

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.

PRESENT:	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 16th

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 16th

Tim Pagones - October 16th 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 16th. 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

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 Pagonis - 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 Pagonis - 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 16th 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 16th

Mr. Enea - The 16th

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 Pagones - 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

