

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

May 15, 2006  
7:30 p.m.

**PUBLIC HEARING**

- 1) **MHCP Realty, LLC:** **Appeal #796** for a Variance. Applicant is seeking relief to allow a 75.6 ft proposed setback from the centerline of Route 9, for where the required setback is 100 ft. (Located 3504 Route 9, Cold Spring) in a B-2 District. TM #16.12-1-16

**REGULAR MEETING**

- 2) **REVIEW OF MINUTES:** April 17, 2006
- 3) **MATTHEW A. NOVIELLO on behalf of Joseph Tuana:** **Appeal #761** for a Variance. Property was subdivided by Deed by prior owner with the review and approval of the Building Department. No one noticed that the side yard setback for the studio was less than Code. Currently the current lot and neighboring lots cannot be reconfigured to avoid the need for other variances. This is a continuation of a Public Hearing held on April 4, April 18, May 16, June 6, July 18, and November 7, 2005, and February 13, 2006. (Located 996 Old Albany Post Road, Garrison) in an R-80 District. TM #50-2-50. **REVIEW OF DRAFT RESOLUTION**
- 4) **OMNIPOINT 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. This is a continuation of a public hearing held on November 7, 2005, January 23, and February 13, 2006. (Located 1924 Route 9, Garrison) in an R-80 District. TM #71-3- **REVIEW DRAFT RESOLUTION**
- 5) **JANINE and MATTHEW MASTRANTONE:** **Appeal #775** for Variances 1) Addition on northerly side does not meet setback requirements 2) proposed addition on southerly side. This is a continuation of a Public Hearing held on October 17, November 7, 2005, and January 23, and February 27, 2006. (Located 1862 Route 9, Garrison) in an R-80 District. TM #71-3-11 **REVIEW DRAFT RESOLUTION**
- 6) **ADAM & DIANA HIRD:** **Appeal #787** for a Variance. Applicant wishes to tear down and rebuild house on top of existing foundation and staying within existing footprint. However, the existing building is over the required 20 foot rear yard setback (14.1 ft from property line at closest point). This is a continuation of a public hearing held February 27, and March 6, 2006. (Located 63 Horton Road, Cold Spring) in an R-40 District. TM #17.-1-68 **REVIEW OF DRAFT RESOLUTION**
- 7) **OPEN SPACE INSTITUTE, INC.:** **Appeal #788** for a Special Use Permit. Applicant seeks permission to locate a satellite office for its Mid-Hudson Land Steward and support staff if required in the 2 ½ story frame grist mill that is located at the north end of the property at the Highlands Country Club. The applicant also seeks permission to conduct tours of the grist mill for educational purposes. Both of the proposed uses are permitted in an R-80 District. Specifically, Section 175-25, Schedule A (Permitted Uses), Paragraph 12 of the Philipstown Code allows "...educational...and charitable institutions" in an R-80 district subject to securing a Special Use Permit. (Located 955 Route 9D, Garrison) in an R-80 District. TM #71.-1-14.1 **REVIEW FOR PUBLIC HEARING PLACEMENT**
- 8) **JACK and ALICE GISH:** **Appeal #793** for a Variance. The existing house is a non-conforming structure. The proposed alterations to the house include additions of dormers. One dormer will extend 18" above the existing ridge-line of the roof. The remaining ridge-line of the roof will be unchanged. (Located 4 Hudson River Lane, Garrison) in an R-80 District. TM #89.7-1-20 **REVIEW OF DRAFT RESOLUTION**
- 9) **RONALD and MARIA PALMER:** **Appeal #794** for a Variance. Deck and pool were built with permit and CO, both issued in error. Accessory building built without permit 20 years ago and cannot be moved. Applicants seek variances of 9' right side for pool; 3.7' right side for deck; and, 27.7' left for accessory building. (Located 490 Sprout Brook Road, Garrison) in an R-80 District. TM #83.10-2-32 **REVIEW DRAFT RESOLUTION**
- 10) **GREGORY EDWARD HARNETT:** **Appeal #795** for a Variance. Applicant would like a variance for a shed. (Located 151 Old West Point Road East, Garrison) in an R-40 District. TM #82.8-1-2 **REVIEW FOR COMPLETENESS**
- 11) **JOHN SUSSMEIER:** **Appeal #797** for a Special Use Permit to accommodate a proposed lot line adjustment between two adjoining parcels. Applicant wishes to accomplish a lot line adjustment so that the entire pond is located on Applicant's lot. Applicant personally designed and built this pond that took 7 years to complete before building his home on his lot and wishes to maintain full control over the pond. (Located 365 East Mountain Road North, Cold Spring) in an R-120 District. TM #7.-1-24.1 & 7.-1-24.2 **REVIEW FOR COMPLETENESS**
- 12) **ROBERT DEE II:** **Appeal #798** for a Variance. Applicant requests that the R-80 side yard setback requirement be waived so to add a second floor extension on a pre-existing residence. (Located 3 Old Albany Post Road, Garrison) in an R-80 District. TM #83.13-1-50 **REVIEW FOR COMPLETENESS**
- 13) **ANTHONY CARLUCCI:** **Appeal #799** for a Variance for a proposed deck 6' from rear property line. (Located 370 Sprout Brook Road, Garrison) in an R-10 District. TM #91.5-3-51 **REVIEW FOR COMPLETENESS**
- 14) **TYJAN CORPORATION:** **Appeal #800** for a Variance. Applicant is seeking relief to allow an 82' proposed setback from the centerline of Route 9 where the required setback is 100'. (Located 2506 Route 9, Cold Spring) in a B-1 District. TM #49.-4-22 **REVIEW FOR COMPLETENESS**
- 15) **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.**