

ZONING BOARD OF APPEALS

November 8, 2010

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, November 8, 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.

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

ABSENT:

Vincent Cestone – First item on the agenda is AnneMarie Reeve has been postponed until our next meeting on January 10th at the request of the Reeve attorney. Second item is a public hearing for Kyle Good. Is there someone here to speak for the applicant?

Glennon Watson - Glennon Watson of Badey and Watson. The application seeks two variances. This is the property (**tape machine skipping**) another piece of property comes up between the house and the road. _____ would like to get to the north side of her property roughly 23 feet 8 inches to the north of across 36 ½ feet from the ridge of the house. In doing so the line of the front of the house projects into the setback line, the existing corner of the house is already in the setback area, so we are seeking a variance to allow 45 square feet of this addition to exist within the setback area. If you look at the map you have, there is a gray triangle just to the right of the word "addition" and if you look really closely you will see a little tiny gray triangle that is at the south tip of that. That little tiny triangle is 2 square feet and it is too close to the side line. You will see the distance there of 19.13 feet or 19 feet and 5/8th inches. That is short of the 20 feet. So we are asking for a one foot variance at that point for that triangle in relation to the side line. The somewhat unusual situation here is, we do run into it once in awhile, Upper Station Road, this is an R-40 zone and it requires a front set back of 40 feet. Upper Station Road is a narrow street. So if you look further into the requirements for setback, you will see a narrow street gets increased by half the difference between the actual width of the road and 50 feet. We calculated that setback to be 48.34 feet. So even though the addition is more than 40 feet from the road line, it is not 48, it is only 43.19 feet. So we are

seeking a variance of about 5 feet 2 inches, actually we are asking for 5 feet 4 inches just to give us a little room for doubt on the width of the road and for surveyors never quite agree with one another, so there is a little room for doubt there. So we've added a couple of inches to each of those variances. There has been a lot of discussion in terms of the design of this house and I think the whole thing rests on the architectural design. They're not very big variances and could make the argument to move the building off of the place that it is located, but what is driving this is the alignment of the front of the house. And, that's as much as I am going to say about it. I am going to ask Mr. Wilkinson to come up and explain from an architectural point of view why this is important and then I will come back and wrap up.

Jeff Wilkinson - The house is probably, here are the floor plans of the original house, this is a photo of the barn adjacent, this is the elevations of the existing house which is really almost what I would call a craftsman, a really small house. We looked at quite a few different plans and configurations. I think what you really notice about the house is it is basically built in to a hill and the back of the hill is what is called the spine. So the existing house which is here, this section we are basically enlarging it quite a bit. We looked a several options, but it just made sense to continue the spine to use that as the backbone. We also felt with the mass of this moving it forward would actually make it more apparent to the house above. By nursing it into the hill it felt like it mediated the overall form. Kind of the overall impact of it. There is not a lot of front level yard, that is also a concern. And, the main thing really is, is the design, the garage and the barns over here, you really wanted a line. We didn't want this section of house to be completely in forward of that. I think it shows easier in the detailed elevations. I think particularly, I am really trying to tie the house together. To put an addition that doesn't look like it just an appendage. The intention is to unify it. In a smaller house every foot does matter. So if I brought this whole _____, it just makes this whole piece seem like it was _____ off. I felt like I _____ this gabled addition continuing the back wall of it and nursing it into the hill, I feel like it has the most benefit _____ and it makes the most sense. But this visual gives you some idea of the massing and why I feel like it makes sense to this version of the plan. So in other words we are really continuing architecturally what would make the most sense plan-wise and from an elevation and general appearance.

Robert Dee - How big is the proposed addition in relation to the size of the house? What is the square footage of the house now?

Jeff Wilkinson - The square footage of the house now I don't know off-hand. Approximately

Robert Dee - It is 2 stories right

Jeff Wilkinson - It is a 2 story. I have it written down

Robert Dee - It looks like it is basically bigger than the house, the addition

Jeff Wilkinson - I believe it is approximately 12 or 1300 feet and that is approximately what we are adding

Robert Dee - Okay. So it is almost the same size as the house, is what I am saying

Jeff Wilkinson - Yeah

Robert Dee - You are doubling the size of the house

Jeff Wilkinson - Yeah

Robert Dee - Okay

Jeff Wilkinson - It's approximate

Robert Dee - Yeah, it looks about double. I don't need the exact. I was just trying to get a rough ballpark

Jeff Wilkinson - It is a very, there is no way we can add this way, it is a very tight lot in terms of relation to the existing drive, bringing that in, it just make complete sense to mirror this with a nice simple gable and we just felt like it was really worth doing that, coming before you to do that. I do feel that moving it forward would have more of an impact to the neighbor above. In essence it is putting more house in front

Vincent Cestone – The only thing you can do is lop off the corners and how wide is it at its maximum variance

Jeff Wilkinson - Well lopping off the corners it

Vincent Cestone – Or you can pick a point where it would be in compliance and draw a straight line

Jeff Wilkinson - I think it is just a very small piece here

Vincent Cestone – Right

Jeff Wilkinson - So we felt

Vincent Cestone – So 4 or 5 feet

Jeff Wilkinson - It is very small piece that's why we don't consider it a

substantial request. But it does make a big impact on the overall

Vincent Cestone – In what way

Jeff Wilkinson - Keeping a nice _____, the plan was, it was a very simple form to build. We wanted to line up this entry with and have a staircase off to the side. This is a beautiful fireplace and you come in and see this and we really wanted to have this. Moving all this forward just didn't work in relation to the main circulation as well. I don't feel that just cutting corners fits in the traditional, just doing that fits in the traditional architectural _____

Vincent Cestone – And if this board does not approve, what would you do in a case like that?

Jeff Wilkinson - We would simply have to, you know, revisit our whole plan scheme and move it forward. The stairs would have to move, that location is ideal, it would kind of push things into _____

Vincent Cestone – The original house, how old is the original house

Jeff Wilkinson - I think an older structure that has been through several refurbishments.

Glennon Watson - It is a pre-zoning house

Vincent Cestone – It is pre-existing that way. Okay. I just wanted to know because now would be the chance to take care of any variances that might be an issue at some later date on the original house. But that may not be necessary because it is pre-existing

Glennon Watson - We don't think we have any issues with the pre-existing nature of the house

Vincent Cestone – Okay

Bill Flaherty - Well I assume that the house has been built prior to _____

Jeff Wilkinson - Yeah. Most of what I call a craftsman is probably 1930's era building. That's what I think but it has been remodeled after that as well.

Bill Flaherty - In your application you say that there will be little impact on the character of the neighborhood except for activities associated with construction of the addition which will occur regardless of whether the variance is granted or not. So I assume that you would

Glennon Watson - I wrote that. So let me direct it. I don't think there is a great denial that there is an alternative way to design this house. We are just saying that that would be compromising a good design for the sake of a couple of feet. The construction activity is going to take place there regardless of whether the variance is granted because we would be forced into a redesign which we don't want to do. We don't think that it is to our advantage and we don't think it is a disadvantage to the town.

Jeff Wilkinson - And the point that I am trying to make is simply yes we can take this form up and move it but I am trying to engage this form with the original house so that it appears like a unified design. I think we have achieved that with the plan so, I think it is a better character for the neighborhood. I truly believe that.

Vincent Cestone – Any questions from the board?

Glennon Watson - I would like to just take a couple of minutes to make a couple of

Vincent Cestone – Sure go ahead

Glennon Watson - I do have a statement in support of this which we put together. Only the top two are signed. I don't know how many of you had a chance to go down and look at that but if, Lower Station Road is quite a bit higher and there is another house right here which is actually the subject of an application a year or so ago, the Cross house. A couple of years ago I guess. Where that house, a second story was put on that house. That house is about 30 feet higher than this house and what happened is the orientation changed towards the river and the windows are towards the river and towards the view. This is one of the points that Jeff is making is that by pushing that form forward you start to impact the view that the people to the south will have. By pushing it closer into the hill, it, you are going to see it from the road I am not saying you are not going to see it, but you are going to get less of an impact because the hill, because the hill acts as a barrier, a visual barrier from the road so you are not going to have nearly as much impact as if you push it this way. And it will interfere with the neighbor more. So anyway, this neighbor like I said is about 30 feet higher and a very steep drop to the house and it is coming up, it will pop up above the road

Robert Dee - It is small but you are going to see it

Glennon Watson - No question about it. The variance is just by way is just 1 foot or 5 percent of the required and 5 feet 4 inches or 11 percent of the required from that additional setback. Again, the design issue is really what is driving this whole request and we don't think it is substantial and we don't think it will have any adverse impact particularly because of the way it is situated on the lot and

we are taking advantage of that. Question of self-creation, you could argue it either way. But the house is there and we would have to deal with what is there. It has been there since prior to zoning so we don't want to take any of the blame for self-created hardship. And finally I am going to hand up a letter from the immediate neighbor James Cross. He is that house just above it and we received this today. Mr. Cross quite frankly had some initial concerns and we spoke with him and he looked at the design and sent us that email and transmitted that letter to me. And he has no objections. So with that I will be happy to try answer any questions and hopefully you will find this _____

Vincent Cestone – Any questions from the board?

Bill Flaherty - The overall height of the addition is going to be exactly the same height as the present structure

Glennon Watson - No it's not. It is going to be higher.

Bill Flaherty - How many feet

Glennon Watson - About 10 feet higher. The overall height is just under 30 feet. 29.8

Bill Flaherty - So that is lower than zoning

Jeff Wilkinson - Designed with a very steep slope, the zoning only measured to half way up the gable type roof.

Vincent Cestone – Any more questions? Any comments from the audience? I'll make a motion to close the public hearing. Do I have a second?

Paula Clair - Second

Vincent Cestone – All those in favor

All Board Members – aye

Vincent Cestone – Do we wish to take a vote on this or do we want to think about it? Anybody against voting on it?

Robert Dee - No

Bill Flaherty - I think we can vote

Vincent Cestone – Okay. I am going to start with you Bob

Robert Dee - Well it is a large addition and that was my concern. But I did look

at it and I have to agree that building it more into the hill will have less of an obstructed view from the roadway. So I vote in favor of the variance.

Vincent Cestone – Len

Lenny Lim - During the site visit I had the same problem that he did, I am going to vote in favor

Paula Clair - I am going to vote in favor also

Bill Flaherty - I vote to grant the variances

Vincent Cestone – I am going to vote in favor because there doesn't seem to be any resistance from the community so

Glennon Watson - Thank you very much

Vincent Cestone – Next item on the agenda is review of minutes of October 4th. Any changes? I make a motion to accept them as submitted

Bill Flaherty - I'll second

Vincent Cestone – All in favor

All Board Members - Aye

Vincent Cestone – Opposed? Okay, you're on Adam for Rodney Dow.

Adam Rodd - Okay the resolution on Dow reading through conditions is as follows: the applicant, Rodney Dow, is the owner of a parcel of property located at 23 Lower Station Road in the Town of Philipstown. The parcel is improved by a single family dwelling, and is within the R-40 Zoning District. The applicant's single family dwelling contains a pre-existing, nonconforming front porch. The applicant seeks to replace the pre-existing front porch with a new front porch which will be somewhat larger in size than the previous structure. As proposed, the new front porch will result in a street line setback of 4.41', a side yard setback of 5.85', lot coverage of 19.5%, and floor area coverage of 32%. These resulting setback distances, and lot and floor area coverages, do not strictly conform with the bulk requirements set forth in Section 175-32, Schedule B, items 6(b), 7, 9, and 10 of the Town of Philipstown Zoning Code. Specifically, the Zoning Code requires a minimum street line setback of 40', a minimum side yard setback of 20', maximum lot area coverage of 10%, and maximum floor area coverage of 20%. Because the proposed front porch does not strictly conform with these Zoning Code requirements, the applicant's request for a building permit was denied. The applicant has accordingly appealed from this denial, and now seeks area variances from this Board. At a public meeting of the Board on October 4,

2010, and upon all discussion and testimony that preceded it, site visits made by individual Board members, and a review of all submissions and proof submitted to the Board, Vincent Cestone made a motion, seconded by Bill Flaherty, as follows: Be it Resolved, that the Zoning Board of Appeals of the Town of Philipstown, Putnam County, New York, determines and finds: That the balancing of equities weighs in favor of granting the appeal of Rodney Dow from the denial of his request for a building permit to construct a front porch on his property at 23 Lower Station Road in the Town of Philipstown, despite an insufficient front yard setback of 4.41', and insufficient side yard setback of 5.85', lot coverage of 19.5%, and floor area coverage of 32%. The grant of the subject area variances, with the following conditions, for the reasons set forth herein, shall constitute findings based on the factors set forth in Town Law 267-B.

Conditions of the Variance. 1. the proposed front porch to be constructed at 23 Lower Station Road shall: (a) be setback at least 4.41' from the street line; (b) be setback at least 5.85' from the side yard lot line; (c) not result in lot coverage exceeding 19.5% and (d) not result in floor area coverage exceeding 32%. 2. the proposed porch shall be constructed and configured in accordance with the "proposed porch plan" dated September 1, 2010, and stamped by Michael P. Carr, P.E., and as depicted on the Property Survey prepared by Matthew A. Noviello, P.C. dated July 15, 2010. 3. No enlargement, reconfiguration or extension of the proposed front porch, for which the above-referenced variances have been granted, is authorized without prior Zoning Board approval.

Vincent Cestone – Any additions or changes to the conditions? If not, I'll make a motion to accept it as submitted

Bill Flaherty - I'll second

Vincent Cestone – All those in favor

All Board Members - Aye

Vincent Cestone – Old business. If you are not aware there (cannot hear due to board members closing up files... too noisy). Any other old business? I make a motion to adjourn.

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: 1/10/11

Respectfully submitted,



Kim Shewmaker
Secretary