

**TOWN OF PHILIPSTOWN ZONING BOARD OF APPEALS
238 MAIN STREET, COLD SPRING NY 10516**

November 10, 2014

MEETING AGENDA

1.) Approval of Minutes

2.) Review of Completeness of application

William Stellmacher

72 Steuben Rd

Appeal# 887

Seeking a 7 foot variance for existing shed built in 1972

3.) Review of Completeness of application

Joseph Estvanik

125 Old Albany Post Rd.

Appeal # 886

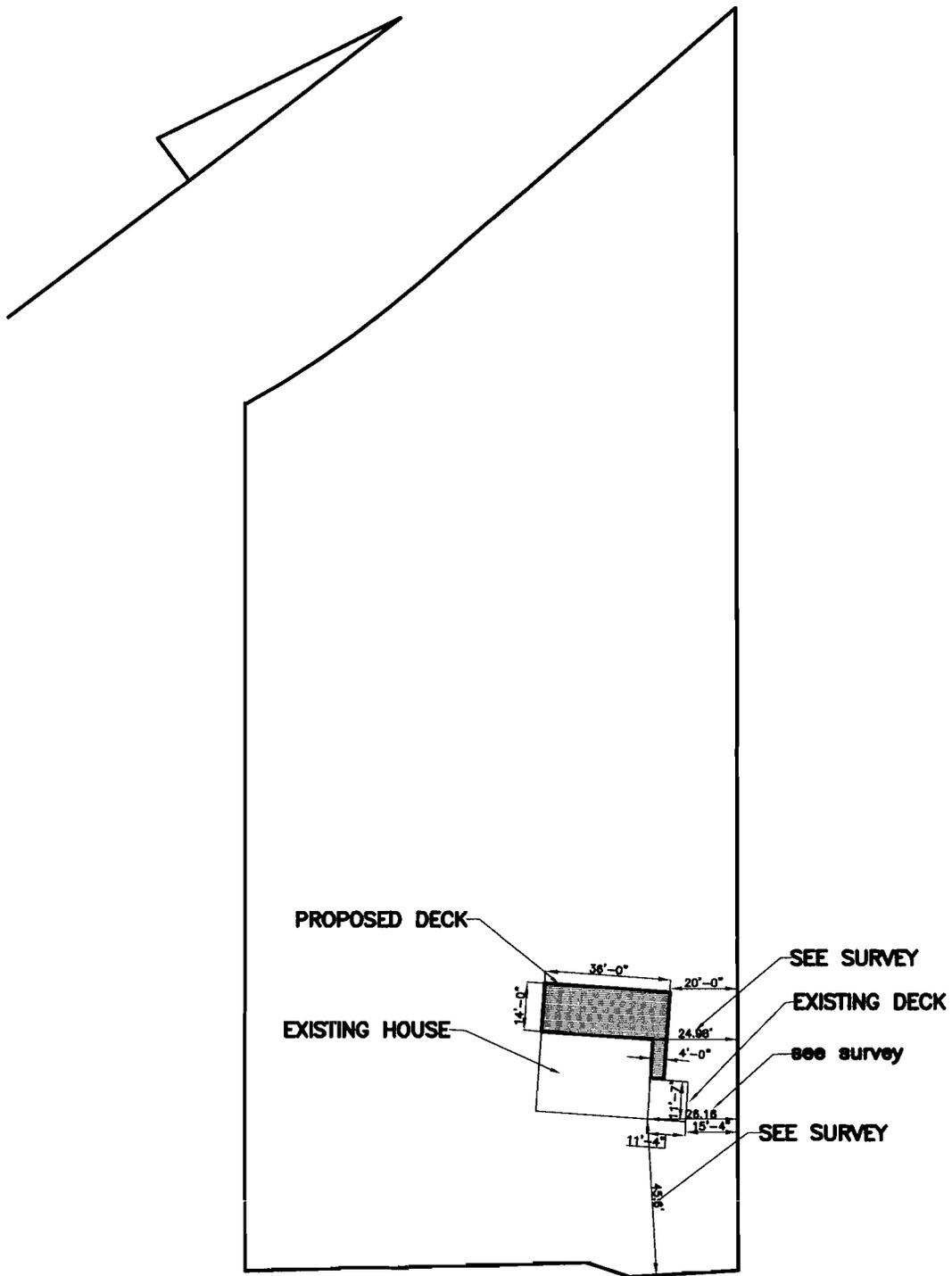
4.) PUBLIC HEARING (Only to take place if the application is deemed complete)

JOSEPH ESTVANIK TM# 83.5-1-1 APPEAL # 886

125 OLD ALBANY POST RD

**The applicants property is located in the RR zone with a required side setback of 30 feet.
The applicant is seeking a side property area variance for a deck.**

4.) Old / New Business

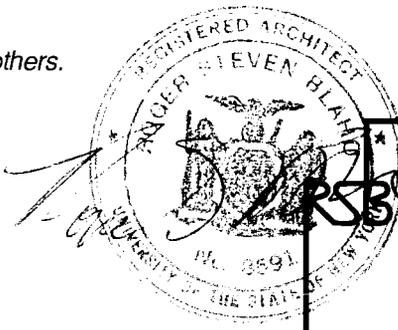


For meets and bounds and other Survey information see survey of property belonging to Robert H. Cole dated Jun 22, 1964 by Bunny Associates

Revised to show calculated dimensions tolerance to nearest inch

October 23, 2014

Documents for the proposed decks prepared by others.



SITE PLAN

NEW DECK
 ESTVANIK RESIDENCE
 125 Old Albany Post Rd, Garrison, NY
 ROGER STEVEN BLAHO, AIA
 Architect
 236 Lafayette Ave Cortlandt Manor NY
 914 788 9549

S
22 Sept 14
1"=50'

PHILIPSTOWN ZONING BOARD OF APPEALS
SUPPLEMENTAL WORKSHEET FOR AREA VARIANCE APPLICANTS

In accordance with state law, the Zoning Board must grant or deny an area variance based on specified factors and a balancing of "the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community". We have developed this Supplement to assist you with preparing, submitting and presenting your case to the Zoning Board. Please complete the factors 1a - 5 below and submit with your application (attach additional pages if necessary). We have provided suggested questions which will assist you in answering each factor and in preparing for the Board's review. It is strongly suggested that you structure your presentation at the hearing in accordance with the factors. Provide facts and proof to support each factor.

FACTORS TO BE CONSIDERED BY THE BOARD

1a. What possible detriment would the variance have on nearby properties?

How close are nearby structures? - Will your structure be visible to others or will it block a view? - Do you propose exterior lights?

THERE IS NO DETRIMENT TO NEARBY PROPERTIES. NEIGHBORS HAVE GIVEN LETTERS IN FULL AGREEMENT WITH PROPOSED PROJECT. NEAREST HOUSE IS 65 FEET TO THE NORTH. THERE ARE NO BLOCKED VIEWS. NO EXTERIOR LIGHTS.

1b. What impacts would the variance have on the character of the neighborhood?

Have others in the neighborhood received similar variances? - Does the Neighborhood contain similar structures with similar setbacks/heights etc.?
Is your property similar to or different from others in the area? - If several of your neighbors were to receive variances in the future similar to the one you now request, would the neighborhood be changed?

THE IMPACT OF THE VARIANCE WOULD IMPROVE THE NEIGHBORHOOD. NOT AWARE OF SIMILAR STRUCTURES WITH SIMILAR VARIANCES. MY PROPERTY IS SMALLER THAN OTHERS IN AREA. THE NEIGHBORHOOD WOULD NOT BE NOTICEABLY CHANGED BY SIMILAR VARIANCES IN FUTURE.

2. If you didn't get the variance, now else could you build what you want or accomplish your goal?

For example: different location or design; shorter fence; smaller deck; smaller overhang or addition?

I COULD NOT GET ACCESS TO DECK. I ONLY HAVE SIDE (NORTH) DOOR ACCESS ONTO EXISTING DECK, USING MINIMAL DECK WIDTH TO GET TO REAR DECK.

3. What is Code requirement you seek to vary? 30 FEET SIDE SETBACK REQUIRED.

MY HOUSE WAS BUILT IN 1963 IN COMPLIANCE WITH ZONING. WISH TO BUILD REAR DECK FROM SIDE DECK.

MY HOUSE IS ENCRUCHING INTO ~~SET~~ SIDE SETBACK (5 FEET). THE NEW PROPOSED DECK WILL BE 4' FEET ATTACHED TO SIDE OF HOUSE THAT ALREADY HAS A 11'7" x 11'4" DECK ENCRUCHING ON SETBACK. THIS WILL BE A TOTAL OF 9' WIDE ~~ONTO~~ (NEW DECK ENCRUCHING ONTO SIDE SETBACK.

4. What impact or effect will the variance have on the current physical and environmental conditions in the area? Is there grading (or blasting) proposed? - Will you be paving previously unpaved surfaces? - Are you proposing to remove any vegetation? - Are there wetlands or other watercourses on site? - Will normal drainage patterns be affected? - How close are the nearest wells and septic systems? - Will the proposed use or activity produce emissions (noise or odors)? - Will traffic be increased? - Is the area considered scenic?

NO IMPACT ON CURRENT PHYSICAL OR ENVIRONMENTAL CONDITIONS IN AREA. NO GRADING OR BLASTING. NO PAVING. NO VEGETATION REMOVE. NO WET LANDS. NO EFFECT ON DRAINAGE PATTERNS. SEPTIC SYSTEMS IS 28 FEET AWAY. WELL IS 50 FEET AWAY. NO NOISE OR ODORS. NO TRAFFIC INCREASE. ~~TO BEST OF MY KNOWLEDGE~~ TO THE BEST OF MY KNOWLEDGE, AREA NOT CONSIDERED SCENIC.

5. Is the variance requested as a result of a "self-created hardship"? Was there a need for the variance when you purchased the property? - How long ago did you purchase the property? - Did you build the structure without a permit? Is the need for a variance as a result of someone's mistake? Describe

~~TO BEST OF MY KNOWLEDGE~~ NO. HOME WAS BUILT IN COMPLIANCE WITH THE CODES OF 1963 WHEN IT WAS BUILT. NEW CODE CHANGES CREATED THIS HARDSHIP. MY HOUSE IS ENCROACHING ON 30' WIDE SIDE SETBACK NOW. NO NEED FOR VARIANCE WHEN I PURCHASED MY PROPERTY BUT, HOME OWNERS BEFORE ME, HAD TO GET, AND GOT, A CERTIFICATE OF OCCUPANCY FOR THE SIDE DECK, BEING 11"7"W X 11"4" DEEP, AND ALL OF IT ENCROACHING ON SETBACK (SIDE). THE ISSUE DATE WAS 7/5/12 AND ISSUED BY KEVIN DONAHUE (CODE ENFORCEMENT OFFICER).
CO/CC NUMBER: 2012: 10814

PERMIT # 2012 10814
TO BEST OF MY KNOWLEDGE, THIS WAS DONE WITHOUT VARIANCE
I PURCHASED PROPERTY AUG. 2012 (2 YEARS, 2 MONTHS) AGO