

ZONING BOARD OF APPEALS

June 26, 2006

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, June 26, 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 Pagonis	-	Counsel
ABSENT:	Victor Carlson	-	Member
	Kim Shewmaker	-	Secretary

Vincent Cestone - I have some sad news to report. A founding member of the Zoning Board has passed away, Vic Carlson has passed away. And we are all very sad here. He was a man of quiet dignity and impeccable honesty and he was truly, I guess you would say a son of Philipstown. I remember any time we had a question or a comment or needed some information, we could always depend on Vic. We could give him a call. He would not only give us the correct answer, he would give us the history behind how that ruling was made and give us five examples of how it was used. He will be missed very very dearly. Everyone in Philipstown has been touched by him in some way and his legacy I think will be with us for as long as we are here. And if I could ask for a moment of silence. Thank you. First item on the agenda is Robert Dee II.

Robert Dee II - Hi

Vincent Cestone - Hi. How are you doing?

Robert Dee II - I have applied for a second floor addition on to an existing residence. The house originally had 20 foot setbacks and now it has become 30 foot setbacks zoned. So what I am seeking is a 10 foot variance to the house, 9.22 to the foundation on what would be the southern side. So I can put a second floor directly on top of the existing residence.

Vincent Cestone - Okay so you are not increasing the footprint of the building

Robert Dee II - It will not increase the footprint of the building. It will be identical to what is there now.

Vincent Cestone - And how high are you going?

Robert Dee II - Total height will end up being, it's on the plans, to ridge point from the lowest rate is 29 feet total height. And at the highest point I believe it only goes to 34 feet. The foundation has different levels. Some are more covered with dirt and some is less covered so the average mid point is 29 feet and the highest point is 34 feet.

Lenny Lim - So the highest point is 34 feet?

Robert Dee II - The highest point from the most exposed part of the ground of the foundation to the absolute highest point is 34 feet. I'm sorry it's 35. It's right here on the second page on the elevations. And it is on that chart right there. 35 is the highest and it is 29 to the average grade to the midpoint.

Bill Flaherty - Are you adding two bedrooms to the house?

Robert Dee II - The two bedrooms will actually be the only bedrooms in the house. It was a two bedroom house when I got it but how it was set up by the owner prior had destroyed one of the bedrooms and turned it into a gigantic bathroom.

Bill Flaherty - I see that

Robert Dee II - Basically what we are going to do and what he did, the bathroom he made a very large closet. So what we are going to do actually is take down a wall in one existing bedroom of the house, we are going to take that wall out and that will give us a large dining room and living room area that we currently don't have because we have one small bedroom. And rip out the closet to give us that larger dining room and living room area and just have the two bedrooms upstairs. They will be the only bedrooms in the house

Bill Flaherty - You are not adding any additional bathrooms

Robert Dee II - We are adding

Bill Flaherty - You are

Robert Dee II - 2 additional bathrooms yes

Bill Flaherty - did you go to the Putnam County Health Department

Robert Dee II - it is actually listed as a, the septic system is set for 3 bedrooms

which I don't know why that was, but that is how it was initially done

Joan Turner - do you have certificate to that effect

Robert Dee II - I can find it, I'm sure I can find it if I don't have it tonight. I don't have it on me to be honest with you. I can get it.

Bill Flaherty - Because whenever you add a bathroom, it is the law as a matter of fact, you have to contact the health department of Putnam County

Robert Dee II - I did not know that and my builder hasn't done that yet. We spoke to them and we talked about fields. We thought fields were going to be an issue but it is not. We have not discussed anything with the health department for adding bathrooms. All we did was check

Bill Flaherty - It is in the process

Robert Dee II - Yes it is in the process. My builder is here now.

Joan Turner - The board of health certificate?

Robert Dee II - He asked if we had got one and we had not got one. The only work I did on it was I researched what the septic fields were for. I did not talk to the board of health. I will leave that to my builder.

Joan Turner - I have a couple of questions about the appeal itself. I am confused about the fact that the application for the building permit is blank. It is not filled in at all. So you are asking this board to give you a variance on something that should really be specified clearly. And it is signed by the building inspector. So basically I would say this is carte blanche to build whatever you want. So for me to vote, I would like this totally completed. And I don't know why it didn't come to us completed. The other thing I find missing from your file is, this is the renewal of permit #525 but 525 itself is not in the file.

Robert Dee II - Can I see what you are speaking about

Joan Turner - This building permit is a renewal of 525 but it doesn't specify what it is for. So what was 525 the building permit for

Robert Dee II - I don't honestly know. This was what I was given from my attorney, I assumed it was the correct certificate of occupancy

Joan Turner - And the other thing that you need is the original certificate of occupancy which shows that you have a nonconforming structure. Pre-existing nonconforming

Robert Dee II - Right

Joan Turner - So that the variance you are asking this board for is not only an extension for your variance, it is 175.82, which is to enlarge. You have to ask this board for a variance for that.

Robert Dee II - I believe we discussed the 175.82 last time. I thought we had added that to the document that I turned in. As far as the building permit being not properly filled out to your expectation, we can handle that, we will address that. I wish you would have told me at the last meeting so I could have done it

Joan Turner - I just went over the file with a fine tooth comb tonight before the meeting. But it is something that should be checked by the building department. I mean this is not our responsibility to fill this out

Robert Dee II - I understand that

Joan Turner - I am just surprised that Tom Monroe would sign a blank document.

Robert Dee II - I didn't sign it

Joan Turner - I know you didn't sign it. But this is, can't do it.

Robert Dee II - I just wish we could have gotten through this last time

Joan Turner - This is why we have a hearing tonight. It should have been picked up and this file should have been reviewed by Tom Monroe. And he would have picked it up and he didn't, so we are picking it up. I just think those are technicalities that are important to the board because we need to have them as part of our zoning code. Go ahead Bill

Robert Dee II - I was just about to say that shouldn't it be appropriate for a building inspector to help the applicant out in making out the application. It only takes about 10 minutes to do that and it would have been the appropriate thing for him to have done unless you came in and just filled out the building permit and then didn't ask him any questions. I don't know what the scenario was

Joan Turner - I asked Mr. Dee that last time did he get help from the building department and he said no he was just given the application and he filled it out himself.

Robert Dee II - He seemed quite busy that day Ma'am maybe that was it

Joan Turner - Well but one of the things I think, and this is something you might go back to the town board with, is that on every application that Tom Monroe

should sign off on. The appeal that comes before us. And in this way he has looked at it, he has reviewed the codes that have to be what the variance is for and marked the codes that the variance is being asked for. This goes back to what happened with Cooper. So I think this is something the Town Board might be able to implement more effectively than this board

David Brower - I will bring that up

Joan Turner - Okay so for me I would like to see the original certificate of occupancy for the house, the building permit for 525, and the filled in application for building permit. And I think we can proceed, for me anyway, the rest of you can do what you want

Vincent Cestone - Other than those procedural things I don't have any issue

Lenny Lim - Would you like to see the

Vincent Cestone - Yes I would

Lenny Lim - And you want the board of health certificate

Robert Dee II - You want the board of health certificate saying that we are applying to put in two more bathrooms

Joan Turner - Yes. The board of health will sign off on the fact that you have enough expansion room for your septic system

Robert Dee II - For the two new bathrooms

Joan Turner - And that your site can accommodate that

Vincent Cestone - That should not be a big deal

Robert Dee II - Because we are not adding any bedrooms just bathrooms

Vincent Cestone - Right

Joan Turner - And that is strange too because you can add a bathroom

Robert Dee II - That's exactly what they told us when we talked to them. They said you can add 100 bathrooms it is how many bedrooms you add. That was their big argument. We are not adding bedrooms, we are ripping out walls.

Joan Turner - So you are right there so maybe its

Robert Dee II - That's why I didn't get us _____ they didn't think it was a

problem since I wasn't adding bedrooms

Joan Turner - I think you are right on that

Vincent Cestone - So we need those two things and

Robert Dee II - Three things

Vincent Cestone - Three things and then we will continue on for July 10th

Robert Dee II - July 10th

Vincent Cestone - And hopefully we can put this thing to bed

Robert Dee II - All right. Thank you very much

Vincent Cestone - One thing. Anybody wish to talk on this? Next item on the agenda is Joseph Ressa. Hello Mr. Ressa. Tell us what you are here for.

Joseph Ressa - I need to get a variance for my deck

Vincent Cestone - Now you are adding a deck or

Joseph Ressa - No. The deck is already there

Vincent Cestone - And how did it come that you

(cannot hear him...he is speaking too low and there are papers shuffling near microphone)

Joseph Ressa - ...it is 17 feet over.

Joan Turner - So you had already built it and

Joseph Ressa - It was built about 20 years ago yeah

Joan Turner - There was no building permit when you built it

Joseph Ressa - Right

Joan Turner - So they came to inspect it

Joseph Ressa - And they measured it and I have 17 feet

Lenny Lim - You built the deck or you had it built\

Joseph Ressa - I had it built

Bill Flaherty - How did it come about that you have a _____

Joseph Ressa - I am selling the house

Bill Flaherty - Oh you are in the process of selling

Joseph Ressa - I sold the house

Bill Flaherty - You sold the house

Joseph Ressa - And the owner went to get a CO on it and then I went to the building department and they came and checked the deck and they saw there was a, over the

Vincent Cestone - Is this the deck right here

Joseph Ressa - Yes. And here is the end of the property right here and it was built this way.

Vincent Cestone - And there is nothing over here

Joseph Ressa - No

Lenny Lim - Did you go down there Vinnie. This is Continental Village

Vincent Cestone - Yeah

Lenny Lim - Have you seen this

Vincent Cestone - No I haven't. Is this the land where the stream runs behind it

Joseph Ressa -. I'm on a hill

Lenny Lim - What's on this side

Joseph Ressa - This is Sprout Brook Road right here

Lenny Lim - What's here? How long you live there?

Joseph Ressa - There is nothing back there. All the way up to, there is a house way back. Way way back.

Bill Flaherty - And you have a new owner for this house. What problems would it cause if you didn't get a variance?

Joseph Ressa - I don't know

Bill Flaherty - You already closed on the house

Joseph Ressa - Yes. They knew I would go through Town to get the variance.

Bill Flaherty - Would that cause any problems with the new owner? She likes the size of the deck but she wouldn't be willing to take 10 feet off?

Joseph Ressa - I don't know about that. 10 feet. No. I closed. I will be moving soon. But it took so long to get the survey and

Joan Turner - It is an R-20. They need 15 feet

Tim Pagones - Right he needs a 4 foot something

Joseph Ressa - Right. I built it 4 feet over

Joan Turner - Your title company didn't pick up the fact that you didn't have a building permit for this or you needed a variance

Joseph Ressa - Unless they waived it. I don't know

Joan Turner - In the title search it didn't come up as an issue

Joseph Ressa - No one said anything

? - Did you already sell the house

Joseph Ressa - Yes yes I closed

(everyone talking at once...)

Joseph Ressa - we started 3 months ago. I took us 3 months to get to this point. The house was sold the end of April

Tim Pagones - who is the new owner name

Joseph Ressa - Robinson

Tim Pagones - We will need that because technically they are the owner, they are getting the variance.

Joan Turner - Have you closed

Joseph Ressa - Yes

Joan Turner - So legally it is their house

Tim Pagones - So you just have a post-documentary agreement

Joseph Ressa - Yeah because we started this in April

Tim Pagones - Right. So we can amend it to put the new owners' name on the variance. We just have to get that.

Joseph Ressa - Okay

Tim Pagones - And you had somebody build this for you 17 years ago

Joseph Ressa - Yes

Tim Pagones - Contractor who didn't do what he was supposed to do

Joseph Ressa – Yeah

Lenny Lim - Contractors know they need permits

Tim Pagones - Contractors do a lot of things

Lenny Lim - Oh yes they do

Bill Flaherty - You built it yourself

Joseph Ressa – No I had someone build it

(all talking at the same time)

Vincent Cestone - Any more questions from the board? Any comments from the audience on this? I'll make 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?

Bill Flaherty - I'll second

Vincent Cestone - All in favor

All Board Members – aye

Vincent Cestone - Bill?

Bill Flaherty - I vote to approve

Vincent Cestone - Joan?

Joan Turner - I vote to approve

Vincent Cestone - Len?

Lenny Lim - I'll vote to approve

Vincent Cestone - And so will I

Tim Pagones - I will try and get a resolution for the 10th

Joseph Ressa - I'm in the condo

Vincent Cestone - I am thinking about that too

Mrs. Ressa ? - Downsizing is horrible. When you have children and they leave all their stuff in your house

Vincent Cestone - That's why God created dumpsters for

Mrs. Ressa ? - I just did.

Joseph Ressa - Twice. Two loads

Vincent Cestone - So that was a straw poll. An official vote is when the resolution is read.

Tim Pagones - July 10th I hope to have the resolution

Joseph Ressa - And I don't have to be here

Tim Pagones - No

Joseph Ressa - Thank you

Vincent Cestone - Next item on the agenda is Morton D Williams. Just explain what you are here for

Karen Parks - Hi my name is Karen Parks and I am here representing Morton Williams the owner who is also present in the audience tonight. We are here to apply for variances for some small addition. But first I would like to clarify that in completing this application for a variance request it came to my attention that the existing house and deck were in violation. The house was built in 1966 and the C of O was issued at its completion in 1967. And the owner was unaware until now when we began this process and got an updated survey that the house was actually built within the setbacks. So as a part of this application tonight we would like to clear up those previous

Joan Turner - You want to amend it and then add the variances

Karen Parks - It is all included

Lenny Lim - I am having a problem going any further. With all these drawings here there is no measurements for heights or anything.

Karen Parks - Those are not my drawings. That one right here

Joan Turner - That's Dee

Lenny Lim - Oh I'm sorry.

Tim Pagones - So you had gotten a CO for the house and the deck though

Karen Parks - There is in fact, and I put in a copy of that

Tim Pagones - So it was issued in error

Karen Parks - Correct

Lenny Lim - They go to the first floor. They don't go to the height of the second floor

Karen Parks - I can clarify the measurements you are looking for. In the plans the dimensions are on the

Vincent Cestone - Explain to me. The house has been built and been lived in and selling it now

Karen Parks - No no no. It is not being sold

Tim Pagones - Renovated

Karen Parks - We are here tonight because the driving factor was the owner would like to add on a residential elevator. A family member is restricted to a

wheelchair and so they would need an elevator. And in doing so, myself, the contractor and the owner have taken careful consideration of all possible locations for the location of the placement of the elevator. And given the floor plan, the site constraints, the traditional access to the house, the best and most feasible position for the elevator falls within the _____

Vincent Cestone - So it is outside of the building

Karen Parks - Correct. We looked at options to put the shaft within the footprint and it would basically eat into individual rooms. It would put the access to the elevator in odd locations and we really have looked at all possibilities and the most practical location is outside the footprint of the building. And if you look at drawing A you will see the proposed elevator location which is a very modest size residential elevator. The footprint being 5'6" by 6'. And in adding that elevator in that location what it results in is the loss of an enclosed front entry. So that the foyer inside the house directly outside the elevator and provides the appropriate access for a wheelchair to get in and out of the elevator. That glass standing enclosed entry needs to be incorporated into the interior foyer. So as a result we are also asking to add on a new and enclosed glass entry. This is unheated. It is like a wind block outside. That is also on A-1 noted as the enclosed entry addition.

Vincent Cestone - That is not in the setback is it

Karen Parks - It is yes

Vincent Cestone - It is not marked here on the drawing

Karen Parks - It is under

Vincent Cestone - I mean it is marked here but there is no measurements

Karen Parks - In the enlarged plan, it says proposed entry, it is the footprint and the dimension to the property lines. So all of the items which we are proposing are noted in and clearer to see in the inset drawing of the survey which illustrates the individual setbacks for each item. Thirdly, the existing deck is basically a perimeter deck around the house. 6' off of the line side of the house and 5' off of the driveway end of the house and in adding the elevator basically would cut that deck in half. So to continue the access from one piece of the deck to the other, we are proposing to wrap the deck around the elevator. The same dimension that it now is in front of the house which is 6'. And to create a small seating area which is requested and drawn on A-2 and that might help illustrate what we are adding clearer. This is the second floor plan and actually lets start with the first floor. The first floor plan as you can see on the house footprint, on the first floor we are adding the elevator shaft and the enclosed entry. And by doing so we are losing the enclosed entry which takes up prior to this foyer but we really need to

eliminate that dividing wall so the wheel chair can move around in that space.

Bill Flaherty - May I ask you, what is the current entry to this home? Is that where the elevator is now being proposed

Karen Parks - Yeah. On drawing EX-1 which is your existing first floor plan the current entry to the room, to the house, is just inside the proposed closed entry right here. And we have a small glass enclosed wind block and then a door so that the actual existing interior foyer is about half of the space and it is really not large enough for a wheelchair to turn around in that space. It go in this hallway and into the elevator but the elevator shaft actually kind of falls part way within where that dividing wall is which is illustrated on drawing _____. Here is the wall we are proposing to eliminate to allow for a wheelchair to maneuver.

Bill Flaherty - So the elevator is a completely new addition to the

Karen Parks - That is correct. So in this plan, the highlighted areas are the new additions. This is the first floor plan on the second floor obviously the elevator shaft comes up and goes up to the second floor. The entry does, the entry falls under the footprint of the existing deck and then we are proposing to expand the deck to allow access around to the connection of the deck on each side which has no exterior stairs or other access. So on the second floor we are proposing the only habitable space really, if you can call it habitable, is the elevator shaft and the expansion of the deck to get around the elevator and in doing so allowing _____. So in elevation to illustrate what is happening, in the front of the house the proposed elevator shaft will not exceed the height of the existing house. It is approximately, from finished grade, 20 feet to the peak. The existing house is approximately 22 to 23 feet. But, we don't have any intention of having this new structure exceed the height of the existing building. We are also looking to recreate the glass panels in keeping with the existing façade of the house, match the siding and really minimize the impact on the outside of the building in matching materials. And also selecting _____ it is not a full size elevator, the commercial type where the wheelchair comes in and it turns, one where the wheelchair either backs in or out so it is really of a minimum size to accommodate the needs.

Lenny Lim - I have a question.

Karen Parks - Yes

Lenny Lim - How come I see steps on everything. Wouldn't you need a ramp?

Karen Parks - Actually there is access in drawing A-1, the driveway actually comes up here and here you are entering on grade. These are existing steps. Here is the driveway and the concrete is grade level here. There is no ramp required. There is full access.

Vincent Cestone - Is there a reason why you are not putting it on the back of the house?

Karen Parks - Yes actually

Joan Turner - Topography

Karen Parks - Topography but also because of the layout of the house. For example, the garage is adjacent to this and on the back of the house, there is no real access. The back of the house is fully underground so that from the back you are really entering on the first floor level. So if you wanted to go in for that elevator on the back of the house, you would have to go in through the garage first and then go to the elevator and also where it comes out on the second floor is not as convenient as far as location. But mainly to be able to go into the house without having to go into the elevator. They wanted to enter into their house through the regular door versus having to go in through the garage first. And also entering through the garage would take up space for parking cars if you have to allow for space to maneuver a wheelchair in that area. So really the floor plan of the house is dictated our desired location for the elevator.

Joan Turner - So essentially the reasonable use of this property for the health reasons of one of the family members is why you are before here

Karen Parks - That's correct

Joan Turner - That is the overriding issue

Karen Parks - Yes. The elevator is the main issue and as I said we tried to minimize the impact on the location and the size and by doing so a couple of other things have arisen like the need to recreate the enclosed entry and to gain access to the deck which has no other access from the property.

Joan Turner - And you have all the variances that you need listed on your

Karen Parks - Yes. Everything is listed there and all the setbacks are noted on the survey as well

Joan Turner - Right here

Karen Parks - Yes

Joan Turner - So you are asking for a variance, on the application itself, for 7' 6" and 9' 9" and then 18'6". This area as I remember is rural. This is a 4 ½ acre lot

Karen Parks - It is quite rural and the property is at the end of Coppermine Road

so it is the last residence on the street. That is not to say that people won't see this if they are walking down the road past this house but really from other residences

Joan Turner - It doesn't have an impact is what I am driving at from neighbors

Karen Parks - No

Joan Turner - And the whole area is large lots, rural setting

Karen Parks - And I would also just like to point out that although I have tried to clarify the setbacks for each individual portion of this building, that the _____ which requires a greater setback of the greatest variance requested 18.6 feet actually encompasses the other two portions of the building which where on a setback so it is not like they are in three separate areas of the property and we are asking 3 variances which effect three different areas. They are actually all collectively falling within the footprint of the deck. But the other setbacks are to enclose buildings and I thought you would like to have that information

Vincent Cestone - Any more questions from the board? Any comments from the audience? Motion to close the public hearing?

Bill Flaherty - I'll so move

Vincent Cestone - I'll second. 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 - I'll second.

Vincent Cestone - All in favor

All Board Members - Aye

Bill Flaherty - I vote to approve

Vincent Cestone - Joan?

Joan Turner - I vote in favor

Vincent Cestone - Len?

Lenny Lim - I am tending to vote in favor but I want to see some kind of measurements on heights

Karen Parks - Can I give you that height now?

Vincent Cestone - Are you an engineer? Can you certify it?

Karen Parks - No I can't. The plans are certified to scale, I can certainly give you that. But if you need the height

Lenny Lim - After Cooper, I would like to see height

Karen Parks - I think on the building permit I think I may have noted the height of

Joan Turner - Let me just see

Vincent Cestone - We would need the engineer to put them on there and certify it

Tim Pagones - We are going to put a condition that the elevator is not going higher than the existing roof line. That's definitely one

Lenny Lim - Yes

Tim Pagones - And that is what she is saying. The plans show that

Lenny Lim - I don't know where the roof line is either. We don't have any measurements.

Karen Parks - May I just clarify that on the building permit that was submitted with the application we do have the height

Joan Turner - Right here

Lenny Lim - Okay

Joan Turner - Yes. This is a filled out application

Tim Pagones - And the 21 feet is what?

Karen Parks - To the peak of the elevator

Tim Pagones - Okay

Joan Turner - And that is notarized

Lenny Lim - I just wanted to know some kind of height here before we agree to anything

Joan Turner - That's true

Vincent Cestone - So you are okay Len

Lenny Lim - Yes I'm okay with it

Vincent Cestone - Okay and I vote to approve also

Tim Pagones - I will try, I guess my question to the board is going to be is, you are meeting July 10th

Vincent Cestone - And the 24th

Tim Pagones - And the 24th. If I don't have it the July 10th, I will have it July 24th

Vincent Cestone - Reviews for completeness. Michael and Karen Enea.

Tim Pagones - I just had a couple of things. I guess the appeal, you didn't fill out #3 on the appeal, what provisions of the code are involved. And I wasn't sure on the height of the structure.

Michael Enea - It is on the building application. 22 feet

Tim Pagones - Okay. And is this a pre-existing nonconforming, how old is this property?

Michael Enea - Brand new

Tim Pagones - 175.32

Joan Turner - Building plans

Tim Pagones - The house, how old is the house? The house is brand new also?

Michael Enea - Yep. Since October

Tim Pagones - All right, with those two things, I would say this is complete unless there is something I missed.

Michael Enea - You just needed

Tim Pagones - I just didn't see it on the plans, but it is on your permit. So that will be 22 feet and we will fill in 175.32 for the code that you are requiring.

Vincent Cestone - I am going to put it on for the 24th of July only because we

can't make it by the 10th because it won't make it into the paper.

Michael Enea - Okay

Tim Pagones - So bring all your documents, all your plans and pictures on July 24th

Michael Enea – beautiful

Vincent Cestone - Next if Denise Enea.

Michael Enea - I have a question, I am actually going to be on vacation. Will someone be able to represent us?

Vincent Cestone - If you put it in writing

Tim Pagones - Just write a letter and he can do it. Authorizing him. To the board. Because he has no real authority to come here and say stuff

Michael Enea - Okay

Tim Pagones - So cover yourself in a letter.

Joan Turner - On this garage, where are the building plans for it?

Tim Pagones - Well here is what I have for Denise,

Joan Turner - This is the one we just did, Michael and Karen. I don't have building plans in my packet

Tim Pagones - I have just these

Michael Enea - That's what he drew up so far

Tim Pagones - Proposed

Joan Turner - What about building plans. What are we going to vote on?

Tim Pagones - Okay. You've got to bring plans. They are going to want plans. So when they approve it they know exactly what the heights are, the dimensions, stuff like that

Joan Turner - Is this sufficient for the board? Is the board happy with this

Lenny Lim - No

Vincent Cestone - We need full plans. You don't have to show the interior structure. But it has to show all the elevations, all the sides. And we will need 7 copies

Michael Enea - Not a problem. I've have it by the 24th.

Tim Pagones - All right for this file, the appeal form wasn't complete, there is no deed to the property, no building plans and the survey didn't show the proposed structure. So you are batting 500

Dennis Enea - I gave you new surveys. They are in your packet. COs are also in your packet. All the COs.

Joan Turner - Provision of the zoning code are not marked

Dennis Enea - Right. The provisions of the zoning code I did not know what the provision was so that was the question I gave to the building department, I told them I didn't know the zoning codes so what provision am I asking for so I left that blank

Tim Pagones - Is this the new survey

Joan Turner - But didn't they help you fill it in

Dennis Enea - That's the new survey

Tim Pagones - Well what happens is you have to have somebody draw in the proposed

Dennis Enea - Well it is exactly the same footprint as the carport. What I am asking you to do is take down the carport and we need a 3-car garage where there was a 2-car garage. The same exact footprint. I'm not getting any bigger than what was there

Tim Pagones - Well you see the problem is on your appeal you are asking for 10 foot side yard setback and right now you are at 12.2 and 11.6

Dennis Enea - What I am really asking for is

Tim Pagones - So you are enlarging it

Dennis Enea - No no.

Tim Pagones - What do you need? 20 feet?

Dennis Enea - I need exactly what I have 11.6

Tim Pagones - Okay. Your appeal, you see here you are saying, the request is made for a variance from a 30 foot setback to allow a 10 foot side yard setback.

Dennis Enea - That was previous to them asking me, then the building department to get this resurveyed so it was my measurements. When it was resurveyed, it came about that I didn't need 10, I needed 11.6

Tim Pagones - Okay

Dennis Enea - So I need less than what I had originally asked for. I did submit a drawing with elevation

Vincent Cestone - That needs to be engineered certified

Dennis Enea - Right

Joan Turner - So what you are asking for is to take the breezeway, the carport down

Dennis Enea - We want to dismantle the carport and actually create a 3-bay garage where there is now a 2-bay garage.

Tim Pagones - I need a deed. A copy of the deed

Dennis Enea - A copy of the Deed should be in the package.

Joan Turner - The other thing I didn't understand about your package was all the Certificate of Occupancies are granted on the same day. Like you've got a carport certificate

Dennis Enea - Right. There is a carport that goes between the house

Joan Turner - And a sunroom addition

Dennis Enea - Well that can't be the same day. I built that addition 2 years ago

Joan Turner - But no building permit associated with this.

Dennis Enea - The building permits are on file

Joan Turner - Maybe this is a new way they are doing business down there. Usually you get something like that, a building permit and certificate of occupancy together. Has that changed David?

David Brower - Not to my knowledge.

Lenny Lim - What are we missing

Joan Turner - I don't know. This is usually what we get

Lenny Lim - Right

Joan Turner - A building permit with a certificate of occupancy

Lenny Lim - Right

Joan Turner - What I am saying are these certificate of occupancies coming in with no building permits to them

Dennis Enea - They have the building permit number listed

Joan Turner - They are the same. The permit number is the same as the CO. The certificate of occupancy number.

Dennis Enea - That's probably an internal thing because I asked for them and this is what I received

Tim Pagones - And there is no deed. There is no deed in the file. I've got all the COs

Dennis Enea - I will supply that. That is easy.

Tim Pagones - What's the board's pleasure?

Joan Turner - Let's go down and raid the files

Tim Pagones - So the 24th?

Vincent Cestone - Yeah

Tim Pagones - So you have to get the board the deed,

Dennis Enea - And the plans

Vincent Cestone - 7 copies

Tim Pagones - And if we have it, try to get here by the 17th so they at least have a week to look at it.

Dennis Enea - Sure

Tim Pagones - The sooner you get it the better. If they don't have it by then, they won't have a public hearing.

Dennis Enea - Now where do I submit these

Tim Pagones - Just give them downstairs, one of the secretaries

Dennis Enea - The building department or the clerk's office

Tim Pagones - I would give it to the clerk's office and make sure it is in a big envelope for the zoning board. Okay. See you on the 24th

Dennis Enea - Thank you

Tim Pagones - All right. Resolutions will be on the 10th. Circumstances beyond my control.

Vincent Cestone - Review of minutes. Any changes, corrections or deletions

Joan Turner - No they were fine

Vincent Cestone - Motion to accept the minutes as submitted

Lenny Lim - Second

Tim Pagones - Bill has changes

Joan Turner - You have changes

Bill Flaherty - I don't have any changes

Tim Pagones - I'm sorry I thought you had one

Vincent Cestone - All in favor

All board members - Aye

Vincent Cestone - Any old business?

Joan Turner - Oh old business. Did you write the letter

Tim Pagones - I did not write the letter. I did speak to Mr. Monroe and I told him I am sending him a letter. He was going to go down and check it. So he is well aware of the location. I apologize for not writing the letter

Joan Turner - Is he going to go in and check the red barn for, it is not a chicken

coop now just for storage. If you see the pictures of what they, now they run birthday parties there, they run fundraising events for their camp which they had Saturday night. If you go on their website

Tim Pagones - Do you remember which appeal that was

Joan Turner - Struck. I don't have the number

Tim Pagones - All right. I apologize. I am writing the letter. I spoke to him on I think Thursday or Friday

Joan Turner - The conditions were no heat, no running water

Tim Pagones - No nothing

Joan Turner - No electricity. Just storage. And if you look at the website it is really an amazing thing. They are running many different types of businesses out of it. In a residential area

Tim Pagones - Anything else

Vincent Cestone - Motion to

Bill Flaherty - I would just like to ask everyone, if anyone is planning to attend this zoning summer school in Hyde Park on July 13th

Vincent Cestone - No

Bill Flaherty - I plan to attend. I was just wondering whether anyone

Joan Turner - I will be just back from vacation. So, July 13th?

Bill Flaherty - July 13th

Joan Turner - Which is what day? Is it a Thursday? I might go with you. If you would just call

Bill Flaherty - I am going to make reservations this week.

Joan Turner - They are really interesting

Michael Enea ? -Just one more thing. On the preliminary plans it does have elevation

(Tape ended...lost dialogue)

Vincent Cestone - let's make a motion to 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: 7/10/06

Respectfully submitted,

Kim Shewmaker
Secretary