

# ZONING BOARD OF APPEALS

October 4, 2010

## MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, October 4, 2010, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Vincent Cestone, Chairman, at 7:30 p.m.

<b>PRESENT:</b>	Vincent Cestone	-	Chairman
	Lenny Lim	-	Member
	Bill Flaherty	-	Member
	Robert Dee	-	Member
	Paula Clair	-	Member
	Adam Rodd	-	Counsel

### ABSENT:

postponed until our next meeting which will be in November. I am not sure what the date is yet. Now, I am going to take things a little out of order tonight. As soon as Adam is ready. As far as Rodney Dow review for completeness, did you have a chance to review this? I reviewed it and it looked okay.

**Adam Rodd** - It looks okay. I believe the applicant is here as well, I think.

**Karen Parks** - Yes

**Adam Rodd** - This is a request to construct a front porch and what is needed are setbacks from the street line and from the side yard set back there is also requests for variances with respect to lot coverage and floor area coverage. It looks to be complete. We have a survey and we have existing floor plans.

**Robert Dee** - I just have a question on this CO

**Adam Rodd** - Okay

**Robert Dee** - According to this Mr. Rodney Dow owns the property

**Adam Rodd** - Right

**Robert Dee** - But doesn't live there. But on the owner's name, there are two names crossed off and somebody else's written in. And it is not Mr. Dow's

**Adam Rodd** - Well as I understand it and maybe the applicant can speak to it, it is my understanding that Mr. Dow acquired the property in June 17, 2010. So he purchased the property after the C of O was issued

**Robert Dee** - Okay. I just never seen a CO with names crossed off and who wrote that in I guess is my question

**Adam Rodd** - Well the C of O matches up to the section, block and lot so it is for the subject property

**Robert Dee** - All right

**Adam Rodd** - And it is the same address

**Robert Dee** - Yeah but who wrote the name in I guess is my question

**Karen Parks** - I am pretty certain Marianne Landolfi did. I got this directly from the file in the Building Department. And she issued, she issues the C of O's with like the title search when a property is transferred. This was attached to one of those. But this came directly from the Building Department file on that property

**Robert Dee** - Okay. When did you get that?

**Karen Parks** - It was probably in May

**Robert Dee** - May. Before he purchased the home

**Karen Parks** - Yeah. It was right before when he was looking into doing this.

**Robert Dee** - okay. He doesn't live there though. He purchased it but he doesn't live there, is that correct?

**Karen Parks** - Not yet. He is intending to.

**Vincent Cestone** - Okay since we are doing the reviews for completeness, Kyle Good. I actually have to admit that I didn't look at that.

**Paula Clair** - The applicant put the wrong address on the form. He put his New York City address.

**Adam Rodd** - We are talking about 85 Lower Station Road

**Paula Clair** - Right. He just shouldn't have put that address, he put his New York City address in. So it just has to be changed

**Lenny Lim** - Oh, both of these are Lower Station Road

**Adam Rodd** - Looking at Good, this is an application for a variance to the street line setback. The application looks to be complete based upon my review. I did have some issues of clarification which we can certainly address at the public hearing about the exact footage that they are asking for and how they computed it. I am sure that can be addressed at the time of the public hearing.

**Vincent Cestone** - Adam, do we have one that has an engineer stamp on this. This one doesn't have one.

**Adam Rodd** - This is a submission by Jeff Wilkinson

**Vincent Cestone** - Yes. I just want to make sure that you know. Kim, does the original have

**Kim Shewmaker** - No. It is not stamped

**Adam Rodd** - These are, these look to be architectural drawings. So it is something that we can address or perhaps ask for in advance of the November hearing.

**Vincent Cestone** - I don't know if that is enough to postpone, probably not. So what I am going to do, I want to make sure that we get an engineer's drawing and not somebody making one. Because you can get this stuff on the internet and make your own.

**Robert Dee** - This is Badey and Watson right

**Kim Shewmaker** - Yes

**Vincent Cestone** - I was talking about the structural drawing.

**Robert Dee** - Yes I understand.

**Vincent Cestone** - So, why don't we put it on for the November meeting but Kim can we notify him that he has to bring the original with the stamp on it to show us.

**Adam Rodd** - So are we looking at the 8<sup>th</sup>

**Vincent Cestone** – yes. And depending on what is submitted, this may or may not be our last meeting of the year. Okay. Review of Minutes of September 13<sup>th</sup>. Any additions, changes or corrections? I make a motion to accept them as submitted. Do I have a second.

**Bill Flaherty** - I'll second

**Vincent Cestone** - All those in favor

**All Board Members** - Aye

**Vincent Cestone** – opposed

**(No response)**

**Vincent Cestone** - Public hearing for Rodney Dow. Someone to speak for the applicant?

**Karen Parks** - Hi. My name is Karen Parks and I am here to represent Rodney Dow, the owner of the property. The application before you is to add a front porch to the house which there is currently a small front porch but he would like to remove it and replace it with a new front porch that runs the length of the front of the house as illustrated in my proposed plan. And in doing so we would require a variance to the front yard setback as well as the side yard setback and currently the existing house with its porch exceeds the allowable lot coverage and floor area coverage. So by adding the porch we are increasing that condition.

**Vincent Cestone** - When was this house built?

**Karen Parks** - And just to clarify, I looked at my notes, and when I researched the information in the file in the Building Department was August 19<sup>th</sup>. So it was after he purchased the building. According to the assessor's card,

**Vincent Cestone** - Was it prior to 1957?

**Karen Parks** - I gather it would be. It is a pretty old house. On the assessor's card it has a note of 1940

**Vincent Cestone** - Okay. So that's why it is all out of conformity. So it is a pre-existing nonconforming structure

**Karen Parks** - Right.

**Vincent Cestone** - So in essence you are taking down this little porch what's on the front and you want to make a full width porch

**Karen Parks** - Yes. I have an up-dated survey. The surveyor just clarifies all the dimensions from all of the corners of the porch to the property line on the survey that I previously submitted it was just the front corner. So I brought that with me tonight just so you have that.

**Vincent Cestone** - That would go with Kim to be in the final record

**Karen Parks** - Okay. Do you want to look at them while we discuss this. There are seven copies.

**Vincent Cestone** - Okay good

**Karen Parks** - The closest corner to the front property line is 4.1 feet.

**Lenny Lim** - What is it now, that's the proposed. What is it now?

**Karen Parks** - What is it right now

**Lenny Lim** - Yeah

**Karen Parks** - Actually can I have one of those copies? The closest right now on the existing porch is 6.12 feet. The closest corner of the new porch would be 4.1 feet from the front. From the side it would be 5.5 feet. The existing dimensions to the side is 5.44 feet. The numbers in the red or the pink are the proposed dimensions on the survey. I also have in the packet that I just gave you on the back are two letters from adjoining property owners in support of this project.

**Robert Dee** - Can I ask you a question. In your application, question number 2, it says that the grounds which the variance should be granted are, you say the existing house and porch already lie within the required front and side yard setbacks. And the existing structures already exceed the maximum lot coverage and floor area percentage allowed. There is another alternative for construction of the porch without a variance.

**Karen Parks** - I am sorry. That was a mistake

**Lenny Lim** - I was going to ask you the same question

**Robert Dee** - Because if there is another way to do it, then there is no reason to be here

**Karen Parks** - I am sorry, that was a mis-statement on my part

**Robert Dee** - Okay

**Lenny Lim** - Did you write this or did the applicant write it

**Karen Parks** - I wrote it

**Robert Dee** - Oh well that was a big one

**Karen Parks** - I know.

**Paula Clair** - You meant there is no other

**Karen Parks** - Sorry. It is not like me. I am usually very thorough.

**Vincent Cestone** - The only way she could do it was to rebuild it exactly the same as it was because it is pre-existing nonconforming

**Karen Parks** - Thank you for pointing that out. It should be there is no alternative. There could be a porch built in the back of the property but the whole concept behind this porch is to enhance the front of the property. In summary we feel that the addition would improve the front of the property and given the proximity of the house to the road now and the adjacent properties proximity from the road that it wouldn't really be a detriment to the neighborhood. And both property owners on either side have written letters in support of the project.

**Lenny Lim** - But you are coming a lot closer to the road actually

**Paula Clair** - Only a foot

**Lenny Lim** - It is 50% closer

**Karen Parks** - That is because the front property line is not parallel to the house so where the existing porch is now that end of the house is slightly further from the road. So we are increasing the depth of the porch slightly and by the time we get to the far corner of the house because the property line is not parallel to house so it is a little bit closer.

**Lenny Lim** - Couldn't you have kept it a 6.12

**Karen Parks** - We couldn't because the property line is not parallel to house as we get to the far right corner of the house the property line is getting closer to the house anyhow. So for example the house on that end itself, without a porch is only 9.85 feet from that property line. Unless we angled the porch

**Vincent Cestone** - It would be a pie shaped porch

**Lenny Lim** - How wide is the porch

**Karen Parks** - 5 feet 4 inches in depth and that is on the floor plan as well as the survey. Subtract the depth of the posts and the railing, the porch itself would be about 4 feet 6 inches inside the railing.

**Vincent Cestone** - Is this where the road actually is

**Karen Parks** - The road is right along the property line. It is a kind of faded gray line so you can see the property line

**Robert Dee** - So you are extending it to the width of the house

**Karen Parks** - Correct. Just shy of the width. If you look on drawing A-1 it pulls in. The width of the house is approximately 22 feet, so we are pulling it in just shy of the width

**Robert Dee** – right. It is 26 ½; 6 inches on each side. Okay.

**Vincent Cestone** - Any more questions from the board?

**Lenny Lim** - I've got one. What does MSRW mean on this? What is that?

**Karen Parks** - Masonry Retaining Wall.

**Lenny Lim** - Is that it? I was just curious as to what it meant

**Karen Parks** - I didn't do the survey. I am not the surveyor but I know from being at the property that that is what they are.

**Lenny Lim** - Okay.

**Karen Parks** - They are retaining walls. So I am assuming that the MS is masonry

**Lenny Lim** - Okay

**Karen Parks** - But I will confirm that if you would like. The property actually steps down in the back lawn so those retaining walls allow there to be \_\_\_\_\_.

**Vincent Cestone** - Any more questions from the board? I would say any questions from the audience but other than the Town Board Representative, there is no one in the audience. Unless you want to say something. I make a motion to close the public hearing. Do I have a second?

**Bill Flaherty** - I'll second

**Vincent Cestone** - All those in favor

**All Board Members** – aye

**Vincent Cestone** - Opposed?

**(No response)**

**Vincent Cestone** - Do we want to vote tonight? Anybody against voting tonight? Okay in that case, roll call vote. Bill?

**Bill Flaherty** - I vote to approve even though the variances are rather substantial. Particularly more than I am accustomed to looking at. But I think it is an improvement overall in the aesthetic of the house itself and you are increasing the resale value as well. So I approve.

**Vincent Cestone** - Paula?

**Paula Clair** - I approve also on the basis that it is pretty much on the same basis as Bill said. Although it is a foot more into the setback, I think that the disadvantages of that are overcome by the advantages of the better aesthetics and it seems the neighbors feel the same way.

**Vincent Cestone** - Len?

**Lenny Lim** - I vote in favor.

**Vincent Cestone** - Bob?

**Robert Dee** - I vote in favor.

**Vincent Cestone** - And I vote in favor and the reason why I vote in favor is that this is not a major thoroughfare. It is not like it is Route 9 or 9D, being that close I don't think there is going to be any safety issues so I vote in favor

**Karen Parks** - Thank you

**Vincent Cestone** - Any old business? I make a motion to close meeting

**Lenny Lim** - Second

**Vincent Cestone** - All those in favor

**All Board Members** - aye

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

DATE APPROVED: 11/8/10

Respectfully submitted,



Kim Shewmaker  
Secretary