

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

**OCTOBER 20, 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 5 foot side property area variance for a deck.**

**4.) Old / New Business**

**RECEIVED**  
10/15/14 

APPEAL # \_\_\_\_\_ Tax Map # \_\_\_\_\_

Final hearing date \_\_\_\_\_ Zoning Board decision APPROVED / DENIED  
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Date application submitted \_\_\_\_\_

Application fee \$ \_\_\_\_\_ Escrow \$ \_\_\_\_\_ Received by \_\_\_\_\_

To the Zoning Board of Appeals, Town of Philipstown, New York:

I (we), WILLIAM STELLMACHER

residing at 72 STEUBEN RD.

Telephone: home (914) 819-7719 business \_\_\_\_\_

HEREBY appeal the decision of (name and title) \_\_\_\_\_

whereby he/she

GRANTED \_\_\_ DENIED \_\_\_ a BUILDING PERMIT \_\_\_ a CERTIFICATE OF OCCUPANCY \_\_\_

For \_\_\_\_\_

To \_\_\_\_\_

of \_\_\_\_\_

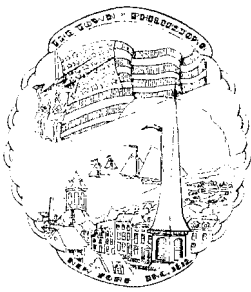
• For property at tax map # 91.5 in zoning district \_\_\_\_\_

WHEN FILLING OUT APPLICATION, ATTACH ADDITIONAL PAGES AS NECESSARY TO ANSWER QUESTIONS.

- 1. LOCATION OF PROPERTY: (Give 911 address and a map and detailed narrative giving directions to the property using road names, such as Route 9 or 9D, Old Albany Post Road, East Mountain Road South, etc. and landmarks such as Garrison School, North Highlands Fire House, Highlands Country Club, etc:

72 STEUBEN RD, GARRISON, N.Y. (CONTINENTAL VILLAGE)

- 2. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS (Include those opposite on streets/highways. Use additional sheets if necessary. This information may be obtained in the Town assessor's office)



# Town of Philipstown

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

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

September 29, 2014

William Stellmacher  
226 Bennett Ave  
Yonkers NY 10701

Re: Building Permit Application for Shed  
Location: 72 Steuben Road  
Tax Map: #91.5-1-20

A Building Permit Application for a shed was received on September 26, 2014 and includes the following information;

1. Application for Building Permit
2. Site Plan/ construction drawings.

72 Steuben Road is located in the HR (Hamlet Residential) zone with a required side set back of 10 feet. The survey indicates the shed is three (3)' from the side property line.

This Building Permits application is hereby **DENIED** for nonconformance with section 175-11 Schedule B for setback requirements.

**If YOU ARE AGRIEVED THIS DECISION** you may submit an application to the Zoning Board of Appeals, pursuant to the provisions of Article IV of the Code of the Town of Philipstown, to appeals from and review any order, requirement, decision or determination made by the CODE ENFORCEMNET OFFICER within sixty (60) days of the date on this letter. An application for the Zoning Board of Appeals is enclosed.

If you have any question you may contact may office at (845) 265-520.

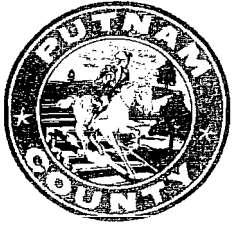
Kevin Donohue, CFM  
Code Enforcement Officer

**RR302.1 Exterior walls.** Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table RR302.1. These provisions shall not apply to walls, projections, openings or penetrations in walls that are perpendicular to the line used to determine the fire separation distance. Projections beyond the exterior wall shall not extend more than 12 inches (305 mm) into the areas where openings are prohibited. <TB5.8>

**Exceptions:**

1. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.
2. Detached garages accessory to a dwelling located within 2 feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding 4 inches (102 mm).

- 24.4.2 Projections: Pilasters, belt courses, sills, cornices, marquees, canopies, eaves and similar architectural features may project three (3) feet into the area required for setback from a property or street line.
- 24.4.3 Additional Setbacks: Except as permitted under Paragraph 24.3.2, any portion of a building or other structure exceeding 30 feet in height shall be setback from a property or street line by two (2) additional feet for each foot or fraction thereof by which such portion exceeds 30 feet in height.
- 24.4.4 Narrow Streets: The required setback from a street line of a street having a street width of less than 50 feet shall be increased by one half of the difference between 50 feet and the actual width of the street.
- 24.4.5 Railroads and Pierheads: No setback is required from a railroad right-of-way or an established pierhead line along the Hudson River.
- 24.4.6 Guard Houses: A building not exceeding 300 square feet in floor area and a height of 15 feet and used solely as a guard house, gate house or security building may extend to within 10 feet of any street line.
- 24.4.7 Business Districts: Adjoining property owners in any Business District may by mutual agreement, recorded in the Office of the Putnam County Clerk, agree to eliminate the required setback from a common property line or to reduce the required setback from the common property line by up to five (5) feet on each side of such line. Such reduction or elimination of the required setback is permitted provided that access to a street by means of an alley or other right-of-way not less than 10 feet in width is provided to any portion of the lot not used for buildings and other structures.
- 24.4.8 Accessory Buildings in Residence Districts: In Residence R-10 and R-20 Districts an unattached accessory building or structure, not exceeding 15 feet in height and 200 square feet in floor area may extend to within five (5) feet of any property line but shall not extend within less than 60 feet of any street line. Said building shall be permitted in addition to a conforming garage.
- 24.4.9 Fences, Walls and Terraces: The required setback distances shall not apply to fences or walls six (6) feet or less in height or to necessary retaining walls or to unroofed terraces.
- 24.4.10 Residence District: The required setback distances from a Residence District boundary line shall not apply when such boundary line is located in the right-of-way of a street or railroad.



**Putnam County  
Department of Planning, Development,  
and Public Transportation**

*www.putnamcountyny.com*

841 Fair Street  
Carmel, NY 10512

Phone: (845) 878-3480

Fax: (845) 808-1948

**SECTION 239 CASE REFERRAL**

Case Received:  Report Required:  Completed:

Application Name:  Referral #:

TOWN: Carmel:  Philipstown:  VILLAGE: Brewster:   
 Kent:  Putnam Valley:  Cold Spring:   
 Patterson:  Southeast:  Nelsonville:

Referred by: PB:  ZBA:  Town Board:  Historic District Review Board:

Location of Project:

Present Zone:  Tax Map #:

Type of action: Variance:  Zoning Ordinance:  Master Plan:   
 Subdivision:  Special Use Permit:  Subdivision Regulations:   
 Site Plan:  Rezoning:  Certificate of Appropriateness:   
 Zoning Amendment:

**DECISION BY COUNTY:**

Approved as Submitted:  Modification:  Disapproved:

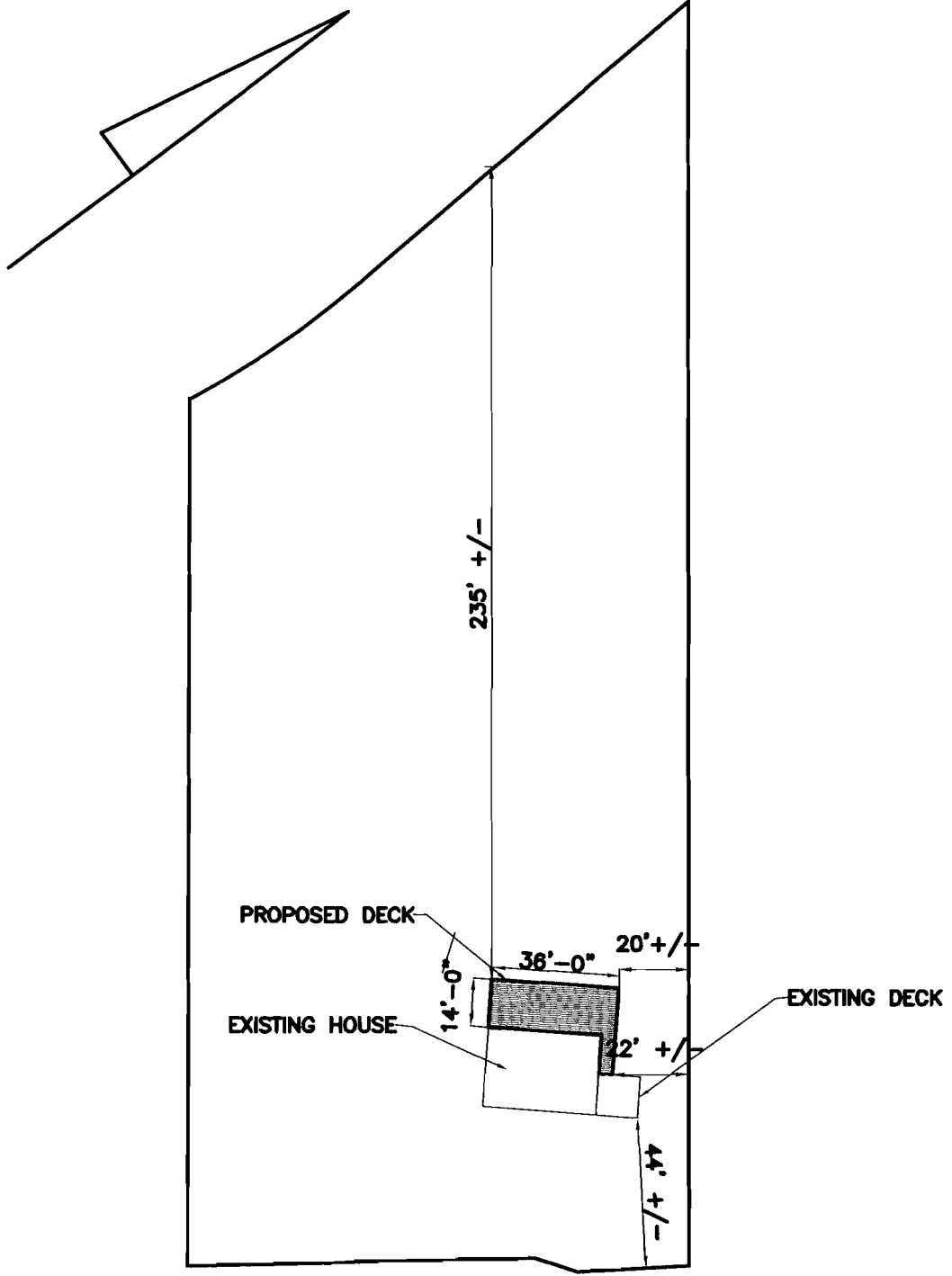
**Basis for Decision Other than Approval:**

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Reviewed by Barbara Barosa Barbara Barosa, Planner  
 (Signature) (Title)



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

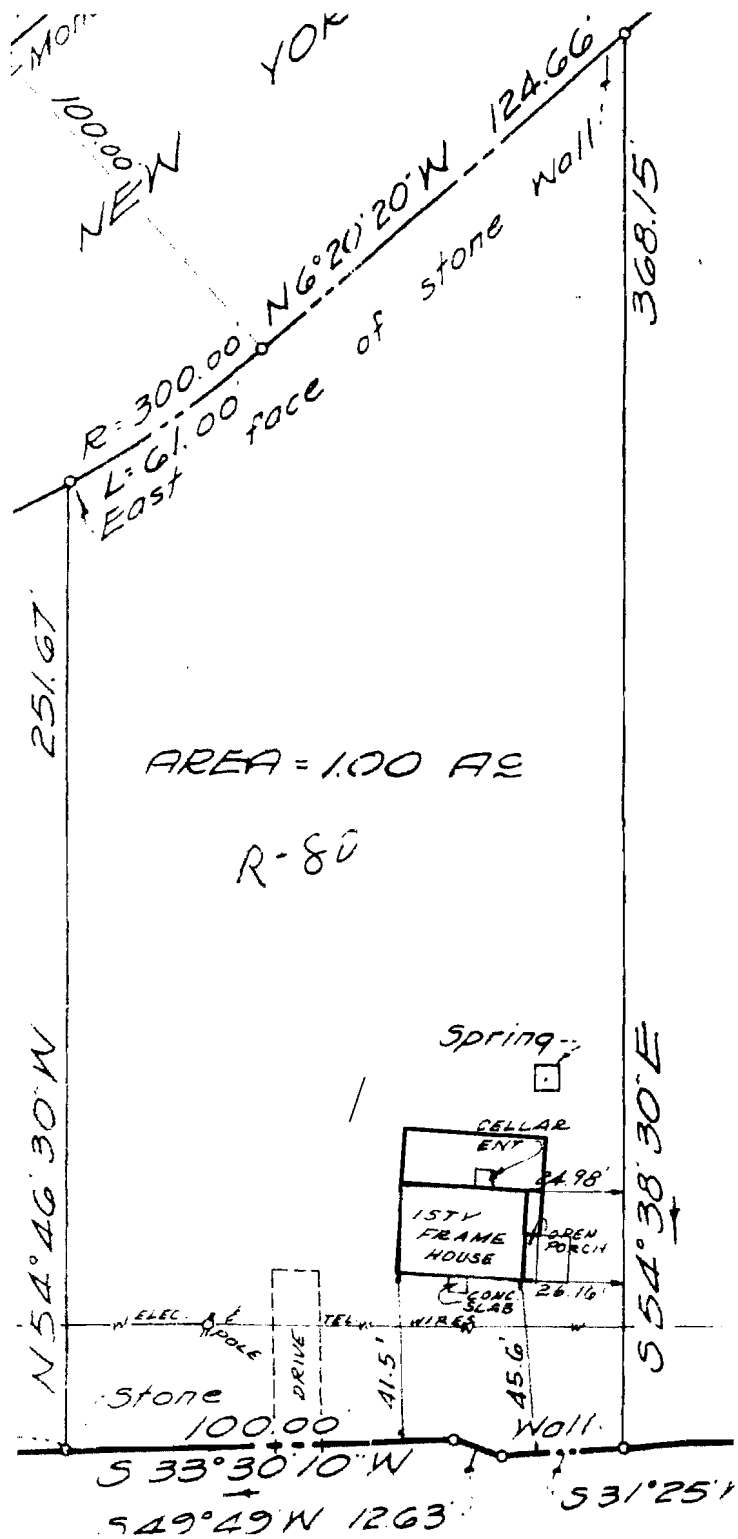
*Documents for the proposed decks prepared by others.*

**SITE PLAN**

<b>RSB</b>	NEW DECK ESTVANIK RESIDENCE 125 Old Albany Post Rd, Garrison, NY	<div style="font-size: 2em; font-weight: bold; border: 1px solid black; padding: 5px; margin: 0 auto;">S</div>
	ROGER STEVEN BLAHO, AIA Architect 236 Lafayette Ave Cortlandt Manor NY 914 788 9549	

22 Sept 14

1"=50'





**Lakeland Central School District**  
**2013 SCHOOL TAX RECEIPT**

For Fiscal Year July 1, 2013 - June 30, 2014

Bill No.: 000712

Warrant Date: 8/28/2013  
 Estimated State Aid: \$36,517,854

TAX COLLECTOR, LAKELAND CSD  
 DEPT # 116036 / PO BOX 5211  
 BINGHAMTON, NY 13902-5211  
 Phone: 914-245-1700

Property & Legal Description  
 Swis: 372689  
 SBL: 83.5-1-1  
 Address: 125 OLD ALBANY POST RD  
 1.11 Acres  
 Property Class: 210 Roll Sect.: 1  
 Bank Code:

83.5-1-1  
 ESTVANIK JOSEPH F  
 ESTVANIK JEANNIE A  
 125 OLD ALBANY POST RD  
 GARRISON, NY 10524

Property Taxpayer's Bill of Rights

The Assessor estimates the Full Market Value of this property as of 07/01/2011 was: \$156,245  
 The Assessed Value of this property as of 07/01/2013 was: \$76,560  
 The Uniform Percentage of Value used to establish assessment was: 100%

**Please read below for "How to file a complaint on your assessment".**

<u>Exemption</u>	<u>Value</u>	<u>Tax Purpose</u>
STAR B	26600	School

<u>Tax Type</u>	<u>Total Tax Levy</u>	<u>% Change from prior year</u>	<u>Taxable Assessed Value (No Star)</u>	<u>Rate per 1,000</u>	<u>Tax Amount</u>
School	\$111,361,730	2.93	76560	54.580253	\$4,178.66
LESS Your Tax Savings Resulting From The Star Program:					\$1,353.00
<b>Note: This Year's STAR Tax Savings may not Exceed last years by more than 2%</b>					
<b>Total Taxes Due After STAR:</b>					<b>\$2,825.66</b>

<u>Payment Schedule</u>	<u>Penalty</u>	<u>Service charge</u>	<u>Amount</u>	<u>Total Due</u>
Full Pay By: 9/30/2013	0.00	0.00	\$2,825.66	\$2,825.66
First Half Pay By: 09/16/2013	0.00	56.51	1,412.83	\$1,469.34
2nd Half Pay By: 03/15/2014				

**2013 Lakeland Central School Tax**

Bill No.: 000712  
 SBL: 83.5-1-1

ESTVANIK JOSEPH F  
 ESTVANIK JEANNIE A  
 125 OLD ALBANY POST RD  
 GARRISON, NY 10524

First Half \$1,412.83 PAID ON: 9/26/2013 THANK YOU  
 Second Half \$1,412.83 PAID ON: 9/26/2013 THANK YOU

Property Taxpayer's Bill of Rights

If you feel your assessment is too high, you have a right to seek a reduction in the future. For further information, please ask your assessor for the booklet "How to File a Complaint on Your Assessment". Please note that the time period for filing complaints on

**Mrs. Steve Johns (Linda)**

Old Albany Post Road  
Albany, NY 10524

**39-2409**

**Mrs. Robert Strange (Susan)**

Old Albany Post Road  
Albany, NY 10524

**36-7253**

**Mrs. Joseph DiSalvo (Karen)**

Old Albany Post Road  
Albany, NY 10524

**39-0219**

**Mary Wood (Ray, her son)**

Old Albany Post Road  
Albany, NY 10524

**39-4848**

September 16, 2014

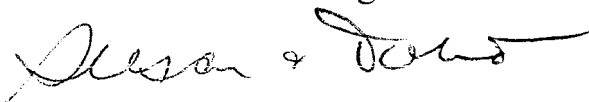
Phillipstown Building Department  
Main Street  
Cold Spring, NY 10516

To Whom This May Concern:

We are Susan & Robert Strange, who live at 126 Old Albany Post Road, Garrison and are neighbors with Jeanne & Joseph Estvanik who live at 125 Old Albany Post Road, Garrison.

We understand they are requesting a property variance to enlarge an existing deck and need approval of neighbors. Since purchasing there home they have transformed it into an asset to the neighborhood and give my hole hearted approval to any addition they under take.

Cordially,  
Susan & Robert Strange

A handwritten signature in cursive script, appearing to read "Susan & Robert", written in black ink.

To Whom It May Concern,

I do not have an issue  
with Jeanne + Joseph Esvarik's  
decision to add a deck to  
their home.

Mary Wood  
119 Old Albany Post Rd

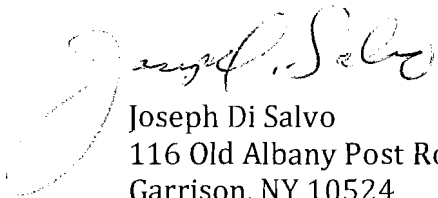
Phillipstown Building Department  
238 Main Street  
Cold Spring, NY 10516

September 17, 2014

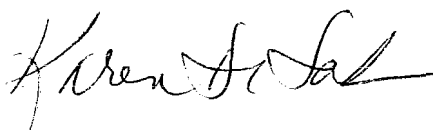
To whom it may concern,

Our neighbors Joseph and Jean Estvanik residing at 125 Old Albany Post Road, Garrison NY 10524 have informed both my wife and myself that they are planning on extending their deck on the North side of their home. This extended decking will wrap around the back of the home to a deck on the West side of the house. We have no issues with this project as we see it will only enhance the esthetic value of the property and surrounding properties. In no way will it create any visual or dangerous issues.

Sincerely;



Joseph Di Salvo  
116 Old Albany Post Road  
Garrison, NY 10524



Karen Di Salvo  
116 Old Albany Post Road  
Garrison, NY 10524

Old Albany Post Road

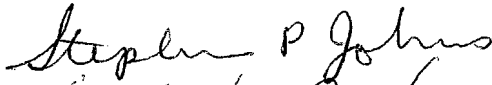

Garrison, NY 10524

Sept. 14, 2004

What May Concern:

This letter is to notify you that we give our neighbors, Joe and Jeannie permission to build a deck on the side and in the back of their 125 Old Albany Post Road. If you need anything further, please to call us at 845-739-2409.

Sincerely,

  
  
Stephen P Johns

Linda M Johns