

ZONING BOARD OF APPEALS

October 1, 2007

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, October 1, 2007, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Vincent Cestone, Chairman, at 7:30 p.m.

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

Vincent Cestone - The Carlucci public hearing is off the agenda tonight at the request of the applicant. It will be on at our next meeting. So the only thing we really have on the agenda is Lindert. Jump right on up here.

Thomas Lindert - Hi how are you?

Vincent Cestone - Tell us what is going on. I've read your application but just explain to us what the issues are.

Thomas Lindert - The issue is the arch in the circle in the cul-de-sac and how it comes around. And that what (**cannot hear the applicant**). ... what we are proposing to do.

Vincent Cestone - So what you have, exactly what are you proposing

Thomas Lindert - A porch, this here would be the garage with a bedroom in the back.

Vincent Cestone - So it is only in this arch that's

Thomas Lindert - In violation. Exactly.

Vincent Cestone - How much are you reducing the setback by

Thomas Lindert - It's different lengths. In the center it is 3.5 feet that I would

need. Over here in this corner at the corner of the garage 4.6

Vincent Cestone - So you are looking at a maximum of 5 feet

Thomas Lindert - Not even. 4 ½

Adam Rodd - Just so that we are clear the proposed setback that you have for example 36.7, is that 7 inches

Thomas Lindert - Yes

Adam Rodd - Okay

Bill Flaherty - That's an R-40

Thomas Lindert -- yes

Paula Clair - So how far away is your neighbor

Thomas Lindert - My neighbor over here is 40 feet. This neighbor over here is across the street. And there is another neighbor back here.

Paula Clair - So which neighbor would be affected by the setback

Thomas Lindert - This neighbor here

Paula Clair - And how far away is he from you

Thomas Lindert - Quite a distance, he's right here

Paula Clair - Okay.

Thomas Lindert - How many feet

Frank Pidala - From house to his house? Probably 1,000

Paula Clair - Oh quite a number.

Bill Flaherty - I was going to say 800

Paula Clair - So he is here to support you?

Thomas Lindert - Yes I hope

Adam Rodd - For the record, just identify your name and address.

Frank Pidala - Frank Pidala

Adam Rodd - How do you spell your last name?

Frank Pidala - P-I-D-A-L-A. And it's 29-31 Perk n Son's Court. That's the physical address. My mailing address is

Adam Rodd - The physical address is fine.

Frank Pidala - Okay

Adam Rodd - And you live directly across the street from the house in question

Frank Pidala - Not across the street

Anita Pidala - To the right

Frank Pidala - Our properties abut

Adam Rodd - You are on the same side of the street

Frank Pidala - I am at the end of the cul-de-sac

Adam Rodd – Okay. And you don't oppose the variance

Anita Pidala - Not at all

Frank Pidala – no

Vincent Cestone - So this porch is not going to be enclosed in any way

Thomas Lindert - No

Vincent Cestone - Is it going to have a cover on it

Thomas Lindert - Yes

Vincent Cestone - Any you wouldn't have any issue to part of the resolution that you can't enclose it, you can't screen it

Thomas Lindert - No

Vincent Cestone - You can't put electricity or heat or plumbing in it? I am saying that because in some places those things have happened to us.

Thomas Lindert - I would look to put maybe to put just can lights in it or a fan.

That's all

Vincent Cestone - Electricity is fine. Okay. Any questions from the board?

Bill Flaherty - I am familiar with where your house is and I drove by it one day last week just to get myself oriented as to where you are. And off the top of my head I have no problem with it as I see it. It is not going to be offensive in anyway

Thomas Lindert - No

Bill Flaherty - It is going to approve the resale value of your house. I mean isn't that the bottom line

Vincent Cestone - It doesn't matter how much it is worth until you are ready to sell. Where are you going to move

Thomas Lindert - *(Inaudible)*

Vincent Cestone - That's exactly the point. Do you wish to say anything?

Anita Pidala - I would for the record. My name is Anita Pidala. And we are neighbors of the applicant. And I just again would like to reiterate that we have no objection and I think it would be a fine addition to the neighborhood.

Vincent Cestone - Any more comments from the board or any questions? With that I will make a motion to close the public hearing. Do I have a second?

Bill Flaherty - I second

Vincent Cestone - All in favor

All board members - aye

Vincent Cestone - Do we wish to take a straw poll?

Bill Flaherty - Yeah I think it is appropriate.

Vincent Cestone - Then I'll second. All in favor?

All board members - Aye

Vincent Cestone - This is a non-binding. It is during the reading of the resolution that it becomes binding. This is just to give the attorney some direction on how to write the resolution. So Bill?

Bill Flaherty - I vote in favor

Vincent Cestone - Paula

Paula Clair - I vote to approve it

Vincent Cestone - Lenny?

Lenny Lim - I vote in favor

Vincent Cestone - And so will I. Now the resolution, we usually have up to 62 days to actually create a resolution by law. Generally we do it a lot quicker but when it is done, it will be sent down to the building department and you can start

Thomas Lindert - Okay. Will I be notified or should I just keep checking with them

Vincent Cestone - I would check with the building department. Chances are it is going to be no earlier than the 4th Monday this month because Adam would have to write the resolution and we would have to vote on it. That's the earliest. So it is not going to be in a week or so. It is going to be at least a couple of weeks, maybe more. Our next meeting is on the 22nd. So that would be the earliest that we could possibly vote on it.

Thomas Lindert - Okay.

Vincent Cestone - All right

Thomas Lindert - Thank you very much

Vincent Cestone - You're welcome. Any old business? Any new business? Just a reminder that they are going to have a, the Town Board is going to have a special meeting to talk about zoning on Wednesday. I won't be able to make because I've got to work. I'll watch it on Saturday night. I really need a life I tell you.

Bill Flaherty - Are we adjourning?

Lenny Lim - I so move

Vincent Cestone - I second. All in favor

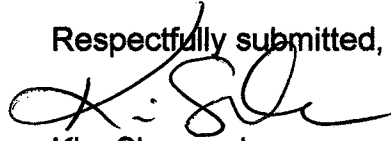
All Board Members - aye

NOTE: These Minutes were prepared for the Zoning Board of Appeals and

are subject to review, comment, emendation and approval thereupon.

DATE APPROVED: 10/22/07

Respectfully submitted,



Kim Shewmaker
Secretary