

ZONING BOARD OF APPEALS

June 6, 2005

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, June 6, 2005, 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
	Joan Turner	-	Member
	Victor Carlson	-	Member
	Bill Flaherty	-	Member
	Tim Pagones	-	Counsel
ABSENT:	Lenny Lim	-	Member

Vincent Cestone - For those interested General Dynamics Nextel and Matthew Noviello are off for tonight. So we are going to go directly to Dorothea Lang Appeal #767.

Tim Pagones - Well just for the record though Dynamics might be on for the 20th if we get everything. Noviello has asked to come back in July. Which day in July do you want to put in on.

Kim Shewmaker - The first Monday in July is the 4th of July. What days are you meeting in July?

Vincent Cestone - We are going to put them on the last meeting in July that we meet. We obviously we are not going to have a meeting on the 4th of July.

Kim Shewmaker - Right. So you have the 11th which is the second Monday, the 18th is the third Monday and 25th is the last Monday of the month.

Vincent Cestone - Let's do it the 11th and the 18th because the 25th I'm on vacation.

Tim Pagones - So the 25th for Noviello

Kim Shewmaker - No the 18th

Tim Pagones - 18th.

Bill Flaherty - On July 18th?

Tim Pagonis - July 18th for Noviello.

Vincent Cestone - Okay Ms. Lang do you want to tell us what you are doing. You said you wanted to replace a rotten shed?

Dorothea Lang - It's a shed that I had that collapsed when a big tree fell on it. And I waited for the house bungalow to be repaired and took that wood to repair the new shed.

Vincent Cestone - So what you are proposing is that the shed

Dorothea Lang - Approved

Vincent Cestone - Replaced exactly the same in place where it is

Dorothea Lang - Exactly

Vincent Cestone - Okay. And about these decks that you are talking about. Tell me a little bit about them if you would. I am not sure by looking at these drawings what you are

Dorothea Lang - Do you have the plans of May 5?

Vincent Cestone - Is this is

Dorothea Lang - No. There is a newer one

Vincent Cestone - It is out in my car then.

Dorothea Lang - I'll let you look at mine. You remember you asked me to get

Vincent Cestone – yes I did. But I brought the wrong one. So looking at these decks you're asking for this deck and that deck?

Dorothea Lang - No. This is just an entrance

Vincent Cestone - Okay. So you are looking for this and this?

Dorothea Lang - When I had the house rebuilt and I didn't put that in the original plans. I just thought it was automatic you couldn't

Vincent Cestone - Not in your neighborhood.

Dorothea Lang - So this is what, this is directly under the

Vincent Cestone - Sliding door

Dorothea Lang - The sliding door and the deck upstairs and then the steps and then this one is exactly under the roof upstairs and then the three steps.

Vincent Cestone - So there are two doors here

Dorothea Lang - This is a _____ door

Vincent Cestone - Okay and there is a door here

Dorothea Lang - A sliding door right

Joan Turner - So what is the variance for? Wasn't the variance for the shed.

Vincent Cestone - The shed and

Tim Pagones - There are two applications. One is for a shed which was supposedly damaged by a tree. And she is looking to replace that shed with the same exact dimension shed. And then she also, she has an application looking for variances for the I guess steps and

Dorothea Lang - Outside the sliding doors

Tim Pagones - So those steps

Dorothea Lang - I thought it is less confusing not to put it all in one sentence.

Joan Turner - When we went down a few years ago to look at that before you got your approval, the variances from the board, where was the shed? I don't remember it.

Dorothea Lang - The shed was crushed. It was under the bushes, under the evergreens. There was a lot of growth

Joan Turner - There was nothing there virtually then, it was flat. So there wasn't really a shed

Dorothea Lang - No it wasn't standing anymore. From the one picture it was broken completely in a big storm in the early 1990's

Joan Turner - In the early 1990's. So now 15 years later you want to replace the shed

Dorothea Lang - Well I wanted to replace it immediately but then I thought it would be nice to use the old wood from the house, which is really kind of groove, tongue and groove, and it would make it a little more cute rather than just putting another ugly shed up. For pretty purposes I waited until the old bungalow had to be torn apart.

Joan Turner - So this, when you face your house, this is to the left. Is this where that shed was?

Dorothea Lang - This is the exact same space and you have the old survey also. This is right here and this is the entrance

Joan Turner - That's what I meant. So you come in and it is to the left

Dorothea Lang – yes. It's hard to see with all the evergreens standing there. It cannot be seen from the railroad.

Joan Turner - You also changed architects didn't you? Didn't Chip Place do your original drawings?

Dorothea Lang - No he was my lawyer.

Joan Turner - What were the plans? Didn't he submit plans

Dorothea Lang - Those were, everything else passed with the zoning board and that was with Chip Place

Joan Turner - Yeah, but did you change architects after that

Dorothea Lang - We took a local architect because Chip was going to the City

Joan Turner - I understand that

Dorothea Lang - And so we had to take someone else and we took a local architect

Joan Turner - And did they alter the plans

Dorothea Lang - No

Joan Turner - Or did they use the same drawings as Chip

Dorothea Lang - Same everything

Vincent Cestone - How long has the shed been down?

Dorothea Lang - A few years

Joan Turner - Since the 1990's she said

Dorothea Lang - I can't remember exactly the storm, but it crushed with the big, have you seen the picture

Vincent Cestone - Yes I've seen it

Dorothea Lang - And I was, it was early 1990's when I was trying to rebuilt the house anyway and I thought I would wait just, I wanted to save some of that memories of the old bungalow and the foundation was still there. It was a cinderblock foundation for the old shed and he put it exactly on the same thing and you have an old 1972 survey and you have Badey & Watson's. You saw this picture right?

Vincent Cestone - Yes

Dorothea Lang - And we just had stuff growing. All kinds of weeds growing over it so it protected the remains of the base of the cinderblock.

Vincent Cestone - So this is the shed that you are talking about right here

Dorothea Lang - Yes that's it

Vincent Cestone - Okay

Dorothea Lang - You have the whole set, I gave to you

Vincent Cestone - Yes, I have it right here

Bill Flaherty - I visited the property a couple of weeks ago and it looks like a work in progress doesn't it? It is not a complete shed

Dorothea Lang - No because I had to stop

Bill Flaherty - You were stopped? A stop work order was issued?

Dorothea Lang - Yes

Bill Flaherty - There is nothing but construction debris stored in the shed itself

Dorothea Lang - Right

Bill Flaherty - What are you ultimately going to use the shed for?

Dorothea Lang - Well we always used to use the shed for our lawn mower, fishing equipment and all kinds of lawn equipment and a few paddles for the water, water things

Bill Flaherty - You have no other alternative method of storing these things on your property other than building a new shed?

Dorothea Lang - Well it is essentially, we used one of our neighbors hole under the steps where we put the lawn mower until the shed was built. It will be a cute little place and an emotional thing that I liked, because I replaced it with the old wood

Bill Flaherty - It is an attractive little shed. It's small

Dorothea Lang - I designed it that way. It is small. Very small. Smaller than the average shed

Bill Flaherty - When I was there, I questioned what in the world is she going to put in this little shed.

Dorothea Lang - Well a lawn mower

Bill Flaherty - Could probably have some other alternate means of storing than what would go in that shed

Dorothea Lang - You would be surprised when we had water sports, all kinds of boards and things like that, fishing equipment in there

Bill Flaherty - Because everyone in that area has a shed of one kind or another

Dorothea Lang - Exactly

Bill Flaherty - And I don't think any of those sheds are in compliance with our Zoning

Vincent Cestone - Nothing does down there

Bill Flaherty - That I am aware of. It is impossible actually. I would say, I don't know, I walked the property and if there are any clearances back in front of your property

Dorothea Lang - On the river side

Bill Flaherty - Yes

Dorothea Lang - Theoretically I could do that

Bill Flaherty - You could build a shed

Dorothea Lang - Because I have 30 feet. My property is bigger than others

Bill Flaherty - Exactly

Dorothea Lang - So I could put it right smack in the middle. But I didn't think that would be nice for the area

Bill Flaherty - You mean aesthetically

Dorothea Lang - I think where I put it is ideal. I mean besides, I wanted to put it where it was.

Bill Flaherty - Well the shed is not permanently affixed to the foundation. There is a foundation there

Dorothea Lang - Yes

Bill Flaherty - Is it actually attached to the cement slab

Dorothea Lang - I don't know. The builder built it.

Bill Flaherty - I looked at it very carefully and I did see any bolts or anything of that nature in the cement slab.

Dorothea Lang - I could move it right in the middle of the front. I have 30 feet from each side. I have 75 feet. But I didn't think that would meet your approval either.

Bill Flaherty - Well if it is in compliance with our zoning laws you wouldn't need our approval. Maybe you can put it in the front of the house somehow

Dorothea Lang - No I don't think that would be nice

Bill Flaherty - I don't think that would be aesthetically pleasing to the eye to do that

Dorothea Lang - It is behind a whole growth of Christmas trees and it is not visible from the railroad and it is essentially at the end of the road. Whoever comes there is either supposed to be there because they're visiting us or they are not supposed to be there in the first place. It is the last house on the road

Bill Flaherty - Yes

Dorothea Lang - So I would like you to approve it for and you will notice that I had intentions to put, plant flowers and things around it

Bill Flaherty - You have, the next piece of property next to yours is owned by _____. They don't object to that

Dorothea Lang - No. They've seen it before and they I have communicated with their office and I have written them, faxed them, and they to this day have no objection

Bill Flaherty - They have no objections. Do you have a letter

Dorothea Lang - No. But I have a letter that I sent to them twice and I told the secretary that if there is no response I would accept that as

Bill Flaherty - Affirmative

Dorothea Lang - And if you want the secretary's name, you can certainly have that.

Bill Flaherty - I suppose when you finish the shed, it is going to be an attractive little

Dorothea Lang - I tried to make everything

Bill Flaherty - Like a little dollhouse of some sort. You are on the road to making it

Dorothea Lang - I tried to make things very attractive but it is taking so long with the building and it is getting me frustrated

Joan Turner - What I would like to do about the steps is to go back to our original file leaving the tool shed aside and going over to the

Dorothea Lang - There were no steps anywhere

Joan Turner - I would like to go back to the original minutes and file and reread them before I make my decision tonight

Dorothea Lang - You know they are essentially, it's a little deck and the steps. You can't really have, the height is about like this. You can't have the door open and immediately you have to have a platform

Joan Turner - I understand that. I thought, in my memory is faulty, so I can't exactly say

Vincent Cestone - What she is asking is that she wants to reread the resolution

Joan Turner - Because I thought there was a question whether it was you or somebody else, I am not sure, about not having the steps going down facing the river but to go down on the side. So there would be no further encroachment toward the river. I don't know if we discussed that or not

Dorothea Lang - I don't remember that at all but as you know, this is the three steps is absolutely minimum. There is a picture.

Joan Turner - Vic do you have your old file

Victor Carlson - I voted against it

Joan Turner - But you keep that file on Dorothea Lang

Victor Carlson - I have it

Dorothea Lang - I have a file that I can give to you and it is on file in the office downstairs

Joan Turner - I would like to consider it. I don't want to do a hasty review of it. But you also had the drawings from Chip Place. The drawings that are downstairs are not Chip Place's drawings. So we approved Chip's drawings and I would like to look at those and then go down and take a look at the house and compare it with what is going on. I would feel more comfortable doing that than making a decision tonight. Because I don't remember some of things that you are asking for.

Dorothea Lang - I never realized that you need steps in the plans

Vincent Cestone - Oh absolutely

Dorothea Lang - This is the first time I built a house

Vincent Cestone - We had a house right up to the setback and it can't get steps, Mr. Monroe sends them here for a variance to get steps

Dorothea Lang - Next time I build a house I will know better. Maybe that will be in heaven but not here

Vincent Cestone - Buy a house and let somebody else do it.

Joan Turner - I know it sounds nit picky but it is just better for us to dot our i's and cross the t's in view of the circumstances on Hudson River Lane

Dorothea Lang - That's fine

Tim Pagones - Can you bring the steps to the side as opposed to the front?

Dorothea Lang - Actually I have designed it both ways. I designed it but the architect

Tim Pagones - On your application you talk about eventually building a ramp

Dorothea Lang - Right

Tim Pagones - Where is the ramp going to go

Dorothea Lang - Well, probably along the house if it has to be. My brothers are all senior citizens. John is a senior citizen. We don't know what the situation is, we are trying to have everything done so that we can hold on to the house as long as we can and I have had compliments on that concept to plan ahead and I hope that you understand that is a possibility. And if you want me to come back for a ramp later, that is fine with me too.

Tim Pagones - Well if you went closer out you would have to. I guess the concern with the board is and it is not your fault you hired professionals. And the professionals prepared plans and the board spent a lengthy amount of time on the plans and now the plans have changed

Dorothea Lang - I am adding

Tim Pagones - You are adding to your plans

Dorothea Lang - But that is why I am coming before you

Victor Carlson - But you have no objection to putting the stairs instead of running towards the river, to the side

Dorothea Lang - Well sir, I actually had it designed both ways.

Vincent Cestone - So the answer would be yes

Dorothea Lang - Well, there is a disadvantage. If you put no steps at all, I have to put a _____ there and that is not very happy for me. I would rather have the steps so you can see it, whoever sits in a wheelchair or a chair

Vincent Cestone - So what you are saying is no that you wouldn't put them to the side. I am looking for black and white not gray. I am asking you for black and white. Which way would you want it. If we told you to put them off to the side would you accept it off to the side? Because the other option is that the

board might vote against you and then you get nothing.

Dorothea Lang - Where am I supposed to put them if I have nothing? You have to have steps going out. There is a door there.

Vincent Cestone - Then you reapply and you come back with something that we would approve. That's what happens

Dorothea Lang - What would you suggest I do

Vincent Cestone - Well we just made a suggestion

Tim Pagones - Well I guess that if the board does not grant your steps, then you would have to put up a fence because that is a deck. That is not a platform. I believe it is more than 18 inches above the ground right

Dorothea Lang - Well we can fill it with more ground. That's also a possibility. That's technically a possibility

Vincent Cestone - I don't think you could fill it.

Joan Turner - You could. But I wouldn't suggest it

Vincent Cestone - Let me ask Mr. Monroe a question. Tom, what is the issue, what is specifically your issue with this. Please elaborate

Tom Monroe - Well the issue is that the deck on the south side of the house is I believe that the house itself sits like 30.7 feet from the property line. So obviously if it extends any more than .7 feet beyond the house she does not have a 30 foot side setback.

Vincent Cestone - Okay

Tom Monroe - The one on the rear to the left side of the house is if you measure from the north property line 30 feet in about I am only guessing here, 3 feet of that deck encroaches in the side setback. But it also, the other issue is that the plans that were signed by the chair, both of those doors show steps to grade. That's what it shows.

Vincent Cestone - Okay

Tom Monroe - My interpretation of steps to grade means you open the door and there are steps there. And that is against code, you can't do that. There has to be a minimum of a 3 foot platform. But both of those are obviously more than 3 feet

Vincent Cestone - Okay

Dorothea Lang - Sir, our plans are to be exactly _____ and this is exactly under the upstairs deck and the steps so it is not sitting any more

Vincent Cestone - Well according to the pictures, the stairs extend past the

Dorothea Lang - The stairs, but not the platform

Vincent Cestone - That's right.

Bill Flaherty - Unless you move those stairs and turn it on the side, the west side and it won't extend beyond

Victor Carlson - Now you are saying it is for a handicap person. You are going to have to have a rail. If you turn it on the side, you can't have the rail. Like I have at my house. I have a wrought iron railing and the stairs going down on this side which is the way and you will really see

Dorothea Lang - I want to point out that there

Vincent Cestone - We are talking about you. We are not talking about your neighbor

Dorothea Lang - Okay. But there is plenty of

Vincent Cestone - I don't want to hear about this. We are talking about you

Dorothea Lang - Okay but this is right on the

Vincent Cestone - But the stairs aren't. Okay? Would you like to say something? You look like you wanted to say something.

Dorothea Lang - I would accept anything that you suggest however, you should know that I would prefer not to have a railing that obstructs the view for whoever is sitting down

Vincent Cestone - Okay. Any more questions from the board

Joan Turner - I was going to go down today but got rained out this afternoon. So I never got down there so I apologize for that because it is really important for me to see what I am doing. So I would like to defer this to the next meeting that

Vincent Cestone - I don't have a problem with that

Joan Turner - I just want to go and look at the old plans that we approved

