

# ZONING BOARD OF APPEALS

September 24, 2007

## MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, September 24, 2007, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Vincent Cestone, Chairman, at 7:30 p.m.

<b>PRESENT:</b>	Vincent Cestone	-	Chairman
	Lenny Lim	-	Member
	Bill Flaherty	-	Member
	Robert Dee	-	Member
	Paula Clair	-	Member
	Adam Rodd	-	Counsel

### ABSENT:

**Vincent Cestone** - Okay since the public hearing applicant is not here, we really only have a few things that we have to do. We have a review for completeness Mary Dawn. I've looked at that and it looks like it is complete unless you saw something Adam.

**Adam Rodd** - No actually I spoke to the building department and the information that I got from them, is the applicant here?

**Vincent Cestone** - No we ran into her outside and we told her that she really did not have to stay.

**Adam Rodd** - Okay. Apparently there was a fire in September of 2005. And they did commence work in connection with the rebuild of the structure in May 2006. They have not completed construction, the code requires commencement within a year, completion within two years. So they are here for an extension of time to complete the project. Actually according to the code this doesn't need to be put on for a public hearing. It can be put on the next agenda. The code does not require that this be a public hearing matter.

**Vincent Cestone** - Okay

**Adam Rodd** - Now the board has discretion if they so chose to put it on for a public hearing. But the code doesn't require it.

**Vincent Cestone** - Okay. I already told the applicant the 22<sup>nd</sup> but we can do it

for next week. We can't get in contact with them, put it on for the 22<sup>nd</sup>.

**Lenny Lim** - It was Alan Steiner's wife that came here for this application

**Paula Clair** - Really?

**Lenny Lim** - Yeah. I believe Alan is going to speak for them because they have limited English.

**Adam Rodd** - Now the 22<sup>nd</sup> is what Monday?

**Kim Shewmaker** - The 4<sup>th</sup> Monday

**Adam Rodd** - Okay

**Vincent Cestone** - And the other thing to talk about, before we put it on the agenda for the 1<sup>st</sup>, Rost, that one does have to have a public hearing right?

**Adam Rodd** - Yes

**Vincent Cestone** - Does that make sense to put it on for the 22<sup>nd</sup>?

**Adam Rodd** - I haven't been in contact with the building department. I spoke to the building department about specifically it does need to be on a public hearing and to ask Rost before we do that of any dates that she can't do because we are going to put it on for a public hearing. I haven't heard that there wasn't a problem with any particular dates. So whenever you want to put it on.

**Vincent Cestone** - Let's put her on for the 22<sup>nd</sup> and we will put Mary Dawn Inc at the same time so at least we have more than one thing on the agenda for that time. So as far as the 2 resolutions are not ready, so they are not going to be addressed tonight. We don't have minutes, so we are not going to do that. And as far as new and old business, I have a notice here from the Town that there is going to be a public hearing to discuss the changes in the Town Law on October 4<sup>th</sup> at 7:50 and they are going to be talking about zoning so if people want to attend, that's when it is. They are going to talk about local law amendments and town code of Town of Philipstown chapter 175 and the zoning changes. Okay.

**Paula Clair** - That's the first Town Board Meeting

**Vincent Cestone** - Yeah. Anybody have any old business? I am trying to stretch here.

**Audience Member** - I am here for Cross. I understand the resolution isn't ready?

**Vincent Cestone** - Yeah. It's not ready

**Audience Member** – Any idea when it will be?

**Adam Rodd** - It's, when do you think we can get the minutes, because I think we finished up the last meeting which was the 10<sup>th</sup> of September. I would just need some time to see the minutes to draft it up.

**Vincent Cestone** - There is really no reason that you have to be here for the reading of the resolution. It is probably going to be next week. But the best thing to do is to call Town Hall on that Monday to see if it has been done

**Audience Member** – Okay

**Vincent Cestone** - And at the very very latest it will be the meeting after that.

**Audience Member** – Okay

**Adam Rodd** - You are from Glen Watson's?

**Audience Member** – Yes

**Adam Rodd** - Okay.

**Vincent Cestone** - As far as the public hearing, let the record show that the applicant did not show up

**Kim Shewmaker** - This is the same gentleman that we wrote letters to, we've withdrawn the appeal, we put it back on, he stood here and said that he didn't receive any of my letters, and he would be here for the public hearing, and

**Vincent Cestone** - Just make sure that we have good records that we sent these letters because if he doesn't show up after a few times we will just, three strikes and you're out kind of thing.

**Adam Rodd** - Do we have anything on for the first?

**Kim Shewmaker** - Carlucci public hearing continued, Lindert public hearing.

**Vincent Cestone** - Lindert and Carlucci

**Kim Shewmaker** - And any resolutions that you may get done

**Vincent Cestone** - They are public hearings right

**Kim Shewmaker** - Yes.

**Vincent Cestone** - With that, since the applicant

**Lenny Lim** - Second

**Vincent Cestone** - I'll make a motion to adjourn. All in favor?

**All Board Members** - aye

**NOTE:** These Minutes were prepared for the Zoning Board of Appeals and are subject to review, comment, emendation and approval thereupon.

**DATE APPROVED:** 10/22/07

Respectfully submitted,



Kim Shewmaker  
Secretary