



# Town of Philipstown

Code Enforcement Office  
238 Main Street, PO Box 155  
Cold Spring, NY 10516

Office (845) 265- 5202 Fax (845) 265-2687

## Accessory Structures

### BUILDING PERMIT PACKAGE

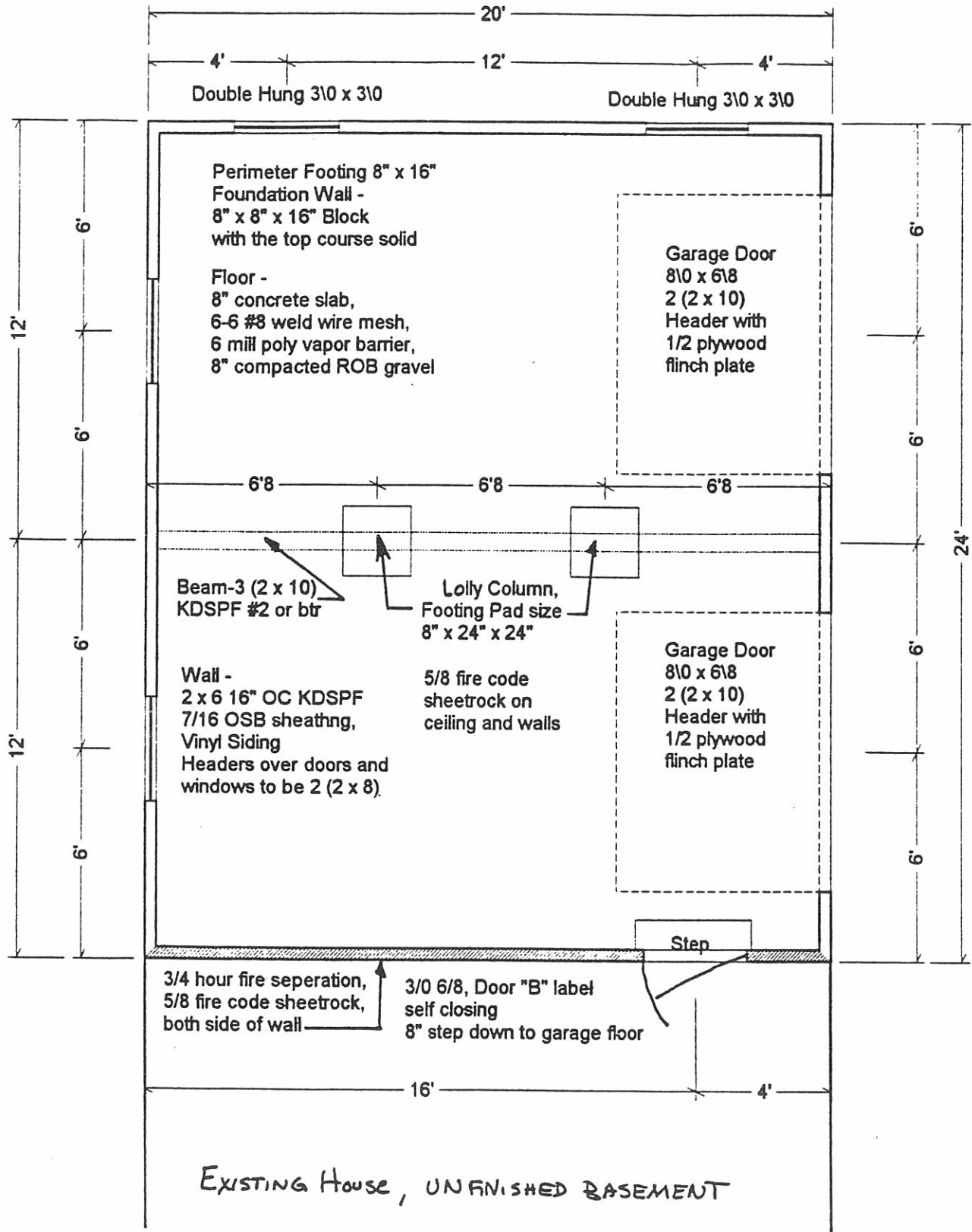
Residential: Garage – Shed - Barns

1. **BUILDING/ZONING PERMIT APPLICATION** - The applications must be filled out in sufficient detail and signed by the owner of the property or by an authorized agent/contractor with the submission of the **AGENT AUTHORIZATION FORM** other legal instrument authorizing the applicant to sign and obtain the Building Permit.
2. **CONSTRUCTION DRAWINGS** - Submit two (2) construction drawings of the proposed structure consisting of a floor plan showing all doors, windows, headers, roof rafters, walls, floor, fire separations, dimensions and a side section view showing all structural members from the footing to the roof. Minimum depth of the footing is to be 42". See attached Residential Code of New York State criteria.
3. **SITE PLAN** - A plan or survey of the property showing the location of the garage or shed on the property indicating the setbacks from the property line in conformance with Town of Philipstown Zoning Law. Show well and well line and septic tank and fields and sewer line. See attached samples.
4. **ZONING REQUIREMENTS** – See attached Town of Philipstown Accessory Structure and setback requirements
5. **PUTNAM COUNTY LICENSED CONTRACTORS** a copy of the Putnam County Licensed Home Improvement Contractor, Plumbing, Mechanical, LP Gas and/or Electrical Contractor to be submitted with the building permit or shown on the Building/Zoning Application.
6. **WORKERS' COMPENSATION and EMPLOYEE LIABILITY** – Proof of insurance must be submitted from the contractor at the time of application. **ACORD FORMS** are not acceptable as proof of insurance.
  - Contractor with The State Insurance Fund must submit form U26.3 and DB-120.1.
  - Contractor with Private Insurance must submit form C-105.2 and DB-120.1.
  - Contractor who is self insured must submit form SI-12 or GSI-105.2 and DB-155.
  - Contractors who are exempt from Workers' Compensation must submit form CE-200.
  - An owner applying for the permit who occupies the residence may submit form BP-1 affidavit.

NAME :

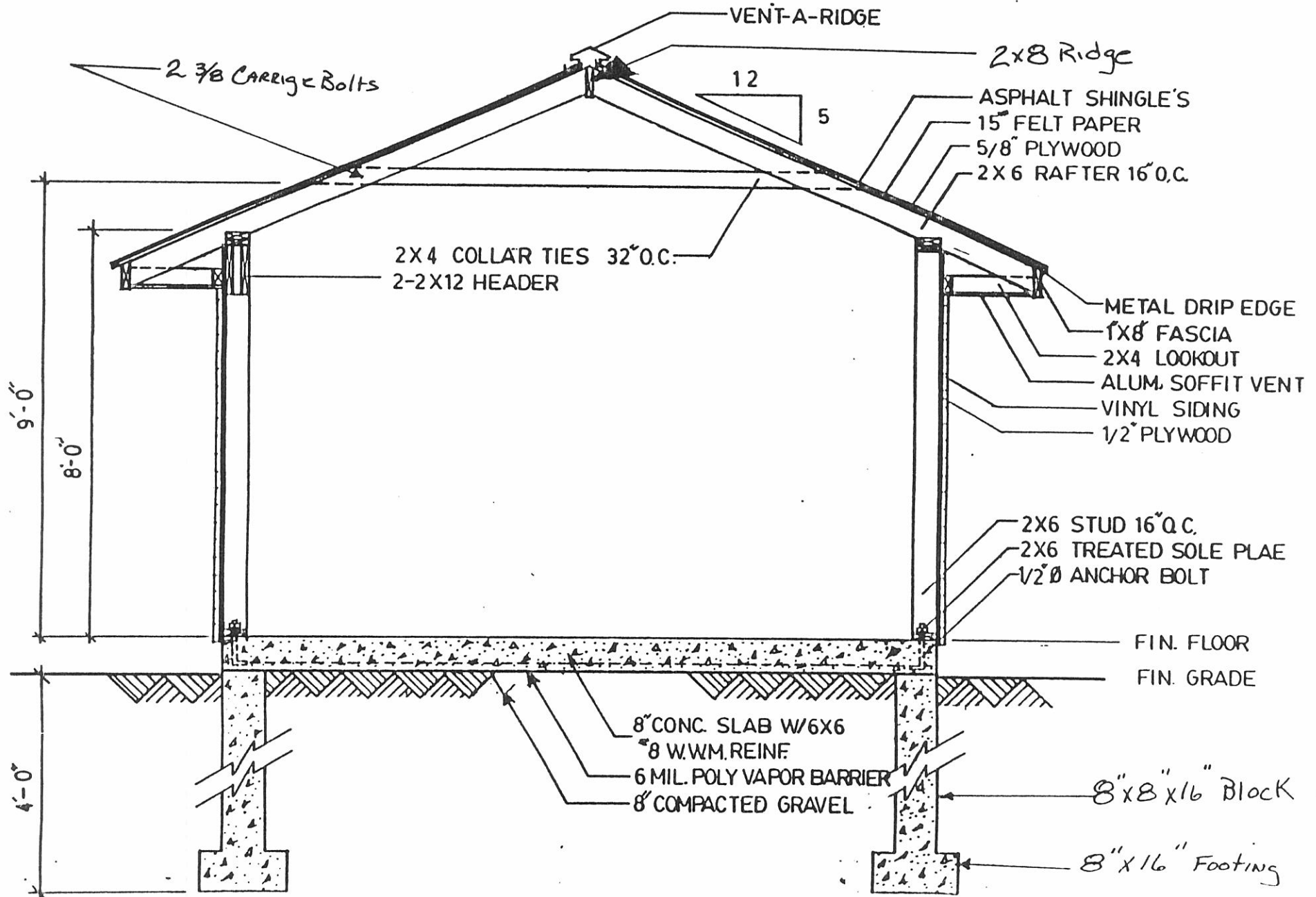
ADDRESS :

# Sample Floor Plan



NAME :  
ADDRESS:

# SIDE SECTION VIEW



## **RESIDENTIAL CODE OF New York STATE 2010**

**ACCESSORY STRUCTURE.** A structure not greater than 3,000 square feet in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot.

**FLOOR AREA, GROSS.** The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features.

**HEIGHT, STORY.** The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

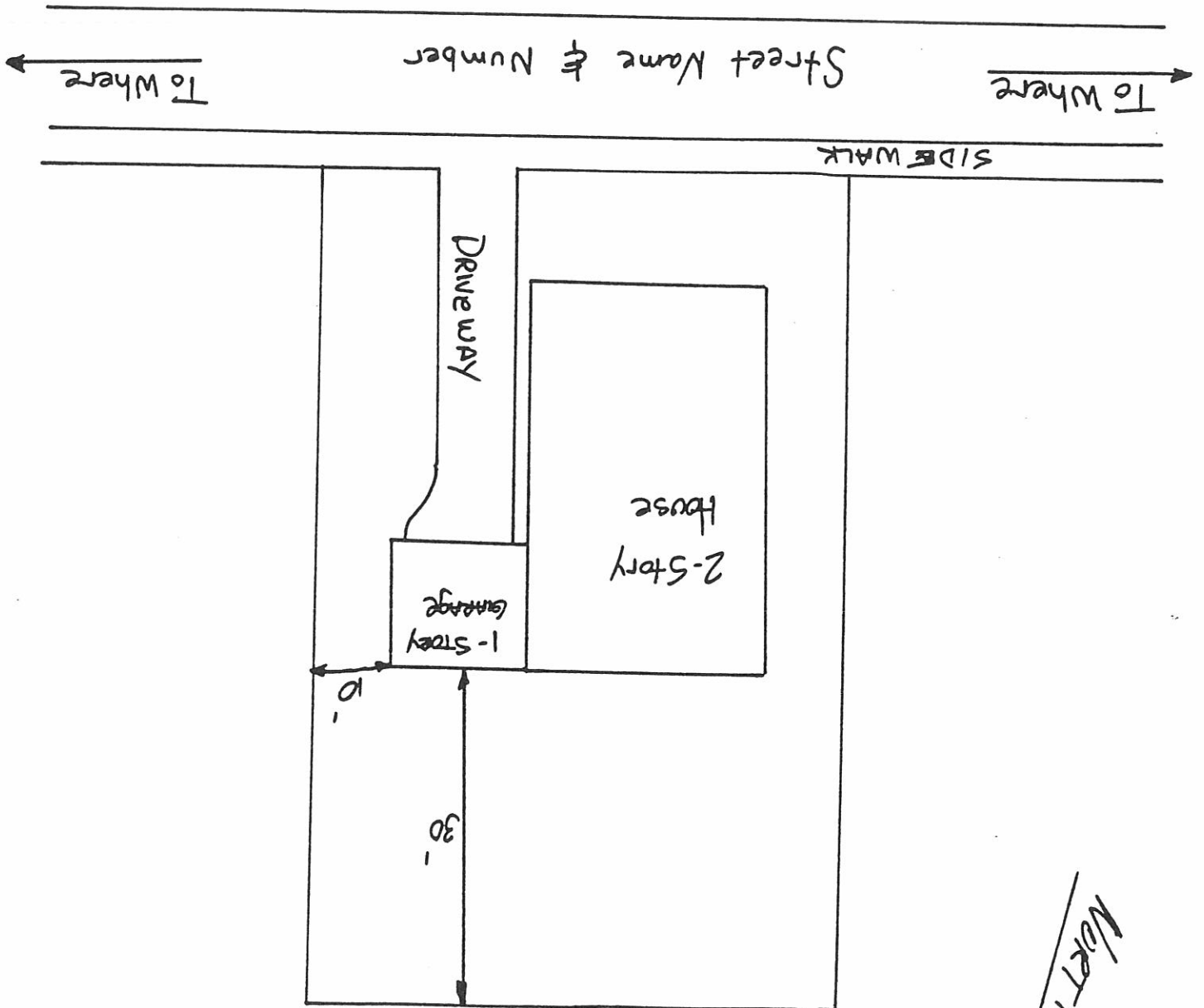
**STORY.** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

**STORY ABOVE GRADE.** Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

1. More than 6 feet (1829 mm) above grade plane.
2. More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter.
3. More than 12 feet (3658 mm) above the finished ground level at any point.

Sample

NAME:  
Address:  
Phone #:



Site Plan

# ACCESSORY USE and STRUCTURES

## Town of Philipstown Zoning Section 175-74 Definitions

**ACCESSORY STRUCTURE** - A structure detached from and subordinate to a principal building on the same lot, with less than 1/2 of the floor space of the principal building, and which is used for purposes customarily incidental to those of the principal building or use, including parking, storage, recreation, home occupation, and accessory apartment. Barns and structures used for agriculture, whether or not used for housing animals, shall not be subject to the limitation to 1/2 of the floor space of the principal building.

**ACCESSORY USE** - A use customarily incidental and subordinate to the principal use or building, and located on the same lot, on adjoining lots, or on lots that face each other across a street. (See § 175-10D.)

**BUILDING, PRINCIPAL** - A building or structure containing the principal use of the lot on which it is located.

**FLOOR SPACE/FLOOR AREA** - The sum of the areas of habitable or commercially usable space on all floors of a structure, including the interior floor area of all rooms (including bathrooms and kitchens), closets, pantries, hallways that are part of a dwelling unit or inside a commercial building, including habitable finished basements but excluding cellars or unfinished basements.

**FOOTPRINT** - Area of the ground covered by a structure, including the foundation and all areas enclosed by exterior walls and footings and covered by roofing. In the case of party-wall buildings, each unit shall be considered a separate structure for purposes of measuring footprint area.

**GARAGE** - A nonhabitable accessory structure or a portion of a building, used for the storage of vehicles and/or other items, which may be attached or detached from the principal building. A garage structure may have a habitable accessory apartment above the ground level. (See § 175-10D.)

**USE** - The purpose for which any premises may be arranged, designed, intended, maintained, or occupied, or any occupation, activity, or operation conducted or intended to be conducted on a premises, as shown on the Use Table in § 175-10

**USE, ACCESSORY** - A use which is customarily incidental to and subordinate to the principal use of a lot or structure, located on the same lot as the principal use or structure.

## **Town of Philipstown Zoning Section 175-10 D.**

Accessory uses. Uses customarily incidental and subordinate to a principal use shown on the Use Table shall be allowed by the same permit process as the principal use, unless otherwise indicated on the Use Table.

(For example, if a light industrial use requires a special permit in a particular zone, then a service business operated as an accessory use to it would also require a special permit.)

Such accessory uses may be on the same lot, on adjoining lots, or on lots that face each other across a street.

Noncommercial recreational uses shall be permitted as an accessory use in all districts, provided that they do not create noise, traffic, dust, odor, or other impacts that exceed those normally associated with single-family residential uses.

If there is no principal use on a residential lot, a use that is typically a residential accessory use, such as a residential garage, swimming pool, tennis court, or tool shed, may be allowed by special permit granted by the Zoning Board of Appeals.

Attached or detached garages associated with single-family residences shall not exceed 1,000 square feet in footprint area.

Solar and wind energy conversion systems producing electricity and/or heat primarily for on-site use, including those with net metering, shall be considered customary accessory uses to all principal uses,

except that wind energy conversion systems which exceed otherwise applicable height limits shall be considered major wind energy conversion systems allowable only by special permit from the Zoning Board of Appeals.

## CHAPTER 175 – SETBACKS

### 175-74 DEFINITIONS

**Building, Principal:** A building or structure containing the principal use of the lot on which it is located.

**Fence,** A structure or partition erected for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions or to separate two contiguous properties.

**Open Space:** An area of land not developed with structures.

**Private Road:** A privately owned road held in single or common ownership or by easement and maintained by a private owner or by a homeowners' association.

**Setback:** The distance in feet between a structure and a property line, the centerline of a road, or an identified natural feature such as a watercourse.

**Street/Road:** Any street or highway as described in § 280-a(1) of Article 16 of the Town Law or any private right-of-way or easement approved under the Open Development Area General Regulations of the Town of Philipstown. (See Ch. 112, Land Development, Part 2)

**Street Line:** The right-of-way, easement, or taking line of any street other than a limited-access state highway.

**Structure:** A static construction of building materials affixed to the ground, such as a building, dam, display stand, gasoline pump, installed mobile home or trailer, reviewing stand, shed, sign, stadium, storage bin, wall, fence, swimming pool, tennis court, road, driveway, sidewalk, or parking lot.

**Yard:** An open space on the same lot with a structure.

**Yard, Front:** An open space extending across the full width of the lot between the front of the principal building and the street line.

**Yard, Rear:** An open space extending across the full width of the lot between the rear lot line and the wall of the principal building nearest the rear lot line.

**Yard, Required/Setback Area:** That portion of any yard required to satisfy minimum setbacks. No part of such yard can be included as part of a yard required for structures on another lot.

**Yard, Side:** An open space between a principal building and side line of the lot and extending from the front yard to the rear yard.



## 175-30 SUPPLEMENTARY DIMENSIONAL REGULATIONS

### C. Projections into Required Setback Areas

1. The following projections into required setback areas shall be permitted:
  - a. Steps and stairs: four feet into any required setback area.
  - b. Awnings or movable canopies: six feet into any required setback area.
  - c. Cornices, eaves, and other similar architectural features: three feet into any required setback area.
2. Carports, porches, and decks. An open or enclosed carport, porch, or deck shall be considered a part of the building in determining compliance with setback requirements.

### F. Setback Exceptions

1. Any accessory structure attached to a principal building, and any detached barn, garage, stable, tennis court, or swimming pool shall comply with the minimum setback requirements of this Chapter applicable to the principal building. Other detached accessory structures or uses may encroach into required setback areas provided that they:
  - a. Are not used for human habitation;
  - b. Have a footprint no larger than 150 square feet;
  - c. Do not exceed 16 feet in building height;
  - d. Do not occupy more than 10% of a rear setback area;
  - e. Are set back at least 10 feet from side or rear lot lines.
  - f. Are not located closer to the street than the front yard setback required for a principal building, except for fences, gates, mailboxes, newspaper receptacles, signs, sand storage bins, bus shelters, and similar roadside structures with less than 100 square feet of footprint, as well as ornamental structures such as entry pillars and statues;
  - g. Are not used for housing animals.
2. For corner lots, the setback from all streets shall be the same for accessory structures as for principal buildings.
3. For watercourse setbacks within the WSO district, see § 175-14D (10).
4. Signs shall be subject to the minimum setback requirements for buildings, except that one free-standing sign shall be permitted to have a minimum front setback of 10 feet. For non-residential uses, signs that are closer to the street line than the required front building setback shall not be more than four feet in height, 24 square feet in area, and six feet in any dimension.
5. No setback is required from a railroad right-of-way or an established pierhead line along the Hudson River.
6. The minimum front setback for a building not exceeding 300 square feet in floor area and a height of 15 feet and used solely as a guardhouse, gatehouse, or security building shall be 10 feet.