

ZONING BOARD OF APPEALS

May 15, 2006

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, March 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
	Joan Turner	-	Member
	Tim Pagones	-	Counsel
ABSENT:	Victor Carlson	-	Member

Vincent Cestone – For those of you who are here for resolutions, we won't have those tonight because our attorney's computer died and the resolutions will be read at the next meeting on June 5th. Now let's do the reviews for completeness. Open Space Institute.

Tim Pagones - Open Space we just have to set down for a hearing. That came back from the planning board and I think Mr. Watson is here for that so if you want to set it down.

Vincent Cestone – June 5th

Tim Pagones - June 5th

Vincent Cestone – Dee II. That's the other guy's son.

Tim Pagones - Dee. Robert Dee. Okay. There is no dimensions on the plans about heights or anything like that and I realize he is going straight up but on the survey it doesn't show anything

Vincent Cestone – That's okay

Tim Pagones - So I don't know. I don't think anyone is here

Vincent Cestone – Is Mr. Dee here? No.

Tim Pagones - So I would say it is incomplete

Vincent Cestone – Incomplete

Bill Flaherty - I would just like to raise a question. He is adding two bedrooms to his home and 2 ½ more baths.

Tim Pagones - Well he is going to have to get any proof from the board of health

Bill Flaherty - Yeah

Tim Pagones - We can make that a condition

Bill Flaherty - Because I didn't see it in the file here

Tim Pagones - Well he will have to make it as a condition before he can get a CO he has to have board of health approval

Bill Flaherty - Okay

Vincent Cestone – Anthony Carlucci.

Tim Pagones - That I looked at the survey. It looks like their deck is hand drawn in. So incomplete.

Vincent Cestone – Tyjan Corporation

Tim Pagones - Tyjan Corporation. I spoke with Mr. Watson today. The only thing that was missing was a line-drawn showing the setback

Glennon Watson - I have extra corrected prints

Tim Pagones - In other words on the map it had a line across showing 50 foot setback, 100 foot setback. He is saying that the building is going to be like 82 feet. We just need a line from the center showing 82 feet and believe he's got that so it is complete. June 5th.

Vincent Cestone – June 5th. I guess the only thing, do you want to just do the review of minutes

Tim Pagones - And there were two more. You had Sussmeier and Harnett which I don't know if we received anything new on.

Lenny Lim - So they are still incomplete

Tim Pagones - If we haven't gotten anything new. Then they are still incomplete

Vincent Cestone – Sussmeier

Tim Pagones - Sussmeier was the one with the

John Sussmeier - I am John Sussmeier

Tim Pagones - Oh okay

John Sussmeier - I wasn't aware that anything was missing.

Tim Pagones - What you have to do is you are looking to reduce the square

John Sussmeier - Right

Tim Pagones - So we need to know which square, you have all these dimensions and percentages, we need to know what exactly you are reducing the square to

John Sussmeier - Okay

Tim Pagones - So if you amend your application

John Sussmeier - The square is 223 feet, if you want to plot them on the drawing

Vincent Cestone – No no you plot them

Tim Pagones - You need another set of drawings with a 223 foot square

Lenny Lim - Yes

Tim Pagones - And once we get that then we can ship it to the planning board. So if you can get that to us in a week or so, we can get it to the planning board for next month. Because Special Use Permits get referred to the planning board. Even though it is a reduction of a square it is still considered a special use permit.

John Sussmeier - Okay. How does this normally get communicated? Because I was unaware that I was missing anything and I submitted this application 5 weeks ago.

Tim Pagones - There must have been a snafu and I apologize for that.

John Sussmeier - So I have to wait a whole month.

Tim Pagones - No what will happen is, I am telling you today if you plot it and show what the square is going to be, what your reduction actually is, we can refer it to the Planning Board. It will be on next month's agenda for the planning board. The planning board meets the third Thursday of the month, there is no way you can get on this month's

John Sussmeier - Yeah, they meet this Thursday

Tim Pagones - So you would be on the third Thursday in June. They review it and then it comes back here.

John Sussmeier - How many copies do you require

Kim Shewmaker - The planning board plus our 7

Tim Pagones - The planning board needs 14

David Brower - 19

John Sussmeier - got it.

Vincent Cestone – Do you want to, I guess we can't refer it until we get it

Tim Pagones - Assuming we get it in a week or so, it will ship right out

Vincent Cestone – Okay. Sir?

Greg Harnett - I'm Greg Harnett. I also didn't get notified that my application was incomplete

Tim Pagones - One second. You need a Deed and a survey

Joan Turner - Isn't that, when you apply for a variance, isn't that on one of the requirements is a list of requirements right on the application form that says you need a deed and a survey?

Greg Harnett - And I thought I included that in the packet

Tim Pagones - There is a survey but it doesn't show where's the shed. It has a hand drawing. It has to be certified. In other words, you can't just draw the shed and say this is how far it is going to be. Someone actually, if it is a proposed shed or if it is an existing shed, it has to be either shot or drawn in. And we need a copy of your deed.

Greg Harnett - Now define shot

Tim Pagones - If it is there, they would go shoot it. They go with their instruments and this is the exact dimensions and this how far it is from the property line.

Greg Harnett - June 5th?

Tim Pagones - June 5th.

Greg Harnett – Thanks

Vincent Cestone – Okay. Review of minutes. Do we have any additions or corrections?

Joan Turner - I don't

Vincent Cestone – With that I will entertain a motion to accept the minutes as submitted.

Bill Flaherty - I so move

Vincent Cestone – I second. All in favor?

All Board Members - Aye

Vincent Cestone – Next on the agenda is MHCP Realty. Mr. Watson?

Glennon Watson - Good evening. I am Glen Watson from Badey and Watson Surveying and Engineering. I am here with Mr. Giachinta who is the resident of the concrete product MHCP Realty LLC. The company has made an application to the planning board for site plan approval to construct the building seen on this plan on his property on Route 9. The property is located about 600 no let me correct that, about 500 feet south of Mill Road on the easterly side of Route 9. It is located next to Mid Hudson Concrete products which is to the south and next to Pidala Oil which is to the north and the next intersection is Mill Road. The property is about three quarters of an acre, a little bit more perhaps. There are two buildings on the property. Mr. Giachinta seeks to build a garage to store his trucks and operate the trucks from his company out of this garage. We originally went to the planning board and we have had this building slightly closer to Route 9. Our problem was in designing this was having enough room to maneuver the trucks out of the back of the garage. We were constrained by the triangular shape of the property. We were constrained by the normal setback requirements. We were further constrained by this bump you see here where there is an additional setback required for a residential district. We have respected all of that. We were unable to respect the distance from the center line of Route 9 and we are seeking relief from that. We have respected the distance required from the street line of Route 9. So that is 50 feet and we have

respected that. We need 100 feet from the center line and we have a little over 75 feet and we are seeking relief from that. We looked for some alternatives, Mr. Miller's office suggested some alternatives and we feel that this is the best solution for all parties. Mr. Miller's suggestion was to turn the building 90 degrees so the doors face to the north and we felt that that was going to be less desirable architecturally and it would also create a situation where we couldn't make a practical connection between the two related properties here. If we turn the building 90 degrees, we would have to go out here, up Route 9 200 feet and in here into the next piece of property. And that would happen on quite a frequent basis. By pushing the building a little forward, we can hide the parking in the back, we can make an internal connection between the two buildings that will reduce the traffic circulation on to Route 9 substantially. So we have left plenty of room and you can see on other buildings that Mr. Giachinta has proposed, he has authorized us to design and he is committed to significant landscaping, architectural front on the building, this gives us the ability to hide the parking in the back, minimize the amount of vehicles you can see from the road, the landscaping will be complimented by next door. If you are familiar with Mid Hudson Concrete, there is some substantial landscape buffer between the building and the product outdoor storage. This site will have no outdoor storage. It is approximately a 30 percent reduction, a 25 percent reduction in the setback. We feel there is no other way to practically accomplish that. This site is maintained, it hadn't been maintained for many years well before Mr. Giachinta, he has maintained but the buildings have outlived their usefulness and it gives us an opportunity to house his business properly, present a much nicer or attractive façade for the community, keep his operational area behind the building out of the sight of the public screened from the neighbors, we think it is the most reasonable solution that we can come up with here. We have presented this to the planning board and I believe they have sent you a letter with a positive recommendation in that regard.

Vincent Cestone – How big is the structure?

Glennon Watson - 60 by 120

Vincent Cestone – and the same people own both pieces of property?

Glennon Watson - This is a slightly different partnership but they are related.

Lenny Lim - Glen do you need a side setback then if it is not the same piece of property

Glennon Watson - We do and we have that. We have the side setback. We have all the other requirements that we can make

Lenny Lim - There is only like 10 feet between the property line and the building

Glennon Watson - that is the setback requirement

Lenny Lim – okay

Glennon Watson - It is a business zone. And in fact there is a provision in here for putting it a zero if the owners agree.

Vincent Cestone - What if you turn the building 90 degrees and put the garage doors on the other property and they can drive in and out from the other property

Glennon Watson - Well again we would have the architectural, the architectural elements of the building wouldn't be as well suited. We would have exposed activities because this building is set as far back there is concern, it is far more exposed to the public. We would have to reserve our rights on this road because these are not technically the same people. Some of the same partners, but not all of the same partners.

Bill Flaherty - How many trucks are you going to house in this

Glennon Watson - 5

Bill Flaherty - if you built a smaller building, what would that mean in terms of delivery trucks

Glennon Watson - It would reduce it. We have 5 trucks in one part and an office. It would house the present operation. There is not much room for expansion.

Joan Turner - The building that is behind it up on that little knoll. What will happen to that, on the survey you show, when I went there today there is a one story framed dwelling.

Glennon Watson - All the buildings on the property

Joan Turner - Will be razed

Glennon Watson - Yes. They are all coming down

Vincent Cestone - How close is the nearest residential building

Glennon Watson - Lets see. This is the entrance to Lyons Gravel Mine, this property here is owned by Gregorio and it is a white multi-family building I would say that is probably the closest one. I don't know, there are some residential structures over here but they are a ways away. And they are downhill. Up here there is the combination Michele's Hair, that combination mixed use residential commercial use is somewhere right down here.

Lenny Lim - Does he border any of the houses on Horton Court?

Glennon Watson - No. Horton Court is behind Pidala. So you go from Mid Hudson with their outdoor storage then Pidala down here.

Lenny Lim – Okay

Glennon Watson - We can have this partial residential zoning district over here that is why we added that extra screening in here.

Joan Turner - I noticed that that is the residential 35 feet and that swoops down to 10 feet

Glennon Watson - Correct

Joan Turner - Now go back over the point you wanted to make about the trucks coming in and being able to turn around. If you brought that building down, back now, the proposed garage back,

Glennon Watson - Move it this way

Joan Turner - Yeah move it back from Route 9 so you comply with the zoning, what is the problem with the trucks coming in and out

Glennon Watson - Well the garage doors are here and simply it is a matter of how much room you have to back out and to move in or back in or back out. However you decide to maneuver. It might be possible to reverse this, put your travel lane now in the setback because you can have your travel lane in your setback. You can have your parking in the setback, you can't have your yard in the setback but you can have your driveway in your setback. So it might be possible to move this building back so it touches this line here and then put the garage doors in the front and take advantage of the front setback area for the driveway but it would really be a disservice for the community we feel.

Bill Flaherty - That I think would be a viable alternative but by the same token it wouldn't be very aesthetically pleasing to the eye.

Glennon Watson - Precisely my point

Bill Flaherty - And I know I am very dissatisfied with a lot of things that are going on on Route 9 and have been for a number of years and I look for improvements in that particular lane up through there where things are pretty bad in my judgment. A lot of mining going on, a lot of rock crushing going on, whatever and I think that, the houses that are there now are pretty dilapidated. I mean this certainly would be an improvement replacing those old buildings. By the same

token I believe our policy has always been in the short time that I have been here, build the building to fit the lot. And we have come across situations like this in the past where we've took that into consideration and as a result of that we have denied the variances that were requested. You have viable alternatives here that you can work with.

Glennon Watson - But the building here is roughly double the setback area and for us to make this, to pull this all the way back to the full 100 foot setback, roughly another 25 feet, we literally cut this building down to maybe 35 feet which really is just an unworkable situation. I think it, I personally think that the very deep setback is doesn't do what it is intended to do. Well it does some of what it is intended to do but it doesn't provide the opportunity to hid the operational portion of the business and in large part one of the reasons you have that sort of situation like at Perks Plaza, today you wouldn't design that. But if you were going to build it you would be pretty much be forced to have parking in the front which contributes to the unsightliness in my view. I will point out the two examples that buildings that Mr. Giachinta has built on this sight which is the Mid Hudson Concrete which is an industrial business but if you go along in front of there and take the opportunity for that landscaping which we will continue to the north, it becomes a much more attractive situation. If you look at one of the newest buildings on Route 9, the automobile body shop next to ESP, where parking was hidden behind the building and we didn't have anything to do with that site plan but parking was hidden behind the building, it was an opportunity to put landscaping, there is an operational area in there but you don't see it. And that was built by Mr. Giachinta. So relief from that setback requirement from the middle of Route 9, not from the edge. We are respecting the setback from the edge of Route 9. It gives the opportunity for us to hide everything and I think it is a much more pleasing than this other flip flop alternative. It practically goes right to the point that you are just making, it will create that situation you are trying to avoid.

Joan Turner - Since Mr. Giachinta owns both pieces of property, what if he flips the building so that instead of having the foliage, the trees, separating the two lots, you've flipped it so that the entrance instead of facing Route 9 would face the other lot.

Glennon Watson - This way

Joan Turner - Flip it the other way. So that your front is now facing the line of trees that you have going south

Glennon Watson - Facing here

Joan Turner - Right

Glennon Watson - Then what happens is that people coming from the south

would have a view of the stacked garage doors or a row of garage doors

Joan Turner - That could be screened somewhat. You would have one entrance into an integrated piece of property

Glennon Watson - It really doesn't work because of the length of the building. The length of the building precludes the connection.

Bill Flaherty - You have access to Route 9 on that building

Glennon Watson - Yes.

Bill Flaherty - And you are also proposing that access be given to the adjacent property. Why then would you need access to Route 9 if you move that building further, in as much as you already have

Glennon Watson - Again Mr. Giachinta has property next to it

Bill Flaherty - And I assume trucks are going to go from property to property

Glennon Watson - Going from there to there

Bill Flaherty - Why then would you need the entrance going onto Route 9 from here

Glennon Watson - As I explained earlier, Mr. Giachinta does have an interest in this property, he is not the only partner and he is the sole owner of this piece of property. Partnerships don't always work out. Partnerships change, needs change. It is prudent to protect the entry way or the rights of entry on to Route 9 for this piece of property. We can't rely on always

Mr. Giachinta - Can I say one thing? As Glen said before one of the reasons we want the building like this is, I want it to look very attractive. I don't know if we have an elevation, but the building is going to look _____. Any other way that we turn that building (**cannot hear him**) _____ it is not what I am looking for. I can very easily submitted that to the planning board and I just could have kept moving on. I am taking my time because I want this building to turn out nicely like the rest of them I did. And without this 25 foot I am afraid I am just going to have to turn the building around and have the doors be the other way. And that's not what I am looking to do in this town. I live here, I drive by it everyday, I plan on staying. The other thing is in town we talk about this Route 9 and we don't want it to be 4 lanes, with that 100 foot setback you are making it so easy for New York State to come down here and take our land out in front. You are making it very simple for them. They recommended that 20 years ago and the Town changed the zoning setbacks because the State recommended it. They didn't come out and say they recommended it so when they come down and

through they don't have to spend a fortune to take the land. You are just making it easier for them.

Bill Flaherty - Well I think quite frankly regardless of the setbacks if the State wants to build a 4 lane highway, they are going to build it. And it is almost inevitable that that is going to happen. Not maybe in the next decade but certainly within the next two decades that is going to happen respective of what our zoning codes are.

Glennon Watson - That in fact may be the case and I was one of the people who was opposed to that notion of the extra setback from Route 9 back at that time because if the State comes through, and the State comes through and somebody has put a building there, they have to buy the building and the cost of that building is shared by everybody in the State. If we make the property so that it is unusable for a ribbon of 200 feet we are basically making it unusable to people except for some of that setback area. And the State comes along. The entire State is not going to have to purchase as much and the burden of that cost is being held by the individual citizens and property owners of Philipstown by holding that land without any development potential right now. So it was, _____ Route 9 was a much hotter topic back then when they were talking about it and there was some merit of not making, of having a corridor available, but in the long run it turns out that it would be burdensome on the individuals as opposed to the cost being borne by the entire state.

Joan Turner - Would you please repeat again what the use, this is just going to be a storage garage for vehicles

Glennon Watson - It is going to be active. It is not going to be storage in the sense that the statement of use that accompanied the site plan application. It is going to be an active garage. Employees will come here and they will pick a vehicle and they will do their deliveries and do their work with the vehicles and they will bring it back at the end of the day. So it will be active. And a lot of that business will be generated by the _____.

Bill Flaherty - Where are these trucks stored now?

Mr. Giachinta - I have a location in Garrison.

Bill Flaherty - Pardon?

Mr. Giachinta - I have a location in Garrison.

Bill Flaherty - In Garrison

Mr. Giachinta - Yes. The old white garage

Bill Flaherty - And what are you going to do with that location now in Garrison?

Mr. Giachinta - It is going to be sold

Bill Flaherty - You are going to sell it

Mr. Giachinta - Probably

Bill Flaherty - And move your operation up

Mr. Giachinta - Well it is too much economically traveling back and forth. I have people going to work down there picking up a truck and then they come up to Mid Hudson and at the end of the night they bring the truck back. And in the morning if they are heading to Dutchess, we are making another trip all the way back up the road. It is just not feasible to run my business this way.

Joan Turner - I understand that point completely but when you say an active garage you are basically having people picking up a truck in the morning and then dropping it off at night

Glennon Watson - During the day on occasion. It is not going to be outside moving vehicles around just to

Joan Turner - So even, so dropping it back then, I am not quite sure, just setting it back, on this particular, can you measure it for me Glen? If you just take it from this center line here, from the corner of the building and then dropping it back then. Would that, is it 25 feet? If you bring it back down 25 feet, would that impede trucks getting in and out?

Glennon Watson - I am sorry

Joan Turner - It's easier if you just look at. See this corner here. From here to here. I don't know what that distance is and I just drew this line as an approximation

Glennon Watson - We would never get the trucks out of there

Joan Turner - You could not?

Glennon Watson - No

Joan Turner - You can't?

Glennon Watson - No you can't do that. I mean you might get this end one out over here, this is barely enough right here. It is barely enough and that's, we actually anticipated asking you for two variances to push it a couple of more feet

forward. The Planning Board suggested well why don't you live with this tight situation back here and push it back and then have to only ask for one variance. The minimum we need so to speak. Well we discussed that and we decided that we could deal, we would deal with the tight situation at one garage (**papers being shuffled...lost microphone**)

Joan Turner - Was it 50 feet that you say that this distance was to move it back? What was the distance?

Glennon Watson - We would have to move it back approximately 25 feet

Joan Turner - 25 feet

Lenny Lim - that is going to be a 3-story building

Glennon Watson - no. 2-story with a peaked roof. It's architectural. It's all architectural.

Bill Flaherty - How high is that going to be?

Glennon Watson - 34 feet from the ground to the peak

Vincent Cestone - any more questions from the board? Any comments from the audience?

Sean Ricketts - Just one question. Not that I am complaining. In terms of the trucks, we live actually on the last house

Vincent Cestone - Introduce yourself

Sean Ricketts - I'm sorry

Vincent Cestone - Introduce yourself

Sean Ricketts - Oh my name is Sean Ricketts and I live on _____. The reason we came is because of the trucks. I know that it is not a big deal but the building facing to the back and all the vehicles are in the back of the property. They are going to be coming and going and not that you can really in the summer see it, but in the winter you can see it but now you have 5 trucks and they are coming and going and that backing up beep beep beep, but that is the question I had, was even though it doesn't show the houses there, you have the Campbell house which is right behind that and there is another house to the left of that and we are on the top.

Vincent Cestone - Wouldn't the trucks beep on the other property be doing the same thing?

Sean Ricketts - They are and now we are talking about 5 more bays.

Glennon Watson - We are talking about the same trucks. It is being housed here as opposed to driving here every morning and driving back to Garrison everyday. We are not anticipating more activity in terms of the deliveries.

Sean Ricketts - I can't imagine that it is not going to _____ noise. And maybe there is some way to solve just that noise problem with a different safety feature.

Mr. Giachinta - If it is just the beep, I can put bells on the wheels. It doesn't emit such but it is enough.

Vincent Cestone - Will there be any lighting on this structure? Exterior lighting?

Glennon Watson - They are residential type lighting that is proposed.

Vincent Cestone - Any more comments from the audience? Any more comments from the Board? Do we wish to keep it open to think about it or do you want to close it and then have discussion on it?

Tim Pagonis - Well I guess, if you have more concerns or you want to see different things, keep it open. If you have more questions for the applicant, keep it open. But I guess if it is for suggestions, not suggestions, discussion amongst yourself, unless you want more information or more design layouts or something, you can close your public hearing.

Joan Turner - I think I never got in my package the comments from the Planning Board. Where they submitted?

Kim Shewmaker - For this one? It's not a special use.

Tim Pagonis - They went to the, they started originally for a site plan before the planning board. I don't see it in my files.

Joan Turner - You said there were comments

Glennon Watson - We did

Joan Turner - I would just like to look at that before I make a final vote.

Glennon Watson - It was directed to you.

Lenny Lim - Is there any way you can downsize that

Mr. Giachinta - Not really. That was the main purpose, we wanted to keep the

vehicles inside. There is room in there for my forklifts, my loader and all that stuff inside you won't see it.

Kim Shewmaker - Nothing in the file from the Planning Board.

Lenny Lim - What was the size of that property? How big is it?

Glennon Watson - 1.1 acres

(Shuffling papers...cannot hear conversation)

Joan Turner - but we should look at the planning board's minutes and the recommendations. I would feel _____ doing that. And bearing in mind _____ I would feel more comfortable

Tim Pagones - so why don't you keep it open for June 5th. You get copies of the minutes. I can just tell you I am at the Planning Board meetings and as was mentioned by the board members what you have is your Route 9 corridor and if you want to have another buildings with the bays facing the front, I can tell you that the Planning Board liked it, they did go over all the alternatives. But definitely if you read the minutes you will see that.

Joan Turner - I would certainly be more comfortable.

Glennon Watson - Minutes are on Philipstown.com

Joan Turner - But they are not always up to date.

Tim Pagones - So keep it open until June 5th and we will get the minutes and the letters.

Glennon Watson - Okay

Tim Pagones - They were on a while ago so the minutes should be on there. It wasn't just last month.

Glennon Watson - We were on there in February

Joan Turner - February

Tim Pagones - One thing with Palmer. Remember there was discussions of what we were giving the variance for. They also need a variance for their house. So we need to reopen that public hearing and I would suggest putting it on for June 5th. It wasn't just the shed and the pool, remember it was that accessory building, the one where we denied the shed and granted the pool? But they also need a variance for the house which has been there forever. So you can't just

say okay we will give you the house. So we have to reopen that and I would suggest putting that on for the 5th. It should be quick.

Joan Turner - So you need an unanimous

Tim Pagones - Yeah

Joan Turner - Motion to reopen the public hearing

Tim Pagones - And we will renote the public again. So we need a unanimous do you all agree to reopen it

Vincent Cestone – Yes. Any new or old business?

Joan Turner - Yeah I

Mike Kelly - I have a question. Have you heard from Omnipoint yet as to where they are going to put the trees

Tim Pagones - I believe they have an agreement with the land owner. But I know they had sent you a letter

Mike Kelly - They haven't sent me anything

Tim Pagones - Because I have a copy of some plan that they had for like \$7,000 worth of planting

Mike Kelly - That's what I got

Tim Pagones - That was their backup. The last I heard from Mr. Gaudioso was that the landowner was going to allow them to lease more stuff but he had asked me to also include in the resolution if for some reason the landowner changes their mind, here is a list of plantings they would do for Mr. Kelly. And I got that from them

Mike Kelly – okay

Joan Turner - The only point I want to make since Tom is here because I can ask him what to do. On Nelson Lane we granted a variance to I can't remember the name of the people, it began with an "S". It was a barn. They enlarged the barn for storage. They are running a business now out of it called Ladies who Launch. A neighbor called me she didn't want to make the complaint because they are neighbors, but there is a business running out of the barn and my question is, did they go ahead and put heat and a bathroom in which they said they weren't going to. We said there was no heat, no bathroom and then are they what you consider a home business or does it fall under some other

document that they need?

Tom Monroe - I don't know

Joan Turner - So I told her I would ask. But I forgot the people's name

Tom Monroe - Struck

Joan Turner - Ladies Who Launch

Lenny Lim - Launch

Joan Turner - Who launch. It is a self help group

Lenny Lim – oh

Joan Turner - But I think if you want to start your own business and stuff like that. So they have seminars that run 4 weeks \$250 and they do this continuously. But I told her I would look into it.

Tom Monroe - I'll check it out

Vincent Cestone - Where is this Joan

Joan Turner - On Nelson Lane in Garrison. We gave them a variance to enlarge. It was for storage. But now it is a business. They needed a second story. And that's all I have to say.

Ande Merante - On this issue with Route 9 and the setbacks, I think when you read the minutes I believe you will see that the Planning Board was kind of split on that setback and there were a couple who strongly wanted to hold to it and a couple of the others, me included, were not so adamant on that 100 foot. The point that Bill made tonight about the state coming in, when I was still on the Town Board I helped talk with some people from the DOT when Billy couldn't make it and the one thing they did said and God knows they can change their mind at any moment, they would never come through Philipstown, bulldoze their way through like they did in Fishkill. They would sit down with the Town and see what the Town wanted to do. And they have not, and this was 6 or 7 years ago and there is absolutely no indication that they are going to come through and do what they did in Fishkill. Not that they couldn't do it.

Lenny Lim - I think it would be really hard for the Governor here but

Ande Merante - Well they can do it, there is no doubt about it. But we are talking about a substantial amount of plans. It is not just because they have to buy up a lot of buildings, I mean the topography of it is totally different than

Westchester and Dutchess County.

Vincent Cestone - Because you know what will happen, they will come in and widen the road and then all of a sudden all that landscaping is torn out and the road is 10 feet from the building and what are you going to do?

Ande Merante - That's the thing Jerry was just saying the zoning advisory committee, it is one of the things to discuss with the new zoning in view of the comprehensive plan. It is going to be an important issue.

Vincent Cestone - With that I will entertain a motion to close for the night?

Bill Flaherty - I so move

Lenny Lim - I'll second

Joan Turner - Wait

Jack Gish - Did you approve the resolution for Gish?

Tim Pagones - No.

Vincent Cestone - His computer crashed

Tim Pagones - But Mr. Monroe is here and I am speaking with him about

Jack Gish - Because you are at the end of your 62 days

Tim Pagones - Well we are granting you. So I guess if you wanted to sue the board to say where is my resolution I want it, you would be wasting thousands of dollars. It is one thing if they are denying it.

Tom Monroe - Can I anticipate that the board is not going to change their mind? Okay. We will issue a permit

Jack Gish - Okay

Bill Flaherty - I move that we adjourn

Lenny Lim - Second

Vincent Cestone - 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: 6/5/06

Respectfully submitted,

Kim Shewmaker
Secretary