

ZONING BOARD OF APPEALS

November 6, 2006

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, November 6, 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
	Tim Pagones	-	Counsel

ABSENT:

Vincent Cestone - First item on the agenda is Roark Dunn. Is there someone for, is Mr. Dunn here? Is somebody representing Mr. Dunn? Well I'll hold off until the end of the public hearings and if not he is off the agenda until he contacts us.

Tim Pagones - Okay

Vincent Cestone - Next item on the agenda is Patricia Cottrell. Hi. How are you doing?

Patricia Cottrell - Good. How are you?

Vincent Cestone - So tell us what you are here for and what the issue

Tim Pagones - Finally what you are here for

Patricia Cottrell - right.

Vincent Cestone - I know you are here to modify a structure on Valley Lane. You want to change it.

Patricia Cottrell - I want to add a deck

Vincent Cestone - And you applied for a building permit and you were denied because of setback issues

Lenny Lim - Okay now. Is this the proposed deck here? This it?

Patricia Cottrell - That's it right there.

Lenny Lim - In other words you are just coming out to the building line

Patricia Cottrell - Going back 12 feet

Lenny Lim - So it is not the front setback

Patricia Cottrell - Just the side by Valley Lane

Lenny Lim - Side setback. And you are only building this new deck to come exactly to the edge of the building

Patricia Cottrell - To the house, right.

Lenny Lim - Are you going to enclose it

Patricia Cottrell - No. Open deck. There are already sliders there which I bought it that way not realizing, figuring I'd just put a deck up. I didn't realize. And as you can see the road is here and this is about 15' grassy area against the apron of the road then you have 20' more grass here and then the neighbors' property which is probably a good 50 feet

Lenny Lim - So this just faces the road

Patricia Cottrell - Yes

Vincent Cestone - So you are not going any closer to the road than the current house and you are only looking for a variance for the distance from the front of your house to the

Patricia Cottrell - Side of the house

Vincent Cestone - The side also?

Lenny Lim - No. It is the side. That's the side. Even though it's a road there she said this part of the house faces the

Vincent Cestone - So you are only looking for a variance for this distance right?

Patricia Cottrell - I want the stairs to come to the other side and that is just to allow

Vincent Cestone - But that won't be in violation because it is going the other way

Lenny Lim - That's a plus. That's a good move.

Bill Flaherty - And this is an R-20 District as well.

Vincent Cestone - So we are looking for 8 feet

Tim Pagones - R-20 is 15 feet. She needs like 9 foot 9 something variance

Lenny Lim - Okay

Vincent Cestone - Any more questions? Anyone in the audience wish to speak on this? I'll make a motion to close the public hearing. Do I have a second?

Lenny Lim - I'll second

Vincent Cestone - All in favor?

All Board members - Aye

Vincent Cestone - I'll make a motion for a straw poll. Do I have a second?

Bill Flaherty - Second

Vincent Cestone - All in favor?

All Board members - Aye

Bill Flaherty - I move to approve

Lenny Lim - I'd approve

Vincent Cestone - And so do I

Tim Pagones - I will have a resolution on the 20th.

Patricia Cottrell - Do I have to come back

Tim Pagones - You can come back but Mr. Monroe is here, he knows. Then you can build it and they will come.

Patricia Cottrell - Thank you very much

Vincent Cestone - You don't have to be here but if you want to be here you can

Patricia Cottrell - All right. Thanks again.

Vincent Cestone - Next item on the agenda is John Sussmeier. Hi. How are you doing?

John Sussmeier - Hi.

Vincent Cestone - Explain to us what you are here for.

John Sussmeier - Okay

Tim Pagones - Speak nice and loud

John Sussmeier - Okay. What I wish to do is get approval for a lot line adjustment so that this entire pond that I constructed is entirely on my lot. The adjoining lot was my father's and he passed away last year. So I am in the process of going through probate. So I very much wish to keep the entire pond which I constructed myself is on my lot. So that is why I am here. But it does not conform to the 250 foot square and the dotted line here is how much the square would have gone outside the boundary conditions.

Tim Pagones - By doing the lot lines it reduces the square. That's what it is. He is not here for a lot line realignment. He is here to reduce the square. It was sent to the Planning Board. The Planning Board reviewed it and they sent a letter back saying they don't have a problem with it, that it makes sense.

Vincent Cestone - So where is the lot line that you are adjusting?

John Sussmeier - Okay currently the boundary, this is my house here, the boundary goes this way and this way out to East Mountain Road North. And the proposed line is to be this shape

Lenny Lim - The solid line is the new proposal

John Sussmeier - Correct

Lenny Lim - And the dotted line the old line

John Sussmeier - Right

Vincent Cestone - Okay will this property be a legal lot

John Sussmeier - Yes

Vincent Cestone - Other than the square issue

John Sussmeier - Yes. It is a legal lot now. It satisfies all the other zoning requirements except for the 250 foot square

Lenny Lim - How big is the lot

John Sussmeier - Right now it 5, roughly 5 acres. It is going to be reduced to just shy of 3

Lenny Lim - This one is going to be reduced to 3

John Sussmeier – Yes. The total lot, the total size of both lots, my father's and mine is 9. Right now I have 3 and he has 5. After the conversion it will swap. I'll have 5 and he will have 3

Lenny Lim - And this is the line you want for the 3

John Sussmeier - Correct

Lenny Lim - And the only thing is it doesn't fit the square

John Sussmeier - Right

Vincent Cestone - It actually looks like the square fits in that. Where doesn't it fit in?

John Sussmeier - This is 223 foot square. I originally submitted the plan that Lenny has and this board requested that I resubmit the plan with the larger square. So 223 feet is the square that would fit within the boundaries. And the dash line is the attempt to put the 250 foot square and that is how much it would over hang

Vincent Cestone - I see. Okay.

Lenny Lim - Which is, the dash is the 250

John Sussmeier - Correct. And the solid line is what I drew in and it is 223 feet

Vincent Cestone - What is the distance between here and here?

John Sussmeier - That is roughly 35 feet/ We played a lot with the geometries here. If you were to take the 250 foot square and slide it so that this angle fit on the line, the

square would be in the water. I presently have a path around the pond that I was trying to retain the path and create a buffer zone

Vincent Cestone - And this is what the planning board proposed

John Sussmeier - Yes. This is what was presented at the planning board

Tim Pagones - There should be a letter in the file

Bill Flaherty - What are you going to use the pond for? Recreational purposes?

John Sussmeier - Yes

Tim Pagones - I think the whole reason is so that it is his and he can decide whatever he wants to do with it as opposed to sharing it

Bill Flaherty - Go swimming there

Tim Pagones - If he want to skinny dip in his pond, he can

Vincent Cestone - I just want to make sure that he doesn't put this house in violation of the code

John Sussmeier - The only thing we are seeking here is the 250 foot square. All the other codes, all the other requirements are satisfied

Lenny Lim - I have no more questions

Bill Flaherty - Are you going to build another home on that property

John Sussmeier - No. There is a structure there now that is dilapidated and it is falling apart

Vincent Cestone - What is this here

John Sussmeier - That is a concrete structure that my father started about 30 years ago and it is pretty much abandoned. There is a building permit still open for that 30 years later.

Lenny Lim - There is a 30 year old building permit on that

John Sussmeier – yes

Bill Flaherty - Are you in the process of selling this

John Sussmeier - Yes. The whole intent is to sell the property. As the executor I have to go forward and distribute

Bill Flaherty - Will that mean that this concrete building will be developed

John Sussmeier - I would assume that the next owners would _____ the building and it would be another single family residence.

Bill Flaherty - I know your father did a lot of unique things with his property

John Sussmeier - He sure did. And he actually started the pond before I took over

Vincent Cestone - With a shovel right

John Sussmeier – close

Vincent Cestone - Lenny any more questions?

Lenny Lim - I have no questions

Vincent Cestone - Any comments from the audience on this?

Mike Gibbons - Mike Gibbons, Garrison. And speaking as myself not a member of the Planning Board, although I do remember the case coming before us, as a friend of John's this has no detrimental affect to the neighborhood. And what he is trying to do is really beneficial for the property. If you want to see something negative, all you have to do is go on Avery Road and the pond has a fence going right down the middle. Apparently there is a dispute between the two property owners. They put a fence in the middle of the pond to keep each other from going on the other person's property. This would certainly avoid that sort of activity and you know, my recollection is that the lines may not all add up but that is why he is here. It is really nothing that is going to affect the neighborhood at all. So I would be in full support of it.

Vincent Cestone - Anyone else wish to speak on this? I'll entertain a motion to close the public hearing

Bill Flaherty - I'll second

Vincent Cestone - All in favor

All Board Members - Aye

Vincent Cestone - I'll make a motion for a straw poll. Do I have a second?

Lenny Lim - I'll second

Vincent Cestone - All in favor

All Board Members – aye

Bill Flaherty - I vote in favor

Vincent Cestone - Len?

Lenny Lim - I vote in favor

Vincent Cestone - And so do I

Tim Pagones - Okay. November 20th

Vincent Cestone - Next is a continuation of a public hearing of Jacob and Robin Bump.

Tim Pagones - I don't think there is anything new. I think last time you just wanted copies of everything

Jacob Bump - That's correct. At our last discussion I don't have anything else to present to the board other than the verbal statement that according to the Chairman's questions prior to our last visit to the board and I think we answered those sufficiently and your specific points were the overall height of the structure coming down to the 36 foot range which we have accommodated, no encroachment on the river which has been accommodated and I think just addressing the neighbors' concerns specifically those of the Sullivans.

Vincent Cestone - Len do you have anything that you wish to say?

Lenny Lim - Not right now

Bill Flaherty - I have nothing further

Vincent Cestone - My only concern is the covering on the second story deck. I don't have a problem with a second story deck, I have a problem with the roof over it. And if that were removed, I would be inclined to support this. So that, I mean a cloth canopy that can be rolled out and rolled back in but a permanent roof, I have an issue for a whole bunch of reasons. And I would be looking to have that brought down.

Jacob Bump - Remove

Vincent Cestone - Yeah

Jacob Bump - This is the first time I've heard that. The issues of the architecture would be compromised by taking that away.

Vincent Cestone - I don't necessary know if that is true

Jacob Bump - It is subjective. I understand. But certainly the joy of being able to be out there shaded, be out there, my personal feeling is that the architectural value of the house is entirely compromised by doing that. It is definitely something that I would not like to lose and I think that in general we have made significant sacrifices per the board's concerns and really listened to them intently, come back with real compromise and in terms of hard dollar amounts for Robin and myself but it is still something we are willing to do. Considering that the first floor deck is covered, I don't really see a significant issue with the coverings on the second floor deck.

Lenny Lim - And that deck is heading towards the tracks right

Jacob Bump - No

Lenny Lim - That is the river side

Jacob Bump - We are not impairing, there is no view impairment because of it. I want to stress that again. We are in essence, there is a net negative encroachment towards the river. We are pulling back towards the tracks. The height has been lowered

Lenny Lim - Originally, how far are you pulling it back

Jacob Bump - We are pulling it back approximately 18 inches and towards the tracks which will force us to pour two new foundation walls at the east and west of the house. The foundation walls will not be usable.

Lenny Lim - I am confused because the front is

Jacob Bump - It is easiest to refer to it as the river side and the railroad side

Lenny Lim - Okay

Jacob Bump - The covered porch that the Chairman is speaking of is actually at the river side

Tim Pagonis - I just want to point out that everything has to be unanimous.

Vincent Cestone - I know

Tim Pagones - So if the chairman is going to say I am not giving this covered porch and the two of don't have a problem with the covered porch, there is no action. So I don't know if any of the neighbors have complained about

Jacob Bump - It is not something that has come up. I think the issues that have come up have been absolutely addressed and it is not a projection out, the whole deck, it is really _____ to the architecture.

Vincent Cestone - Anyone wish to speak on this?

Bill Flaherty - Well I think that the issues that were previously before the board where the height of the house and you have done something constructive about that, you've lowered it. Mrs. Sullivan has a garden next to this house, and I think that has been addressed so that Mrs. Sullivan will get more sunlight during the summertime. The bulk was another issue, you even addressed that. The attic space, you have lowered the ceiling. The porch was 36 foot long and 9 foot wide, and that was another issue that was discussed about 3 or 4 hearings ago,

Vincent Cestone - What's that Bill

Bill Flaherty - The porch. Which were 36 foot long by 9 feet wide and that has been addressed. Including the asbestos shingles that are on the house. Mrs. Sullivan was concerned about that. You've made provisions to ensure that the asbestos shingles will be removed in an environmental and safe way which was agreeable to Ms. Sullivan as well. And you did downsize the house a little bit. I really think that you really met all the criteria that I had in order to look at this and make a judgmental decision about whether or not to approve the plans that you have submitted to this board. You certainly acted in good faith in everything and in every respect and you obviously maintained a good neighbor relationships that you have with the other people down in that area and if I am not mistaken, if the audience would like to address these issues and see whether or not these have not been addressed, I am willing to hear that. But I, from my standpoint, where I am coming from, these revised drawings that I have looked at and the changes that Mr. Bump has made, is perfectly agreeable to me from an architectural standpoint, an aesthetic standpoint, it will certainly add additional value to the home in itself and it enhances the overall appearance of the area down there as well. These are some of the things that we on the zoning board have a responsibility to ensure that are met with the criteria of zoning. Some people say that aesthetics is not important and it may not be but to be perfectly honest with you, it is an important factor as far as I am concerned. It has to blend into the community and has to be aesthetically pleasing to the eye. I think you have done all of those things and I have to say to the board that I have no problem with the revised plans that were submitted.

Jacob Bump - Just by way of comment Mr. Chairman, taking off that porch would force

us to remove the columns. Obviously there would be no need for columns if there is no need for support there. It is a significant amount of rework and I think that the architectural value of the house is _____.

Vincent Cestone - Anyone wish to speak on this?

Zshawn Sullivan - Zshawn Sullivan, I have a couple of visuals. First I would like to comment on some things that I read in the September 18th public hearing minutes in terms _____. Jacob Bump indicated that he didn't see any negative impact on the neighbor's views. Well from where I sit, I beg to differ

Vincent Cestone - That's your opinion but I don't want to go into a long dissertation on it

Zshawn Sullivan - The enormous bulk of the proposed house would definitely impact my views in the amount of sun that my house will receive. He also stated that the rooms square footage was 2850. That might be true for the inside of the house but the outside is a little bit over 3800 square feet total with all the decks. He stated that the existing house is 1700 square feet and that is not actually true, it should be about 1866. I was down at the building inspector's today and here is a plan of his house and they stated that they were asking for a 36 percent increase in the square footage and it actually is about 100 percent.

Vincent Cestone - And how did you achieve that figure? Are you including the decks

Zshawn Sullivan - Absolutely

Vincent Cestone - Decks are not included

Zshawn Sullivan - You said that they were covered at the last board meeting, that if they were covered then they were included in the bulk number of the house

Vincent Cestone - Bulk number yes

Zshawn Sullivan - I am talking bulk

Bill Flaherty - Not living space

Zshawn Sullivan - No not living space. It doesn't matter what the inside is okay because on the outside, the outside measurements are for the assessment value, the measurements are taken from the outside of the house. That's what I am going to be looking at. On October 2nd they came back with a decrease in the height from 36.5 to 35 feet. And reducing the riverside decks from 9 foot wide to 8 foot wide. That really amounts to a drop in the bucket of the overall bulk of the house. The Bumps bought an

1866 square foot home with a 273 square foot garage for a total of 2162 square feet on a 50 foot lot. I can't imagine how much bigger they thought they could make it no matter what the realtor had told them. It is already as big as most of the homes on a 75 foot and 100 foot lots and here is what you have. Here is all the houses that are down there. And the two houses here I don't have their original number. This is a 50 foot lot and I am not positive that you gave them 200 square foot for a variance. I really don't think it was anything the way that they were just bumping out dormers. But for the sake of putting numbers down I put in 200 square feet to the Gish's 50 foot lot addition. This was mine. I started with 1080, I got this. I have a 75 foot lot. Schlick, they have a 100 foot lot and they were allowed to have 1849 square feet after they built on to their house. Brennan has done nothing. Doyle, started out with 1804 they got 2358.

Tim Pagonos - Is that interior or total

Zshawn Sullivan - These are total. These are numbers from the outside. These are from the property maps downstairs in the assessor's office where I got these numbers this morning. _____ I don't have the original number that Cronin started off with. They have a 50 foot lot and they were allowed to have 1476 square feet at their addition. Bracke have a 50 foot lot. They started off with 922 square feet and they were allowed to have 1340 on a 50 foot lot. And Lang started, this is a 75 foot lot, they had 720 and they were allowed 2380. So these are the 50 foot lots and what they were allowed to expand to and it is about 1810 on average. These are the 75 or 100 foot lots that have been expanded down there and the gross or the average is 2125 square foot and that includes, the bulk measurement and that includes garages. My number includes my garage and so does the Doyles and so does the Langs. So how I came up with these numbers of Jacob and Robin's house is I came to town hall today and they are being assessed at 1408 on the tax property map. But they don't have any of these porches included in that number. That gives you a total of them starting out with this. Their proposed house is this and you have an A and a B, this is the bulk of the house. It is 44 by 32.5. That's 1430. Times two that's 2860 square feet. These two decks are 288 each. So add that twice for a double deck there. This little deck is 72 square feet. And this side deck is 282 square feet. Which is a total of 3790 square feet and then they also have a 273 square foot garage still on the map for the new house. To paraphrase Joan Turner in a 2004 ZBA meeting the overall bulk of a lot in this neighborhood is a significant detriment to the community. Each application for a variance on Hudson River Lane is looked at with a scenic view, overall bulk, close proximity of the neighbors, the amount of square footage you start with and the common courtesy for the neighbors taken into consideration. I asked that you guys look at all those things before you make a decision and close the public hearing. They could develop a livable design, they might need to be a little bit more flexible, but it is the responsibility of the ZBA to grant them the smallest variance possible. I also, I will show you where I got these from. This is their house, that is the side of the house that faces me. And here is a mock up of that. This little bit down here is actually the 5 foot higher their lot is, on average their lot is 5 foot higher than my lot. So

Tim Pagones - What scale are these things?

Zshawn Sullivan - These are ¼ inch equals 1 foot. This is

Tim Pagones - And did you do these or did

Zshawn Sullivan - This is from downstairs

Tim Pagones - No I am saying your models

Zshawn Sullivan - My models. Yes, I did them

Tim Pagones - Okay. Just for the record whether you hired someone to do them or

Zshawn Sullivan - No. Kitchen table and an exacto knife. This is my house. And this is the north side which is how I made my what I brought to show you here. That measures up to my house. Even though the north side is what faces them. This side is what faces them. But it is kind of hard unless you look at it backwards to show that my model, that my thing is to scale which it is to scale. I just want to set this up. So here is the Bump's proposed addition. Here's the house that they are starting with. And this is drawn to scale too. This is the 7 foot that they have at the edge of their wall to their property line. It is not standing up that great. And here is my, here is the silhouette of my house on the south side. You can see that my house is a little bit taller than theirs. My house is 26 foot high. I have two floors on this section of the house. They have, this is 20 feet high and my house is a little bit taller than their house but, and this is on the 5 foot below what their property is on average. 5 foot higher than my property. So I am sorry but this looks like a lot a lot of house

Tim Pagones - If you raised yours up 5 feet, where would it be

Zshawn Sullivan - If I raised mine up 5 feet

Tim Pagones - Yeah

Zshawn Sullivan - But I am not raising mine up 5 feet

Tim Pagones - But they can't lower theirs 5 feet can they? Can they blast it out?

Zshawn Sullivan - Their foundation is up high

Jacob Bump - It is a natural grade. It is on bedrock.

Lenny Lim - If they were level

Tim Pagones - I mean her house is 5 feet or at least 5 feet lower right now. She is saying how high it is but his house is sitting on the bedrock

Vincent Cestone - Let her finish her presentation

Zshawn Sullivan - So I am just making a statement here that this is a really big house. This is a lot of bulk square footage that the Bumps are trying to put in within 7 feet of my property line. I mean if you look how I built on to my house the southern, the river side I didn't try to impede my neighbor's view. I brought back my second floor back 12 feet

Tim Pagones - Does that have his house moving back the

Zshawn Sullivan - This house is where his is

Tim Pagones - But I guess you are presenting the board some evidence and he changed his plans to move the house back and you are saying, right

Jacob Bump - Correct. The other thing, is it alright to speak on this particular, okay, the porch at the river side of the house is currently enclosed. I don't know if the board members have had a chance to go down there

Zshawn Sullivan - A very small, 12 feet on the south corner of it. 20 feet of the front of the property doesn't have anything there. This little section right here is 20 feet

Lenny Lim - It is only like half the building

Zshawn Sullivan - Less than half

Lenny Lim - Okay

Jacob Bump - It projects actually cross the front of the house and it is more than half of the building. The other thing it is enclosed. In other words, if you were to stand and look directly north or south, there is no transparent view. Now I don't have the neighbors to the south here or on the record, but verbally many times they have stated that it would be a dramatic improvement to have open porches there. It would increase everyones clear or through views.

Vincent Cestone - Are you finished with your presentation?

Zshawn Sullivan - Anybody have any other questions?

Bill Flaherty - How does this affect your view in any way

Zshawn Sullivan - Well the river is out here. The sun is this way. The sun runs this way on the property so considerable amount of sun is going to be lost. Not in the dead of summer but in fall and winter like at 1:00 yesterday, at 12:00 yesterday the top of their 20 foot house that sits right now was the shadows were all the way over to here at my patio right next to my house. So

Bill Flaherty - The height of this house is about 36 feet

Jacob Bump - Correct

Robin Bump - It was inevitable that someone was going to come in and build a two story house

Bill Flaherty - And your house is how many feet

Zshawn Sullivan - 26 foot high

Bill Flaherty - his is 10 foot higher

Tim Pagones - Here is the scenario. Legally he can build a three story house 40 feet high. That is what R-80 zone allows

Vincent Cestone - No he can't

Tim Pagones - Yes he can

Mr. Schlick - This is not R-80

Tim Pagones - What zone is it

Zshawn Sullivan - I have just one other thing that I would like to read and then I will be done.

Tim Pagones - It is an R-80 zone

Zshawn Sullivan - The Philipstown Comprehensive plan that was adopted on March 26th has in the section R1 immediate revisions to the zoning and land development regulations. R1.1 says reduce maximum residential lot coverage and establish maximum height foot print areas where necessary to control the sizes of houses and to ensure that they are in scale with the neighborhood. Neighbors. Require site plan reviews and or revise bulk standards above certain thresholds for house size and or lot coverage in order to ensure neighborhood compatibility for houses above these thresholds. Apply the same requirements to expansion of smaller houses when they exceed such thresholds. Then there is an explanation. There has been much concern

about the construction of very large houses that are out of scale with their surroundings especially in scenic and historic areas. And has significant and environmental impacts due to their sheer size. There is also concern about homes that due to topographic conditions may comply with the height limits but still be 3 or 4 stories high on one side that is negatively affecting the view from roadways and neighbors. Restricting the size of such houses can be done in several ways including limiting the area of lot that can be covered by building. Limiting the square footage of buildings and requiring site plan reviews for houses above a certain size. Such measurements will have the additional advantage of discouraging tear downs thus reducing the speculative value of lots with small houses on them and helps them maintain the affordability of some of the existing houses. Thank you

Vincent Cestone - Anyone else wish to speak on this? Mr. Schlick

Mr. Schlick - I would just like to address the issue of R-80 zone and we have been down this road many times. If this was R-80, 50 foot lot that has to be 30 foot from each boundary would be -10. You couldn't build

Vincent Cestone - I know

Mr. Schlick - 30 foot from this side, 30 foot this, that is 60 foot. How can you build on a 50 foot lot?

Vincent Cestone - I know

Mr. Schlick - It's not a regular R-80 zone

Vincent Cestone - I know

Mr. Schlick - I have no problem with someone seeking a second story okay. But to put an attic on top of a second story, only gives way for another living space. The Fulfords house is one story. Now picture this one story on the south side, her house is 26 feet, how can you put a candle stick in the middle. It is going to look like New York City with a skyscraper in the middle. Look at it. One story, two and I will call it three stories when you have an attic because that is the potential for making a third story. And they're two or three feet apart. On a 50 foot lot. You've got to go down there and see it

Vincent Cestone - I've been there

Mr. Schlick - I have over 100 foot and I was never allowed more than 1 story and a loft is all I was allowed. No attic. You want a loft, you can have it. But no attic. And now to go to this and the idea is what we always flop back to, R-80, it has never been an R-80

Vincent Cestone - I didn't say that

Mr. Schlick - No no no. I am just making a point. It has been in the record I don't know how many times and agreed that this is what they call non-conforming. All right. To quote the poor gentleman that used to sit right there and has now passed away, a very astute individual and many times he made that point if you remember. He brought us all to the point hey wait a minute, we are not talking R-80 we are talking 50 foot lots. And he was entirely correct. The 36 foot really really bothers me. That you can have a third story on 50 foot. With one story here and barely a two story here and you put a candlestick in the middle. That's just for you to think about. My second point is that you can't, you can't say that a roof over a porch is not going to bother anybody's view. Of course it's going to block the view. How much view it blocks, that's subjective to the people that are on the other side. But to have that, we just got here last year that was an illegal porch. It was never allowed to be. We came to support the individual because it has been there for 30 years. I'm 30 years down there, 35 years. And let it be. But now you can take and build on top of that then put, fine you can put a porch on top of it but then have a roof over it. It just goes a little bit too far. And of course, my last point is percentage of lot. We have to look at the size of the lot. When I say percentage, you might say you have a 300 foot lot by 50 foot and that is X number of square feet. However, part of that lot is road. And the other part is the river. So when you come down you are not on 10 percent of the lot. You are probably on 60 or 70 percent of the lot. Take away that road and the river, you own the land under the water but you really can't count it as your lot. I think this has to have a real serious view of putting something this big in the middle of two small buildings. Thank you very much.

Mary Schlick - Mary Schlick. Just a quick thing. Certainly no one objects to the Bumps increasing their house and making it nicer. However, I think the board has to look at precedent and I think that the Cooper debacle was something no body ever wants to see happen again. And that was 38 feet tall and it is down a hill from this house which will be 36 so that will be much much higher looking at it that way, comparing it. The other thing is if you look at Mrs. Sullivan's percentages of size, square feet, that is the kind of precedent we have to look at. We have to go along with the rest of the neighborhood. Thank you.

Vincent Cestone - Anyone else wish to speak

Bill Flaherty - Will this become the largest house on that road as a result of this?

Vincent Cestone - We have the numbers here

Robin Bump - Realistically we are also at the peak of the road. The road is not flat. We are at the peak of the road. So it isn't realistic to think that ten 2-story homes are going to be flat when the road is going like this.

Bill Flaherty - That's a good point

Lenny Lim - Bill had a good question, is this going to be the biggest house on the block?

Jacob Bump - It depends on whose math one uses to be perfectly honest with you. I mean I absolutely stand by my math and my take-offs and what I presented to the board at my last hearing. Whenever it is time to speak Mr. Chairman I will attempt to address the concerns the best I can.

Bill Flaherty - Well it is not the largest single house on the block in terms of cold square feet.

Jacob Bump - My understanding of the Code, and someone correct me if I am wrong here, total square footage or livable square footage as conditions states. Meaning there is heating at those spaces. Porches are not conditioned space

Vincent Cestone - Well for the purposes of the code that is true but as for the purposes of bulk we include the decks

Jacob Bump - My numbers then presented at the last meeting showing the

(turning tape over...may have lost some dialogue)

Jacob Bump - ...I want to address, as I recall them, let me address the point raised by members of the audience. Mr. Schlick, you mentioned first of all the overall house of the house

Vincent Cestone - address the board

Jacob Bump - okay. Now this is difficult because there is interpretations _____ and in essence when I make a substantial investment, purchase this piece of property and do my diligence, I go in I say what code applies. I clearly am told that it is R-80 code. These are the limits in terms of height at R-80 and these are the limits in terms of setbacks in R-80. I know from the get go that I am going to need variance setbacks. The Code as read interpreted and as I am informed allows me to build up to 40 feet high. Now that was never our intention. I am below it. I have lowered further still. I wish I could have a basement. I can't. It is bedrock and I would never be allowed to blast in such close proximity. It is an impossibility. There was a concern raised about a third floor. As I have said many many times it is not going to be finished space. It would be illegal to have a third floor without fire extinguishers, there will be access it is going to be almost entirely occupied by HVAC equipment. The septic approval is based on the condition that there only be bedrooms, the same count of bedrooms which there are in the new structure. It is not finished space. It would be illegal to do so. That's the bottom line. It is not going to happen. In terms of the overall height of the house and

the analogy made to a candlestick between two structures on either side, I understand that it is going to be a higher structure. The Sullivan's to the north at the property line, there is an approximate 5 foot difference in natural grade. That is not the house line. If I were to go down to their house my guess is that it jumps by 2 or 3 feet because the house difference in grade from zero zero at foundations and the property line differences in grade are two different things. The neighbors to the south, the Fulfords have again expressed no concern. They are very encouraging of the project. The additional points raised, I understand that one has to take into consideration the bigger precedent of maintaining the aesthetic and architectural quality of the entire road. The building that we have purchased is literally falling down. It needs dramatic improvement. What we are doing in my opinion, not impacting views, it is opening them up. Additionally, in terms of lot coverage, the lot coverage remains the exact same. It actually decreases slightly. The current footprint is being maintained. There is no increase in lot coverage except for the extension of the one porch I talked about. But in terms of the condition square footage. In terms of the size of the size of the increase and _____ of change, I mean I don't know, I haven't had a chance to sit here and review Zshawn's presentations. I have to do so. I would have to make sure everything is to scale. I stand by my figures presented which basically stated that the percentage of increase, the magnitude of growth is 36 percent over what we have. I believe that to be very accurate. And again over the last 20 years

Vincent Cestone - What is that based on?

Jacob Bump - The 36 percent takes the current house all enclosed space and the proposed house all enclosed space.

Vincent Cestone - Okay. Because you are going straight up how could it be 36 percent. Wouldn't it be double

Jacob Bump - No sir. Because if you remember correctly we are lobbing off an enclosed sunroom and it becomes an open porch and we are just going up with the second story. So it is not double. If we remove an enclosed area, it is open porch, and we add a second story. We are adding, I have to look at my math but we are adding approximately 1000 square feet. I think it's less

Tim Pagones - You have 900 plus or minus

Jacob Bump - 900 plus or minus

Tim Pagones - and your net living of 2225

Lenny Lim - what's that?

Tim Pagones - You have a gross of 2693, a net living 2225. He had an average

throughout all the _____ of 42.9 percent. He was getting 36 percent. And he had 900 plus or minus square feet of increase

Jacob Bump - I did my math, for the record, I did not count any porches of any of properties along Hudson River Lane

Tim Pagones - So when you had the 42.9 that did not include any porches

Jacob Bump - No sir. It did not include any porches. It is an apples to apples comparison of conditioned space. I think we've done a very substantial job of being considerate, listening to the neighbors concerns, the boards concerns, and addressing them properly. I remember when we started this process it was very clear to me that there was going to be some requirements for compromise on all parties and I think we certainly made a good faith effort to do that.

Vincent Cestone – Okay but you did your due diligence but you didn't study the history of this area. And what I am saying about that is there is a lot of history with this area

Jacob Bump - Sure

Vincent Cestone - So you came and you applied for to the zoning board for a variance I tried to give you a heads up

Jacob Bump - You did and in fact I think I've studied the history of the road and the issues in depth and thus the research. I understand that there has been lots of friction with projects along the road. That was never our intent. We've been think

Vincent Cestone - I know

Jacob Bump - And I mean I think you purchase a structure based on the information that is presented to you including what the zoning code is, you go and do your research and I see that over the last 20 years approximately that when people have renovated their homes, not including porches, not including garages, there is an average increase of 43 percent in their enclosed square footage. We are below that. I understand that the porch that is on the southwest corner of our house was given a C of O, it was built illegally at some point in time and given a C of O as a condition of the sale some years back. Sale prior to us. But with the C of O it is legal space. I can't change that. That's the information I had at hand. And it is inhabitable legal space. There is no further encroachment upon the river. That was certainly a concern. There has been no comment except by the Sullivans to date about view impairment. Certainly not from the neighbors to the south, the Fulfords. Certainly not from any neighbors that live up the hill or to the east of our property. You know the issue of sunlight, I understand it but the fact of the matter is there is almost, there is significant impairment now to the sunlight. I don't think there is going to be a net change there. Someone would have to go and pay

