

# ZONING BOARD OF APPEALS

October 2, 2006

## MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, June 5, 2006, 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
	Joan Turner	-	Member
	Tim Pagones	-	Counsel

### ABSENT:

**Vincent Cestone** - All right first item on the agenda is Michael and Karen Enea.

**Michael Enea** - How are you doing?

**Vincent Cestone** - Good.

**Michael Enea** - When we left the meeting the last time there was a little bit of confusion that I think that part of the reason I think some of you are feeling like you may vote no is because my house didn't flow with the neighborhood. Am I understanding that correctly?

**Joan Turner** - I didn't hear you

**Michael Enea** - Because it didn't flow with the neighborhood, the house. It didn't match

**Joan Turner** - I understand what you mean

**Michael Enea** - So I put together a little something. I did mention to you that I was going to have a bunch of my neighbors who had absolutely no problem with the addition of the garage sign this. The neighbor that this affects the most, Mike, I think you've met him once before

**Bill Flaherty** - Yes I have when I visited your home

**Michael Enea - Yes. He'll make a little speech. I put 4 packets together and I will explain what I did. Here you go. The first thing on the first page. \_\_\_\_\_** these are both houses on both sides which is a continuation of Valley Lane. And one of which is of course the top one is a brand new house that was built all the way in the back and it is a center hall colonial. Much larger than mine and an attached 2 car garage

**Vincent Cestone -** And he didn't need a variance. Go on

**Michael Enea -** He may not have but the reason I am showing you is that how it flows with the neighborhood. The second picture down, I can't guarantee if he needed a variance or not but he did build very close to his property line, and it is a raised ranch with a one car garage with an attached one car garage. The next thing I did was just show you other houses in Continental Village with where they are located again

**Lenny Lim -** Do you know the sizes of these properties

**Michael Enea -** No I do not. And I can't tell you whether or not they needed variances or not but I am just trying to show a point that there are houses that are in Continental Village, some of them are newer, most of them are the new houses, we skip past that and then you see some of the houses on Valley Lane that have no garages at all and the differences between these houses and mine is that they have a much larger driveway so they can accommodate a lot more cars in their driveway. So there are three houses right there. And then the last one is a picture in front of my house and just shows the narrowness of the road, it is very difficult to pull out on the road with all the cars on the driveway. I have no on-street parking where I can park off just like the guy in the grey \_\_\_\_\_. He put up those boulders right after I moved in. I have absolutely no hard feelings and he signed my paperwork, I don't know the reason why he put the boulders there but it makes it very difficult for me to come out of my driveway and it also shows how short my driveway is. And then the top right hand picture shows how much room there is between my house and Mike, my neighbor. And the last thing that you have is, I also went back to the architect, that was the first thing I did. And I had the architect redraw it at a smaller scale. I really feel adamant that I, there is no reason why I shouldn't be able to get a two car garage but, I want to cover all bases and there are actually four pictures on there and I will explain how the four pictures work.

**Vincent Cestone -** Okay

**Michael Enea -** The first top left hand picture is what I proposed to you already. As you move down, we shorten the garage 22 to 16 feet. So ultimately we went from this to this. Again

**Vincent Cestone -** I would like to know \_\_\_\_\_

**Michael Enea - That's the next page**

**Vincent Cestone - Okay**

**Michael Enea -** The last page which is another plot plan and floor plan of the garage with height. And it also shows the ground slope also which is right over here. This is your setback which would be 18 9 feet.

**Lenny Lim -** So you scaled it down

**Michael Enea -** Well again, I really want a two car garage but I had to cover all bases. I felt I had no other choice but to do this. When we left I was very confused and I said you know what, I really don't want to waste more time I want to cover all bases

**Joan Turner -** No we are not confused

**Michael Enea -** No I was

**Joan Turner -** Oh you were

**Michael Enea -** I was confused

**Joan Turner -** I am still puzzled over, I am going to just show you the picture that you, your property. Here is your driveway

**Michael Enea -** Correct

**Joan Turner -** And it drops off, you have a slope that goes down

**Michael Enea -** Yes we do

**Joan Turner -** You are going to fill in, how are you going to deal with the slope if you wanted to build this garage

**Michael Enea -** The slope going down

**Joan Turner -** Yes

**Michael Enea -** The garage is being pulled forward of the house by about 8 feet

**Joan Turner -** So maybe my

**Michael Enea -** So if you pull forward it will

**Joan Turner - It will be at the end of this garage**

**Michael Enea -** It is going to be about 2 feet from the front of my car, the black car I should say. So about 2 feet in front of that car, where the black top ends right now

**Joan Turner -** So you are not going to do anything with the drop off in the back. You are just going to leave that there

**Michael Enea -** Well if I need to, I will, there is a retaining wall on the right hand side, I could raise the retaining wall and then fill that in and regrade. I haven't sat with the contractors yet

**Joan Turner -** Well you could actually do that without building a garage. Fill that in and have a retaining wall so you would have parking space. I mean theoretically one could do that. It's not what you are thinking but you could, if you could

**Michael Enea -** Well then I would have to park alongside the house and I don't know how that would work.

**Joan Turner -** And then to accommodate the parking that you have now you can also drive down there and park

**Michael Enea -** Well I can't park in the back of my house, that's where the septic fields are there

**Joan Turner -** I'm not saying drive, I'm saying park down there. You could extend the driveway down that slope for example and just drive down there

**Michael Enea -** Well I don't know. That would be too steep for a car to come to down

**Joan Turner -** It's too steep? Okay

**Michael Enea -** The point of a garage is I have a 4 year old and a 4 month old and it would be a lot safer for her to come to off the street and bring it into the garage and unload the kids. Also when it rains or snows. That's part of my other reason for building a garage.

**Joan Turner -** If you built, do you need to be before this board if you just built a one-car garage?

**Michael Enea -** Yes

**Joan Turner -** By what is the reduction in size

**Michael Enea** - That is what we are proposing in this drawing here. It would go from a very tight two car garage to a larger one-car garage which is going from 22 to 16 feet

**Joan Turner** - Could I see those plans

**Michael Enea** - You have them

**Joan Turner** - Oh here

**Lenny Lim** - In other words he is going from 22 foot 2.59 to 16 feet at 8.59. Now how wide is this lot? 80 foot wide?

**Michael Enea** - The lot is 80 feet, just over 80 feet

**Joan Turner** - It is an R-20

**Michael Enea** – correct

**Lenny Lim** - On this new paper it still says proposed 2-car garage.

**Michael Enea** - I did not take that off... obviously, you can't fit two cars in 16 feet. That's pretty obvious

**Joan Turner** - And how wide is this garage now? You have 14 feet

**Michael Enea** - 16 feet

**Joan Turner** - 16 feet

**Vincent Cestone** - it is pretty wide for a one car garage

**Michael Enea** - Well again, we have an SUV and one kid on one side and one kid on the other side, we are trying to open and give me a little extra space

**Lenny Lim** - It is still pretty wide for a one car garage

**Vincent Cestone** - Any questions?

**Bill Flaherty** - Well the only thing that I have is that you downsized, and regardless 16 feet or 14 feet you are going to need a variance

**Michael Enea** - Correct

**Bill Flaherty** - But it is less of a variance with a one car garage than a 2 car

**garage. It's about 8 feet between the neighbor's line and the garage**

**Michael Enea – Correct.**

**Joan Turner - What is a standard for a one car garage**

**Lenny Lim - I honestly know**

**Joan Turner - What is a one car garage? 12 feet?**

**Michael Enea - A tight one car garage is 12 feet. Yes. Again, that would be very tight**

**Joan Turner - I have a two car garage and it is 24 feet. Amble room**

**Michael Enea - That's why we were looking for 22 feet because we were looking for a tight two car garage. The original. I don't feel it is going to change the neighborhood by having**

**Joan Turner - No, it's just that you are on a small lot and the question is is that you generally look for the smallest variance that we can give you so basically what we are saying to you is on an R-20 zone with a narrow lot like this, building to the property line is not appropriate. In other words it is just overbuilt the lot. A one car garage, lets say it is 12 feet or 13 feet, 12 feet I would say, then it's 9 feet and you are not on top of the property line.**

**Michael Enea - Well that's what we are right now. We are almost 9 feet**

**Joan Turner - That's what I'm saying. There is a balance here between being over developed and**

**Michael Enea - And I didn't think I was over developing by an additional 3 feet. I was trying to give myself a little extra room inside the garage.**

**Joan Turner - There is a lot to consider and there is nothing more you can say. We understand what the issues are. Here's a one car garage**

**Michael Enea - Yeah**

**Joan Turner - That's a normal size one car garage**

**Michael Enea - A very tight one car garage correct**

**Joan Turner - Even with that you need a variance.**

**Michael Enea - You are absolutely right**

**Joan Turner** - So I am comfortable giving a variance on that size garage because it is appropriate according to our zoning code for your lot. So I am comfortable with that.

**Vincent Cestone** - So would I

**Lenny Lim** - But what you are saying Joan is this might be 14 feet

**Joan Turner** - We don't know. I don't know what the size is. But I am saying what a normal, David do you happen to know or does anybody know what a normal one car garage is?

**David Brower** - Everybody has their own idea of normal

**??** - With today's SUVs and what not, what he is trying to tell you is they are big vehicles.

**Joan Turner** - But we understand that. But for every person's need we cannot give a variance. I mean, then you would have no zoning. I can get a truck and it wouldn't fit into my garage but that's a choice I make. But I don't come to the zoning board for you to endorse that choice because that's not the way zoning works.

**Vincent Cestone** - Sir?

**Jacob Bump** - I was just going to comment that as a builder for the record for what it is worth, we generally allocate 12 to 14 feet of internal space for a vehicle in a garage.

**Joan Turner** - So if he has it down at 16, I would say 14 feet and I am comfortable with that. A one car garage 14 feet.

**Lenny Lim** - I would be comfortable with that also

**Vincent Cestone** - So would I

**Bill Flaherty** - I have no problem with it

**Vincent Cestone** - Come back to us with a 14 foot wide garage and I think you will get your variance

**Michael Enea** - Thank you

**Tim Pagones** - Okay. He has to amend the plans, do you want to keep the public hearing open? Do you want to close the public hearing?

**Lenny Lim - Lets keep it open**

**Tim Pagones - It seems**

**Joan Turner - So he is just coming back with the plans and the public hearing will be open so the plans can be looked out**

**Tim Pagones - What I would suggest is keep it on, I know you have a few on for the 16<sup>th</sup>**

**Joan Turner - This is cut and dry**

**Tim Pagones - Have your plans amended showing a 14 foot garage. They will close the public hearing, take their straw poll vote and we would have the resolution the first meeting in November. But they want to make sure that you come back with new plans**

**Michael Enea - October 16<sup>th</sup>**

**Tim Pagones - October 16<sup>th</sup> have your new plans. You need 7 sets**

**Michael Enea - Got it**

**Tim Pagones - Because there are supposed to be 5 board members, the secretary gets one and I need one**

**Michael Enea - Okay**

**Tim Pagones - So have your 7 sets of plans with the 14 foot garage, the heights, almost the final plans**

**Michael Enea - Just as this has shown**

**Tim Pagones - Exactly. They will close the public hearing and their straw poll vote but they are telling you that they can all live with a 14 foot garage**

**Michael Enea - Then I have to return back in November**

**Tim Pagones - No. What happens is they take their straw poll and I do a resolution. I won't have a resolution for the 16<sup>th</sup>. The resolution will be done the first meeting in November.**

**Michael Enea - And I have to come back again**

**Tim Pagones - No. They are telling you that they are going to vote for it. If you**



**want to be here for the resolution**

**Bill Flaherty** - Don't forget a set of plans for the building inspector

**Michael Enea** - Of course, once I am granted this then I have to go to Tom

**Vincent Cestone** - Because what you have to bring to the building inspector is the plans stamped approved by us.

**Michael Enea** - Okay

**Tim Pagones** - They are telling you that they will give you that.

**Michael Enea** - Right

**Tim Pagones** - You can sit there and tell the board the heck with you I want a 16 foot garage, I am just telling you what you can do. Then they are going to deny and then you have the right to do whatever you want to do. So, that's up to you

**Michael Enea** - The problem is if I do whatever I want to do

**Tim Pagones** - Well if you want to tell the board thank you for a 14 foot garage but I want a 20 foot garage, deny it and I'll sue you. That's up to you

**Michael Enea** - Nah.

**Joan Turner** - Those are options. As unpleasant as they are

**Tim Pagones** - Unpleasant and expensive

**Vincent Cestone** - Anybody wish to speak?

**Michael (?)** - I am his neighbor, right next door to him. This garage

**Tim Pagones** - Can I have your full name sir

**Michael (?)** - Michael \_\_\_\_\_. Does it matter that I don't care whether he comes that close to me or not?

**Joan Turner** - No

**Michael (?)** - Do I have a say in this?

**Joan Turner** - No. Do you know why? Because the variance runs with the land and it goes into eternity as long as we are all here. And that's another, you could sell your property and the next owners say how come this place is right next to

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**my property line? It is blocking light from my property, whatever. So the variance doesn't go with you or this gentleman Mr. Enea, it goes with the property**

**Michael (?)** - Yeah but once it's done it's done. If I go to buy this house and I see this structure there, either I buy it or I don't. What difference does it make?

**Joan Turner** - Okay, lets just say you are one example and then it happens all over town, people say well I don't care, and then you've got, then there's an issue called density so you don't have any kind of planned development. You have one place cheek by \_\_\_\_\_, hit or miss. The whole purpose of zoning is to control development so that it is done in an orderly fashion and it maintains the aesthetic value and the property values of property. It is just not for one person. There is also a community of residents out there

**Michael (?)** - Why would you want to go to the smallest garage then? Because I just bought a brand new truck. In putting it in my garage which is a two car garage, I was tight as hell. So I know what he is going to go through with a one car garage and making it as small as possible

**Tim Pagones** - Well by law they have to give the smallest variance possible. Okay? So what the board has simply done is he bought that lot, he knew what that lot was. The building should conform to the lot. You shouldn't buy a lot, a vacant lot and then say you know what, I want to build a 5,000 square foot house on it but you bought the lot and you knew it couldn't accommodate it. So the board has denied other people saying I am sorry you would like to build a 5,000 square foot house, the lot can accommodate a 2,500 square foot house and that's what we're going to give you

**Michael Enea** - Well I did speak to the

**Tim Pagones** - I know that, but the fact that he doesn't have a problem with him coming closer to your property line helps them in giving him a variance for even a 14 foot garage.

**Michael Enea** - When I purchased the house one of the things I did talk to the builder about was getting a variance. (Cannot hear him with shuffling papers by microphone). ... Tom didn't actually see me having a problem getting a two car garage. This is one of the reasons why we went through with purchasing the house

**Vincent Cestone** - Well we have a vacancy on the board here, Tom can apply for that

**Michael Enea** - I will have to mention that to him. And the other thing I want to say is diagonal from me again, I don't know if this house needed a variance, we

**have a geodermic dome. How does that comply with the neighborhood if we are trying to keep the value of these homes up. If somebody might want to look at my house to purchase one day and they might say I don't want to live here, because there is a geodermic dome angled from me.**

**Vincent Cestone - Geodesic dome**

**Michael Enea - Did he need a variance**

**Joan Turner - He wasn't before this board.**

**Michael Enea - You know what house I'm talking about?**

**Joan Turner – No**

**Vincent Cestone – yes. In Continental Village it is almost impossible to build anything without getting a variance. And it is because Continental Village was built by one developer many years ago before zoning and when zoning came in it made it difficult for anybody to do anything. My friends who are trying to apply for a variance, I kind of talked them out of it because I know how the rules are written. The rules are written specifically to stop people from over developing the land and the one thing people coming to this area don't want it to move into New York City North. So the laws are there to stop this from proceeding through the entire town. And that's why there is not one huge zone for all of Philipstown. You're R-20 and I'm R-80 and we are in the same area and then there are other areas which are R-120 up in the northern part of the town. And there are R-10 in places where there are 50 by 100 lots. And then there are anomalies like Hudson River Lane where it is R-80 and none of the lots comply. So if they want to paint, they almost have to come before this board. So it is not meant to punish a homeowner like yourself. You did it the right way and the reason why you even got this was because you did do it the right way. We have had people do it illegally and then come try and make it right and we've told them to take it down.**

**Michael Enea - Half the people who signed that letter said to me why are you going for a variance? Just build it. Who cares.**

**Vincent Cestone - That's another reason why you got the one car garage.**

**Michael Enea - That's why I am doing this. I don't want to start something and say I didn't realize.**

**Joan Turner - The conflict, the frustration for you and the conflict is always between property rights and zoning law. There is always that tension that exists. And we are always the ogres up here because we try to regulate development and also try to hear what you have to say. And so we are always in the cross fires and basically most decisions we make people don't like. So unfortunately**

**that's the way it is.**

**Vincent Cestone** - Sorry. Next item on the agenda is Denise Enea. Where did we leave off? I lost track.

**Mr. Enea** - I did a little investigation work. We talked about why we needed a three car garage. We have a two car garage and a carport right now. We are building in the existing footprint and making it a three car garage. That is what the proposal. This is a picture I took of a plan, this is what I hope the finished product to look like. So I just wanted to give you a visual as to what it is. Now I am R-80 and I was originally an R-40. The last zoning change put me into an R-80. So I am at 394 Sprout Brook Road. This is # 412 Sprout Brook Road. This particular person I think his name is Mr. Shelley, I guess got a variance before your board. This is a 30 by 46 accessory building in an R-80 zone. He needed 12 feet.

**Tim Pagones** - He was here

**Joan Turner** - And we denied him

**Mr. Enea** - ZBA # 737.

**Joan Turner** - He was denied.

**Mr. Enea** - I got this from the building department

**Lenny Lim** - He was denied

**Joan Turner** - He was denied. Actually he wasn't denied, he withdrew his application.

**Tim Pagones** - And he might have moved it forward because

**Joan Turner** - Oh my God. So he got it anyway

**Mr. Enea** - And that structure is bigger than the house

**Joan Turner** - Of course.

**Vincent Cestone** - That's why we denied it

**Mr. Enea** - When we talk about high, we talk about apartments

**Joan Turner** - He withdrew it, we weren't going to grant it and he withdrew it

**Mr. Enea** - **Mr. Enea** - Well the building department told me that the ZBA number

**was 737 and the permit was granted on 10/14/05**

**Joan Turner - Well that's wrong**

**Vincent Cestone - Well that's one case**

**Joan Turner - This should really be addressed. This should really be addressed. Can we hold this picture? This is something that the town board needs to look into**

**David Brower - We'll look at it**

**Joan Turner - Okay**

**Mr. Enea - I'm sorry what was your name**

**Joan Turner - Joan**

**Mr. Enea - Last time I was here you brought up the fact that if we give it to you we have to give it to everybody. I am just showing you that you have already given these variances out**

**Joan Turner - Hey. We didn't give this one**

**Mr. Enea - This is 440 Sprout Brook Road. 3-car garage. It is two story. It is 24 by 30. The variance was granted on the December 16, 2001. This is David and Linda \_\_\_\_.**

**Joan Turner - I remember this distinctly. I voted against it.**

**Mr. Enea - It got passed**

**Joan Turner - It does not fit the lot. I told you. It sets a precedence.**

**Mr. Enea - 463 Sprout Brook Road. I didn't even research**

**Lenny Lim - are these properties the same size as yours, do you know**

**Mr. Enea - approximately yes**

**Lenny Lim - do you know for sure**

**Mr. Enea - I know they are approximately the same as mine**

**Lenny Lim - About an acre**

**Mr. Enea - About an acre**

**Lenny Lim – okay**

**Mr. Enea** - That's what I have. And just as a point of reference. This is an R-10, this is Evans Knolls. Now on an R-10 there is a 2-car garage built into the house and there is another 2 car garage built. So the man has parking for four cars. And the only reason I am showing you this is because that question was raised. Why do you need it? And other people don't have it.

**Joan Turner** - Well you know what, maybe what you should do is bring it all down to Tom Monroe and let him issue violations for the buildings that are not legally built. Because this

**Mr. Enea** - Well that's between you and Tom

**Joan Turner** - No it's not between us. If you went down to Tom Monroe and you've got this photograph and you state I would like to report this. You know that we are telling you that this was withdrawn, it was never granted. And this man is in violation of the law.

**Mr. Enea** - The building department is who gave me the ZBA number.

**Vincent Cestone** - He applied, but he withdrew

**Bill Flaherty** - That was never approved by this board. He withdrew. He withdrew the application.

**Joan Turner** - It makes our job absolutely useless. Why are we here?

**Tim Pagones** - Mr. Shelley was way back and we advised him come up close to your house, there is no reason why you can't pull around. So for all we know

**Joan Turner** - He had a sailboat, construction material

**Tim Pagones** - That might be a legal structure. He might not have needed a variance to build that structure

**Joan Turner** - Then why is Tom Monroe telling him he got a variance on October 14

**Mr. Enea** - No no that was a permit that was granted on that date

**Joan Turner** - The permit is the building permit

**Mr. Enea** - Correct. The building permit was granted on 10/14/05

**Joan Turner - Maybe he changed his plans? Maybe it is not the same thing but it needs to be investigated**

**Mr. Enea - Well according to the building department records, he received a variance. How it happened, I can't tell you**

**Joan Turner - Well Mr. lawyer, take a little gander**

**Mr. Enea - What I am saying to you is I have an R-80, I am not building any bigger than what is already there and what I am actually doing is making an architectural piece that is a lot nicer than what is already there.**

**Tim Pagonos - And you are not coming any closer to the property**

**Mr. Enea - I am not coming any closer than where the structure is right now**

**Joan Turner - What is your reasoning for keeping the breezeway instead of moving everything closer to the house connecting it to the house**

**Mr. Enea - The breezeway connects the house to the garage**

**Joan Turner - Yes so why don't you just move everything over and then you need less a variance**

**Mr. Enea - Because then I would have to completely destruct the garage that is there now. The way I have it I can leave three of the walls of up and just build one wall and a roof structure. You are talking about a much bigger project plus I would have no way to walk into my backyard. I would have to walk around a 70 foot house.**

**Joan Turner - Because you have no side room to walk around**

**Mr. Enea - What I am saying is when I pull in now, I am able to walk, I enter through the back door. Most people probably do. You don't enter through your front door. So if this were connected, number one it would become a much and much more expensive project. Number two, is you would have to walk completely around this three car garage and all the way back here to get in the house**

**Vincent Cestone - You put a door in the back of the garage**

**Mr. Enea - You always have a door in the back of the garage**

**Vincent Cestone - Yeah but you wouldn't have to walk all the way around**

**Mr. Enea** - I am not tearing the whole garage down. The structure is there. Why would I take it down?

**Bill Flaherty** - The breezeway that you have there, that's going to enclose it

**Mr. Enea** - Are you talking about the carport roof to the west of the garage

**Bill Flaherty** - Yes.

**Mr. Enea** - That will soon become the third bay of the garage. Right now there is two. That roof already exists. That roof of course will be removed because this larger more architectural roof structure will be built. But it is not going any further over. It is staying

**Bill Flaherty** - It is staying exactly where it is

**Mr. Enea** - Right

**Bill Flaherty** - And did you ever get a variance for that carport

**Mr. Enea** - Yeah we did and something happened right around the time zoning changed that's when the question about this whole thing came up. Because there was something that the building department came up with that said well you are supposed to buy some more property from your neighbor. It's the craziest thing I ever heard. The fellow, you have a letter from him, what's his name, Bradley right? So Tom really doesn't know, Marianne really doesn't really know, there is a lot of confusion on that whole thing because it was a two building inspectors ago when this was all done. So the easiest way to simplify everything was number one, do this. We obtained a bunch of objectives here, number one it would look better. Number two, it would become the structure that it should be and it fits in with the architecture of the area. It fits in with the garages, these are all less than a half mile away from me.

**Vincent Cestone** - Did he cite you for that carport? The building inspector?

**Mr. Enea** - Yes. I got cited for the carport and that's what kind of started this whole thing. They found either an open permit or something and I went up there and sat down with him and we went through the whole file. They did find some CO's but they couldn't tell what the COs were for.

**Vincent Cestone** - So you were cited, that's what I am asking

**Mr. Enea** - Yes, I guess I am

**Vincent Cestone** - So actually what you should be doing is to be applying for a variance for your carport that is already existing. Let me tell you what my



thinking is. Once you get the variance for your carport, you've got the variance for the garage

**Lenny Lim** - But that's a back handed way of getting it

**Mr. Enea** - I am trying to be above board here

**Lenny Lim** - That's not guaranteeing he would get the carport now either

**Vincent Cestone** - That's true

**Mr. Enea** - That is a way of doing it but whether these, I am assuming these were done right since I got the information from the building department

**Joan Turner** - Let me just hear what you said all over again. Get a variance for a carport is what you are suggesting?

**Vincent Cestone** - Right

**Joan Turner** - Once you get the variance then you are supposed to build a structure around that

**Vincent Cestone** - Eventually yeah

**Joan Turner** - So you are enclosing. So your, it is not only the back end, it is illegal because you got a variance for a carport.

**Tim Pagones** - Then you would have to get a permit to enclose it

**Joan Turner** - The conditions would be to not enclose it

**Lenny Lim** - He would have to come back here

**Joan Turner** - You would have to come back here. You could not even do this

**Mr. Enea** - Okay so that is why I am trying to do it this way, the right way.

**Joan Turner** - I mean, honest to God, this has really got me wild

**Mr. Enea** - Don't take it out on me

**Joan Turner** - I not, I'm not taking it out on you. It just, I'm sorry, I've got a little Irish blood in me

**Mr. Enea** - You raised a point the last time I was here and I was just trying to demonstrate what we have. I am not trying to do anything different

**Joan Turner** - And actually you are cementing my argument even more strongly by overbuilding properties. That one right there on 440 Sprout Brook was a mistake. A terrible mistake. That is precedent setting. This is exactly what this board does not want to do. And you are coming back and bringing it back, yeah look that's what we did. That was a mistake

**Mr. Enea** - The only reason I

**Joan Turner** - And this, this is another one. This accessory building larger than the house.

**Lenny Lim** - Remember that one

**Joan Turner** - I mean it is a joke. I mean zoning is absolutely a joke.

**Mr. Enea** - All I know is I have a turn of the century house that I am trying to keep the architecture and make it look that way. You've seen that I have done lots of work on the house

**Joan Turner** - The house is beautiful and the grounds are beautiful

**Mr. Enea** - And everything I've done was trying to keep the look of the house. I could have slapped a box there like everybody else and would have been within the law. It wouldn't have looked too nice. That's what we are trying to do here

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

**Joan Turner** - No. I just have a proposal even though it is more difficult for you and maybe more expensive, get rid of your breezeway

**Mr. Enea** - Can't do that. I can tell you that right now. It couldn't work

**Vincent Cestone** - okay

**Mr. Enea** - Mechanically, physically and everything else, it just wouldn't work

**Vincent Cestone** - Any comments from the audience on this? I'll entertain a motion to close the public hearing.

**Bill Flaherty** - I'll so move

**Lenny Lim** - Second

**Vincent Cestone** - All in favor?

**All board members – aye**

**Vincent Cestone** - What I suggest is that we have it on for discussion at the next meeting as opposed to a straw poll now. Gives us a chance to think about it. Is that good?

**Tim Pagones** - October 16<sup>th</sup> for Discussion

**Vincent Cestone** - Yes

**Tim Pagones** - They haven't voted yes or no. They are going to mull it over

**Joan Turner** - Maybe go down there and look at it again. Maybe there are alternatives

**Lenny Lim** - How many square feet is your house

**Mr. Enea** - My house is about 24 to 2600 square feet. You have to understand. It is not a tiny house that I am putting a big garage on. The garage is easily in proportion to the house and to the property. I have built lots and lots of things and I am in the building business and I know what goes together. I am certainly not going to slap something ridiculous on to my own house.

**Tim Pagones** - Alright the 16<sup>th</sup>

**Mr. Enea** - The 16<sup>th</sup>

**Tim Pagones** - For discussion

**Mr. Enea** - Thank you

**Vincent Cestone** - With that, we have a continuation of a public hearing for Jacob and Robin Bump

**Jacob Bump** - Let me first of all solicit your advice as to how we can best proceed and make the best use of our time and based on the public comment at the last meeting and based on the comments aired by the board at the last meeting, based on our reconsideration, I put together a very comprehensive letter addressing everything. My suggestion would be that I read through this letter and perhaps the board interrupts as they deem fit and ask questions, comments, etc. I think that that way we can cover all the bases. My wife also has a letter that she would like to read. I have some exhibits. I am just asking what the board best advises

**Vincent Cestone** - Well if it is factual, I'll allow it. But if it turns into an emotional plea

**Jacob Bump - Sure**

**Vincent Cestone - We are not**

**Joan Turner - We'll listen**

**Tim Pagonis - You can always submit it even if it is an emotional plea**

**Jacob Bump - At the end I feel it is a written statement. There is some emotion at the end. I would like to read through it and simply submit it as part of the record.**

**Vincent Cestone - Let me tell you what I was most concerned about with your property. First off, I am speaking for myself not for the other board members**

**Jacob Bump - Sure**

**Vincent Cestone - You can't go any closer to the river than the current, that's a given. I am looking at a house around 2400 square feet as a maximum**

**Jacob Bump - Okay. Let me**

**Vincent Cestone - And then the height of the structure has to be, I am speaking for my own personal**

**Jacob Bump - Sure**

**Vincent Cestone - The height of the structure has to be brought down in the attic. No higher than 7 feet in the attic**

**Jacob Bump - Okay**

**Vincent Cestone - Standard**

**Jacob Bump - Okay. Understood. Let me specifically address all of those concerns in the course of this letter because I have done so already**

**Vincent Cestone - All right**

**Jacob Bump - And again, just for the record last time we were not necessarily speaking based on facts all the time so I have gone and done my research and I would like to submit the facts. So the first and foremost Mr. Chairman and members of the board this is a continuation of a public hearing of appeal #807 Bump application for a variance to allow for a river front construction and the extension of porches, please find the following. Additional documentation**

requested by the ZBA. First thing I think you guys were looking for was a copy of the Putnam County Department of Health approval for the use of the existing septic system. I have that letter in the master folder here. I just keep continuing to reference this

**Vincent Cestone - Okay**

**Jacob Bump** - The board had also requested a complete set of the latest proposed architectural plans for 10 Hudson River Lane by our architect, and I have those. It includes some updates that actually came off the press today so I apologize for not having multiple copies. I can submit those in addition to those I have already submitted if that is necessary

**Tim Pagones** - We need 7. Everyone is going to need a set. 5 board members and the secretary gets one and I get one

**Jacob Bump** – okay great. And then in addition to that, actual take offs of the architectural plans, precise square footage in the proposed structure as follows. So the gross square footage of the structure 2693. The livable square footage 2225.

**Joan Turner - 2623**

**Jacob Bump - 2693**

**Joan Turner - and then 2225. okay**

**Jacob Bump - All right**

**Tim Pagones** - Can you explain the difference between gross and livable

**Jacob Bump** - Absolutely

**Tim Pagones** - I don't know. So if you want to do it at the end or right now

**Jacob Bump** - Absolutely. If you took this structure and measured outside walls length by width both floors, that would give you your gross square footage. Obviously, there are walls, partitions, etc. If I went through every room and measured length by width, livable room wall space, that gives me my net livable square footage

**Tim Pagones** - Thank you

**Jacob Bump** - All right. In response to the concern voiced by neighbors at 8 and 6 Hudson River Lane, the Sullivans and the Oakleys, respectively, during the course of the ZBA meeting of September 18, 2006, please find the following

**documentation and measures considered.** Removal of shingles with potential asbestos content in the renovation process was a concern voiced by the Sullivans in the close proximity to their garden. I have included a copy of the New York State Department of Labor and OSHA Guidelines for the recommended removal of asbestos. Comment, should it be true that the existing shingles contain asbestos, removal of these shingles will adhere to the suggested guidelines for removal of Class II asbestos, which, generally speaking, states that shingles should be disturbed as little as possible. Cutting should take place after the area has been sufficiently sprayed with water to prevent dust and particle escapement and that the removed material should be covered and disposed of properly. Additionally and echoing the concerns of the Sullivans we do not want to be near any potentially asbestos laden material any longer especially as we plan for the addition of children to our family. The proposed renovation will replace the current shingle roof which is in poor repair and leaks with a natural product, cedar shingles. The new roof will certainly be environmentally friendlier for everyone at Hudson River Lane. Second point, impact of construction to the Sullivan's organic herb and vegetable garden along the Bump/Sullivan common property line. As mentioned to the Sullivans in our initial review of the proposed plans and subsequently reiterated during an informal and friendly meeting between Jacob Bump and Owen Sullivan this past Sunday, September 24, 2006, time noted, Robin and I will take all reasonable precautions during the deconstruction process including but not limited to the draping of tarps and/or drop cloths along the property line to seal off the area and prevent debris from falling across the property line. Deconstruction if permissible based on the requisite approvals during the fall and winter seasons when the growing season is curtailed in the northeast. Immediate removal of any debris that should fall across the property line albeit unlikely to the satisfaction of the Sullivans. The deconstruction expertise of a builder, Robert Bump Construction, with 25 years of construction expertise in high end residential construction throughout the Hudson Valley. One of the concerns that Owen brought up at our meeting was that during the construction process and the work schedule, he had mentioned that once every 3 to 6 months he is required to work a rotating shift for one week and Owen has to sleep during the day. And as I mentioned to you, with some warning I am more than happy to schedule tasks that require minimal noise. Not an issue. Okay, next point voiced by the board and the neighbors, the Sullivans. In response to concerns voiced by the Sullivans and the Oakleys and the concerns of this board, we have reconsidered the extension of the porch towards the Hudson River. The revised design calls for no extension of the porch beyond the current furthest projection of the existing structure in the east/west plane. In other words, the porch won't project out beyond what we have. Originally the plans requested an additional projection of 18 inches towards the Hudson River. We considered and pulled the house back towards the tracks.

**Lenny Lim** - Does that include the steps

**Jacob Bump** - No the steps project out. There is a poured concrete there below the steps, the steps in their furthest projection is approximately 2 feet. Let's see.

**Joan Turner** - The existing house now has steps that go out

**Jacob Bump** - From the front

**Joan Turner** - No from the back, the river side

**Jacob Bump** - On the river side, it does not have steps that project out from the river side. I can show you some pictures in a moment if you'd like. Additionally, the porch will not project out beyond the poured concrete patio/terrace that exists on the river side of the current structure. This terrace will ultimately be removed and replanted with grass to contribute towards a net gain of natural vegetation along the river side of the house. This redesign is not without sacrifice on our behalf. In addition to the financial costs of redesigning the plans, it is no longer estimated I got my bill which is \$4,500 there will be revisions to the foundation that are required. The current foundation walls along the west, river side, and the east, railroad tracks, of the existing structure will not be usable. In their place we will likely have to repour walls, moving the house back we cannot use the structure, I estimate the cost of this to \$5,000 per wall or \$10,000. Having heard the concerns of the Board and our neighbors, we are certainly agreeable to assuming these projected cost increases and hope that they demonstrate a willingness to listen to all parties involved and determine a mutually workable agreement. Let's see. I also noted, and this is all contained in my letter, that subsequent to the adoption of building code there have actually been 5 properties that encroached upon the river. When I went through the records, ours obviously will not do this. Square footage of the proposed structure, as mentioned in section 1 of this letter to the board, the precise calculations of square footage for conditioned space are as follows, gross square footage 2693; net livable square footage 2225.

**Vincent Cestone** - What are you taking out of that gross square footage

**Jacob Bump** - I am taking walls, I am taking interior partitions. If I can't walk around it in the inside

**Vincent Cestone** - Okay. So you are not taking out things like garages

segway for a second here, is that subsequent to 1990 along Hudson River Lane there have been a number of renovations that have occurred. And I went back and I looked at the renovations that have occurred. And I looked at the size of the original existing structure and I looked at the size of the new structure for which there was a CO. With the exception of one piece of property which I did add, the Cooper property, which there is obviously not a CO for it. I am not going

to go into the reasons for that but in any case, there is not a CO for it. And this is included in spreadsheet form in the binder. What I would like to do, it is a pretty simple spreadsheet showing what's gone on. So there are I believe subsequent to 1990 including the Cooper property, there are 7 properties that have undergone what I would consider significant renovations. Our is listed here but obviously this is all proposed. So what I did

**(Turning tape over.....may have lost some dialogue)**

**Joan Turner** - ...from pre-existing to what they did after renovation and what was the percent overall increase

**Vincent Cestone** - the Coopers are in the process of being downsized by about 1000 square feet

**Jacob Bump** - I am happy to redo the math. I understand

**Vincent Cestone** - No no no. Don't worry about the math.

**Jacob Bump** - Okay. My point is, I looked at the original and I looked at what the CO was issued for. Coopers notwithstanding, there is an average increase of 43%. What we are asking, current to new, is for an increase of 36%. The addition that we are looking to put on, conditioned space, is less than a 1000 square feet. It is right under it. It is 900 and change. So I certainly feel that given the nature, and I understand that each one of these is considered independently, given the nature of what's gone on, what we are looking for is not an unreasonable request. That's my point.

**Joan Turner** - Could we look at that or are you going to keep that

**Jacob Bump** - There is a copy submitted

**Lenny Lim** - One for everybody

**Jacob Bump** - I am happy to do it

**Joan Turner** - It is very helpful

**Jacob Bump** - This is based off of the town record. In any case, as I just summarized for the board, we are looking for an increase of 36% over what is currently there, an average increase, again Coopers notwithstanding, to date was 42% with increases routinely approaching 50%. Next. The height of the proposed structure. The Sullivans and members of the board voiced concern over the proposed height of the new structure. I just want to take a second and revert so that I might understand the following. Prior to our purchase of 10 Hudson River Lane we visited the Philipstown Building Department to inquire



about the zoning at this district. We were informed that R-80 zoning permits roof height of 40 feet above natural grade.

**Vincent Cestone** - Let me explain that. Once you come in for a variance, those rules don't necessarily apply. If you were building it without coming to the zoning board of appeals which you can't do down there

**Jacob Bump** - Right. Clearly because nobody complies

**Vincent Cestone** - Once that point comes that you come here

**Jacob Bump** - Right

**Vincent Cestone** - Then that is a negotiable item. If you look at most of the structures down there, most are the roofs are low specifically for that

**Jacob Bump** - Understood

**Vincent Cestone** - Okay

**Jacob Bump** - If I may continue. In any case, in designing the proposed house with our architect, we were very specific in requesting that we keep the peak height of the roof down below the 40 foot maximum height as lets put it this way as cited by the code. Our current plans call for a finished height of 36' 6" above grade. My next paragraph goes into how I would like to ask the board for an explanation or interpretation of the code, that clearly has been made here. The attic will not be used as dwelling space. It would be illegal to do this without providing the requisite egress and sprinklers. The space will be rough unfinished space used for storage, mechanical equipment and ducting. The proposed height is a factor of the following, each of which carries significance. The need for storage space to accommodate normal storage needs for a planned family of four or five. Wife or God willing

**Robin Bump** - He had 6 on there

**Jacob Bump** - The need for space to accommodate mechanical components proposed such as air handlers, ducting and piping and lastly the architectural requirements for proportionality and aesthetics of a classically designed Greek revival home. I would like to address each below in the following sections. There is no opportunity for a basement at over 75% of the foundation area. The house sits above the peak of a large piece of bedrock, which is prevalent in the area and can be seen in the exhibit photographs provided. I wish we could have a basement, the reality is we cannot. We cannot blast to remove the bedrock nor would we ever given the close proximity of adjacent foundations and the costs. We cannot excavate around the bedrock given its size. A modern house requires that we provide for oil tanks, boilers, water pressure systems, well

pumps, air handlers, hot water heaters and washer and dryers. It will be impossible to fit all of this while maintaining the proper spacing between each device as per building code in both the existing and proposed unfinished basement crawl space. These mechanicals do not take into consideration the requirements for a water treatment and filtration system to rectify the serious pH imbalance of the natural well water along Hudson River Lane. The water condition alone will require a minimum of 2 water softeners and likely a reverse osmosis or similar water filtration system. The space requirements of such a system is significant. The current house and the proposed renovation simply do not have enough room to accommodate all of these mechanical components at the basement crawl space area. A bi-product of our proposal to move the originally proposed renovation away from the Hudson River, so back to the tracks, will be a net loss of valuable mechanical and storage space at the unfinished basement area. Moving back we are simply going to lose that space towards the river side of the house. As I will show you quickly in the pictures in a moment, a normal size oil tank is already squeezed under the foundation at present. We do not wish to externalize any mechanical components like the oil tanks, etc., beyond what is mandated so as to maintain the aesthetics of the area for both the neighbors and ourselves. We are therefore looking to place air handlers, ducting and piping at the attic area. At the current peak of the attic as measured at the inside, there is 8' 3" of clearance. That was in the plans submitted to you prior to tonight. However, if one dimension just 4' to each side of the ridgeline, so if you go just 4' from the peak there is only 4' of clearance. Given the circumstances we do not find this to be an unreasonable request. I find it reasonable to request that a planned family of four or five be outfitted with a rational amount of clean, dry storage space. We will look to the attic for this usage. This said, we have given this board's urging to seek compromise and our willingness to do so, asked our architect to study what if any height could be trimmed from the proposed structure. What the architect has done with great unwillingness because of the traditional proportionality of these structures, is that he has dropped the peak of the house 1' 6" which results in a drop of the attic space to approximately 7 feet. I haven't even had a chance to \_\_\_\_\_ plans. If you were to stand up at the peak of the attic you have approximately 7 feet. It may be in fact a little less. Lastly,

**Tim Pagonis** - And then if you go out 4 feet what does that do

**Jacob Bump** - It will be less, it is going to 3, it is going down

Okay

In summary, you know I want to segway for a second here because I think it is important that the board understands, just so the board understands where I am coming from. My mother is a politician. She is the Town Supervisor in Red Hook in Dutchess County. A township on the river. And I grew up on the River. And the River matters immensely to me. I grew up fishing on the river, boating on the

river, I grew up with a mother whose platform objected, numero uno on her political campaign was zoning. Joan I appreciate your comments earlier. Zoning matters. Really, firstly, I need not look any further than across the river from my house to see what happens when zoning, it is critical. It is very clear to me. So, I've grown up in a scenario where I think that I consider zoning, I consider the impact that it has on the community, it is a large reason why we selected this community. We were lucky enough to find a place in this community and I also think that, I also think that the opinions of neighbors matter deeply. And overall the response from these neighbors, from the majority of our neighbors has been very positive. The neighbors to the immediate south, the Fulfords, with whom we have discussed the proposed renovation at length are fully supportive. They have stated to us multiple times that they look forward to open porches instead of the current enclosed porches that they see at present. I believe that Robin and I in the course of this letter have demonstrated particular attention to the concerns of our neighbors and those of this board and proposed real answers and solutions. These solutions will translate into absolute costs and delays on our behalf, but we are willing to undertake them. Lastly, while I understand that architecture is a matter of taste and therefore subjective in its resonance, solid classical architecture has its distinct place in our culture and in fact this very community. We are proposing a classic Greek Revival structure. This architecture is dependent on proper proportionality. The design can be compromised to an extent but not beyond. The implications of having to redesign beyond what we have proposed would be devastating to Robin and I both financially and in terms of time lost. I firmly hope and in fact believe that our neighbors and this board see the value of building something that will only add, not detract to the immense appeal of this beautiful township and a great river.

**Joan Turner** - Thank you

**Tim Pagones** - Do you want to go over your pictures

**Jacob Bump** – sure. Let me show them to you quickly. A couple of things. This is the crawl space. You can see that there is minimal clearance above the existing oil tank and the floor joists that run underneath. This is a blow up of the bedrock that is underneath the bulk of the foundation, approximately 75% of the foundation. This is the peak of the bedrock. It projects out.

**Tim Pagones** - And that is what you can't blow out

**Jacob Bump** - I can't blow out. There is no way it would ever be allowed. Just a couple, my wife is going to speak to these but the house is in a fairly poor state of repair. You see roof shingles, you can see eaves falling off in certain places, I can certainly repair this stuff in the interim but it makes little sense for me to do so. Granted given the bigger picture here. Here are some pictures of the front. Each side and the rear property lines. You will notice that in several pictures this is our property line and this is the Sullivans' property line. It is fairly heavily

shaded by the trees that exist there all the way along the property line. This is the property line to the south, the Fulfords. This is in fact the structure, you can see it here and you can see it here that would be opened up. We are asking for an extension variance for the extension to open up the porch. Here it is again. And the other thing that I wanted to call to note here is that given the bedrock I estimate that our natural grade at the centerline of the house is approximately five, five to six feet higher than that of the Sullivans. So that is the extent of my, I just would like to summarize Mr. Chairman as per your request that you mentioned earlier, I think that we addressed a lot of them. We have gotten a lot closer to the numbers that you proposed as guidelines.

**Vincent Cestone** - All right

**Tim Pagonos** - You want your boss to speak

**Jacob Bump** – Sure

**Robin Bump** – (shuffling papers by microphone...cannot hear her) ...I think that the thing that we want to emphasize is that we do care about our neighbors and we care about the river. And we are here \_\_\_\_\_ and some day it is inevitable that the house next door to us, will probably for sale and then somebody is going to build. We just know that. Change has been happening and change has been happening for the better and that's why you're here and we are not the Coopers. And the Coopers, they came and they caused a lot, they caused a lot of havoc for you and for the rest of us. But they are the exception, they are not the rule. And what, we care and we respect the neighbors and we want to get along. We are the future of Hudson River Lane. We are the young kids coming in and we want to have young kids. And we have one on the way, we have a baby due in May and we are excited to join the community. We want to join a Church, we want to be a part of the school board, we want to do those things for this community and we are excited about it. We think Garrison and Philipstown and the Cold Spring area is just the most amazing place in the Hudson Valley. We feel so fortunate to have even found a home that we could buy. We spend every dime we had on it and we are going to tear it down because, well that's obvious and this is our water. I took this out of the, and this is why our neighbors have said you never see it you never hear it, no, I mean my baby is going to have three heads if I bathe in this and we cook with it. And of course that is our problem and it is not your problem

**Joan Turner** - I have the same water

**Robin Bump** – And Jacob's parents are on the river as well an hour north and they have the same issue and that's when we moved in know never to buy white shirts and sheets again. We just know that that is part of it. This is a little extreme. You get pelted with rust when you are showering. But that is all, we can put in filtration systems but we just don't want to do that yet until we can

**actually build a house around a filter system. But we are excited to be here and we want to do right by the road. We want to do right by Hudson River Lane and by Garrison. When those boats go by and they look and they say that's Garrison, like what they've seen ten, fifteen years ago. And it is changing and it is changing for the better. And we want to be a part of that. And we are very very proud of the house that we are going to build and, but we want to do right by everybody we really do. And we feel like we are. And we live close together, we all know that and it is true, it is hard to drive a car between the houses. But we knew that. That's part of it. We are neighbors. We live close together. That's what we get to be on the River. We hear the trains whistle by every minute. But that's okay too. Because we get to be on the river. And we just, I guess we just want you to know that we really do care and we don't want our neighbors to think we're jerkies.**

**Joan Turner** - Thank you for your comments, I appreciate them. Let me just ask, you're going to get plans for, this is your new plans

**Jacob Bump** - No that is your copy. I picked them up at 5:10 this evening. All I could get was two copies. This is the new copy. This shows the revised roof line

**Joan Turner** - This is the one we originally had in our package

**Jacob Bump** - It is not. It has been amended

**Joan Turner** - You just have the same cover sheet on it

**Jacob Bump** - Let me just clarify, you are exactly right, let me just clarify. You had I believe drawings 1 through 6 which were the, they were plan views of the house. And, Joan what is your last name

**Joan Turner** - Turner

**Jacob Bump** - Okay, Ms Turner

**Joan Turner** - You can call me Joan

**Jacob Bump** - Okay, and Joan you had asked for a full set of plans to be submitted so that in addition to the plan view you could also see the elevations. What I am submitting to you right now is the full set and as per my comments to the board, there have been two changes. We have moved the house closer to the tracks. We have taken it away from the river. Additionally, let me find the drawing that demonstrates this, the old roof height from grade to peak was 36 feet 6 inches. If you were to look in your old plans and scale it, but if you were to go downstairs to the old plans it was 36 feet 6 inches. It is now 35 feet even from here down. And it is 18 inches of difference. It is a significant 18 inches.

**Joan Turner - So how should we handle the copies of this**

**Tim Pagones - You need 7 sets total.**

**Jacob Bump - Okay. I think I've demonstrated today that whatever we need to do, unfortunately my original submission was, the original submission I think was seven sets of what the building department. If the board requires that we get 7 complete sets**

**Tim Pagones - Well every board member should review it**

**Lenny Lim - The steps are going towards the river or to the side**

**Joan Turner - Here, this is the river side right**

**Jacob Bump - That's the river side. Underneath all this right now projecting out, lets call it from here proposed another 4 feet is an old concrete slab**

**Joan Turner - Right**

**Jacob Bump - So this is where we are, this is the river side**

**Joan Turner - Right**

**Jacob Bump - This projection out of the existing proposed porch. This piece of board right here is this piece right here. This is all old concrete throughout here. Almost the entire width of the property. There is an old planting bed, an elevated concrete planting bed here.**

**Robin Bump - The existing structure is there, the porch, you can't see through it.**

**Bill Flaherty - From what you said, you didn't buy a house, you bought a piece of property**

**Jacob Bump - That's absolutely true.**

**Bill Flaherty - Are you living in the house now**

**Jacob Bump - No. We have an apartment in New York City. My wife's practice is in New York City so we have a small apartment in New York. And I spend on average 2 to 3 nights a week here. I get back from work late so I sleep here. I work in Dutchess County so it is a lot closer than having to commute to the City everyday. I am there from 10 pm to 5 in the morning**

**Bill Flaherty - I was down there two weeks ago today and I think there was 2 cars**

**Jacob Bump - Yes.** There are yes. Two cars you probably saw a white Nissan Maxima and a black Pathfinder. We recently got a better car for gas mileage and the white Nissan Maxima has been donated to the Younger Sister College Fund and the Pathfinder is in the driveway.

**Bill Flaherty -** Obviously the house is in disrepair

**Jacob Bump -** Yes

**Bill Flaherty -** At the time that you bought it you knew full well that you were going to reconstruct it obviously

**Jacob Bump -** Yes

**Bill Flaherty -** Did you know that you were going to have to get a variance for all the things that you wanted at the time

**Jacob Bump -** I spoke very clearly with multiple people. A realtor, which I understand is \_\_\_\_\_; Mr. Monroe at the building department and also with the neighbors along the road specifically the Doyles who just \_\_\_\_\_. And what I was told to paraphrase was the following, that to get a variance to go vertical given the setback issues would again to paraphrase Mr. Monroe, would not be an issue. That the porches were pre-existing and helped \_\_\_\_\_ of the extension. The Doyles and the others along Hudson River Lane told us the following, they said that it is a process because one naturally has to adhere to the law. Secondly, this is again to paraphrase the process because of what happened at the Cooper house. And it is clear to see that I am not here to judge, but it is clear to see that obviously there is an issue. And the other thing that people told me and this is in fact confirmed when I spent this past Friday really pouring over the records downstairs in the building department is that frankly there is a lot of acrimony between the neighbors. And that is detailed throughout. So you know as I mentioned to people there is clearly something in the water above and beyond what is already in the water. I have to say I am not willing to let myself, I am not going to submit myself to those steps and that process. If you go through the records downstairs it is bitter amongst neighbors. And at the end of the day we have to live there. We intend on living there for a long period of time and I am sure the Sullivans do, we care about the area. I think that we will certainly \_\_\_\_\_ what we think we can do but I don't want to start a he said she said scenario here.

**Vincent Cestone -** I wouldn't let that happen

**Jacob Bump -** know but, in written format it definitely exists. And I have approached the Sullivans multiple times. This past two Sundays ago I walked over to Owen and again listened to his concerns. It has been mutually very civil.

**You know, I have to think about this realistically. If ever there is a scenario** where there is a child is running out in the road in proximity to the train tracks, I want a neighbor to be able to say get out of the road. \

**Bill Flaherty** - In the relatively short time that I have been on this board I know this is like the third or fourth incident before this board, and we granted the variances to just about every single resident down on in that vicinity. And I think that the point that I am making is that when you went in and purchased this property you did your homework, no question about that. And you also realized that no matter what you did on that property you would have to get a variance

**Jacob Bump** - Yes sir

**Bill Flaherty** - And you know I think, and I am speaking for myself and not necessarily for the board, but you know there comes a time when I think we have to draw a line in the sand about issues and variances in that area. I agree with you that there has been a lot of acrimony in that area between the neighbors and \_\_\_\_\_ on other properties. It is not the most harmonious relationship at all. We all want to be neighborly

**Jacob Bump** - Well at least civil

**Bill Flaherty** - And everybody has a right to their own opinion and a right to take part \_\_\_\_\_ and the views that they have. Lets face it there are million dollar views there. There is nothing like it from Yonkers to Saugerties like that anywhere

**Jacob Bump** - That's true

**Bill Flaherty** - It is worth a lot of money just to be there

**Jacob Bump** - Right

**Bill Flaherty** - And I understand where you are coming from and what you want to do. You want to make a house that is a little more livable and much more comfortable for you and your wife and family. I understand that but like I said \_\_\_\_\_ with other people going over these issues over the past \_\_\_\_\_. In my own opinion \_\_\_\_\_

**Jacob Bump** - Let me ask you this

**Bill Flaherty** - You can do a lot with that house without having to get a variance

**Joan Turner** - The existing house? No.

**Jacob Bump** - I think that every condition would require a variance.



**Bill Flaherty - Windows, siding**

**Vincent Cestone - We are getting off the beaten path**

**Jacob Bump -** I want to just, two things that you said that I really want to make clear. They are million dollar views. What we are doing here to our knowledge, no one has said for concern about the views, the Fulfords to the south have in fact said that they would like, they like the proposed structure because it opens up their view to the north. We are staying back from, we are not encroaching any further along the river. You know if there was a house right behind us I could certainly understand it. No one has voiced any concerns. I always think of the scenario when you go to the movie theatre and the person in front of you has a really big hat on. You say geez could you take your hat off. But if a person laterally has a big hat on, it doesn't bother you too much. Now the simplest explanation of what is going on here. But the fact of the matter is really that there haven't been any concerns and ultimately I also want to say that I really think, I understand that architecture is a subjective feel, but what we are doing here, what we are proposing here really has its place in the area. It is a vast improvement over what is there. And I know, I respectfully submit that the board recognizes the same value.

**Vincent Cestone -** Any more comments from the board? Any comments from the audience?

**Owen Sullivan -** I have a couple of questions.

**Tim Pagones -** State your name

**Owen Sullivan -** Owen Sullivan, 8 Hudson River Lane. I am just wondering what you are considering to be what is the front of the house? I have been going down there since my family bought that house in 1955 and I watched that porch go from basically a deck to a screened in room to a glassed in room, to an insulated room. I am just wondering, because originally before any of this came up it was an illegal addition to the house, which I mentioned last time was granted a variance to allow the sale of the Quinbys. I just wondered what you considered the front of the house. Is that porch the true front of the house that was originally built and the second question I had is I was wondering if the square footage you calculated does that, they made a statement about covered porches being included

**Jacob Bump -** It is not conditioned space so unless it was enclosed I am not including it.

**Owen Sullivan -** Okay. That was the only two questions I had

**Jacob Bump** - Can I just interject one thing because it is a particular matter of research that I went through when I purchased the house. You know as a buyer you look at the house, as a builder I look at the house and I say what was added to the original structure. It was clear that this porch was added to the original structure. So I had one matter of recourse which was go in and \_\_\_\_\_ a variance. In other words is this legal. The conditions that pre-existed that variance being rendered I really don't have much control over. I went and did my research and there is a variance for the addition. In other words, I took it to be a legal addition.

**Joan Turner** - Yeah

**Vincent Cestone** - I consider the extension of the house legally approved.

**Owen Sullivan** - Okay so you have taken that porch which is maybe one side of the house and run that straight across to the other side of the house

**Jacob Bump** - It actually

**Owen Sullivan** - How wide is that

**Jacob Bump** - It is almost, it projects almost half the width of that house. Slightly less than that perhaps.

**Owen Sullivan** - Oh really

**Jacob Bump** - That the, the width

**Owen Sullivan** - I know the width of it. It seems to extend

**Zshawn Sullivan** - It also extends towards the Fulfords house

**Jacob Bump** - Correct but it is, I have the dimension, but if you, it certainly not a minimal portion of the frontage

**Owen Sullivan** - Right. I mentioned the first time that was just all of a sudden if that was the original front of the house now that became the new standard of the encroachment towards the river

**Jacob Bump** - But again, I understand that there is a poured concrete pad underneath it that projects out and as a buyer and now the owner, my only matter of recourse is to opening say it was added, was it added legally, what is considered the front of the house, this is the furthest projection of the house.

**Owen Sullivan** - I understand you legal view but I am also looking at okay it was there for 20 25 years and maybe it is long enough now to allow a variance. I was

**just curious on how the board was looking at that**

**Bill Flaherty** - Hypothetically speaking what hardship would this cause in the event that this variance were denied

**Joan Turner** - \$750,000

**Jacob Bump** - every piece of that very hard earned. It is not a minute sum of money. I did so with the best information that I had at hand. Unfortunately, I can't come before the board at least to my knowledge in advance of proposing something. I could come and ask the board suggestions but I really feel like I did my diligence in going to the building department. The, to give you an answer to that sir, I would not spend \$50,000 on that house as it exists in its current state. The entire \_\_\_\_\_ piece of property is tied up in a mortgage. The land is the value here. We have spent approaching \$25,000 on prints. It is a very, for a lack of a better explanation, it is a very prominent, very well respected architect who does these things and he does them well and he does not come cheap. And we specifically went to him and said these are the requirements, we want a house in the Hudson River Valley that is traditional for the area etc etc etc.

**Vincent Cestone** - just a question on your drawings here

**Jacob Bump** – yes sir

**Vincent Cestone** - This is the current structure right here

**Jacob Bump** - That's correct

**Vincent Cestone** - This is the new structure, the square

**Jacob Bump** - Yes

**Vincent Cestone** - So in essence you are cutting off that existing porch

**Jacob Bump** - Let me just make it clear for everyone here. Is it okay if I dot this?

**Joan Turner** - Do you want to do it in pencil

**Jacob Bump** - Sure. Prior to, this here was presumably the original structure when it was built. I don't know what the date was, Owen do you know the date?

**Owen Sullivan** - 1955

**Jacob Bump** - the records say 1954

**Owen Sullivan** - I was only 1 year old so I don't remember

**Jacob Bump** - Okay. At some point after 1954 this porch was as Owen said added, etc etc. What we have asked our architect to do is to show you in plan view what is going on with the original house. So if you see this section of the house back here, all this as it exists is being lobbed off.

**Vincent Cestone** - And this is being lobbed off too

**Jacob Bump** - This enclosed porch is being lobbed off. That's correct. It is being taken off

**Vincent Cestone** - So Mr. Sullivan's concern about a porch being extended is not an issue because that is being cut off

**Jacob Bump** - The house. This is the proposed porch. That is the run of the porch. So I consider this the house and I consider this the conditioned space off of what I cut off of which I calculated my square footage. We are asking for a variance to extend this porch, this is where it currently exists here back in that direction. Again there has been no concerns voiced by our neighbors to the south. They have asked their questions, done their diligence but no additional concerns. We are asking for an extension of this porch in this direction

**Joan Turner** - Those are the two variances you are asking

**Jacob Bump** - And the incremental height increase. That is specifically what we are asking for in terms of variances

**Joan Turner** - And the height increase, what is the height increase

**Jacob Bump** - Right now we have a one story house, the max height at peak is 21 feet give or take about 3 inches

**Joan Turner** - So you want to go to 36

**Jacob Bump** - 35

**Lenny Lim** - so he has lowered the roof line

**Jacob Bump** - right. From the last meeting to this one I have lowered the roofline at the request of the board

**Joan Turner** - that was very helpful what you just did

**Vincent Cestone** - so that glassed in porch that turned into a living space is no longer going to be there. It is going to be a deck. Any other questions from the

**audience**

**Joan Turner** - How inconvenient or how time consuming would it be for you to present to the board a rough model

**Jacob Bump** - It is really expensive to do it. You can review either by having the architect build one, traditionally three dimensionally or on computer software. I personally looked into it taking the plans, the purchase of the software, I mean it is probably another \$5,000

**Joan Turner** - Oh

**Jacob Bump** - And to finish my last point, to be honest with you frankly if the variance were to be denied, I don't know where we would start. That's my honest answer. It makes zero sense to, everything that is currently mechanical in the house needs to be redone. The roof is shot all over

**Joan Turner** - Yeah. You didn't buy the house, you bought the property

**Jacob Bump** - Of course, yes

**Zshawn Sullivan** - I just have one question

**Vincent Cestone** - Introduce yourself

**Zshawn Sullivan** - Zshawn Sullivan, 8 Hudson River Lane. I mean, this is my house and I have a two story house on a small section and this is their existing roof of the house that kind of peaks at 21 or whatever, 21 feet. So that is even with bottom portion of my roof. And, I mean when we built our house this is our bedroom, our master bedroom upstairs, and we built a tray roof here so that it goes up 7 feet and then our ceiling goes along like this and then there is the ceiling part of our bedroom so that we have this, the height of towards the neighbors as low as possible. And their property is already as Jacob said about 5 to 6 feet higher than our property. And this is 20 feet and they want to go up to 35 feet, I mean that is up to here and quite honestly right here is my vegetable garden and I probably spend 90 percent of the time I spend outside right here on this side. So all I am saying is I am really going to be looking at really high wall and I am already down 5 or 6 feet. And then they have a 35 foot

**Vincent Cestone** - What is the maximum height of your house

**Owen Sullivan** - 25 feet 5 inches

**Joan Turner** - So they are going to go about 10 feet higher

**Zshawn Sullivan** - And they are already up 5 to 6 feet higher

**Jacob Bump - But that has to be taken into account.**

**Vincent Cestone - Do you have a full basement?**

**Zshawn Sullivan - No**

**Vincent Cestone - Where do you start**

**Zshawn Sullivan -** We have a little of attic space here. I can't even stand up in the center of that. And then it goes down. We don't have any attic space up here. We have a small, I mean it is really a cellar because it is bedrock in the front of the house. And I mean, my only, I don't mean to be combative at all to Jacob and Robin, I welcome them as neighbors. I just do have concerns because I am going to have to live there and I hope that they respect my concerns and my comments and how I feel. But this is part of the existing porch that was given a variance. Here. This portion. This right here is like the line and if there wasn't anything here, this would be the line that would make them all in line with my house, with the Oakley's house. It would be a straight line across. And they already have 8 feet out in front there. So even if they have a two story deck, I mean that is still space. It is still bulk that they are going to be adding to the building is all I am saying. That's all I wanted to say. I mean, I understand, I don't blame them for not wanting to live there. I have a question too about I see on the plans what they are going to do on this side of the house here. In their plans they have patio and walkway and everything and I want to know what they are going to do on this side of the house because like right now it is just nothing but weeds. I mean it is tall sumac and trees of heaven and things that really haven't been taken down since they've lived there. And another question that I have is right here is the Quinby's had originally built a block wall here and then here there is a block wall that is kind of holding up their lawn. And if over the years, like the last survey that I had done it is all of their wall is on to my property. So if, they are not going to be able to get anything back in through here, any kind of equipment, and if they only have 7 feet on the other side, like how are you going to get equipment back there to do any kind, if you have to do something if the septic breaks or whatever, I mean how are you going to get something back there to do any type of repairs that you might need to do in the future. I mean fine if the board of health gave you an okay for a septic system that you have existing but not to say that five years down the road it doesn't work any more

**Jacob Bump - Okay. Why don't you get through your concerns and I**

**Zshawn Sullivan - That's it. That's all my concerns**

**Jacob Bump -** So, Joan step in if I missed anything here. First of all, we are between five and six feet above their existing call it zero zero grade. I can't do anything about that. If you look up from the Sullivan house at the garden right

now you see our house right in front of you. It is clearly what you see. It is not aesthetically appealing. It makes very little sense on our part to go to the effort to do any work there given the bigger picture. What we are proposing is aesthetically much more appealing. There are windows along the entire piece of property. It's a clapboard sided structure, etc etc. Furthermore, the roof peak right now runs north to south okay. So you see the peak of the roof. The proposed structure, the roof peak would run east to west. So instead of having the peak right in front of you, you get the gentle slope of the roof. Aesthetically speaking certainly much more appealing. Again, that is objective opinion. Secondly, in terms of the porch, the original front boundary line, the new boundary line, again as I mentioned to the board, we bought the house with an approved variance. I mean that is the most diligence

**(Tape ended...put in new tape. May have lost some dialogue)**

**Jacob Bump** - ... in terms of the common property line, the block wall that was built by the Quinby's and the block wall that exists between our properties are in disrepair. I would think that in the greater context of this process and this proposed renovation we would take it all out, replace it with natural soils or find a way to shore it up. If you come to me and say to me Jacob this block wall that is on your property is falling over to our property can we do something about it. I perfectly reasonable, we are willing to work with you and do whatever we need to do to get it straightened up. I really mean that in sincerity. So we can

**Zshawn Sullivan** - I understand, it was just

**Vincent Cestone** - If you want to discuss this you can discuss this outside

**Jacob Bump** - Okay. It is not pertinent to the ZBA's concerns. I get that loud and clear

**Vincent Cestone** - Okay. Any other questions

**Joan Turner** - On the plans you don't have room sizes or am I missing it?

**Jacob Bump** - No they are there.

**Joan Turner** - It is a code I need to learn I guess

**Jacob Bump** - What really goes on here Joan is the following. If you look at bedroom 205 you see these hash marks right here

**Joan Turner** - Oh oh I got it. Terrific. I knew it was a code.

**Vincent Cestone** - Now. Does the board, since the plans were submitted tonight, I have to leave the public hearing open so that the public review it. Does

**the board have any concerns that you would want the applicant to consider**

**Joan Turner** - No. I am going to go back down and look again. We haven't looked at this specific property and we have looked at all the other variances that we have given. Anytime you take a smaller house like that and you build, there is a going to be an issue of bulk and it is a shock to the system

**Jacob Bump** - Sure.

**Joan Turner** - So everyone needs to

**Lenny Lim** - We would like individual copies of this

**Joan Turner** - We have it, it is a spreadsheet in here

**Lenny Lim** - That is only one, we need

**Joan Turner** - We'll get some

**Jacob Bump** - If you would, if the board wants 7 copies of everything that I have submitted in that binder, I can do that

**Joan Turner** - Then we can all go through every detail and read it. Because we don't need other than this. This you already have in the binder

**Jacob Bump** - Right

**Joan Turner** - So we just need a copy

**Vincent Cestone** - My suggestion is that the agenda is already full for the October 16<sup>th</sup> meeting. We have six public hearings on for that night. So

**Joan Turner** - For what night

**Tim Pagones** - The 16<sup>th</sup>

**Vincent Cestone** - I would keep you pretty much by yourself on the first meeting in November. My suggestion, as quickly as you can make copies of this stuff so the board can review it and that the building department has it downstairs. And hopefully we can address the majority of what needs to be done

**Jacob Bump** - Let me ask then as a matter of procedure. So it stays open. The public hearing stays open

**Tim Pagones** - That's in case there are any comments



**Vincent Cestone** - So you can present evidence, us to ask questions and the public can comment. If we close it basically you can't make any changes and we have to vote on what you've submitted and there is a good possibility that it could split the board or that it could be denied

**Jacob Bump** - Okay

**Tim Pagones** - Remember I told you what your best case last time. Best case November 6<sup>th</sup> they close the public hearing. They do not meet in December. So the third Monday in November if they close the public hearing that day and vote, I have a resolution. So Thanksgiving will be a wonderful Thanksgiving if they voted to grant it and the resolution is there.

**Joan Turner** - You could cook the turkey in your rusty oven

**Tim Pagones** - And they have, I don't know if they will do it, but they have had three meetings in November sometimes for a resolution

**Jacob Bump** - So given the pre-determined order there is no way we can slide it on the agenda for the next meeting

**Vincent Cestone** - No

**Tim Pagones** - We have six hearings already

**Jacob Bump** - Only asking the question

**Robin Bump** - Is there anything else we need

**Tim Pagones** - You need to make 7 copies of everything. If there is something in reviewing the minutes tonight, if there is something you want to readdress tonight for the next time

**Vincent Cestone** - And it gives you time to make additional adjustments to your plan

**Joan Turner** - You know what we do with plans, we go down and make a site visit and literally walk out with plans. We walk out on the ground and measure and walk it out. And especially here

**Tim Pagones** - Don't shoot them if you see them

**Joan Turner** - They won't be there. But we do and it is really important

**Jacob Bump** - Oh, I respect that and I didn't know you hadn't been down

**Tim Pagones - Some have**

**Robin Bump - I am just curious in the past (can't hear her)**

**Vincent Cestone - Yes.** Generally with residents we are trying to work with you.

**Lenny Lim - A good example is the garage.** We are willing to give it to him at 14 feet

**Jacob Bump - Sure.** That's clear. The difficulty here, and I want to stress this and this will be my last comment, we have gone back to the architect and we have said given the concerns of the board what can you do. He said we can pull it back from the river and we can decrease the roof height. Now again, this is our opinion not of our architects, I want to say and I am by no means drawing the line in the sand, but I want to say and I've listed very clearly that beyond that I feel and the architect feels that you really begin to compromise the integrity of the house from an architectural perspective. I want to say that

**Tim Pagones - That's said**

**Vincent Cestone - But if you want to get it built, you may have to change it**

**Jacob Bump - And I think we've demonstrated a willingness**

**Vincent Cestone - With that**

**Tim Pagones - So November 6<sup>th</sup>**

**Vincent Cestone - November 6<sup>th</sup> is the first Monday in November**

**Tim Pagones - Right**

**Jacob Bump - All right.**

**Vincent Cestone - Tim do you have the resolutions?**

**Tim Pagones - no**

**Joan Turner - Old business**

**Tim Pagones - No old business**

**(Everyone talking at once)**

**Tim Pagones - are we adjourned?**

**Kim Shewmaker - Are we adjourned?**

**Joan Turner - Meeting adjourned? Aye. Do we have old business?**

**Vincent Cestone - The Cooper letter, if you look at it closely. What they are proposing really is over \_\_\_\_\_ square feet**

**Lenny Lim - Didn't we ask them to come back to 2,500? I mean wasn't that what the Town Board, the Zoning Board keep it at 2,500**

**Vincent Cestone - These people must have spent a half a million dollars on this**

**Lenny Lim - I make a motion**

**Vincent Cestone - I'll second. All 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:** 11/6/06

Respectfully submitted,

Kim Shewmaker  
Secretary