

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

October 3, 2005  
7:30 p.m.

**PUBLIC HEARING**

- 1) **LARABEE ALBERTSON:** **Appeal #778** for Variances. Left side setback is 17'. Needs to be 30'. Looking for a 13' variance (metal roof structure). Second variance on right side setback (deck structure) is 21'. Looking for a 9' variance. (Located 4 Hudson River Lane, Garrison) in an R-80 District. **TM #89.7-1-20 THIS PUBLIC HEARING WILL TAKE PLACE ON THE FIRST FLOOR TO ACCOMMODATE THE APPLICANT**
- 2) **JAMES SHELLEY:** **Appeal #737** for a Variance for a proposed 3-car garage with attic storage with an 18' right side set back. As a 30' set back is required, a variance of 12' is required. This is a continuation of a public hearing held on May 17 and June 21, 2004, and September 12, 2005. (Located 412 Sprout Brook Road, Garrison) in an R-80 District. **TM #83.17-2-14**
- 3) **FRANK DIAZ:** **Appeal #776** for a Variance for a proposed addition that does not meet front setback requirements of 40'. Proposed addition is 15.7', requires a 24.3' variance. (Located 1 Old Albany Post Road, Garrison) in an R-80 District. **TM #83.13-1-49**
- 4) **MARY ANN LANGELLA:** **Appeal #777** for side setback variances for two wood frame accessory buildings. 1) Shed #1 is 6' off property line and requires a 24' variance 2) Shed #2 is 19.4' off property line and requires a 10.6' variance. (Located 408 Sprout Brook Road, Garrison) in an R-80 District. **TM #83.17-2-18**

**REGULAR MEETING**

- 5) **REVIEW OF MINUTES:** September 12, 2005  
September 19, 2005
- 6) **OMNIPPOINT COMMUNICATIONS INC.:** **Appeal #772** for a Special Use Permit for co-location of a wireless communication facility on an existing structure. Applicant proposes a public utility wireless communication facility consisting of small panel antennas on the existing stealth tree monopole with related equipment at the base thereof. (Located 1924 Route 9, Garrison) in an R-80 District. **TM #71-3-2 REVIEW FOR PUBLIC HEARING PLACEMENT**
- 7) **JEFFREY A. & NANCY O. LERCH:** **Appeal #770** for a Variance to correct a pre-existing condition. When Applicants purchased the property in 1981, the house was 36' from front property line and porch measured 31' from front property line. Code requires 40' setback. (Located 49 Perks Blvd. Cold Spring) in an R-40 District. **TM #27.12-1-34 DRAFT RESOLUTION**
- 8) **PAUL D. MUSCARIELLO:** **Appeal #782** for a Variance for a 10x12 shed located 5' from southern property line and 20' from the front surveyor's pin. (Located 312 Sprout Brook Road, Garrison) in an R-20 District. **TM #91.5-3-22 REVIEW FOR COMPLETENESS**
- 9) **DOROTHY and ROBERT DEE:** **Appeal #783** for a Variance. Applicant is requesting to be allowed to build closer to the south property line adjoining his son's lot with a 19' setback, an 11' variance. (Located 5 Old Albany Post Road, Garrison) in an R-80 District. **TM #83.13-1-51 REVIEW FOR COMPLETENESS**
- 10) **MARY ANN WHEATON-ZELNIK:** **Appeal #784** for a Variance. Applicants presently have an application before the Philipstown Planning Board for a Minor 2 Lot Subdivision. The Subdivision Application requires a variance from Section 175-30(B)(4) prior to being further considered for subdivision approval. Subdivision Lot No. 2 formerly known as Lot No. 45 meets the Section 175(B)(4) criteria. However, Subdivision Lot No. 1 formerly known as Lot No. 44 only meets the 6000 sq ft requirement but does not meet the minimum 60' dimension requirement. (Located 1524 Route 9D, Garrison) in an R-80 District. **TM #49-1-44 REVIEW FOR COMPLETENESS**

11) **OLD BUSINESS/NEW BUSINESS**

Vincent Cestone, Chairman  
Philipstown Zoning Board of Appeals

**NOTE: Items may not be called in order shown. Not all items may be called.**