman Robert Dee: Oh, I sleep with it.

Nat Prentice: But it's nicely available on the town's website so, if you wish to read it through again, please do. I mean it appears to the committee, and these are all preliminary findings, that the plan itself is actually pretty well written and is likely to carry on pretty much the way it currently is, although it does need a few tweaks, it needs some updates. There were some things, there are some things going on now that were not contemplated at the time that-

Chairman Robert Dee: Cell towers.

Nat Prentice: There's one. So, we're hoping that we'll write, and Teri's gonna, and several members of the Town Board have taken it, well at least Mike Leonard has taken it under his wing to try to develop kind of a comprehensive approach to the whole notion of communications including cell, so we'll try to, any thoughts you have about how it ought to be written or what the language should be - remember now we're doing the vision piece.

Chairman Robert Dee: Right.

Nat Prentice: This is just the easy to read, vision piece, as opposed to the hard to read zoning code that you all are faced with day to day, but any help you'd be willing to give us in writing the language is most welcome. I mean we're trying to make this, and perhaps Adam you would help us with this in particular, I mean we, we're not drafts people. We are good listeners and I think we'd be able to find a home for whatever language you all think would give the town's vision something that you're better able to work with. So, we're really, we are, I mean we want to make this a two-way street. We'd like to get your thoughts about it, how best to get you to think about it because you're busy and you got these matters to hear about. I don't know, I mean, we'll take it to you any way you want. If you want us to come back in a couple of months and see how you're doing looking at the plan, we will.

Chairman Robert Dee: Sure.

Nat Prentice: But we just want it, we want to be proactive because this is-

Chairman Robert Dee: Being proactive one of the things I could think about is the cell towers. Right now, cell towers seem to be one of our biggest issues, you know, so.

Nat Prentice: Yeah.

Chairman Robert Dee: How it can be addressed. The Town Board would have to, you know, maybe change the current regulations, you know.

Teri Waivada: I've done extensive research on cell towers and how other communities are handling them and it goes beyond just cell towers. There's the whole future of the, of what new electronic conductivity will, you know, evolve and the fact that we're so limited here through cable for internet. But we all, we have looked at several codes for cell towers and we will make recommendations. I believe that they've been forwarded to the Planning Board, in fact, to look at.

Chairman Robert Dee: Yeah, because anything like that we appreciate it because the codes are different like our codes are different than Cold Spring or Nelsonville, you know what I'm trying to say? You know a cell tower here could be up to 180 feet and Nelsonville could only be 110 feet or something like that, so. You know even though it's all Philipstown, it gets confusing.

Paula Clair: Yeah.

Chairman Robert Dee: So, I know as far as Philipstown, to come up with some kind of a change, you know, it would be appreciated because, or a suggestion. You can't change it but suggest it to the Town Board.

Nat Prentice: Yeah, this is not the law part. This is the vision part and the, you know, we encourage the development of or the non-development of as opposed to you can't.

Chairman Robert Dee: I know you have great vision. I have complete confidence in you.

Paula Clair: I would just like to say that, in terms of cell towers, there was just an attempt in the state government to put an attachment to the state budget on 5G, that's the-

Nat Prentice: Oh yeah.

Paula Clair: And what they were, what the budget, what the, I guess it's kind of like a law, it was attached to the budget, and it would have eliminated local towns ability to say whether they wanted 5G or not. 5g is little cell towers like every three hundred feet or some such, you know, close and, you know, it's 24/7 radiation. That's, that could be close to your home. There was a whole, a movement to get it out of the budget and it did get out of the budget. It was, first got out of the assembly, then it got out of the Senate and then the governor took it out of the budget. But now it's coming back as a proposed law. So, if that happens, we won't have any-

Nat Prentice: You wouldn't be able to, so, yeah, we-

Chairman Robert Dee: It wouldn't have to go before the Zoning Board.

Paula Clair: No, we would have no rights.

Nat Prentice: Right. It'd just be, you're gonna have 5G.

Paula Clair: That's right, that's right.

Nat Prentice: So, you can stream Frozen up on the top of wherever you are.

Paula Clair: That's right. So, I just wanted to make that comment. People might want to follow what's going on with the state legislature on that.

Nat Prentice: This is not an easy one and we're nowhere near to the bottom of it but we're, the fact that you, that's the one thing that you all are talking about with us, I mean maybe there are others.

Chairman Robert Dee: Right now, that seems to be our big issue, right now.

Nat Prentice: Okay.

Teri Waivada: Well, the other consideration that we're looking at is, more and more companies will be allowing people to work from home, so you're gonna have that push and pull if you. If you're here in Philipstown and you're not going into the city, you need to have the latest technology to keep you connected so it's-

Chairman Robert Dee: Yeah, I don't see any problem with that unless they open it up as a business, you know what I mean. That would be the only- I mean if somebody works from home we wouldn't have any issue, they would, that wouldn't come under zoning, anybody can work from home. But if they decided to hang a shingle outside their door or something like that you know that would become a different issue.

Nat Prentice: I think Teri maybe thought that this - everybody working at home may want access to certain communication technologies that'll allow them to do things that they can't currently do so, we're gonna have to have a - somehow have a balance.

INAUDIBLE - CROSSTALK

Paula Clair: There's plusses and minuses to-

Vincent Cestone: Can I suggest something on that.

Nat Prentice: Sure. Vinny, how you doing? Good seeing you.

Vincent Cestone: Identify areas that, where cell towers are allowed and areas where they're not allowed and in those areas that are not allowed, propose that these areas are okay to develop distributed antenna systems which are a very, very low, very, very unobtrusive thing. If we have that in our code and somebody comes and wants to put a cell tower in one of those areas, we can say it's not in the code, you can do this.

Nat Prentice: Right, I'm, pardon my sensitivity to the term code versus plan because this isn't the code, you know, the comprehensive plan isn't the code but, nonetheless, in the plan we can definitely, because the old plan had, lays out certain areas that are developable as opposed to ones that aren't, so, I think it's an excellent suggestion, thank you.

Chairman Robert Dee: Thank you. Thank you very much your presentation. I appreciate all the work you're doing.

Nat Prentice: Well, but we need, we need your help and you've given us some and-

Chairman Robert Dee: Whatever you want.

Nat Prentice: So, we'll come back and see how you're doing on the plan, in case there's, because there may be something else there.

Chairman Robert Dee: You're the guy that's supposed to be working on the plan.

Nat Prentice: We're gonna work every line of the plan but there may be some things that we wouldn't think of, Bob, that you would think of because it makes it easier for you.

Chairman Robert Dee: Yeah more work for us. The last thing I need is more work. Okay.

Nat Prentice: Thank you for your time.

Chairman Robert Dee: Let me know when your meetings are and I'll see if I can-

Nat Prentice: Well you know what, just so you know, the, and we'd be happy to, we do do minutes and we try to keep everybody, we try to have a little process associated with it so, any of you are welcome. We meet right here in this space, unless you're, somebody has already spoken for it, on the second and fourth Thursday's of the month and it's an early one, in case there's some other meeting coming on, it's 6:30, here, the second and fourth Thursday of the month. And we're done by 7:45 or 8:00 because we just need to be.

Chairman Robert Dee: Great. Okay, thank you very much.

Paula Clair: Thank you.

Liz Armstrong: Can I ask a question?

Chairman Robert Dee: Yes. Step up please. I know who you are but you have to, thank you.

Nat Prentice: Yeah Liz, come on.

Liz Armstrong: Okay. Liz Armstrong, the Highlands Current. I have a quick question, which I think fits both with the zoning board and what Nat's committee is doing which is, in light of the towns move toward becoming a climate smart community, is anybody looking at changing the law or the Comprehensive Plan suggestions for the law regarding the kind of development you were talking about tonight, down right on the riverbank where, you know, in Manitou Station Road which did flood and where, as I recall, people had to be rescued a few years ago.

Chairman Robert Dee: Right.

Liz Armstrong: Are you looking at, you know, whether you think development, any further development there is appropriate or not, or whether there should be some limit, at some point, put on that.

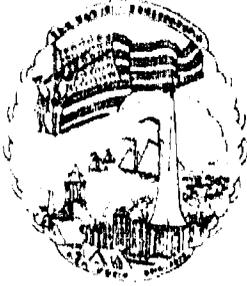
Chairman Robert Dee: Right, right. Well that's something they could look at. That's, but, a lot of that would come under the, that would be under the planning department, you know, that would go to planning. I agree with you, but at this point in time all we can go by is what the zoning code says, you know, and the variances and all like that so, we don't have anything to say that, you can't do this down there. All we have to go with, by the law, the zoning code. So, like the pool; I wouldn't put a pool 30 foot from the river, but that's not my pool, you know what I'm trying to say? So, we could just, all we have to do is go by the law. Okay, anybody else? Anything good? Okay, at this point I make the-

Nat Prentice: Thank you all for your attention.

Chairman Robert Dee: Thank you, thank you.

Vincent Cestone: Motion to adjourn.

Leonard Lim: Second.



Town of Philipstown

Code Enforcement Office
238 Main Street, PO Box 155
Cold Spring, NY 10516

Office (845) 265- 5202 Fax (845) 265-2687

4/26/2018

Leonard Lindros
593 Rt. 9D
PO Box Garrison NY 10524

Re: Building Permit Application Two Car Garage
Location 593 Rt. 9D
Tax Map # 81.-1-33

Included ;

1. Application for building/zoning permit
2. Site plan survey
3. Building plans for 24x24 garage

The application proposes a 10' side yard set back where a 30' is required.

Since the garage proposed will only provide 10' and not the 30' setback as required by the Town of Philipstown Zoning Chapter 175 dimensional table the application is DENIED.

If you are aggrieved by this decision, you may submit an application to the Zoning Board of Appeals pursuant to the provisions of Article IV of the town code Within 60 days from the date of this letter. An application is enclosed.

Any questions please contact this office.

Greg Wunner

Code Enforcement Officer

PHILIPSTOWN BUILDING DEPARTMENT
238 MAIN STREET
COLD SPRING, NY 10516

ATTN: MR. GREG WUNNER
CODE ENFORCEMENT OFFICER

April 15, 2018

To Whom It May Concern:

We are neighbors of the Lindros family, who reside at 593 Route 9D, Garrison, NY, and are in agreement with their wishes to build a garage near our northern property line. Approximately ten feet separates our northern property line from the planned garage's eave overhang.

Sincerely,



PHILIP GIORDANO

4/15/18

DATE



JEFFREY DISCHLER

4/15/18

DATE


WITNESS

4/15/18

DATE



Town of Philipstown

38 Main Street, PO Box 155
Cold Spring, NY 10516

Office (845) 265- 5202 Fax (845) 265-2687

CERTIFICATE OF OCCUPANCY

SEC-BLK-LOT: 81.-1-33 Permit No: 2017:12065

CO/CC Issue Date: 03/08/2017 CO/CC No.: 2017:12065

Owner's Name LINDROS LEO
and Address: PO BOX 145

Location of Project: 593 RT 9D

Work Description: SINGLE FAMILY DWELLING AND REAR DECK REPLACING EXPIRED
BP#1554 CO ISSUED PER INFORMATION ON ASSESSORS TAX CARD RECORDS - NO
INSPECTIONS PERFORMED - OK WITH PUTNAM COUNTY HEALTH DEPT TO ISSUE CO.

An application having been filed and the required fee paid, pursuant to the Code of Town of Philipstown, and it appearing from said application that proposed project will comply with the Code of the Town of Philipstown and the New York State Uniform Fire Prevention and Building Code, in all respects, a building permit is hereby granted.

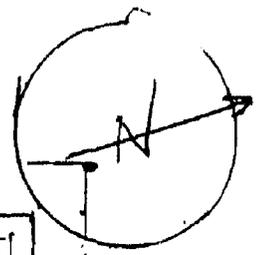
IT IS UNLAWFUL TO OCCUPY OR USE THE STRUCTURE OR ANY PORTION THEREOF, FOR WHICH THIS PERMIT IS ISSUED, UNTIL A CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLIANCE IS OBTAINED.

ISSUED BY:


Code Enforcement Officer

LUNCKEIE

28'-0"
with
overhang



2" x 6"
Stud Wall

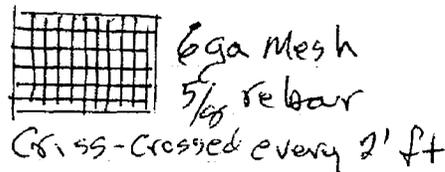
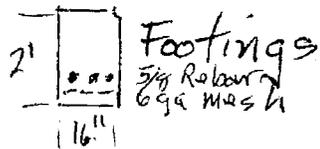
12" x 16"
Concrete
Block

24'-0"

24'-0"

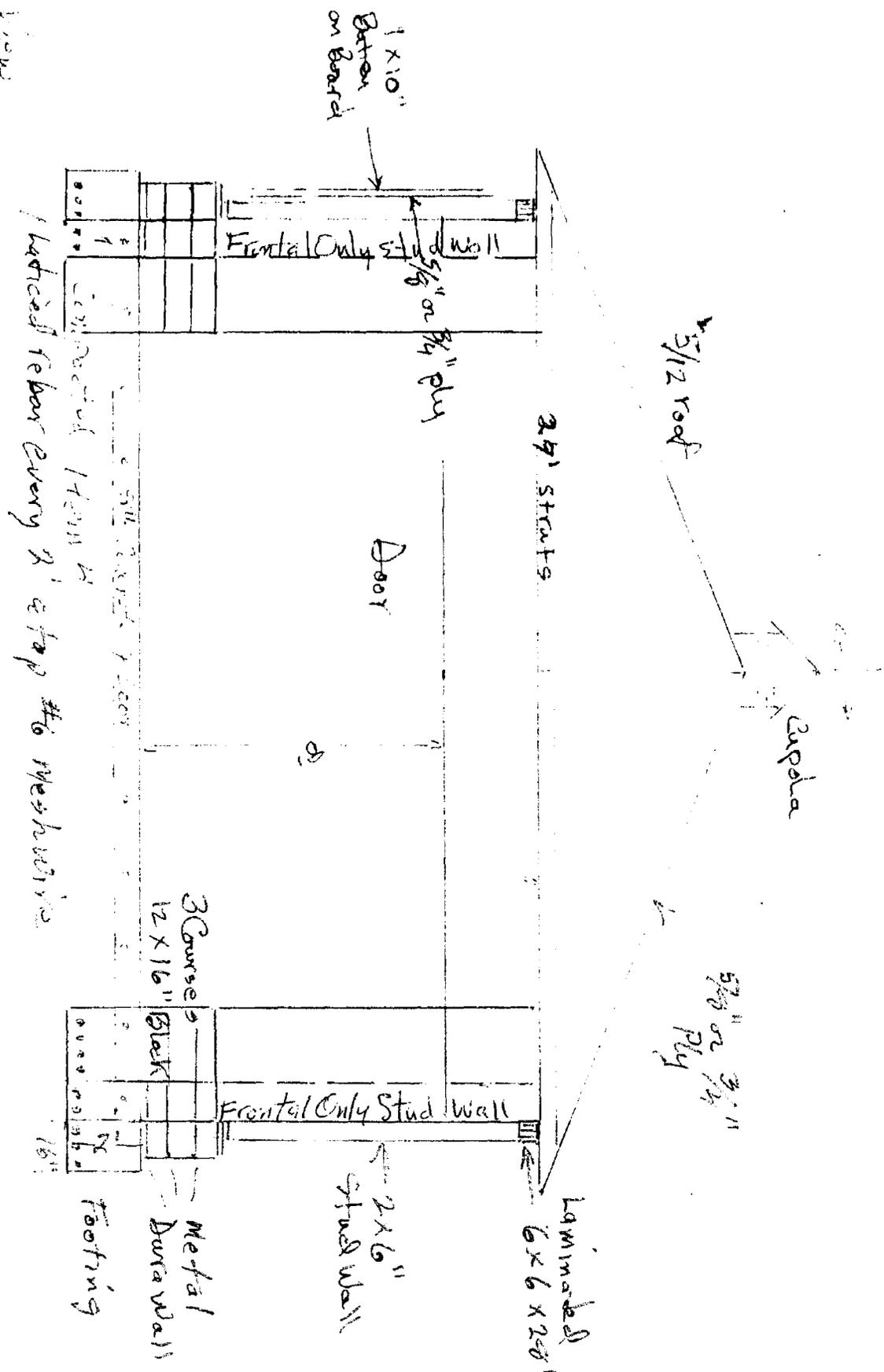
8' x 12'

OVERHEAD DOOR



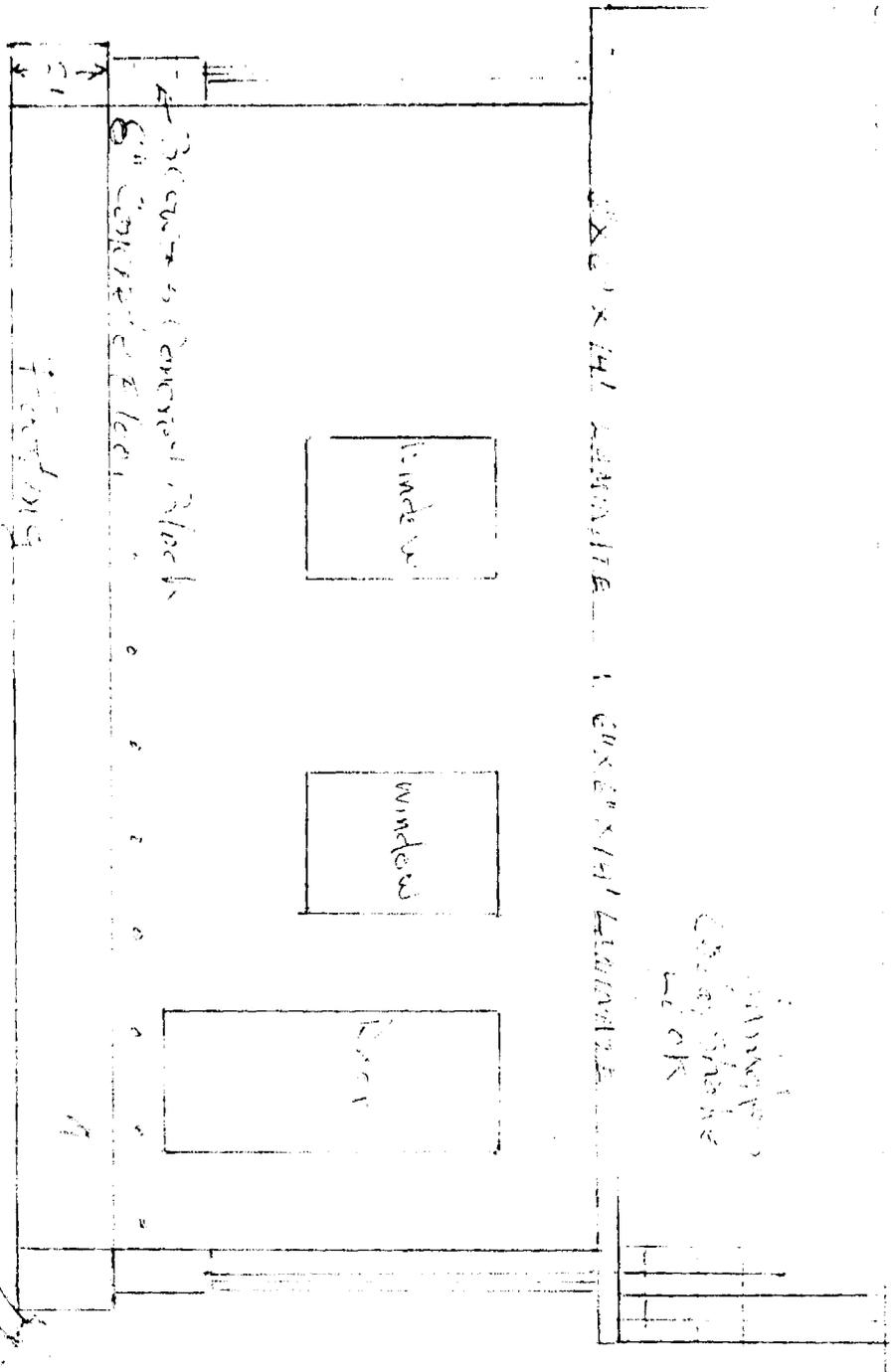
1'-0"
OVERHANG

Front View



Horizontal Rebar every 2' @ top & mesh wire

side of side view



3'0" concrete slab
8'0" x 14' LAMINATE

8'0" x 14' LAMINATE

Window

Window

Door

3'0" concrete slab

8'0" x 14' LAMINATE

APPEAL # _____ Tax Map # 81.- 1-33

_____ Date of Board Decision: APPROX. 01-11-2017

_____ Date of Application: 5/4/2018

_____ Amount: 100.00 Dollars _____ Location: _____

_____ Name of Applicant: _____

Leonard W. and Karen S. Lindros

_____ Address: **593 Route 9D, Garrison, NY 10524**

_____ Telephone: **845-424-3537**

_____ Telephone: **845-424-4244**

_____ Name of Reviewer: **Mr. Greg Wunner, Code Enforcement Officer**

_____ Notes: _____

APPROVED: DENIED: a BUILDING PERMIT a CERTIFICATE OF OCCUPANCY _____

_____ Description: **Building a garage**

_____ Name of Applicant: **LEONARD W. LINDROS, JR & KAREN S. LINDROS**

_____ Address: **593 ROUTE 9D, GARRISON, NY 10524**

_____ Tax Map Reference #: **81.-1-33**

_____ Zoning District: **RR**

NOTE: LEND DETAIL AND SECTION. ATTACH ADDITIONAL PAGES AS NECESSARY TO PROVIDE
COMPLETION.

LOCATION OF PARCEL TO (Give full address and a map and locate it on plan using
directions to the property using road names, such as Route 9 or Rt. 9D, Old Albany Post Road, East
Mainem Road South, etc. and landmarks such as Garrison School, North Highlands Farm, Blue
Crest and Cedar Grove, etc.)

Heading south on Route 9D, exactly 2 miles south of
Route 403 on the right side (Hudson side) is 593 Route 9D.
Then, heading towards the Hudson approx. 600'.

NAME AND ADDRESS OF ADJOINING PROPERTY OWNERS (and a map showing
location of the lot and the other parcel involved). This information may be obtained from the local government.

Mary and Thomas Shortell at 595 Route 9D due east of our
property line. Philip Giordano and Jeffrey Dischler are
due south at 12 Kings Dock Road. The latter neighbors that
this variance regards. Albert and Laura Galotti at 589 Rt. 9D
have a common boundry line with our right-away but land that
we no longer own as of June 2017.

(b) A VARIANCE PERMIT is requested:

(1) An exact statement of the details of the variance requested is:

To build a two car garage that is in keeping with design of the residence.

(2) The grounds on which this variance should be granted are:

My wife and I will both turn 80 this year, 2018, hopefully and find it more difficult in shoveling out our vehicles in the winter. We also have tree limbs that, from time to time, like to damage the cars along with the dimples from the acorns. At our age, these 2017 autos could well be our last such vehicles and it has become important to maintain them better than ever.

(c) a SPECIAL USE PERMIT is requested:

(1) The reason the permit is requested:

(2) An exact statement of use for which the permit is requested:

(3) The facts showing the use is permitted as a SPECIAL USE under the code and the ability of the applicant to comply with all requirements of the code for granting of a special use permit:

Will the proposed use of the property be in the same or similar use as the property is currently used?
Will the proposed use be in the same or similar use as the property is currently used?
Will the proposed use be in the same or similar use as the property is currently used?
Will the proposed use be in the same or similar use as the property is currently used?
Will the proposed use be in the same or similar use as the property is currently used?

Our proposed garage area will have no impact on the physical or environmental conditions. It should actually enhance the area that backs into a hill. No grading or blasting is needed. We will utilize topsoil for other grassy areas. This area has ledge rock just 3 feet down which will be perfect for the footings. There will be a 24x24 concrete garage floor. Drainage will not be a problem. The well is 175 feet away and so is the septic system in the other direction. No emissions, noise or odors will be produced. Traffic will be no different than the current. Our Hudson River valley is very scenic and my land is part of it.

variance requested as a result of "self-created hardship"?
Plus there a need for the variance when you purchased the property? - How long did you possess the property? - Did you build the structure without a permit?
If the need for a variance is a result of someone's mistake? Describe

NO..My parents purchased this land in 1946 and gave this portion to my wife and I on our 5th wedding anniversary in 1967. No mistake has been made on this land. We are now petitioning to build the garage.

Application for a Special Use Permit, Variance or Interpretation of the Zoning Ordinance
The undersigned hereby certifies that the above information is true and correct and that the applicant is the owner of the property described herein.

F. W. Linder
F. W. Linder

4/14/18
Patrick J. O'Sullivan
Notary Public
Putnam County
2018

PATRICK J. O'SULLIVAN
NOTARY PUBLIC, STATE OF NEW YORK
REG. NO. 01600087424
QUALIFIED IN PUTNAM COUNTY
MY COMMISSION EXPIRES NOV. 3, 2021

DISBURSMENT REQUIREMENTS: (1) For a VARIANCE or INTERPRETATION please submit (7) individual packets
(2) For a SPECIAL USE PERMIT please submit (19) individual packets.

Each packet containing one each of the below listed items. These items are very specific and MUST be completed with each packet.

- 1. Completed appeal form ✓
- 2. Deed to property ✓
- 3. Denial application for Building Permit or Certificate of Occupancy ✓
- 4. Building plans with ONE ORIGINAL, professional seal and signature ✓
- 5. Survey created by NYS licensed surveyor, showing all property lines, structures and dimensions to property lines. One survey with ORIGINAL, professional seal and signature ✓
- 6. Certificate of Occupancy for any existing structures ✓
- 7. Other items as required by conditions

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT--THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

LIBER 658 PAGE 457

THIS INSTRUMENT, made the 17th day of November, nineteen hundred and sixty-seven
BETWEEN LEONARD LINDROS and EMMA LINDROS, his wife, both
residing at Garrison, Town of Philipstown, Putnam
County, New York,

party of the first part, and LEONARD WILLIAM LINDROS, JR. and KAREN
LOUISE LINDROS, his wife, both residing at E-2
Rollingway, Hillcrest Park, Peekskill, Westchester
County, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

----- TEN AND NO/100 ----- dollars

lawful money of the United States, paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of Philipstown, Putnam County, New York, more
particularly bounded and described as follows:

BEGINNING at a point on the southerly line of premises
heretofore conveyed by Taylor Belcher to Leonard Lindros
and Emma Lindros by deed dated October 25, 1947 and recorded
in the Putnam County Clerk's Office on October 27, 1947
in Liber 339 of Deeds at page 423, and which said point is
North 15° 28' 20" West 0.77 feet and North 74° 31' 40"
West 320 feet, more or less, from a concrete monument on
the westerly side of the Bear Mountain Beacon State Highway
and running thence from said point or place of beginning
North 74° 31' 40" West 505 feet more or less to the
easterly right of way line of the New York Central
Railroad; thence South 18° 50' West 209.07 feet along the
easterly right of way line of the New York Central Railroad;
thence South 74° 31' 40" East 537 feet more or less to a
point on lands now or formerly of Smith; thence southerly
210 feet more or less to the point or place of beginning.

TOGETHER WITH a right of way for purposes of ingress
and egress over the following described premises:

BEGINNING at a point on the southerly line of premises
heretofore conveyed by Taylor Belcher to Leonard Lindros and
Emma Lindros by deed dated October 25, 1947 and recorded

on the westerly side of the Bear Mountain Beacon State Highway and running thence from said point or place of beginning North $74^{\circ} 31' 40''$ West 320 feet more or less to the easterly line of the premises herein conveyed to Leonard William Lindros, Jr. and Karen Louise Lindros, thence northerly along the easterly line of said Leonard William Lindros, Jr. and Karen Louise Lindros 20 feet; thence easterly parallel with the first described course at a distance of 20 feet therefrom 320 feet more or less to the westerly side of the Bear Mountain Beacon State Highway; thence northerly along the westerly side of said highway, 20 feet to the point or place of beginning.

SUBJECT TO restrictions contained in deed from Taylor Belcher to Leonard Lindros and Emma Lindros by deed dated October 25, 1947 and recorded in the Putnam County Clerk's Office on October 27, 1947 in Liber 339 of deeds at page 423, except as amended by agreement between the said parties dated March 31, 1967 and recorded in the Putnam County Clerk's Office on April 6, 1967 in Liber 664 of deeds at page 186.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

LINER 658 PAGE 458

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

~~TO HAVE AND TO HOLD~~ the within and above premises unto the party of the second part, their heirs, assigns and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Leonard Lindros
Leonard Lindros

Emma Lindros
Emma Lindros

LIBER 658 PAGE 460

STATE OF NEW YORK, COUNTY OF PUTNAM

On the 17 day of November 1967, before me personally came LEONARD LINDROS AND EMMA LINDROS, his wife,

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

William B. Braatz

WILLIAM B. BRAATZ
NOTARY PUBLIC, State of New York
Qualified in Putnam County
Commission Expires March 30, 1968

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACIS

TITLE No.

LEONARD LINDROS AND EMMA LINDROS, his wife

TO

LEONARD WILLIAM LINDROS, JR.
AND KAREN LOUISE LINDROS,
his wife,

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

SECURITY TITLE AND GUARANTY COMPANY



STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

SECTION

BLOCK

LOT

COUNTY OR TOWN

RETURN BY MAIL TO:

SHATZ & BRAATZ, ESQS.
Professional Eng.
Mahopac, NY
10541

Zip No.

RECORDING OFFICE

cc of the 9.67 M ed. ed. erk

Frank DiTraglia
59 Hy Vue Terrace
Cold Spring, NY 10516

April 22, 2018

Dan Ward
69 Hy Vue Terrace
Cold Spring, NY 10516

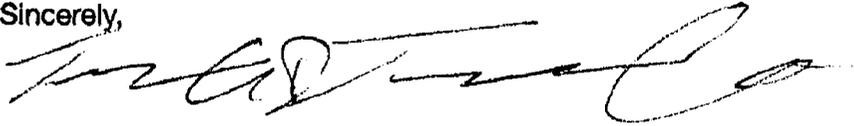
Dear Dan,

I am writing this letter to confirm our conversation about your proposed garage.

You came over this afternoon and showed me the plans for a 2,500 square foot garage that you plan on building next to my property line. I understand that you are meeting the 30 foot setback that is required and are applying for a variance to increase the size from 1,000 square feet to 2,500 square feet.

I have no objections to your planned project and hope that you are successful in obtaining your variance. Please feel free to submit this letter to the Philipstown Zoning Board of Appeals.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank DiTraglia", written in a cursive style.

Frank DiTraglia

Subject: Info for Boardmember Paula Clair
From: Michael Liguori <mtliguori@hoganandrossi.com>
Date: 5/8/2018 2:37 PM
To: Tara <tpercacciolo@philipstown.com>
CC: Dana Reymond <poike16@outlook.com>

Tara,

In advance of Monday, Board-member Paula Clair asked that we provide a clear copy of the CO for 30 Hudson River Lane as well as the as built survey showing the parcel to the north. Attached are both documents. Please note that I hand drew the numbers 12'6" on the document. They are there, but they are very hard to read. This is the distance between the house to the north and 28 Hudson River Lane. We'll be prepared for the public hearing on Monday with color photographs from all angles to assist the Board. If you can kindly forward this to the Board-members in advance of Monday, we'd appreciate it.

Thank you so much.

Mike Liguori

Michael T. Liguori
Hogan & Rossi, Esqs.
3 Starr Ridge Road, Suite 200
Brewster, NY 10509
845-279-2986 (o)
845-278-6135 (f)
mtliguori@hoganandrossi.com
Asst: mbailey@hoganandrossi.com



— Attachments: —

doc02031520180508133751.pdf	524 KB
CO#427 - 30 Hudson River Lane.pdf	345 KB

Dana and Kevin Reymond

28-30 Hudson River Lane
Garrison New York, 10524

April 21th, 2018

Dear Melanie and Jim

We are writing to inform you that we are planning to build a new home on 28 and 30 Hudson River Lane. We have already initiated the approval process and are scheduled to appear before the ZBA in the near future. The ZBA has not yet set a public hearing, but when it does you will be provided with a meeting notice. Once we are slated, we are inviting all neighbors on the Lane to our home to view the project and to answer any questions.

While we haven't spoken in nearly two years, we wanted to reach out in advance of the ZBA process in order to resolve any specific concerns you might have with the proposed project and to avoid any possibility of a confrontation. We spent a considerable amount of time designing our new home in a way that creates more privacy between our properties as opposed to designing a structure that conforms with zoning, which would be tall and obtrusive. If you recall we shared our full set of plans with you in 2014. We are not building that scheme as it affords less privacy among other factors. We hope that you will see the benefits afforded to you. Here are some elements that we would like to point out:

1. The current two story structure at 30 Hudson River Lane will be reduced to one story.
2. This reduction in height embellishes additional views from your property that were previously blocked such as more of the mountain and foliage views to the north and the east; your sight lines will increase. You will also have more sunlight on your lawn and on your home.
3. The many second story windows and our two second story decks that currently look down upon your property will be removed. You will have privacy that you currently do not enjoy.
4. The house has been designed to place the majority of outdoor living space on the deck that connects the house in the middle of the property as opposed to the outsides (the side-yards) of the structure closets to you and in our previous design.
5. We are relocating our existing dock further to the north.
6. We are creating new construction, replacing the old and devalued homes, which benefits all real estate values on the Lane, including yours.

Again, we believe these design features to be positive for you and for us. We are willing and able to discuss any concerns in advance of the not yet scheduled ZBA public hearing. We welcome a meeting between the four of us, prior to the rest of our neighbors and are extending that invitation.

Separately, this letter is an opportunity to explain how we saw things unfold with the reconstruction of your property and hopefully get us all back to a place where things are more pleasant between us, as at one point, we were all good neighbors. For example, you rescued our swim platform; I rescued your new boat; we helped each other out pre-hurricane Sandy, you suggested and we agreed to supply a fence on your property to help keep our dog safe. I picked up kayaks for you; we shared the cost of the garbage can enclosure and the trees between our properties, Dana brought you food from our vegetable garden regularly, etc. You lost a son and we were there for you. I lost a son too.

The short of it, is that we felt blindsided by the construction of the new house, particularly after Jim told Dana that you decided not to build. There were no demolitions plans yet we watched the house being carted away down to the floor boards in two days. These actions and several end-products of the structure were not reflected in the approved plans and we feared the outcome as it related to our views and our property values. We did not know where the construction would end and we were not convinced the product would reflect the files on record. Understanding it is not mandatory to inform your neighbor, but given that our homes are less than 20 feet apart, we really felt misled.

Also, the required ZBA meeting notification was not delivered to us (the letter apparently did get mailed, but was returned without entering our mailbox) and it appeared that the Town and other agencies were not going to consider any of our concerns. Further, we did not receive the letters of notification from Wetlands nor the Town in relation to your side yard variance request to build a patio. Nor did we receive the notice from the Army Corp of Engineers, Wetlands, etc. with regard to your application for a ninety foot dock until three days prior to the deadline to respond.

That is in the past and we would like to move on but we felt the need to explain. Dana and I plan to spend more time here if not eventually make this home our full time residence. We all simply wish to live in peace and this is our effort to diffuse the negative and move forwards.

We invite you; kindly and in earnest to give us your thoughts on our project in a comfortable and neighborly fashion. We are extending the courtesy of full disclosure.



Kevin and Dana Reymond

Jacob and Robin Bump
10 Hudson River Lane
Garrison, New York 10524

April 11, 2018

Chairman Robert Dee and the Zoning Board of Appeals Philipstown
238 Main Street, Town Hall
Cold Spring, NY 10516

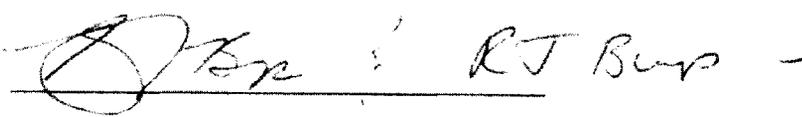
RE: A letter in support of new development at 28-30 Hudson River Lane

Dear Chair and Honorable Board members:

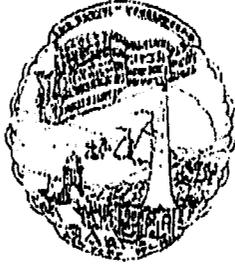
My wife and I purchased at 10 Hudson River Lane in 2005 and developed our property in 2007-2010. All homes are non-conforming and require area variances.

We are writing on behalf of Dana and Kevin Reymond, our neighbors who are the owners of 28 and 30 Hudson River Lane. The Reymond's wish to build new. The current homes are old. Although they maintain their property religiously, one home is an eyesore and in disrepair. There are 15 homes on the Lane and 13 owners. The original structures were built in the 1940's as summer fishing cottages and are typically not habitable for full-time residency. There have been nine homes to date that have been developed and it is a benefit to all residents. Dana and Kevin's plans are interesting, non-offensive, in fact, we feel they are handsome additions to the Lane. We strongly support their plans to rebuild.

Please feel free to contact me should you need further information: 646.645.4155

 - 4/17/2018

Jacob and Robin Bump date:



Town of Philipstown

38 Main Street, PO Box 155
Cold Spring, NY 10516

Office (845) 265- 5202 Fax (845) 265-2687

CERTIFICATE OF OCCUPANCY

SEC-BLK-LOT: 83.18-1-23 Permit No: 2018:12408

CO/CC Issue Date: 04/11/2018 CO/CC No.: 2018:12408

Owner's Name MORRELL JAMES J
and Address: LATHAM, NY 12110

Location of Project: 22 SKY LN

Work Description: DEMO - CLEAN UP OF FIRE DAMAGED HOME

An application having been filed and the required fee paid, pursuant to the Code of Town of Philipstown, and it appearing from said application that proposed project will comply with the Code of the Town of Philipstown and the New York State Uniform Fire Prevention and Building Code, in all respects, a building permit is hereby granted.

IT IS UNLAWFUL TO OCCUPY OR USE THE STRUCTURE OR ANY PORTION THEREOF, FOR WHICH THIS PERMIT IS ISSUED, UNTIL A CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLIANCE IS OBTAINED.

ISSUED BY:


Code Enforcement Officer