

**ZONING BOARD OF APPEALS
Philipstown Recreation Department
107 Glenclyffe Drive, Garrison, New York 10516**

**October 24, 2016
7:30 P.M.
Regular Monthly Meeting**

Pledge of Allegiance

1. Approval of Minutes:

July 11, 2016
July 25, 2016
September 12, 2016

CONTINUED PUBLIC HEARING:

- 2. Christopher and Maria Marrison** **TM# 82.-1-29** **Appeal # 896**
7 Old Manitou Road, Garrison
(seeking a variance for a 21' front yard setback which requires 60' from section 175.11 B for an addition.)

Old Business:

- 4. Stephen Flavin** **TM# 49.-1-17** **Appeal # 894**
51 Indian Brook Road, Garrison
(Seeking a Special Use Permit for the construction of a conforming accessory structure with an accessory apartment on a legally non-conforming lot.)

- 5. Kristin E. Sorenson,** **TM#16.20-1-18** **Appeal # 897**
1000 Old Albany Post Road, Garrison
 - Front yard setback
 - nonconforming lot coverage area (area Variance)

New Business:

- 6. Kenneth Callander** **TM# 90.12-1-11** **Appeal #899**
10 Ferris Dr. Garrison
(Seeking legalization of an existing 12'X16' covered porch and an enclosed three season room both requiring a 25' side-yard setback)

- 7. Wayne Scott Craft** **TM# 89.7-1-22** **Appeal #900**
100 Manitou Station Road, Garrison
(Seeking a variance for a side yard setback of 20 feet of section 175-11B of the Town Code which requires a 30 foot setback to build a 24 X 24 foot garage)

***** NOTE: All items may not be called. Items may not always be called in order. *****

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Zoning Board of Appeals of the Town of Philipstown on Monday October 24, 2016 at 7:30 P. M. at the Philipstown Recreation Department, 107 Glencllyffe Drive, Garrison New York, to hear the following appeal:

Ezra and Carrie Firestone, 537 East Mountain Road North, Cold Spring NY Tax Map # 17.-2-85 The Applicant is seeking a side yard variance of 3 feet for an existing carport. The Town of Philipstown Code requires a 30 foot setback from a side yard property line.

At said hearing all persons will have the right to be heard. Copies of the application, plat map, and other related materials may be seen in the Office of the Building Department at the Philipstown Town Hall.

Dated 09/30/16

Robert Dee, Chairman, Town of Philipstown Zoning Board of Appeals.

ZONING BOARD OF APPEALS

September 12, 2016

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held their regular monthly meeting on Monday, September 12, 2016, at the Philipstown Recreation Department, 107 Glencllyffe Drive, Garrison

PRESENT: Robert Dee - Chairman
Granite Frisenda - Member
Lenny Lim - Member
Adam Rodd - Attorney (Drake Loeb PLLC)

ABSENT: Vincent Cestone - Member
Paula Clair - Member

****PLEASE NOTE that these minutes were abstracted in summary from being present at the meeting and the television video. If anyone should seek further clarification, please review the video.**

Chairman Robert Dee opened the meeting at 7:33 P. M with the Pledge of Allegiance.

Robert Dee – Alright we are going to go a little bit out of order alright? We’ll take new business. We’ll take Kristin Sorenson 1000 Old Albany Post Road. Are you doing that one Glenn? No. Is she here? Anybody here for 1000 Old Albany Post Road?

Linda Valentino – I don’t see her.

Robert Dee – Whom?

Linda Valentino – I don’t see her.

Robert Dee – Nobody here. Alright, we’ll push it on to next month to review for next month.

Linda Valentino – Or we can review it later.

Robert Dee – Nobody here.

Adam Rodd – Well yeah, they would need to be advised of certain information that they need that hasn’t been provided with the application. They have to fill out an Area Variance Application. All that we were provided with apparently, were the materials that were submitted or some of the materials that were submitted to the Planning Board. They need to fill out an Area Variance Application because

that's why they were referred by the Planning Board to the Zoning Board. So you should probably advise them of that before the next scheduled meeting and at the next scheduled meeting we will do a review for completeness. Hopefully they have the Area Variance Application at that time.

Robert Dee – Okay. First I would like to introduce our new member, Granite Frisenda, is replacing Bill Flaherty. Bill was on the Board for what a hundred years, (not audible) for a long time right?

Leonard Lim – Oh, yeah.

Robert Dee – He worked for the County, he worked for the Town effortlessly. He's in retirement, he certainly deserves it. We wish you a lot of luck in your new position.

Granite Frisenda – Thank you.

(Clapping)

Leonard Lim - Yay.

(Ezra and Carrie Firestone, 537 East Mountain Road)

Robert Dee – We're going to be a little light tonight Okay. We got enough for a quorum but Mr. Cestone is still on vacation and I got a call about four o'clock from Paula Clair, she's got a flat tire in Syracuse. That's not the place to be with a flat tire at four o'clock. So we are going to continue with the meeting and we're going to proceed as much as we can. Probably we'll go through the public hearing but I'm going to postpone all votes until next month because until we'll have a full Board. Because I think it's the only fair way to do it to both people okay. Because, otherwise if I do a vote it has to be unanimous or nothing. You know, otherwise this way it's not fair to Mr. Flavin and it's not fair to the Nice's. Okay but we are going to go through with the public hearing and hopefully we'll close it tonight. But you guys keep sending me information in the last day you know, not you, the other Attorney back there. You can't keep sending me stuff on the last day it's tough you know. I only got so many hours in a day and I'm not dedicated to looking at this all day long okay. Now the second one we are going to do is the application for 537 East Mountain Road North. It's a variance for a carport, I guess the carport is there?

Glenn Watson – Yes. That's the Firestone application?

Robert Dee – Correct.

Glenn Watson – We represent him in this application.

Robert Dee - Right. Let's see. We got the application. You want to tell me a little about that Glenn?

Glenn Watson – Well there was a carport put up without a permit and it was put up to close to the road. It came to light when the project engineer, Mike Carr, was up there doing work and he figured out that it had to be to close to the road. Then we figured out it didn't have a permit. So Mr. Firestone, who is relatively new to the area, wants to fix it. He hired a builder who said, according to Mr. Firestone, I'll have him here at the public hearing, that the person who built it told him he didn't need... it wasn't a

garage, it was a carport it didn't need a variance, I mean he didn't need a building permit. Of course he did and we want to correct it. We're a wealth away from the neighbors houses but not well away from the property line as we should be but we are well away from neighbors houses. My understanding and we will hopefully present some stuff that indicates that the neighbors have no objection to the variance. And so we ask that if you find it complete, you will schedule a public hearing and at my request if it is going to be scheduled that it be scheduled in the November meeting because I won't be here for the October meeting.

Robert Dee – Okay. I looked it over, it seems complete. It just seems like a straight forward thing. Do you have any problems with it Lenny?

Leonard Lim – No, I don't.

Robert Dee – Okay at this time I make a motion that this be deemed complete.

Leonard Lim – I'll make the motion.

Robert Dee – All in favor.

Robert Dee – Aye.

Leonard Lim – Aye.

Granite Frisenda – Aye.

Robert Dee – Okay, unanimous. It's been deemed complete by three Board members okay, and it will be set for November 14th.

Glenn Watson – Thank you very much.

Robert Dee – Okay. November 14th so you have time to put out the notices to the neighbors, Linda.

Linda Valentino – Okay.

(Christopher and Maria Marrison, 7 Old Manitou Road, Garrison)

Robert Dee – Good. Alright, we got rid of that. The next one I'm going to do is 7 Old Manitou Road, Mr. Marrison. Okay, Hi how are. This is a public hearing on your application and I have a couple of questions. A couple questions on it.

Terence Lennon – Sure.

Robert Dee - The original house now is what 1700 Square feet?

Terence Lennon – That's about right. Yes.

Robert Dee – And you're looking to put on another...

Cecilia Rohr – Can he go up to the microphone?

Robert Dee – I'm Sorry.

Cecilia Rohr – If you're going to speak.

Robert Dee – Oh, If you're going to speak you have to go up to the microphone over there, I'm sorry

Terence Lennon – Over there.

Robert Dee – Yeah, please both of you go over there. You're on film. Okay is that yours or mine?

Leonard Lim – It's mine. I just put that there.

Robert Dee – You just put that there?

Leonard Lim – Yeah.

Robert Dee – Are you sure?

Leonard Lim – Yeah. That's why we need folders.

Robert Dee – Alright, you're right. My concern is, I looked at the plans and is that all new construction on those plans, the plans that I was given?

Terence Lennon – Only the space over the garage and there's one area over the family room, Can I walk up there?

Robert Dee – Yes, Please. Because I was a little confused on it, you know what I am trying to say. Because I know you're attaching this to the house that's there now is that correct?

Terence Lennon – Yes. Actually this would be a good starting point.

Robert Dee – Okay.

Terence Lennon – This footprint is the footprint of the existing house. This footprint is the addition and there's an area right here over the family room which would get some additional space as well.

Robert Dee – Okay, so you drew this in?

Terence Lennon – Yes.

Robert Dee – Okay. Now Show me here what exists and what's new I guess is what I am trying to say.

Terence Lennon – Right, so this exists.

Robert Dee – Okay.

Terence Lennon – This is new.

Robert Dee – Okay.

Terence Lennon - and then this is the new part as well.

Robert Dee – Oh, okay, so this already exists?

Terence Lennon – That’s already existing. Yes.

Robert Dee – Oh okay, I get it.

Terence Lennon - So we’re taking out a portion of the Gable wall and you have to go up a few more steps to get to the height where you’re above the family room.

Robert Dee – Okay, so this is not new construction?

Terence Lennon – No. The only new footprint is actually this.

Robert Dee – The only new footprint is basically this 26 foot wide square here.

Terence Lennon – Yes.

Robert Dee – That’s going on into the house?

Terence Lennon – Yes.

Robert Dee - Alright that makes it a little more understandable, thank you. Now, what is the variance we are looking for? How many Feet I guess? Now setback needs to be 50 feet.

Adam Rodd – My understanding is that the setback requirement is 60 feet.

Robert Dee – Right.

Adam Rodd - Jump in if this isn’t correct and you’re proposing a setback of 21 feet.

Terence Lennon – Right the majority of the house as you can see is from the site plan. It starts at almost zero.

Robert Dee – Right.

Terence Lennon – So even though that number in itself sounds onerous. The fact is that it's pushed as far back from the road as most of the house could be.

Robert Dee – Right. So you're looking for a 21 foot variance from the frontage.

Terence Lennon - Depending on how you want to describe it, that would be the dimension that is left. So it's not, actually a better way of saying it is the variance is actually for...

Adam Rodd – The proposed construction will be setback 21 feet from the front yard lot line.

Terence Lennon – Right.

Adam Rodd – And 60 is required.

Terrance Lennon – Yes.

Robert Dee – Okay 50 is required.

Adam Rodd – 60.

Robert Dee – 60 is required. So that's a 39 foot difference.

Christopher Marrison - Is that from the lot line or from the center of the road?

Adam Rodd – From the front yard lot line.

Terence Lennon – Right. There was some reason that they said... or it can be from the center of the road. I guess it depends on if it's a country road or something along those lines but that's for you guys to decide.

Robert Dee – Okay so you're looking for a 39 foot variance. How many more bedrooms are you adding here? I'm just curious.

Terence Lennon - We are not actually... So the house is currently (not audible).

Robert Dee – It doesn't matter to me. (not audible) What's going to happen (not audible) if you go to the Building Inspector he's going to...

Terence Lennon - We've already been through that process We've been to the health department and...

Robert Dee – You have already been though that, okay.

Terence Lennon – Optimistically hoping things would go alright. So it's currently a three bedroom and it will stay a three bedroom but obviously we are making a much larger master bedroom and putting both kids rooms on the upper floor.

Robert Dee – Okay.

Terence Lennon – And then undoing the one that's in the basement.

Robert Dee – Now in looking at this, I went over and I looked at that. They are pretty close to the street there that's for sure. The house is what how many (not audible) 60-70 years old something like that?

Christopher Marrison – Oh no, 1850.

Robert Dee – 1850.

Christopher Marrison – So there is an 1850 part. It was part of the Manitou I'm sorry part of the Manitoga Quarry.

Robert Dee – Okay.

Christopher Marrison – So there was an 1850 part. There's a 1970s, there's a 1920s...

Robert Dee – Okay. In the existing structure are you going to try and blend it together or is it?...you know what I'm trying to say as far as siding and you know. It's not going to look like to different houses?

Terence Lennon – No. No, no in fact we are going to use the older thicker version of the siding and the trim style and get rid of the 70s effect, because there is already two types of siding on it.

Robert Dee - Right.

Terence Lennon - And go with that for everything.

Robert Dee - Okay.

Terence Lennon - And windows, it will be all blended as one.

Robert Dee - Okay. You're the Architect right?

Terence Lennon - I am, yes.

Robert Dee – Alright Mr. Marrison, would you like to speak as to the reason you are looking for this?

Christopher Marrison – Well basically we have two children 8 and 10 years old. Now living in their own bedrooms, a daughter and a son and they're getting bigger and having two adolescents wondering around the house...

Robert Dee – Right.

Christopher Marrison –...that size is going to be tough. So, we wanted to build something and we looked for years and years. We talked about alternatives of extending, adding moving or... and this seems to be the most logical way to put something that's attached to the house but not too close to the road and also to make it more rational because at the moment there is one bedroom on the top level, one on the ground floor, one in the basement which is a bad way to arrange your children so...

Robert Dee – Right, now I read in and I looked according to the engineers there is no way to move that closer back far from the street, I mean there is no way to push it further back. At the end of the house there is another cottage there or something like that.

Christopher Marrison – At the end of the house there is an 8 foot wall. There is an 8 foot stone wall that runs down the property.

Terence Lennon – Tall. 8 foot tall.

Robert dee – Right.

Christopher Marrison - And if we were to build there, you would end up with a long thin house

Robert Dee - Right.

Christopher Marrison - It would probably look actually worse than this one which is kind of compact...

Robert Dee – Right.

Christopher Marrison – and you would have to re-engineer that wall and you're bumping against another structure that is further, further along the property limit.

Robert Dee – Correct.

Christopher Marrison – I suspect this, the ground slopes away quite strongly and it's already like a six to eight foot drop. So I suspect by the time this is built, you wouldn't actually notice something has been built. You'd go by and say was that like it was before? Was that there?

Robert Dee – Right, right.

Christopher Marrison - We like our house. We have every intention to want to make this part of the same farmhouse look.

Robert Dee – Right. Okay. Is there anybody that would like to speak to this in the audience? Any neighbors or anybody? Nobody complaining? I don't mean complaining, I don't mean complaining, I mean nobody with a different opinion is what I'm trying to say. Are you prepared to vote on this?

Leonard Lim – No I'll just wait for a full quorum.

Robert Dee – Huh?

Leonard Lim - I'll wait for the full quorum. I'll wait till it falls in for the next month.

Robert Dee – Okay. I'll tell you what I'll do Mr. Marrison, I'm going to close the public hearing, right and what we'll do is the whole Board is not here. Okay, unfortunately we are missing two members okay and the same thing for you. If we take a vote it has to be with three people, you know, what I'm trying to say. I'm trying to make it fair to you. This way, if there is five people here, and one person is against it you still got four or three to two something like that. So I'm going to push you off. if it's alright with you, as far as a vote, I'm going to push you off to our next meeting which is going to be October 17th.

Christopher Marrison – Yes, that's fine will you have many questions at that time?

Robert Dee – No, well I guess I should leave the public hearing open.

Leonard Lim– Leave it open, yeah.

Robert Dee – Adam, what do you think?

Adam Rodd – That's fine in the event that they have...

Robert Dee – Yeah, somebody in case a neighbor, somebody has questions. Okay we'll leave it open. Okay what I mean by that is October 17th in case a new Board member, not a new Board member but the Board members who are absent, they might have a question or two okay. Now they've been on the Board a long time and they had, we had ample time to go over this whole thing like that but they may have a question or two. So it will make it fair to them also. There won't be a lot of questions and then we will close the public hearing and we'll take a vote then Okay. Then you only need three. You only need three. Two to vote against or what ever. It's more advantageous and more in your favor to be fair Okay?

Terence Lennon – Sure.

Robert Dee – Okay, October 17th, It will be 7:30. It will be here.

Terence Lennon – It will be here okay.

Robert Dee – Thank you. Okay, Next we're going to do the public hearing is going to be for Mr. Flavin.

(Kristin Sorenson, 1000 Old Albany Post Road, Garrison)

Kristin Sorenson – Excuse me before you move forward, I'm Kristin Sorenson, I guess we were dismissed and I apologize for making you go backwards but can you just explain why we are not able to divide our property?

Robert Dee – Yeah sure. Tonight you mean? Because there is only three Board members here okay. The full Board consist of five.

Kristin Sorenson – Yes.

Robert Dee – Okay, one person unfortunately had a car problem up in Albany and another person isn't here. So if we were to vote on this now okay, all three would have to say yes.

Kristin Sorenson – Okay.

Adam Rodd – Well Mr. Dee, just so you know, they were on for a review for completeness.

Robert Dee – Oh, it's completeness, I looked at the wrong one. (not audible). For completeness, I'm sorry.

Adam Rodd – I advised the Zoning Secretary...

Robert Dee – Right.

Adam Rodd – ...that the item that you need and then your application should be complete is you need to ask the Building Department for an Area Variance Application. You were referred from the Planning Board to this Board...

Kristin Sorenson – Right.

Adam Rodd – ...for an Area Variance. The Board has an application specifically for Area Variances. That was not submitted.

Kristin Sorenson – Is there anywhere, I mean I understood and we'll go back but, there was never any check list of things that we were supposed to get and I did file everything that I needed to with Linda. No problem we'll go and try to get it but this is... We were delayed from an earlier meeting. We were hoping in early September, early August and now it's early September. I just want to make sure that we're complete and if we're not when we're submitting these things that maybe somebody could let us know that we're incomplete prior to the...

Adam Rodd – I'm not, I have no personal knowledge of what went on. I know that you are a referral from the Planning Board...

Kristin Sorenson (not audible)

Adam Rodd ...and we reviewed what was submitted and we had Planning Board materials...

Kristin Sorenson – Linda, if there is anything that we need, you know, you have my number and I didn't know that my application was incomplete so...

Adam Rodd – So you need to fill out an Area Variance Application and as I understand it the next meeting is October 17th.

Kristin Sorenson – Okay.

Adam Rodd – So you would be scheduled for your review for completeness on October 17.

Kristin Sorenson – As long as I have my Area Variance in.

Adam Rodd – Your Area Variance Application.

Kristin Sorenson – Do I submit that to Linda?

Adam Rodd – Yes, and then she will provide that to the Board and then assuming that the application is complete we would then schedule you for a public hearing in November.

Kristin Sorenson – Okay. Thank you very much I'm sorry (not audible).

Robert Dee – Okay. Oh no, no, no. No problem. I'm glad you spoke up. I thought you... I thought you were someone else.

Kristin Sorenson – No, No...

Eric Stark – I have one other question.

Robert Dee – Go ahead.

Eric Stark – The other issue is that...

Kristin Sorenson - (not audible)

Robert Dee – Oh.

Eric Stark - The other issue is...

Robert Dee – You have to speak over here. I'm sorry, to this thing, it's only fair to...

Eric Stark – ...there are I guess two issues involved. One is the area the other is the fact that the neighboring property that is giving us land the additional 40 feet would then go from being to 60 feet of frontage to having 20 feet which is their actual driveway.

Robert Dee – Correct.

Eric Stark – So is there anything they/we have to submit in regards to that? Is there any application in regards to that?

Adam Rodd – That is all part of the Area Variance.

Eric Stark – It's all part of it.

Adam Rodd - And definitely confer with the building inspector. My understanding is there is road frontage. That you have an insufficient amount of what's proposed and apparently one of the lots, I guess that is donating the land, will be somewhat smaller and more non-conforming. Correct?

Eric Stark – Yeah correct, I mean what we're actually doing is they've actually purchased four acres of land, which they actually purchased from us, which gives them an additional 20 feet next to their already existing driveway of 20 feet. They have a 20 foot driveway. They have a 20 foot piece of land with a ten foot wide driveway they just bought from us. We're about to close on Friday. An additional 20 feet with the additional four acre part attached to that. So they're actually growing technically in size from six acres to ten acres and then as part of that deal they're giving us back the unused... That was an illegal sub-division originally. So they divided it into three lots and then the Town forced them to recombine those lots, not them, but the prior owner into one lot, So two, what was originally three lots down there, two acres each, illegally sub-divided were forced back to six acres. We had bought an additional four acres which we sold to them and now they have ten acres and a 40 foot piece of land.

(not audible)

Adam Rodd - That's fine I'm just saying you're seeking Area Variances and you're going to need to submit an Area Variance Application and once we have that application the Board will certainly ask you questions to clarify exactly what you're seeking, but that's the next step.

Robert Dee – Wait one second, would both of them need an Area Variance? Would both him and his neighbor need an Area Variance? Or just him, you know?

Adam Rodd – There are two lots involved. Just to be clear, one lot is going to be somewhat smaller, the one that's donating the land correct?

Eric Stark – Right.

Adam Rodd - And one of the lots that you're proposing is going to have insufficient road frontage is that it?

Eric Stark – I mean technically it's going to go from 60 feet to 20 feet but it's actually going to meet the code because it's going to an additional 20 feet next to that to give it the 40 feet that it needs. I believe it's 40 feet.

Adam Rodd – I just think at this point it's really premature to start having an extensive conversation. You need to fill out an Area Variance Application to outline exactly and the Building Inspector will tell you these are the variances you need or if you have any questions the Planning Board can clarify us as to why they were sent over. But you do need an Area Variance Application and you need to be specific as to the variances that you're going to need

Eric Stark – Right.

Adam Rodd – So. But there's no use having an extensive discussion right now because we don't even have an Area Variance Application.

Eric Stark – Well, one last question. Our lot is growing in size. It's undersized given the current zoning but when it was actually it was actually a build-able lot It still is a build-able lot at two acres.

Adam Rodd – If the Building Inspector does not believe that you need an Area Variance for that part of the application he will advise you of that. You need the Area Variance Application and then the Building Inspector will guide you as to the variances that you need.

Eric Stark – Alright. Thank you.

Robert Dee – Okay, your welcome, Thank you.

(Steven Flavin 51 Indian Brook Road, Garrison)

Robert Dee – Okay the next one is a continued public hearing for 51 Indian Brook Road, Mr. Flavin, I guess I got a letter last week from Mr. Nice's Attorney regarding an accessory apartment.

Daniel Richmond -Yes sir.

Robert Dee – Can you speak to the that? Can you come up here and speak to that?

Daniel Richmond – Well we did submit a letter last week, Your Honor.

Robert Dee – Call me Honor, oh no, no please.

Daniel Richmond - Chairman and Members of the Board, as you recall my name is Daniel Richmond I'm here on behalf of the Nice family. We learned last week that there had actually been a Certificate of Occupancy issued for what appeared to us to be a dwelling unit on this site already. I understand the applicant has just submitted a letter, I haven't had the opportunity to review it in detail. I would be happy at the next meeting or writing to respond to the...

Robert Dee – Well my intention is to close the public hearing tonight.

Daniel Richmond – I appreciate that so all I can say is you know what was in our letter which was... there is a Certificate of Occupancy which suggest that there is already an apartment existing on the premisses. That as such it would be pure and proper that an additional accessory apartment that I believe and suggest that is something the Board should look into. Again I just saw the applicant has submitted a letter this evening, this afternoon that purports to address that issue. I would want an opportunity on behalf of our clients to review it and comment intelligently on it.

Robert Dee – Okay, Alright, thank you. I'm just going to take a minute to address the issue of the accessory apartment.

Daniel Richmond – Sure.

Robert Dee – Okay. On Sunday, yesterday, I visited both Mr. Flavin's home and Mr. Nice's home.

Daniel Richmond – And we appreciate it. I was going to mention it (not audible).

Robert Dee – Okay, and Mr. Flavin graciously invited me inside his home, okay. Mr. Flavin, on that addition what he did was he extended his kitchen, put in a dining room and a bedroom. There is no accessory apartment in Mr. Flavin's home Okay.

Daniel Richmond - You were there, I wasn't.

Robert Dee – I was there and I can tell you there is no apartment there. Is that it?

Daniel Richmond – Well we have other comments on it. A lot of the comments (not audible).

Robert Dee – Sure, go ahead.

Daniel Richmond - Shall I proceed with our comments?

Robert Dee – Sure, sure.

Daniel Richmond – Mr. Chairman and Members of the Board, and Mr. Rodd we have had an opportunity to review the applicants latest submission and in respect we submit that there are still some major outstanding issues that we would ask your Board to attend. One of them is again we appreciate that the Chair made the effort to go out to the site. I understand the applicant will present to you this evening their videos purporting to show you what the lighting impact of driving on this route... on the Nice family would be. It's again in our estimation has no real empirical value because it is taken from their property so I don't understand how it can purport to show what the lighting impact is on the Nice family. In fact as we noted in our letter that in fact Mrs. Nice did see the lighting from one of those driving tests or whatever they were calling them. And as I think the Chair certainly would note when he was out at the site much of the existing screening there is insidious and will not be there in the winter. So whatever their showing now, which I guess these videos were taken when there is the most foliage on the trees, will not reflect reality in the winter. We would ask your Board again it's particular to your deferring the vote for a month I think it's something within its ability to visit the site at night to visit (not audible) the Nice family to see what the impact of someone driving that road is and I think you will see something different.

Robert Dee – Several of the Board members have visited this site not just myself.

Daniel Richmond – Great.

Robert Dee – So as far as a night... everybody go out there at night and go see the lights on like that I don't think that's required. I'm not going to ask that of the Board members.

Daniel Richmond – Okay then I guess in our view Mr. Chair respectfully then it is an outstanding issue. We don't see how this issue is (not audible)..

Robert Dee – Okay.

Daniel Richmond – It is a major impact on our clients...

Robert Dee – Okay.

Daniel Richmond –...from this project. We also have continually as our clients have raised throughout this project, storm water impacts. The impact of how the drainage from this system is going to be handled from building the new previous surfaces and previous surface including the roof. We understand there's going to be a curtain drain on the other side of the property. We were wondering why there was not going to be a curtain drain along the Nice family. It goes in connection with the other concern we have as we have asked that with respect to the proposed landscaping there should be a maintenance bond as your code specifically establishes. Your Board has the authority to impose quote any conditions necessary to fulfill the purpose of the town unquoted, including the posting of performance bonds in the furnishing the guarantees, insure the completion of projects in accordance with the conditions imposed. I think that clearly gives your Board the authority to first impose a bond to insure that the landscaping survives three seasons which I submit is a basic requirement that any Board can impose. We would also suggest that, again if the applicant is not willing to propose a storm water study now that there should be some kind of a bonding so that for example, one year if it turns out that within one year of construction that there is actually storm water impacts that affects the Nice family that there is money then to take some action, compensatory action.

Robert Dee – Okay. Anything else?

Daniel Richmond – That's it for now. I'll wait to see what their presentation is.

Robert Dee – Thank you.

Daniel Richmond – Thank you very much Mr. Chair.

Robert Dee – Mr. Flavin's Attorney.

Taylor Palmer - Good evening Mr. Chairman, Members of the Board, Mr. Rodd. My name is Taylor Palmer. I'm from Cuddy and Feder I'm here to represent the applicant, Steven Flavin. Mr. Chairman, respectful, our submission, our formal submission was submitted on August 29th following up on the correspondence from the prior public hearing held on July 25th. This additional submission was in response to the neighbors Attorney who submitted their letter regarding an accessory apartment on September 7th. And we previously addressed concerns from those neighbors including pro screening at the location of the driveway and tonight we are joined by Glenn Watson of Badey and Watson to go through the revised plan set and we'll present before the Board some additional video footage if the Board sees fit showing the vehicles driving down the driveway in that particular location to show the existing screening. As the neighbors Attorney pointed out there was, did not point out there was additional screening proposed in that location so we'll show the Board there is certainly dense

vegetation there and we understand the Board members have also visited the site. But again we are proposing screening that is shown on the plan. Additionally, we have Mary Rice here from Badey and Watson who will also go through, describe what types of trees are being proposed in this location. The neighbors have presented interest in a specific type of tree which Mr. Flavin has worked to address. There is certain concerns with Walnut trees. I will not try and put that hat on today But I will turn to Mary with respect to the impacts of the Walnut Tree and the roots and what could actually be affected and what types of trees should be in that location given that concern. The neighbors again presented issues regarding drainage. Mr. Watson will also present and show for the Board how there is no impact in the existing conditions or the proposed conditions for the drainage. So at this time if the Board sees fit. Well, certainly again that letter that was prepared for the Board this evening was certainly just... it's a follow up to the accessory apartment issue. We do respectfully submit as the Chairman indicated that there is not an existing accessory apartment indeed the applicant is before this Board in order to request, want the first and only accessory apartment above the garage for this application so again the only correspondence that was provided today to simply to respond to that but again, we're doing so here again at the public hearing so there were no further comments that would work we need to address and that again it's for the Boards reference and summarizes our submissions to date.

Robert Dee – Thank you. I believe Mr. Lim, did you... you visited this site?

Leonard Lim – Yes I did, I made a site visit. I don't know what everybody is talking about but I did pick up a big walnut.

Robert Dee – Were you inside Mr. Flavin's home? Did you get inside?

Leonard Lim – No but I did walk around the outside and I did see an extension. I saw a kitchen. I mean he built a kitchen. I didn't see an extension apartment.

Taylor Palmer - And for the record there is only one kitchen.

Robert Dee - I was inside there is only one kitchen.

Leonard Lim – (not audible)

Robert Dee - I saw it. Mr. Flavin took me through the whole house.

Taylor Palmer – And our letter does explain further the definitions that are in the code that explain what a housekeeping, excuse me, what a dwelling is.

Robert Dee – Right.

Taylor Palmer - And further how the one dwelling on the property is one dwelling.

Robert Dee – You are correct.

Taylor Palmer – And if I may I will turn it over to Mr. Watson

Robert Dee – Sure.

Taylor Palmer – For the additional changes to the plan as the Board sees fit.

Leonard Lim – I got a question.

Taylor Palmer – Yes.

Leonard Lim – What is this big deal about a Walnut Tree? I do not understand it.

Taylor Palmer – I will not put that hat on. If I may I will have Mary Rice explain the impacts of what a Walnut Tree and what it's roots can do to other trees in that location.

Leonard Lim – Okay.

Robert Dee – Alright.

Mary Rice – Hi, my name is Mary Rice...

Robert Dee – You're the tree expert right?

Mary Rice – Well I'm not a tree expert but I am a Landscape Architect so I have a little knowledge there about trees. But anyone can Google Black Walnut Trees and find out that there is, you know, lots of university extension web sites or arboretum sites that will give you recommendations for the types of plants that can safely be planted by Black Walnuts. The issue with Black Walnut is that the roots produce a chemical called Jeblon. There are certain plant species that can not tolerate that chemical they'll over time wilt and die. So obviously that is the last thing we want to do on this site. This site is filled, You know I looked at it, this whole area is filled with mature seedlings to mature Walnuts which tells me it's a very active site for Walnuts. They're very happy and they're not going away any time soon. If you cut down the Walnuts the chemical remains in the soil for years so there's no guarantee that the future, the planting future, with the plants will survive without the trees and so using those recommended plant lists, I chose the plant material that I thought was appropriate to the site for screening or the cultural requirements here, the amount of water, the sun, exposure to winds and then there are appropriateness for effective screening and there ability to be planted by the Walnuts. And also just the scale and the growth rate and availabilities in nurseries and general pricing. I did adjust the plant list to take a recommendation from the Nice's list that they submitted the others were not appropriate mostly because they are not tolerant of Black Walnuts and or are not available in nurseries or their scale wasn't appropriate to this site but primarily they are not tolerant of being planted near Black Walnut.

Robert Dee – Thank you very much.

Leonard Lim – Excuse me, how high is the average new tree going to be that you are putting in or shrub whatever you are going to be putting in?

Mary Rice – All of these right through the center. I don't know if you can you see that.

Leonard Lim – I can see that from here.

Mary Rice – They're Hemlock and they are, I think they are fourteen to sixteens.

Robert Dee – Okay.

Mary Rice – They're fourteen to sixteens and the half of them are sixteen to eighteen. they are very large trees.

And then there's a row, another scattering of Arborvitae that the Nice's had recommended and those are going in six to eight foot to start. They're behind for the most part.

Robert Dee – Right.

Mary Rice - Filling in as additional screening and then there's a numerous row of mixed shrubs deciduous shrubs.

Robert Dee – Okay.

Mary Rice – Again they are also all native. They will form thickets and they'll be in front of that screening. They're not really meant to be effective screens on the house that is this whole Evergreen spot.

Robert Dee – Okay and most of that will be green all year around right?

Mary Rice – Yes, except for this row up in the front which is on Steve's side.

Robert Dee – On the driveway side.

Mary Rice – And that's it.

Leonard Lim – So that was my question is screening going to be there for the winter?

Robert Dee – Yeah.

Mary Rice – Screening is there for the winter it's also this entire Evergreen section is going to be surrounded by a deer fence. Commercial grade deer fence, that's meant to last at least 20 years to life it will be invisible it's black vinyl metal post. I also called for that fence to be maintained year round and I've also called for the Hemlock, which is our native Evergreen and is the tree that we see on the Nice's property that those be sprayed. It's typical for them to be sprayed with a horticultural oil. We do that twice a year. Hemlocks are doing very well now, they are susceptible to Woolly Adelgid Disease but it's been very well controlled and there should be no issue as long as there maintained.

Robert Dee – Thank you.

Leonard Lim – How many years would you have to spray?

Mary Rice – Well you would do that indefinitely.

Leonard Lim – Indefinitely.

Robert Dee – Thank you. Mr. Watson.

Glenn Watson - Yes, I have a couple of things. So I wanted to give you a slightly different perspective on the landscaping plan so we prepared a couple of boards just to give you an idea. We took our landscaping plan this is just, this is off of Google earth.

Robert Dee – Right.

Glenn Watson - It's been tipped, purposely tipped. What we did was then... Sorry for all this cumbersome stuff. We tipped it to show you, I think it gives you a much better perspective of how the two buildings relate. This is Mr. Flavin's house...

Robert Dee – Right.

Glenn Watson – ... This is Mr. Nice's house, this is the screening that we proposed.

Robert Dee – Right. But there are other trees along there too?

Glenn Watson - Well these are the trees that I showed, that I mentioned last week that we colored in last month.

Robert Dee – Last month right.

Glenn Watson – That we had colored in. I specifically said I was showing you the canopy of the trees.

Robert Dee – Correct.

Glenn Watson – That's these trees. This is exactly the plan that you've seen before. So to me it clearly demonstrates to you that the proposed screening is in the right location. We have a similar board which I think, and this is another version which is basically the same thing except it's a straight down view more like the plan. Again, if you look closely and I have copies for the Board you can see the outline of the house, you can see the outline of Mr. Flavins house where the accessory apartment will be. That's the septic system it's already in place. Incidentally Mr. Richmond was incorrect, we're not proposing a curtain drain on the other side, we stated that there is a curtain drain that was put in it's already there. It was put in to allow the installation of the septic system in there to drain the water from around the septic system but, there's no curtain drain being proposed at this point. We are proposing to exit the roof drains towards the north east, north west excuse me so that the roof drains will be directed away from the Nice's house. I have small copies of that for the Board.

Robert Dee – Okay, Linda can you do me one favor can you see that Vinny and Paula get mailed that before the next meeting?

Linda Valentino – Okay.

Robert Dee – Thank you.

Glenn Watson – Now you may find these easier to follow, the small versions of these easier to follow just because of the distance (not audible).

Leonard Lim – I think I have a question.

Glenn Watson – If you have a question regarding the site plan we will try and answer it.

Robert Dee – Okay.

Glenn Watson – Okay. The second or the third...actually the third graphic needs a little bit of explanation. What we did is we took a contour that's above at the top of any of the changes and we spaced out along that contour, we spaced, we put up a point every 20 feet from well north of the proposed construction to well south of the proposed construction on the Nice's property. And then we traced the path of the water and it's a relatively easy thing it goes from one contour, the shortest route to the next contour and then the shortest route to the next contour and then the shortest route to the next contour. Water as we all know goes down hill. It takes the least resistant way. So, what you see here are a lot of green. And if you look at the legend you will see that the green is the existing condition. That won't change. As you might expect where there's no activity proposed on the north of the property of the proposed garage this is green all the way, in other words, these four green stripes don't change from before to after construction. And they all exit the Flavin property onto the Nice property well behind their house as it has forever. You have a similar situation with these four stripes, these four green stripes that come down, two are on the Nice's...Start on the Nice's property one and two wonder back and fourth. They eventually come back to the same spot and leave the Flavin property at the same point. And again it's just water running down hill the easiest way. If you look in the middle you will see red lines. The red lines... We start out with the green lines for instance it changes to a red line and then it eventually matches a green line. The red lines indicate the flow of water today. With the construction the water will flow somewhat differently. So what will happen is we will come up to that same point where the red...where the green turns into a red and a blue the water will then take the blue route to a point where it joins again and you see the water at the north end gets pushed a little bit to the north and it comes around and goes a little bit to the south and then it rejoins In the south extreme, there is hardly any movement in the water. The two in the middle, the two do move onto the south flow into the area where we will have the screening and there is some design element in that. And then, but eventually it flows back, lines turn green again and where the flow pattern comes together and continues out and off the property. So what we're demonstrating to you here is that the flow today will change where we do the thing but by and large before the construction and after the construction it won't change at all. During construction it will change and there will be some additional flow to the south towards where that berm that we're going to construct, I mean mounting that we are going to construct for the screening but then it eventually rejoins, picks up basically the same route all the way down until it exits the property. So there is no redirection of the flow out of this property onto the Nice's property. It will be redirected back to it's original course and that's what will happen. I'll be happy to answer any questions on either of those.

Robert Dee – Alright do you have any questions Lenny?

Leonard Lim – (not audible)

Brian Nice – I have one question.

Robert Dee – Sure.

Brian Nice – When does the (not audible) is on my mom the septic system. That's right where it is. All that water (not audible) their septic.

Robert Dee – The Flavin's septic?

Glenn Watson – I don't know where the Flavin's septic is.

Brian Nice – No, my moms.

(not audible)

Daniel Richmond – where the two arrows (not audible).

Sandra Nice - See the two arrows See the two green arrows?

Glenn Watson – Here.

Sandra Nice – No down...

Glenn Watson - Here.

Sandra Nice - No back a little bit, no down. Down, now forward there all around there and where those right there where those two green things are. it's huge, it's huge fields.

(not audible)

Robert Dee – whose fields are we talking about? I'm sorry. Yours?

Brian Nice – My Moms.

Robert Dee - Oh Mrs. Nice I'm sorry. Well I just, I didn't know what we are talking about. So we're talking about your fields.

Brian Nice – Correct.

Glenn Watson – All I can tell you is...

Robert Dee – This is the current water flow right? The green is the current water flow?

Glenn Watson – The green is current and future, it will not change.

Robert Dee – Okay.

Glenn Watson – So when it exits the property it's going to exit the property in exactly the same place within a couple of feet and eventually it basically comes out of the property at exactly the same place as it exits the property now.

Robert Dee – Okay.

Glenn Watson – And presumably has been exiting the property for many many years.

Robert Dee – Okay so I guess my question is the flow of Mrs. Nice's septic fields will not change from what it is today?

Glenn Watson – Well not from anything we're contributing through this project. I just don't know enough about this to give you a logical answer, a more informed answer.

Robert Dee – Okay. Okay, any questions from Mr. Nice's Attorney maybe?

Daniel Richmond – Well just a couple of things, there seems to be that the goal as to...

Cecilia Rohrs – Excuse me can you go up to the mike.

Robert Dee – Oh yeah, I'm sorry, you got to go up to the thing.

Daniel Richmond – Sure. Again for the record Dan Richmond from the law firm Zarin and Steinmetz. I think it goes back to the point I was trying to make earlier, first I think the Flavin's, their Counsel and their Consultants are making the point that the goal here is to sufficiently and effectively screen this project from the Nice property so I think that can clearly be made a condition of any approval that goal is for this to be effectively screened. Again that ties into what I was saying about the bonding requirement which they don't appear to contest is something your Board clearly has the authority to do. To make up and tie the bonding requirement to confirm that there should be effective screening. That they need to do whatever is required to do to insure effective screening you can take your Board or you can have your building inspector examine it within a year and then insure that whatever is put in there survives for three seasons. Again I think it's a fairly standard application. Similarly they seem very confident that there is going to be no storm water impact to our clients. It is unclear however there is going to be during construction storm water or storm water flowing towards a berm that is not yet constructed. Is that what you were...? You said your goal is to put a berm here, right?

Glenn Watson – Well fill is going, there's fill to raise the level of the ground in order to provide a place for the plants to basically make them more effective.

Robert Dee – Correct.

Daniel Richmond - But is that going to be put in? You said during construction the result is going to be increasing flow going this way at least during construction.

Glenn Watson - Well I'm sure that can be handled. We put erosion control there and standard construction requires the sediment erosion control and we provided for that.

Daniel Richmond - Well...

Robert Dee - Will the building inspector check that?

Glenn Watson - I don't know what the building inspector does but it's on our plans. It's certainly (not audible)

Robert Dee - It's on the plans okay.

Daniel Richmond - Well again I think that should be a specific condition.

Robert Dee - Okay.

Daniel Richmond - Topo conditions related to any action your Board takes here. And first to insure that adequate soil and erosion control plans and that bonding is in place to insure during construction and I would say for at least one year to insure that if there are any storm water impacts that are unanticipated that do occur that adversely affect the Nice family that there's action that can be taken to correct that situation.

Robert Dee - Okay, I guess, I think the easiest way to do this is would be for you to send a letter to our Attorney Okay on what restrictions or what you are requesting.

Adam Rodd - They've already memorialized that in their prior correspondence.

Robert Dee - They did that. Okay so he has it.

Adam Rodd - I believe, correct.

Daniel Richmond - I'm happy, I think I'm amplifying some of the things you said and I think coming up with perhaps additional requirements. If Mr. Rodd, maybe it might be easier if Mr. Rodd wants to call me we can go through it. I'm happy to...

Adam Rodd - No, I think things need to be in the record if you feel that you need. My understanding is the issue of the bonding and the concerns were raised in your correspondence.

Daniel Richmond - Right.

Robert Dee - Right.

Adam Rodd - They have already been raised and you're amplifying it now on the record and you are explaining the basis for that. My understanding is that it's up to the Board but eventually you are going to be closing the meeting tonight.

Robert Dee – Correct.

Adam Rodd – So I would, it's up to you whether you want to.. I would close the meeting...

Robert Dee – Right.

Adam Rodd - ...if you deem fit. As opposed to submitting additional correspondence.

Robert Dee – Right. My intention is to close the public hearing tonight. The other two...

Daniel Richmond – In case, on that point I mean if the Chair can close the public hearing and then allow for a written comment period and allow for a brief period thereafter. That is sort of a typical provision. Again this is something the Chair suggested that might be helpful to the Board. You know to talk about the findings.

Robert Dee – Right.

Daniel Richmond - As well...

Robert Dee – This will be, I understand, the next one would be the fifth public hearing I believe...

Daniel Richmond - We're not asking to extend...

Robert Dee – ...no the fifth public hearing and I'm sure, I think you have to agree that we've given you ample time, I mean we've given everybody ample time to speak on this.

Daniel Richmond – I appreciate it Mr. Chair and at the same time (not audible)...

Robert Dee – Everybody has put a lot of diligence into this okay so what I'm trying to say is, I'm not going to carry it on forever.

Daniel Richmond – I didn't ask you... No, you, Chair asked for us to make a written submission.

Robert Dee – Right and that was my mistake because this already had been done.

Daniel Richmond – Okay.

Robert Dee – Sure. So at this point in time...Do you have a question I's sorry?

Leonard Lim – Yeah, we just got this tonight correct?

Robert Dee - Alright well that's, I think that he answered that.

Taylor Palmer – Those comments that we submitted were furthering our comments before the Board this evening they are not new comments.

Robert Dee – This is about the accessory apartment?

Taylor Palmer – Right they were in response to the accessory apartment.

Robert Dee – They are in response to the accessory apartment in my opinion.

Leonard Lim – Right. Would it be fair to give them a chance to respond to this or?

Robert Dee – Sure.

Leonard Lim – On the accessory apartment.

Daniel Richmond – I haven't had an opportunity. I mean that letter was produced today, so that's what I said at the beginning

Leonard Lim – That's what I'm saying today...

Taylor Palmer – If I may Mr. Lim it's not... the comments were about the accessory apartment.

Robert Dee – I think we're starting to get into the weeds here. As far as the accessory apartment in all honesty, I was in the house. There is no accessory apartment, I mean I don't know how much more we have to go into that.

Leonard Lim – On my site visit, I looked into the kitchen windows, I did not go inside of the house but it doesn't look like an accessory apartment to me. I just want to give him a fair shake at responding to this since we just got it tonight.

Robert Dee – Sure.

Leonard Lim – After that no more. No I mean it every night we can't keep getting stuff. I can't read this tonight I don't have time at this meeting to read it.

Robert Dee – Okay.

Leonard Lim – That's what I want to say.

Taylor Plamer – Again Mr. Lim we responded to their comments as of September 7th regarding an accessory apartment.

Leonard Lim – That's what I mean you respond to his comment. Does he have a right to respond back and that's it?

Taylor Palmer - They provided comments regarding drainage.

Daniel Richmond – Thank you very much.

Robert Dee – It's getting so this is heavy to carry to the car all the time.

Leonard Lim – No more after this.

Taylor Palmer – And Mr. Chairman again, the comments were regarding screening and then we received this on September 7th saying accessory apartment.

Robert Dee – Go ahead.

Leonard Lim – Just to give a chance to respond to this and then close it.

Robert Dee – Go ahead.

Daniel Richmond – Thank you very much your honor, I will talk to my clients to see if we want to take that opportunity, I very much appreciate that.

Robert Dee – Okay.

Leonard Lim – Okay.

Taylor Palmer – And if the Board sees fit we certainly would be happy to show the video, but again if there's no...

Robert Dee -yeah.

Taylor Palmer - We provided those with our submissions as well.

Robert Dee – You can show the video.

Adam Rodd – just so I'm clear, if you feel that you have to submit materials that, I don't want to foreclose you from you're ability to submit something that you think has not been addressed or adequately addressed.

Daniel Richmond – So maybe, again as I was suggesting if you want to do a ten day written submission after you close the hearing again I've seen that provision before, it's fairly standard.

Robert Dee – Okay.

Taylor Palmer – Again we request that the Board limit that to comments regarding the accessory apartment.

Daniel Richmond – Well I think Mr. Rodd was saying that there are some other...

Robert Dee – I think you kind of won the accessory apartment, you know in all honesty but, you know if you want to address it go ahead.

Adam Rodd – It's going to be put over to next month, will it be reasonable to, if you need seven days from tonight to submit additional materials? You tell me.

Daniel Richmond - That's reasonable, I appreciate that.

Adam Rodd – and the applicant if they feel that new issues have been raised seven days after that.

Taylor Palmer – We agree to that.

Adam Rodd – Okay.

Robert Dee – Okay.

Leonard Lim – That's it, right?

Robert Dee – That's it. Alright do we need to see the video for the headlight thing?

Leonard Lim – I'd like to see it.

Robert Dee – Alright lets do it. Mr. Watson can we see that please.

Taylor Palmer – And Mr. Flavin will review for the Board since he was the one that drove it down the driveway what you're seeing.

Robert Dee – Okay, he's going to be the narrator, He's the driver okay.

Stephen Flavin – Driver and Videographer.

Taylor Palmer – And while Mr. Watson is setting up the video if I may respond just to the request for the bond. We previously addressed the Board in response to their prior correspondence the town has it's ability through it's Building Inspector to enforce conditions of the Board so a bond would certainly be something that's appropriate on a very large scale project but as this Board is aware, this is a very minor accessory apartment above a garage so that those type of requirements again we see fit with the Board but ultimately what we are presenting here is that this is a code enforcement issue for the building inspector and again we are proposing the screening and we understand that the screening can be a condition to the approval so a bond wouldn't be required consistent with the code enforcement abilities of the building inspector and a condition of the approval.

Robert Dee – Okay.

Daniel Richmond – Again, I would just note again...

Robert Dee – Sure.

Daniel Richmond – ...the Building Inspector certainly has the ability but again that is certainly a meaningless requirement if they have to go looking for (not audible). It is far easier and again this is a standard requirement, I'm surprised that we are getting any push back from the applicant on this to require a bond, If they're so confident the screening will exist and they're raising new issues about the Black Walnut Tree making planting even more difficult there. I'm surprised we're getting any push back. It would seem to be in their interest and everyone's interest to ensure that there is effective screen between the property and three seasons is a reasonable period to see that it lasts. Thank you.

Robert Dee – Okay, well both Attorneys have what seven days? Is that what we said?

Adam Rodd – Well seven days for counsel on behalf of the Nice family and then seven days after that for any reply if they deem necessary by the applicant.

Robert Dee – Okay.

Glenn Watson – What's the order I got them in?

(not audible)

Robert Dee – Can you see okay?

Stephen Flavin - Well basically there is three sequences shot at different light levels.

Robert Dee – Okay.

Stephen Flavin – I shot... one is shot in the day light so you can see the layout of the property.

Robert Dee – Okay.

Stephen Flavin – The path of the car.

Robert Dee - This is the existing driveway and this is where you are going to continue around the house to the...

Stephen Flavin – To my garage.

Sandra Nice - These are all Deciduous trees.

Robert Dee - I'm sorry

Sandra Nice - These are all Deciduous trees.

Robert Dee – Right.

Stephen Flavin – And where this rock is that is the site of the building.

Robert Dee – Where the rock is what, I'm sorry?

Stephen Flavin – The rock that was just passed on the right is the site of the building.

Robert Dee – Where you're building the building site. Okay. And you are continuing now to where? To the garage.

Stephen Flavin – Yeah, it's following...

Robert Dee – The curve of the road. Okay.

Stephen Flavin – The contour that is on the site plan.

Robert Dee- Right. Beautiful day, nice and sunny.

Stephen Flavin – Just to point out that this area in here is built up from a rock that came from blasting from our addition and this would be lowered so that and some of the rock would be used in the building.

Robert Dee -Okay.

Stephen Flavin – So the garage would be lower than it is shown here.

Robert Dee – Okay.

Leonard Lim - Can you show me the point where the headlights supposedly go through the woods into the...

Stephen Flavin – Yeah, in the next...

Robert Dee – There is another one when it's dark at night.

Stephen Flavin - ...video, I have a different light level.

Robert Dee – Okay, So you are going back the way you came down right is that it?

Stephen Flavin – Yes just turning (not audible).

Robert Dee -Okay.

Taylor Palmer – If I may again for the written record showing dense screening along sides of the road you see the existing trees that are located this is the rock as well.

Robert Dee – Right.

Taylor Palmer – Then again additional trees are being proposed. Additional trees are being proposed which we'll show in the next video with the headlights if there would be additional screening will be included to address that. That will be the evergreen trees.

Robert Dee – Okay.

Stephen Flavin – This is the addition obviously.

Glenn Watson – This is the end of it right.

Stephen Flavin – Yes. This is shot at twilight you can see that the headlights are. This was shot with high beams also. As you can see the angle of the road points the lights down and actually towards the Nice's lawn and into the brush and obviously there will be a tree screen there so. It may be difficult to see the lights in this one.

Robert Dee – Right. Now you're going back to the same location? You are going back to...

Stephen Flavin – Yeah, the same circuit.

Robert Dee – Where the garage door is going to be. Okay.

Stephen Flavin – Just different light levels. Same circuit.

Robert Dee – Can you just do us one favor, can you just run this again this one here. And stop it at the point where it points towards the Nice house?

Glenn Watson – I think I can do that.

Robert Dee – In that area you know what I'm trying to say?

Glenn Watson – The next one is actually darker and you can see...

Robert Dee – Okay.

Glenn Watson ... see the lights.

Robert Dee – Alright. Because I haven't seen the Nice house yet so...

Glenn Watson – You are challenging my technical expertise by having me stop this thing in the middle.

Robert Dee – Well, no that's okay, that's alright. Well when it gets to that area give me an idea.

Stephen Flavin – So at this point we are pointing toward the Nice's and turning away.

Robert Dee - Now this is going around your house down to where...

Stephen Flavin – Yes, following the same...

Robert Dee – Where you're going right? Okay.

Leonard Lim – Those lights those aren't the...

Stephen Flavin - Those lights are the Nice's house where the headlights are pointing.

Robert Dee – Okay.

Leonard Lim – So the driveway actually points...

Robert Dee -It points more to the Hudson down towards the Hudson, No?

Stephen Flavin – No the road runs north-south.

Robert Dee – North-south. Okay.

Stephen Flavin – More or less. And but it's angled more downward.

Robert Dee – Okay.

Stephen Flavin - So the lights go downwards.

Glenn Watson – The direction of the road is sort of clockwise.

Robert Dee - Right.

Glenn Watson - Slightly clockwise.

Robert Dee – So it goes around.

Glenn Watson – In a direction toward the Nice's house as you can see by the lights.

Robert Dee – Correct.

Glenn Watson – Here it gets a little more direct.

Robert Dee – Okay. But those lights are pointing pretty much straight at the trees in front.

Glenn Watson – There is a light that you can see.

Robert Dee – Correct. Okay.

(Not audible)

Unknown - You can see the lights reflecting from the Nice home.

Stephen Flavin – Those are incandescent lights. But there not reflection.

Sandra Nice - No there not they're my lights.

Stephen Flavin – Yeah, they're your lights correct.

Sandra Nice – I have to ask what...

Robert Dee – One second when he's finished you can ask.

Stephen Flavin - And again the overall plain on this level will be lower so that further lowers the headlights.

Robert Dee – Okay.

Stephen Flavin – Lower the head lights vis-a-ve their house.

Robert Dee – Right.

Taylor Palmer – And again just for the Board. The Board is aware again this is an accessory apartment at the most this driveway would likely be used once or twice a day if someone were to be using it to go in the morning or at night. So again this is not a heavily used driveway. This is probably going up and down the driveway is not the nature for this use. It is an accessory driveway for an accessory garage so again it is not to be used frequently.

Robert Dee – Okay.

Stephen Flavin – Yeah that's about it.

Robert Dee – Yeah, you saw it yeah.

Brian Nice – I have a question.

Robert Dee – Okay. One second. One second. Let him finish this.

Glenn Watson - Okay.

Robert Dee – That's good enough I think anybody...Saw enough?

Leonard Lim –Yeah. Okay good.

Robert Dee – Okay, Yes sir, I'm sorry.

(not audible)

Daniel Richmond - No go ahead if you want to speak go ahead.

Brian Nice – I just want to say it just takes one flash of light to trigger a seizure so regardless of if it's passing, It just takes one second whether it's pointing towards (not audible) and that's all I have to say.

Robert Dee – Okay.

Daniel Richmond - I just want to say for the record is I have no idea what that is supposed to prove that the idea of the exercise is to show what the lighting impact is from as shown from the Nice's house. It seems it would have been easy enough for them to coordinate with the Nice's as we've always tried to reach out to their counsel to work out issues. I don't see, again, I asked the Board if it makes sense to go out there and see it at night. To do this at night as we also wrote in our letter, Mrs. Nice actually saw this so if the point of this was to. I don't know. Again I don't really understand what that video was supposed to prove because you can see the Nice House in their lights.

Robert Dee – Okay.

Daniel Richmond – So and Mrs. Nice actually saw this experiment so again I think...

Robert Dee – Right.

Daniel Richmond – So the extent if anything (not audible)there are going to be lighting impacts on the Nice family that need to be addressed for the duration which obviously to include a bond.

Robert Dee – Let me ask you something.

Daniel Richmond – Sure.

Robert Dee - Have you been to the Nice's home?

Daniel Richmond - My associate Michael Cunningham has.

Robert Dee – Can I speak to him. Stand up there please.

Cecilia Rohrs - Can you just tilt the mike down when you are speaking.

Michael Cunningham – For the record Michael Cunningham, Zarin and Steinmetz.

Robert Dee – Okay Mr. Cunningham you've been to Mr. Nice's home?

Michael Cunningham – Correct.

Robert Dee - Okay is there a long driveway going into Mr. Nice's home?

Michael Cunningham – Yes.

Robert Dee - Okay. Is it a common shared driveway? What I mean by that is that driveway shared by two houses?

Michael Cunningham – I believe so, yes.

Robert Dee - Okay. And the house to the left of Mr. Nice's house is his daughters home?

Michael Cunningham – Correct.

Robert Dee - Correct. If I'm driving down the driveway my lights are going to be shining on both houses would that be correct?

Michael Cunningham – I believe so I was only there once.

Robert Dee - Yeah

Michael Cunningham – It was during the day.

Robert Dee - Thank you very much. Thank you okay. Anything else?

Taylor Palmer – At this time Mr. Chairman no. I believe that the applicants have done, certainly met the neighbors including correspondence with the Nice's counsel regarding the proposed screening trees and we have hired a landscape architect to instal trees that will be good for the location. To provide additional screening in that location. The purpose of the video of course was to show the Board that there is existing vegetation and a buffer there to show the downhill nature of that location for the driveway and again to emphasis that this is a very limited accessory use. The driveway will not be used accessibly but certainly Mr. Flavin has done is going to all expense to make sure there is no drainage impacts, there is no glare from lighting impacts and has proposed additional screening to help mitigate any potential impacts from the minor accessory use. At this time we would respectfully request that if the Chairman sees fit to close the public hearing for this proposed project.

Robert Dee – Okay. At this point in time I think that we've pretty much gone over everything. You have an opportunity...

Daniel Richmond – Thank you.

Robert Dee - ...to present something else at the next meeting you know and like that. Mrs. Nice, Mr. Nice I think that you have been given ample opportunity to speak your mind I guess Mr. Flavin also you pretty much had your opportunity Okay so the other two Board members are more than familiar with it you know, they've been at all the meetings and like that and like I say you will have the opportunity to any added things but at this point in time I'm going to make a motion that we close the public hearing. Do I have a second?

Leonard Lim – I'll second.

Robert Dee – All in favor?

Leonard Lim – Aye.

Granite Frisenda – Aye.

Robert Dee – Aye. So it's unanimous. The public hearing is closed. We'll meet next here October it's supposed to be the 13th. The 10th is Columbus day so we'll make it October 17th. It will be here at 7:30 Okay. And at that time the members will review what you guys have sent in, you know anything like that.

Daniel Richmond – Thank you very much.

Robert Dee - And a vote will be taken.

Taylor Palmer – Thank you Mr. Chairman.

Robert Dee – That's it go ahead, I'm sorry.

Leonard Lim – Can we request that we get it quickly so I can review it before the next meeting.

Robert Dee – We got seven days.

Leonard Lim – Yeah because I want to get everything before the next meeting that's all.

Robert Dee – Alright, at this time I make a motion to adjourn.

Leonard Lim – Second.

Robert Dee - All in favor Oh wait I'm sorry.

Leonard Lim – Aye.

Granite Frisenda – Aye.

Robert Dee – Aye.

Linda Valentino – Did you want to do the minutes?

Robert Dee – Who?

Linda Valentino – Did you want to do the minutes?

Robert Dee – The what? I can't hear you.

Leonard Lim – The minutes.

Robert Dee – Oh the minutes Oh, I forgot the minutes Oh I'm sorry you got to speak louder. I'm getting old. Okay, you know what I think I'm going to let the minutes go because they are not here, two people who spoke at these meetings, both are not here so lets let it go until the next meeting Okay. We'll approve them at the next meeting. Thank you.

Daniel Richmond – Thank you very much.

(The meeting adjourned at 8:44 P. M.)

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

DATE APPROVED: _____

Respectfully submitted,
Linda Valentino
Secretary

APPEAL # _____ Tax Map # _____

Final hearing date _____ Zoning Board decision APPROVED / DENIED

Date application submitted _____

Application fee \$ _____ Escrow \$ _____ Received by _____

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

I (we), KEISTIN SORENSON

residing at 1000 OLD ALBANY POST RD., GARRISON, NY

Telephone: home 845-424-3665 business 845-446-1561¹⁰⁵²⁴

HEREBY appeal the decision of (name and title) PLANNING BOARD

whereby he/she

GRANTED _____ DENIED a BUILDING PERMIT _____ a CERTIFICATE OF OCCUPANCY _____

For LOT LINE ADJUSTMENT

To _____

of _____

For property at tax map # _____ 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.)

(RECIPIENT LOT)

LOT # 48, BLOCK # 2, MAP # 50

LOT TO THE NORTH OF 1000 OLD ALBANY POST RD.

(DONOR LOT)

LOT # 50.1, BLOCK # 2, MAP # 50

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)

SEE ATTACHED.

RECEIVED
SEP 19 2016

BY: A

3.

EXHIBIT # 14

3. PROVISIONS OF ZONING CODE INVOLVED (give Article, Section, Sub-section, paragraph by number. Do not quote text of code)

175-22(A)

4. PREVIOUS APPEAL (If there have been any previous appeals for this property or any portion thereof, set forth the appeal number, date, relief sought and the ZBA decision resulting)

No

TYPE OF APPEAL:

an INTERPRETATION of the Zoning Code or Maps

a VARIANCE from the Zoning Code

a SPECIAL USE PERMIT under the Zoning Code

5. DETAILS OF APPEAL (Complete only that section which applies to the appeal you are submitting)

(a) INTERPRETATION of the Zoning Code is requested

(1) An exact statement of the interpretation requested is:

(b) a VARIANCE from the Zoning Code is requested:

(1) An exact statement of the details of the variance requested is:

DONOR
LOT
50.1

RECIPIENT
LOT
48

- 1.) DONOR LOT 50.1 WILL HAVE ITS ROAD FRONTAGE REDUCED TO LESS THAN 35 FT.
- 2.) DONOR LOT 50.1 WILL ^{MARGINALLY} INCREASE NON-CONFORMITY AS AN EXISTING UNDERSIZED LOT WITH EXISTING STRUCTURES. (-5%)
- 3.) INCREASE LOT 48 BY 14,000 SQ. FT.
- 4.) RECIPIENT LOT (#48) NON-CONFORMITY WILL BE MATERIALLY DECREASED AS A NON-CONFORMING LOT. (+17%)

(2) The grounds on which this variance should be granted are:

- 1.) VARIANCE WILL INCREASE LOT SIZE OF LOT 48 WHILE NOT MATERIALLY AFFECTING LOT 50.1.
- 2.) VARIANCE CORRECTS PRIOR IMPROPER SUB-DIVISION
- 3.) VARIANCE WILL REDUCE NUMBER OF DRIVEWAY ENTRANCES OFF OF OLD ALBANY POST RD. WITHOUT VARIANCE, A NEW DRIVEWAY WILL BE REQUIRED FOR LOT 48.

(c) a SPECIAL USE PERMIT is requested:

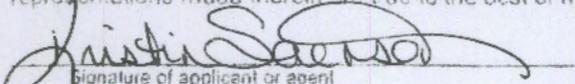
(1) The reason the permit is requested:

(2) An exact statement of use for which the permit is requested:

(3) The facts showing the use is permitted as a SPECIAL USE under the code and the ability of the applicant to comply with all requirements of the code for granting of a special use permit.

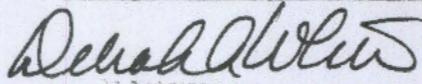
STATE OF NEW YORK, COUNTY OF PUTNAM _____

being duly sworn, says: I have read the foregoing appeal and papers attached, that the statements and representations made therein are true to the best of my knowledge and belief.


Signature of applicant or agent

Sworn before me this 19 day of September 2016

Notary, _____ County, _____



DEBORAH A. WHITE
No. 01WH4963883
Notary Public, State of New York
Qualified in Dutchess County
My Commission Expires 03/18/2018

SUBMISSION REQUIREMENTS: (1) For a VARIANCE or INTERPRETATION please submit (7) Individual packets
(2) For a SPECIAL USE PERMIT please submit (19) individual packets

each packet containing one each of the below listed items. These items are very specific and MUST be complied with exactly

1. Completed appeal form
2. Deed to property
3. Denied application for Building Permit or Certificate of Occupancy
4. Building plans with ONE ORIGINAL professional seal and signature
5. Survey prepared by NYS licensed surveyor, showing all property lines, structures and dimensions to property lines. One survey with ORIGINAL professional seal and signature
6. Certificates of Occupancy for any existing structures
7. Contour maps as required by conditions

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?

NONE. LOT #48 IS ALREADY A LEGAL LOT. THIS VARIANCE WOULD ALLOW MORE FLEXIBILITY FOR BUILDING PLACEMENT SO AS TO REDUCE VISIBILITY TO NEIGHBORING PROPERTIES. LOT #50.1 IS NOT MATERIALLY AFFECTED BECAUSE THE VARIANCE WOULD ONLY AFFECT A

- 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?

REDUNANT REMNANT FROM A PRIOR IMPROPER SUBDIVISION.

LOTS ON ALL SIDES OF RECIPIENT LOT (LOT #48) AND DONOR LOT (LOT #50.1) ARE OF SIMILAR SIZE, THUS THERE WILL BE NO IMPACT ON THIS SECTION OF OLD ALBANY POST ROAD.

- 2. If you didn't get the variance, how 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?

VARIANCE WILL NOT AFFECT FUTURE STRUCTURE ON LOT 48 BUT IT WILL HAVE AN IMPACT ON WHERE THE STRUCTURE IS PLACED. THE GOAL IS TO PLACE THE FUTURE STRUCTURE IN SUCH A WAY AS TO REDUCE ITS VISIBILITY TO NEIGHBORING LOTS. IT IS IMPORTANT TO NOTE THAT THE OWNERS OF THE DONOR LOT #50.1 HAVE ALREADY GRANTED LOT 48 AN EASEMENT FOR USE OF THE LAND AS A DRIVEWAY.

- 3. What is Code requirement you seek to vary?
175-22A
175-11B

How large of a variance do you seek? MINOR VARIANCE

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 ENVIRONMENTAL IMPACT

NO WETLAND OR WATERCOURSES WILL BE IMPACTED

NO DRAINAGE ISSUES, NO VEGETATION TO BE REMOVED

NO GRADING, BLASTING OR PAVING REQUIRED

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

THE VARIANCE DOES NOT AFFECT THE BUILDABILITY
OF LOTS 48 AND 50.1. BOTH ARE BUILDABLE LOTS.
SEE ATTACHED LETTER DATED OCT. 3, 2005 RE:
LOT 48. LOT 50.1 ALREADY HAS EXISTING
STRUCTURES.

All Property Owners within 500 Ft. Lot 48 Block 2 Map 50

Richard and Paige Gordon
1024 Old Albany Post Rd
Garrison, NY

Matthew Noviello
77 Hughson Road
Carmel, NY 10512

Clark Thompson
Laura Watt
998 Old Albany Post Rd
Garrison, NY 10524

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SEP 19 2018

L A

EXHIBIT #

15

— *Lot 48 legal*

TOWN OF PHILIPSTOWN

CODE ADMINISTRATOR

238 MAIN STREET
P.O. BOX 155
COLD SPRING, NY 10516

TOM MONROE, CODE ADMINISTRATOR
BOB EMERICK, DEPUTY ADMINISTRATOR
(845) 265-3929

MARIANN LANDOLFI, CLE
TINA LANDOLFI, DEPUTY CLE
(845) 265-52
(845) 265-2687 (F

October 3, 2005

Mr. Joseph Tuana
16 East 52nd Street
9th Floor
New York, New York 10022

Dear Mr. Tuana,

I am writing regarding our recent conversation about proposed tax parcel 50.-2-48, on Old Albany Post Road, Town of Philipstown.

The proposed parcel is shown on a survey prepared by Matthew A. Noviello, P.C., Consulting Engineer and Land Surveyor, last revised April 12, 2005.

The parcel meets the code for frontage, total square feet and square on a lot. I also note that, on observation of the parcel and my experience with other properties in the area, the parcel does not have any apparent problems that would preclude the issuance of a building permit.

In order to obtain a building permit it will be necessary to submit building plans, individual parcel survey and approval from the Putnam County Department of Health.

This letter shall not be construed as a guarantee of issuance of a building permit.

If you have further questions, please contact this office. Thank you.

Sincerely,

Tom Monroe

Tom Monroe
Code Administrator

EXHIBIT # 16

RECEIVED
SEP 19 2016
BY: *N*

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Timothy P. McElduff, Jr.
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

Lisa M. Card
Alana R. Bartley
Aaron C. Fitch
Juliana O'Grady

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

July 5, 2016

ATTN: ROBERT DEE, CHAIRMAN
Zoning Board of Appeals
Town of Philipstown
Town Hall
238 Main Street
Cold Spring, New York 10516

Re: Kristin Sorenson lot line change
Our Matter ID: 6082-67501.01

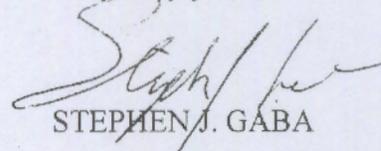
Dear Chairman Dee and Board Members:

I am writing at the direction of the Town of Philipstown Planning Board regarding the above-referenced matter. At its June 18, 2016 meeting, the Planning Board considered an application for subdivision approval (lot line change) submitted by Kristin Sorenson. The Planning Board voted to refer the application to the ZBA for consideration of granting variances.

Particularly, the lot line change at issue involves deeding a 42.76 x 353.22' strip of land from one lot to another. The "donor" lot is a flag lot. The lot line change will result in the "donor" lot lacking the 35' of road frontage required by Town Code §175-22(A). Additionally, the "donor" lot is a legal existing undersized lot, and the proposed lot line change will increase its nonconformity. Accordingly, the property owner will need to variances for road frontage and to increase the nonconformity of an existing undersized lot.

If you have any questions feel free to contact me.

Very truly yours,


STEPHEN J. GABA

SJG/512500

cc: Kristin Sorenson
Planning Board
Building Inspector

RECEIVED
SEP 19 2016

EXHIBIT # 12

BY: N

A P P E N D I X A-1: AFFIDAVIT OF OWNERSHIP (Individual or Partnership)

State of New York)
County of Putnam) ss. :

KRISTIN SORENSON, being duly sworn, deposes and says that SHE resides at 1000 OLD ALBANY POST ROAD, GARRISON the County of PUTNAM, State of NY and that SHE (a general partner or N/A) is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Town of Philipstown, New York, aforesaid and known and designated on the Tax Map of the Town of Philipstown as Lot Number 48 Block 2 on Map 50 and that deponent (said partnership) acquired title to the said premises by deed from MARTA GUITART dated 12/14/05 and recorded in the Office of the Clerk of the County of Putnam on _____ in Liber 1728 of Conveyance at Page 283 and that SHE (said partnership) hereby consents to the annexed application of LOT LINE ADJUSTMENT for approval of the map (or project) entitled LOT LINE ADJUSTMENT and that statements of fact contained in said application, including the statements contained in all of the exhibits transmitted herewith, are true to the best of deponent's knowledge and belief.

(signed) Kristin Sorenson

Sworn to before me this

24 day of May 2016

[Signature]
Notary Public

RECEIVED
SEP 19 2016

BY: R

Susan K. Truax
Notary Public, State of New York
Dutchess County No. 01TR6209733
Commission Expires 08/03/2017

EXHIBIT # 17

A P P E N D I X A-1: AFFIDAVIT OF OWNERSHIP (Individual or Partnership)

State of New York)
County of Putnam) ss. :

CLARK THOMPSON AND LAURA WATT, being duly sworn, deposes and says that HE GSH resides at 992-996 OLD ALBANY POST RD in the County of PUTNAM, State of NEW YORK and that WE (a general partner or ~~_____~~) ^{ARE} is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Town of Philipstown, New York, aforesaid and known and designated on the Tax Map of the Town of Philipstown as Lot Number 50 Block 2 on Map 50 and that deponent (said partnership) acquired title to the said premises by deed from JOSEPH A TUANA & MARTA GUITARI dated 6 NOV 2015 and recorded in the Office of the Clerk of the County of Putnam on _____

PARCEL 1: in Liber 1670 of Conveyance at Page 228 and that WE (said partnership) hereby consents to the annexed application of LOT LINE AND PARCEL 2: LIBER 1670 P. 215 AND PARCEL 3: LIBER 1670 P. 219

ADJUSTMENT for approval of the map (or project) entitled LOT LINE ADJUSTMENT and that statements of fact contained in said application, including the statements contained in all of the exhibits transmitted herewith, are true to the best of deponent's knowledge and belief.

(signed) 

Sworn to before me this 27th day of May 20 16

Adam Ziskind

Notary Public
ADAM CHARLES ZISKIND
NOTARY PUBLIC, STATE OF NEW YORK
DUTCHESS COUNTY
L.C. #01216305349
MY COMMISSION EXPIRES 06/09/2018

ZBA APPLICATION, MEETING AND APPROVAL PROCEDURES

When applying to the Zoning Board of Appeals, there is generally a regular set of steps that will be followed, hopefully ending in the approval of your application.

- Step 1. Obtain the application form from the Code Enforcement Department.
- Step 2. Fill out the form to the best of your ability. The Department will assist you as necessary.
- Step 3. Return all required documents for your application, the application fee and the escrow fee to Code Enforcement. Application must be received a minimum of 10 days prior to a scheduled meeting.
- Step 4. Code Enforcement will forward your application to the ZBA.
- Step 5. You will receive correspondence from the ZBA informing you of your **first** meeting date. Meetings are held on the second and fourth Monday of each month, at Town Hall, second floor, at 7:30 pm, unless otherwise stated. The **first** meeting will be for the ZBA to review your application for completeness only. **It is strongly recommended that you attend this meeting to insure all documentation has been submitted and is in order.**
- Step 6. If the ZBA deems your application complete, they will schedule your **second** meeting, which will be your actual public hearing. At the **second** meeting, you will explain your case to the ZBA and answer any questions they may have.
- Step 7. The ZBA may require more than one public hearing to decide your case. If so, you will be advised of any further public hearings.
- Step 8. When the ZBA is satisfied that it has all necessary information, they will close the public hearings and take a vote on your case, whether to approve or deny your application.
- Step 9. After your final vote is taken by the ZBA you should return to the Code Enforcement Department for further instructions and assistance.

NOTICE TO APPLICANTS

READ ALL INFORMATION ON THIS APPLICATION CAREFULLY. WE WILL ASSIST YOU AS MUCH AS POSSIBLE, BUT IT IS NOT OUR RESPONSIBILITY TO GATHER INFORMATION, MAKE COPIES OR ASSEMBLE APPLICATION PACKAGES.

All submissions to the Zoning Board of Appeals must be submitted a minimum of two calendar weeks prior to being placed on the agenda for review.

The initial review of the application by the Board will be to insure completeness of the application only. If the application is deemed complete, a public hearing date will be set and the applicant will be so notified. If the application is deemed incomplete for any reason, the applicant will be notified of the additional requirements of the Board.

The application must contain detailed directions to the property to enable the Board members to make site visits as required. The property must also be properly posted with the correct 911 address as required by the town code.

A copy of the Zoning Code and Zoning Map is available in the office of the Town Clerk.

Be prepared to present facts and any additional information the Board may need at the time of the public hearing.

All applications for a SPECIAL USE PERMIT must also be referred to the Town Planning Board. This will be done by the clerk of the Zoning Board.

FEES: payable at time of application - Variance - ~~\$200.00~~ 100 - No Escrow

Interpretation - \$200.00

Special Use Permit - \$ 500.00

ESCROW: \$ 1000.00

Payable at time of application;

Returnable after adoption of final ZBA resolution and payment of any consulting fees incurred

APPEAL # _____ Tax Map # 90.12-1-11

Final hearing date _____ Zoning Board decision APPROVED / DENIED

Date application submitted _____

Application fee \$ _____ Escrow \$ _____ Received by _____

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

I (we), Kenneth Callander & Tatiana Morin

residing at 10 Ferris Dr, Garrison, NY 10524

Telephone: home 914-382-5909 business 9178215711 (Tatiana)

HEREBY appeal the decision of ^{Ken} (name and title) _____

whereby he/she

GRANTED _____ DENIED _____ a BUILDING PERMIT _____ a CERTIFICATE OF OCCUPANCY _____

For _____

To _____

of _____

For property at tax map # _____ 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:

10 Ferris Dr Garrison, NY 10524
From 9A S turn left into Winston Lane
Turn right into Ferris Drive, proceed
10 Ferris Dr (on RIGHT)

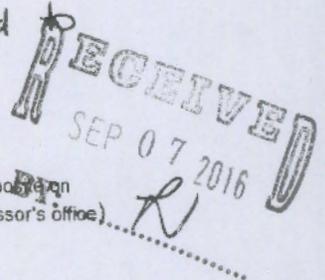
2. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS (Include those opposite on streets/highways. Use additional sheets if necessary. This information may be obtained in the Town assessor's office).

Facing the house:

on right ~~lot~~ 12 Ferris Dr - Sara Smith

on left 38 Ferris Drive - Mike Kinsley
(LOT 10)

EXHIBIT # 1



3. PROVISIONS OF ZONING CODE INVOLVED (give Article, Section, Sub-section, paragraph by number. Do not quote text of code)

Phillipstown Zoning Code, 175-11

4. PREVIOUS APPEAL (If there have been any previous appeals for this property or any portion thereof, set forth the appeal number, date, relief sought and the ZBA decision resulting)

not aware of any previous appeal.

TYPE OF APPEAL:

an INTERPRETATION of the Zoning Code or Maps

a VARIANCE from the Zoning Code

a SPECIAL USE PERMIT under the Zoning Code

5. DETAILS OF APPEAL (Complete only that section which applies to the appeal you are submitting)

(a) INTERPRETATION of the Zoning Code is requested

(1) An exact statement of the interpretation requested is:

(b) a VARIANCE from the Zoning Code is requested:

(1) An exact statement of the details of the variance requested is:

The existing 12'x16' covered porch and the existing 8'x20' 3-season room enclosed (both at rear of the existing building) are located 5ft average side yard set back where in an SR zone, 30ft is required in the dimensional table of Philipstown Zoning Code 175

(2) The grounds on which this variance should be granted are:

These structures were existing previous to our moving in. The house was built close to the property line prior to the implementation of the building & zoning codes.

(c) a SPECIAL USE PERMIT is requested:

(1) The reason the permit is requested:

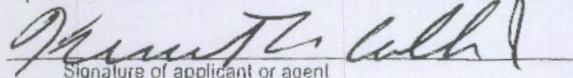
(2) An exact statement of use for which the permit is requested:

(3) The facts showing the use is permitted as a SPECIAL USE under the code and the ability of the applicant to comply with all requirements of the code for granting of a special use permit:

STATE OF NEW YORK, COUNTY OF PUTNAM

Kenneth R Callander Jr

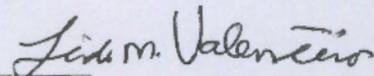
being duly sworn, says: I have read the foregoing appeal and papers attached; that the statements and representations made therein are true to the best of my knowledge and belief.



Signature of applicant or agent

Sworn before me this 7 day of September 2006

Notary, New York County, Putnam



LINDA M. VALENTINO
Notary Public, State of New York
No. 01VA6056840
Qualified in Putnam County
Commission Expires April 2, 2019

SUBMISSION REQUIREMENTS: (1) For a VARIANCE or INTERPRETATION please submit (7) individual packets
(2) For a SPECIAL USE PERMIT please submit (19) individual packets

each packet containing one each of the below listed items. These items are very specific and MUST be complied with exactly

1. Completed appeal form
2. Deed to property
3. Denied application for Building Permit or Certificate of Occupancy
4. Building plans with ONE ORIGINAL professional seal and signature
5. Survey prepared by NYS licensed surveyor, showing all property lines, structures and dimensions to property lines. One survey with ORIGINAL professional seal and signature
6. Certificates of Occupancy for any existing structures
7. Contour maps as required by conditions

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 are no possible detriments on nearby properties as the structures already exist. The nearest structure (our neighbour - 12 Ferris) is approx. 35ft and was built after 10 Ferris. Structures are not visible to others, nor does it block a view. Exterior lights are not proposed

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? No, I do not believe that the neighborhood would be changed.

As the existing structures preceeded the rebuild of many of the houses, and because they are not visible, the variance would not impact the character of the neighborhood. This house was built as a model home for the neighborhood. We are not aware of any houses in this neighborhood requesting or receiving similar variances. Yes, I believe the neighborhood does contain similar structures with similar setbacks/proximity to property lines.

2. If you didn't get the variance, how 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?

We do not have another option since both structures already existed and the entire house sits close to the property line.

3. What is Code requirement you seek to vary?

Philipstown Zoning Code 175-11

How large of a variance do you seek?

~~30ft~~ as required to be 25ft

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?

We are not building, therefore there will be no impacts on the current physical & environmental conditions in the area. The answers to the remaining questions are negative.

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

No, the variance is not a result of a "self-created hardship" because the structures are pre-existing. We have not yet purchased the property but are planning to by the end of October (rent to own). The need for the variance is a result of the way the house was built & the previous owner's modifications.

ZBA APPLICATION, MEETING AND APPROVAL PROCEDURES

When applying to the Zoning Board of Appeals, there is generally a regular set of steps that will be followed, hopefully ending in the approval of your application.

- Step 1. Obtain the application form from the Code Enforcement Department.
- Step 2. Fill out the form to the best of your ability. The Department will assist you as necessary.
- Step 3. Return all required documents for your application, the application fee and the escrow fee to Code Enforcement. Application must be received a minimum of 10 days prior to a scheduled meeting.
- Step 4. Code Enforcement will forward your application to the ZBA.
- Step 5. You will receive correspondence from the ZBA informing you of your **first** meeting date. Meetings are held on the second and fourth Monday of each month, at Town Hall, second floor, at 7:30 pm, unless otherwise stated. The **first** meeting will be for the ZBA to review your application for completeness only. **It is strongly recommended that you attend this meeting to insure all documentation has been submitted and is in order.**
- Step 6. If the ZBA deems your application complete, they will schedule your **second** meeting, which will be your actual public hearing. At the **second** meeting, you will explain your case to the ZBA and answer any questions they may have.
- Step 7. The ZBA may require more than one public hearing to decide your case. If so, you will be advised of any further public hearings.
- Step 8. When the ZBA is satisfied that it has all necessary information, they will close the public hearings and take a vote on your case, whether to approve or deny your application.
- Step 9. After your final vote is taken by the ZBA you should return to the Code Enforcement Department for further instructions and assistance.

NOTICE TO APPLICANTS

READ ALL INFORMATION ON THIS APPLICATION CAREFULLY. WE WILL ASSIST YOU AS MUCH AS POSSIBLE, BUT IT IS NOT OUR RESPONSIBILITY TO GATHER INFORMATION, MAKE COPIES OR ASSEMBLE APPLICATION PACKAGES.

All submissions to the Zoning Board of Appeals must be submitted a minimum of two calendar weeks prior to being placed on the agenda for review.

The initial review of the application by the Board will be to insure completeness of the application only. If the application is deemed complete, a public hearing date will be set and the applicant will be so notified. If the application is deemed incomplete for any reason, the applicant will be notified of the additional requirements of the Board.

The application must contain detailed directions to the property to enable the Board members to make site visits as required. The property must also be properly posted with the correct 911 address as required by the town code.

A copy of the Zoning Code and Zoning Map is available in the office of the Town Clerk.

Be prepared to present facts and any additional information the Board may need at the time of the public hearing.

All applications for a SPECIAL USE PERMIT must also be referred to the Town Planning Board. This will be done by the clerk of the Zoning Board.

FEES: payable at time of application -- Variance - ~~\$200.00~~ 100 - No Escrow

Interpretation - \$200.00

Special Use Permit - \$ 500.00

ESCROW: \$ 1000.00

Payable at time of application;

Returnable after adoption of final ZBA resolution and payment of any consulting fees incurred

LAW OFFICES OF
COLLIER & BERGER, PLLC

130 South Main Street, P.O. Box 509
Ellenville, New York 12428
Tel. (845) 647-4000 Telecopier (845) 647-6029

E-Mail attorneys@collierandberger.com

WILLIAM H. COLLIER, III

PETER L. BERGER, Of Counsel

Successor to
Kaiser, Murray & Collier
Berger & Friedman, PLLC

June 7, 2016

Kenneth R. Callander and Tatiana Morin
10 Ferris Drive
Garrison, New York 10524

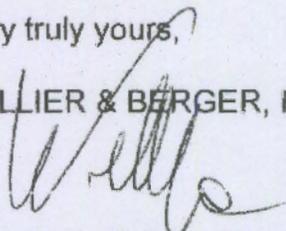
Re: Estate of Laurence V. Ronan – Premises: 10 Ferris Drive,
Garrison, New York

Dear Ms. Morin and Mr. Callander:

As attorneys for the Estate of Laurence V. Ronan, this letter give you authorization to apply to the building department or any other governmental agency for any and all permits necessary regarding the above property.

Very truly yours,

COLLIER & BERGER, PLLC



William H. Collier, III

WHC:is

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SEP 07 2016

BY: L

EXHIBIT # 3

Address	Owner Name(s)	Mailing Address
7 Ferris Dr	Christopher Buonanno - P Kathleen Buonanno - A	same
3 Ferris Dr	Marion T Povilonis	same
23 Ferris Dr	Fred Lagoda - Primary Helen A Lagoda - Additional	same
21 Ferris Dr	Tracey L Valentine	same
22 Ferris Dr	Rocco Vanasco	610 Myrtle Ave Brooklyn, NY 11205
4 Ferris Dr	Maria De Biase	same
6 Ferris Dr	Carol Ann Lamando - P Kenneth J Lamando - A	same
5 Highland Dr	Leonora Mercado - P Pedro Mercado - A	same
7 Highland Dr	Gustav Bukowski - P Julie & Hay - Etal - A	same
1 Ox-Yoke Rd	Ralph A Lofaro - P Filomena Lofaro - A	same

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 SEP 07 2016

BY:

EXHIBIT # 5

Address	Owner Name(s)	Mailing Address
71 Highland Dr	Wesley Martin - P Dana Regina Martin - A	same
3 Ferris Dr	Michael T Kinsley - P	same
2 Ferris Dr	Sara K Smith - P	same
4 Ferris Dr	Peter Fischbach - P Monica Fischbach - A	44 Yarmouth Rd Gray, ME 0403
11 Pondview Dr	Anthony N Licalsi - P Mary Licalsi - A	1 Andre Ln Cortlandt Manor NY 10567
6 Ferris Dr	Peter Fischbach - P Monica Fischbach - A	44 Yarmouth Rd Gray, ME 04039
7-4 Spy Pond Rd	Grace Ann Kelly - P N	Attn: Zipprich Grace 143 Highland Dr Cortlandt Manor, NY 10567
6 Spy Pond Rd	John Rooney - P	same
19 Highland Dr	CV Park District - A Town of Philipstown - P c/o Richard Shea - Supervisor	238 Main St. PO Box 155, Cold Spring NY, 10516

Address Owner Name(s) mailing Address

51 Highland Dr Brooke Washburn - P same

Spy Dona Rd Continental Village - P PO Box 2220
Volunteer Fire Dept Inc - A Peekskill, N.Y.
10566



Town of Philipstown

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

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

Sept. 7 2016

Kenneth Callender
10 Ferris Dr.

Ref: (Legalization) Building Permit
Location: 10 Ferris Dr.
Garrison, N.Y. 10541

A Permit Application for "legalization" of existing 12'x16' covered porch, and a enclosed three season room . Both at rear of existing building. Included with application follows ;

1. Application for Building Permit.
2. One plan for existing structures.
3. Survey locating the project set backs from side yard

The site plan proposes a 5 foot average side yard set back where in an SR zone 30 foot is required in the dimensional table of Philipstown Zoning Code, 175-11

Since the project is located 5 foot average from the property line , the building permit is denied for non compliance where a 30 foot set back is required.

You may submit an application to the Zoning Board of Appeals per Article IV of the Town Code to appeal from and review any determination by the Code Enforcement Officer within the next sixty days of the date of this letter. An application for the Zoning Board of Appeals is enclosed.

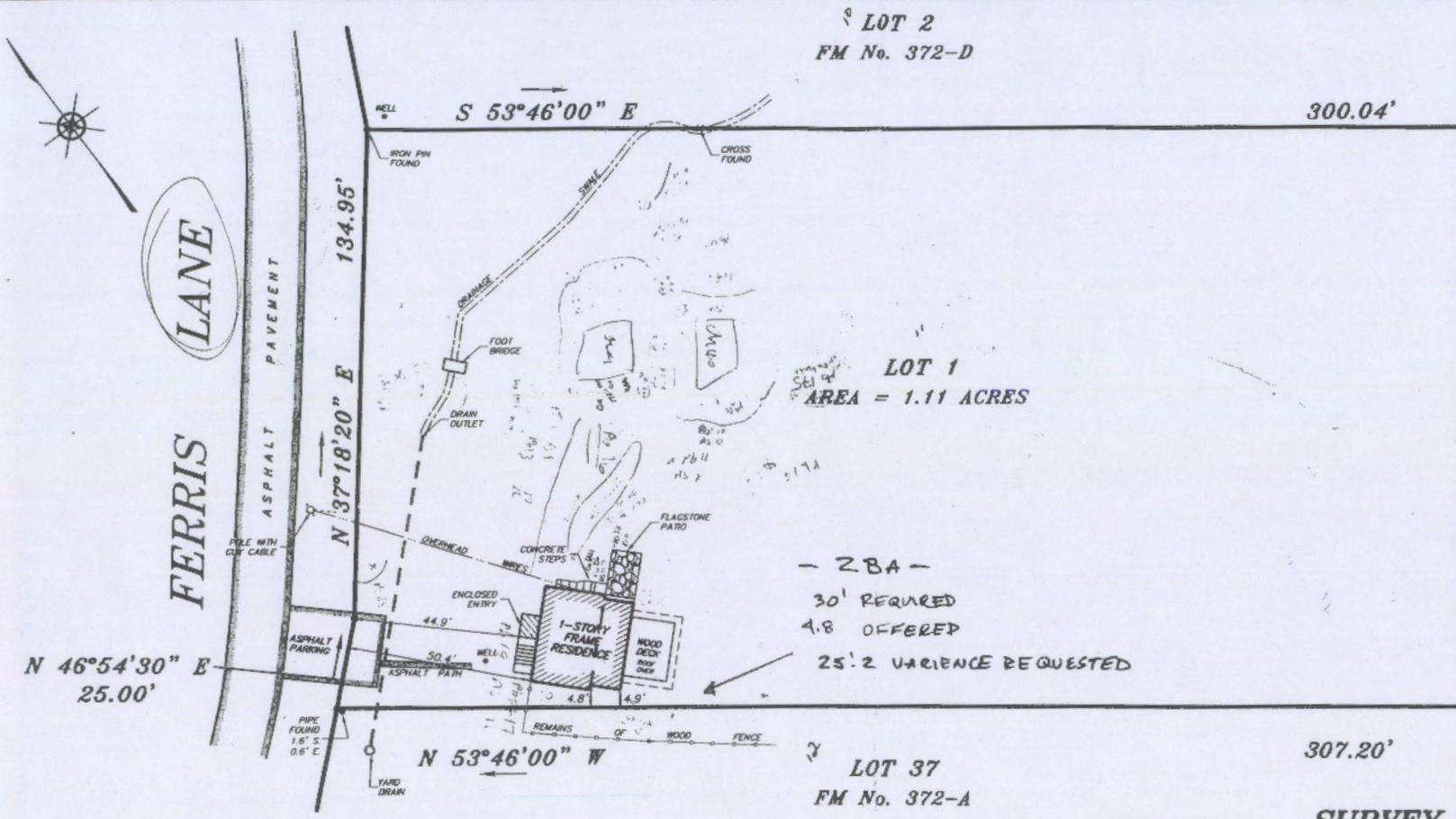
Any questions may be directed to our office at (845)-265-5202

Greg Wunner
Code Enforcement Officer

RECEIVED
SEP 07 2016

BY: *[Signature]*

EXHIBIT # 5



SR
 30'- SIDE
 (OK) 50'- FRONT

LOT 7
 FM No. 372-N

LOT 6
 FM No. 372-N

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 SEP 07 2016
 BY:
 EXHIBIT # 6

- ZBA -
 30' REQUIRED
 4.8 OFFERED
 25'-2 VARIANCE REQUESTED

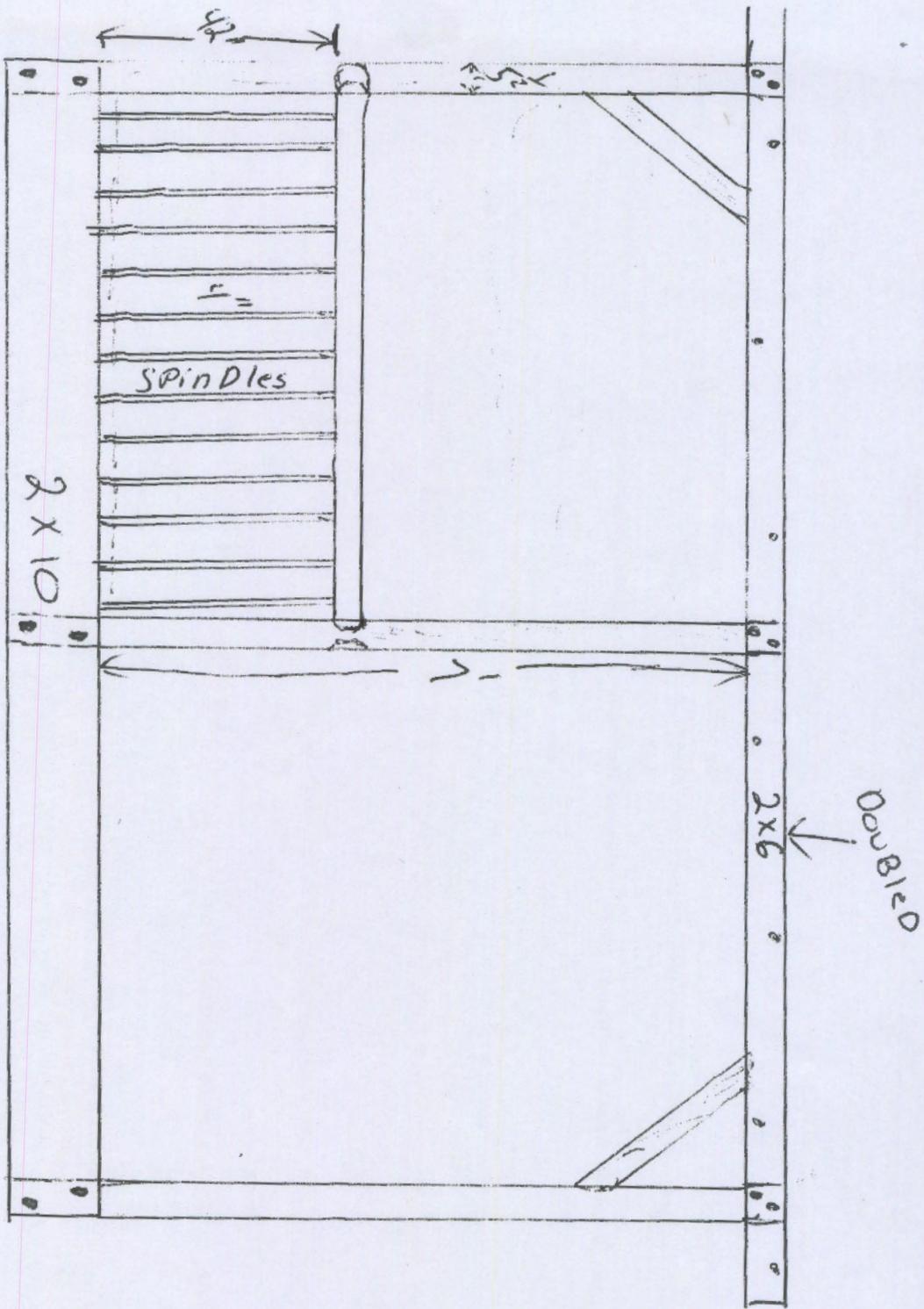
THE PREMISES SHOWN HEREON BEING LOT 1 ON A CERTAIN MAP ENTITLED, "MAP 9 OF CONTINENTAL VILLAGE, TOWN OF PHILIPSTOWN, PUTNAM COUNTY, N.Y.", SAID MAP FILED IN THE PUTNAM COUNTY CLERK'S OFFICE ON MAY 13, 1948 AS MAP No. 372-D.

CONTRACTORS' LINE & GRADE SOUTH, LLC
 23 Nepperhan Avenue
 Elmsford, New York 10523
 Phone: (914) 347-3141 Fax: (914) 347-3120
 Copyright (c) 2016 CONTRACTORS' LINE & GRADE SOUTH, LLC. All rights reserved.

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, Sub-Division 2 of the New York State Education Law.
 Underground improvements, structures, utilities or encroachments, and any easements related thereto, are not shown hereon unless otherwise noted.

RECEIVED
 SEP 07 2016
 BY:

SURVEY OF PROPERTY
 PREPARED FOR
KENNETH CALENDER
 PROPERTY SITUATE IN
TOWN OF PHILIPSTOWN
COUNTY OF PUTNAM
STATE OF NEW YORK
 SCALE: 1" = 30'
 Date: JANUARY 30, 2016
 Land Projects R2004



Back Deck
Railings

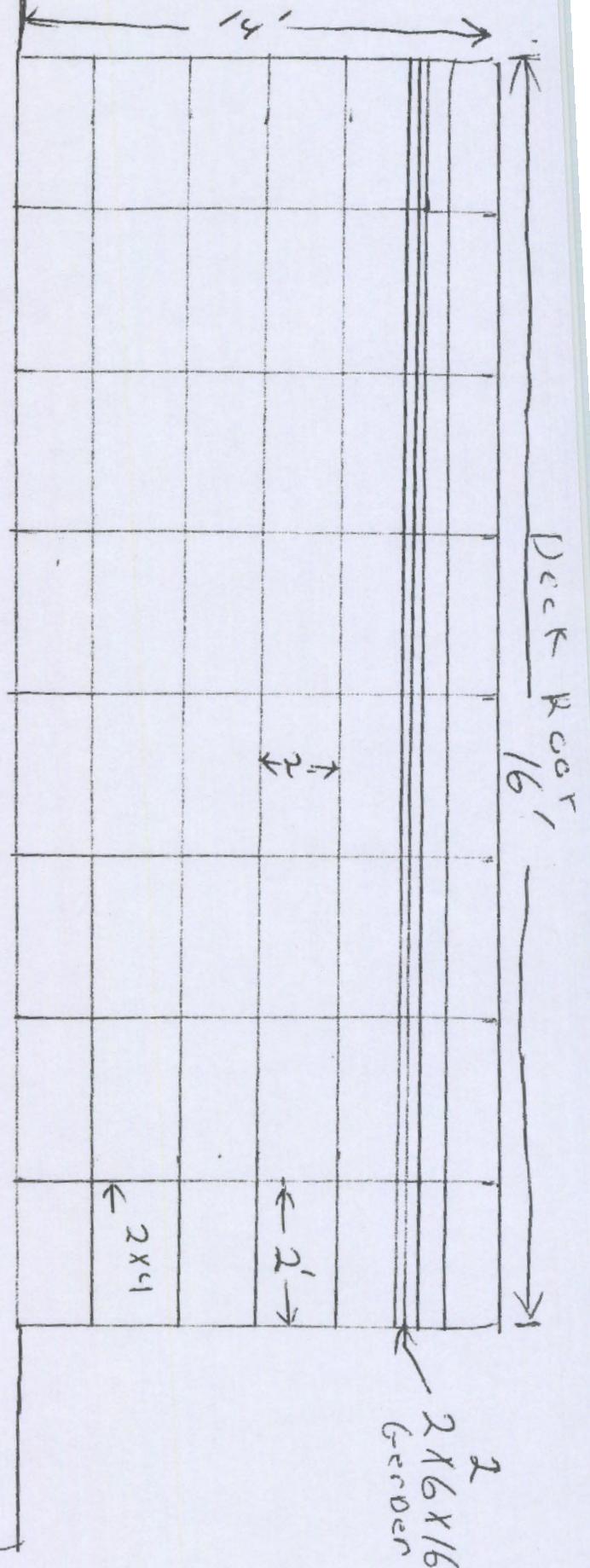
RECEIVED
SEP 08 2016

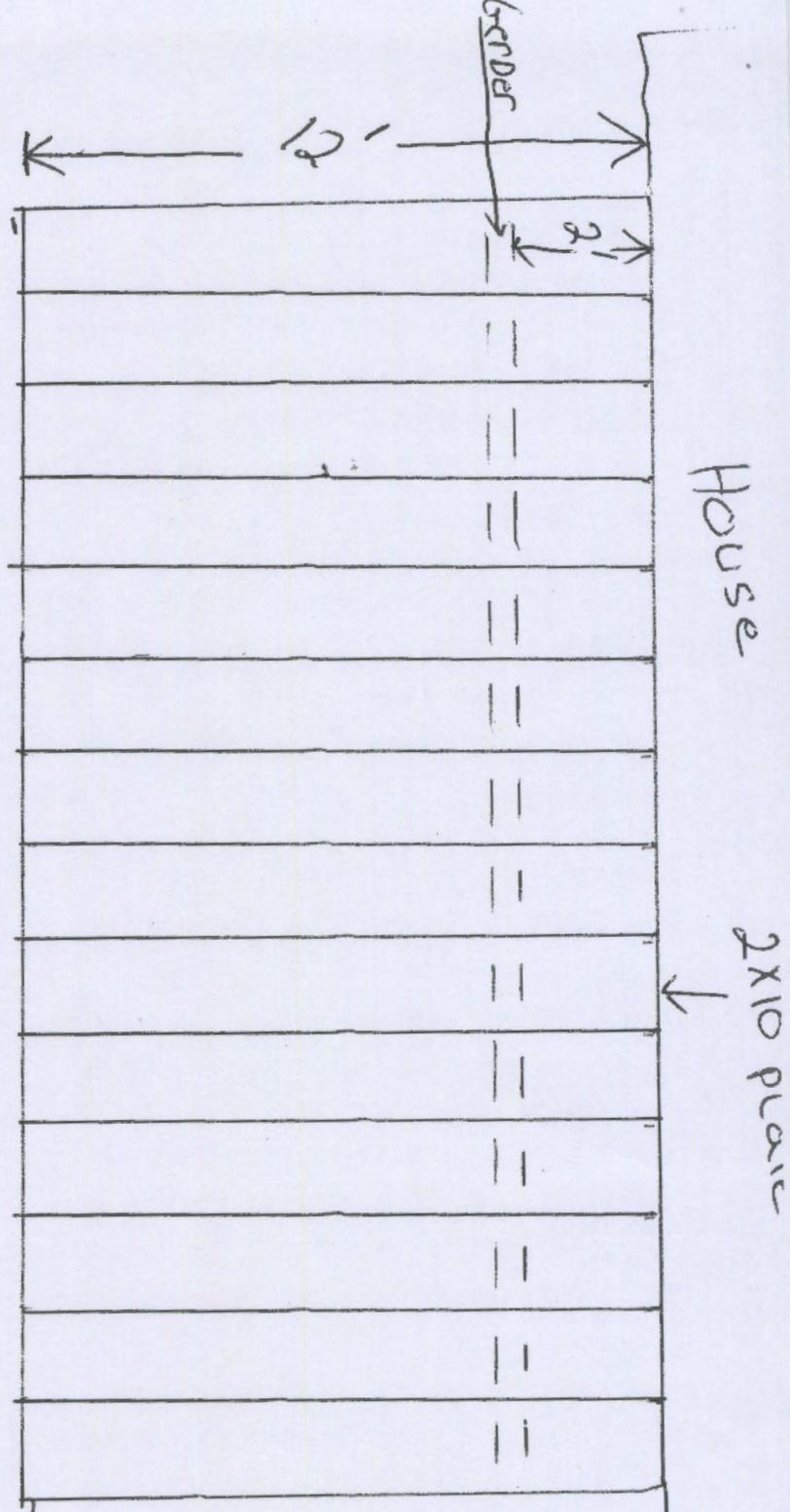
BY: *R*

EXHIBIT # 7

House
Roof

Porch
Roof





House

2x10 plate

Deck Floor Frame

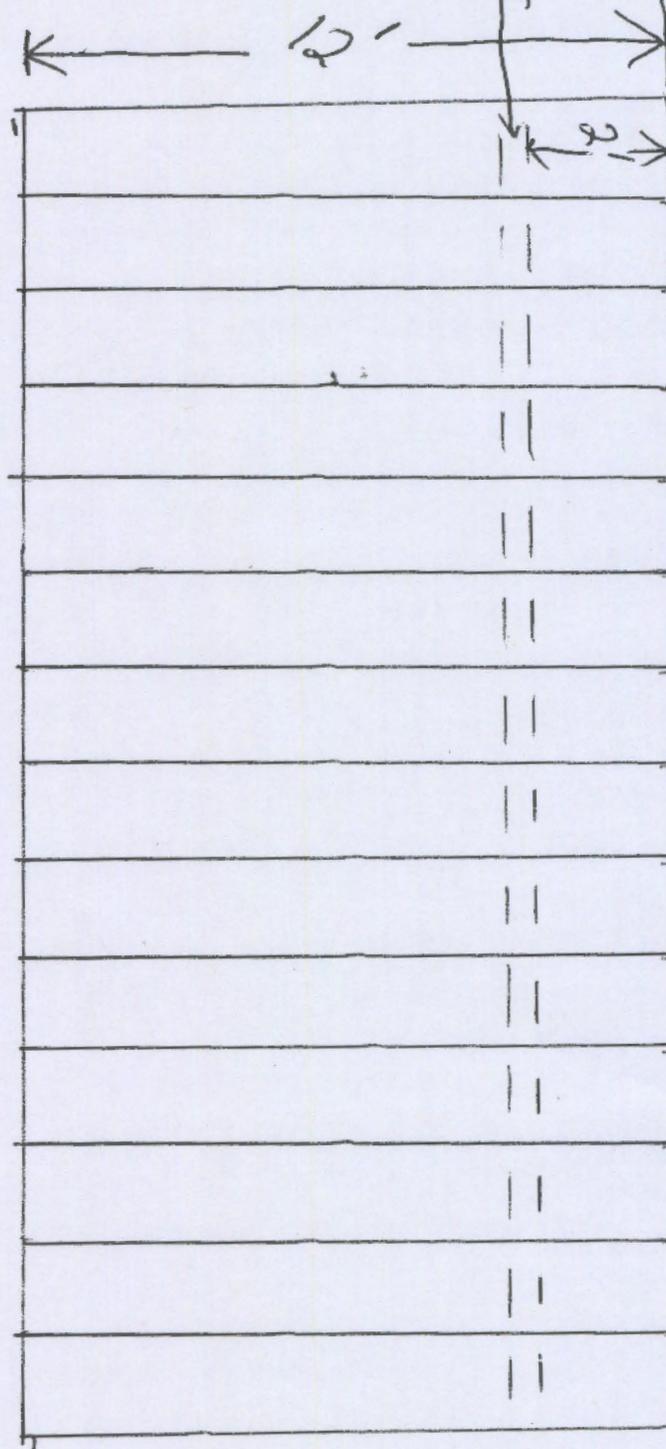
2x10x12

16' on center

Lag Bolts

every 2' on plate

Joist Hanger on every joist



2x12 Doubled

16' on center

Teco Plate for 6x6

Solid Rock

Teco Plate

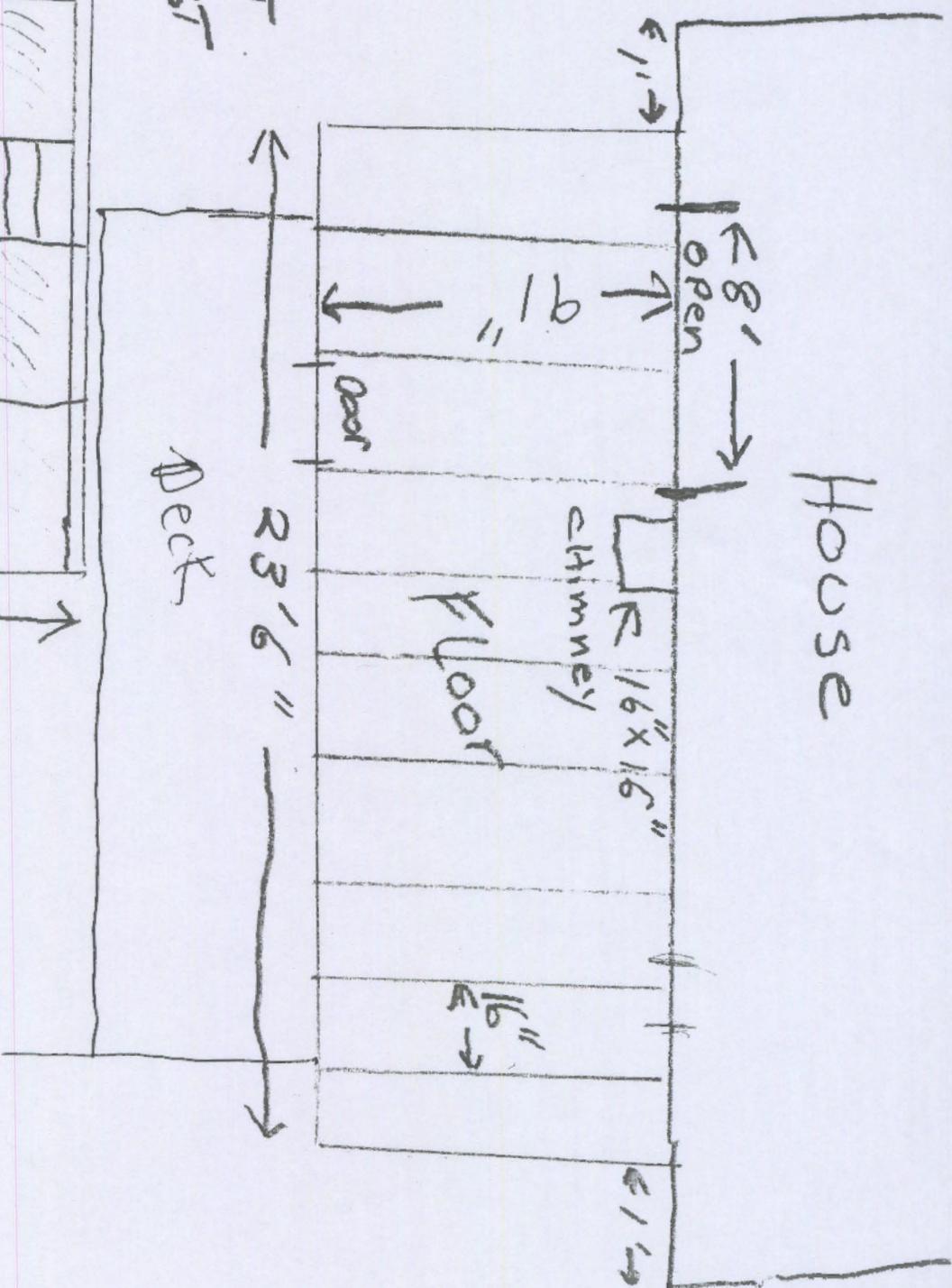
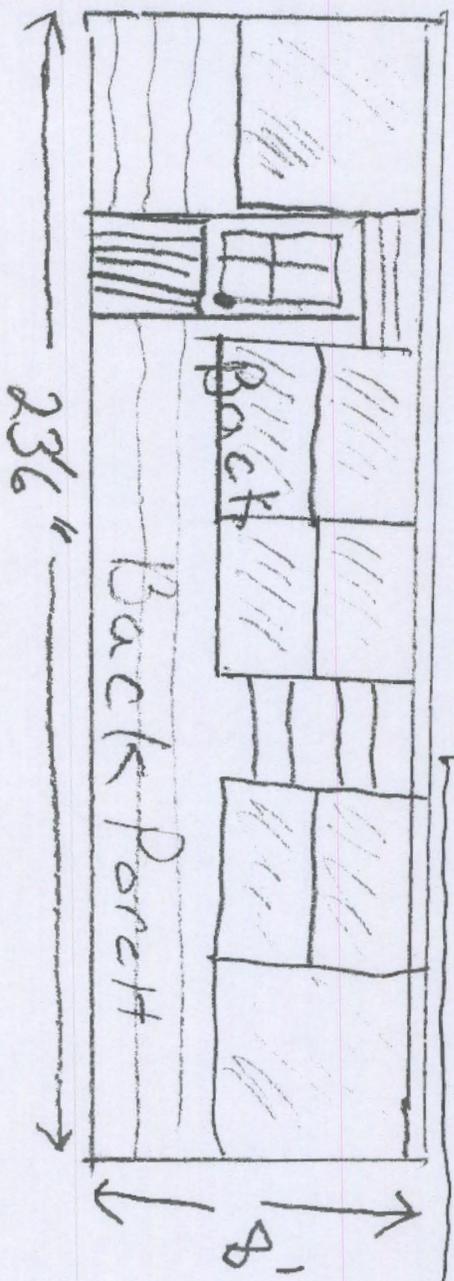
Concrete

P.I. 6x6

3/4 Threaded Rod

Back Deck
Plan

Block
 Foundation
 all THE way
 ROUND
 2 X 8 Floor Joist
 2 X 6 ceiling Joist



APPEAL # 900 Tax Map # _____

Final hearing date _____ Zoning Board decision APPROVED / DENIED

Date application submitted 10/13/16

Application fee \$ 100 Escrow \$ - Received by _____

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

I (we), WAYNE SCOTT CRAFT

residing at 100 MANITOW STATION ROAD, GARRISON

Telephone: home (917) 843-5054 business _____

HEREBY appeal the decision of (name and title) GREG WUNNER,
CODE ENFORCEMENT OFFICER

whereby he/she

GRANTED _____ DENIED a BUILDING PERMIT a CERTIFICATE OF OCCUPANCY _____

For A 24' x 24' GARAGE

To WAYNE SCOTT CRAFT

of 100 MANITOW STATION ROAD GARRISON, NY 10524

For property at tax map # 89.7-1-22 in zoning district RR

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:

100 MANITOW STATION ROAD GARRISON, NY 10524

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)

SEE ATTACHED LIST

RECEIVED
OCT 12 2016

W

3. PROVISIONS OF ZONING CODE INVOLVED (give Article, Section, Sub-section, paragraph by number. Do not quote text of code)

SECTION 173-11B

4. PREVIOUS APPEAL (If there have been any previous appeals for this property or any portion thereof, set forth the appeal number, date, relief sought and the ZBA decision resulting)

NONE

TYPE OF APPEAL:

an INTERPRETATION of the Zoning Code or Maps

a VARIANCE from the Zoning Code

a SPECIAL USE PERMIT under the Zoning Code

5. DETAILS OF APPEAL (Complete only that section which applies to the appeal you are submitting)

(a) INTERPRETATION of the Zoning Code is requested

(1) An exact statement of the interpretation requested is:

(b) a VARIANCE from the Zoning Code is requested

(1) An exact statement of the details of the variance requested is:

**APPLICANT SEEKS RELIEF FROM THE MINIMUM
SIDE YARD SETBACK OF 30' TO 20'.**

(2) The grounds on which this variance should be granted are:

**FAILURE TO GRANT VARIANCE WILL DENY
APPLICANT REASONABLE USE OF HIS PROPERTY.**

(c) a SPECIAL USE PERMIT is requested:

(1) The reason the permit is requested:

(2) An exact statement of use for which the permit is requested:

(3) The facts showing the use is permitted as a SPECIAL USE under the code and the ability of the applicant to comply with all requirements of the code for granting of a special use permit:

STATE OF NEW YORK, COUNTY OF PUTNAM _____

being duly sworn, says: I have read the foregoing appeal and papers attached; that the statements and representations made therein are true to the best of my knowledge and belief

Signature of Applicant or agent

Sworn before me this 7th day of OCTOBER, 2016

Notary, Dutchess County

REBECCA W. LINDA
NOTARY PUBLIC, State of New York
No. 5004353
Qualified in Dutchess County
Commission Expires November 16, 2018

SUBMISSION REQUIREMENTS: (1) For a VARIANCE or INTERPRETATION please submit (7) Individual packets
(2) For a SPECIAL USE PERMIT please submit (19) individual packets

each packet containing one each of the below listed items. These items are very specific and MUST be complied with exactly

1. Completed appeal form
2. Deed to property
3. Denied application for Building Permit or Certificate of Occupancy
4. Building plans with ONE ORIGINAL professional seal and signature
5. Survey prepared by NYS licensed surveyor, showing all property lines, structures and dimensions to property lines One survey with ORIGINAL professional seal and signature
6. Certificates of Occupancy for any existing structures
7. Contour maps as required by conditions

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 weighted 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?

The back-half of the structure, facing the neighbor to the east, at the upper driveway area, has zero height. The grade slopes down toward the River, where the height of the roof/parking area is 10'-2", at the lower driveway area. It is unlikely the structure will be visible to the neighbor to the north, who is over 330 feet away; the neighbor to the east, who is over 130' away; or from the road, over 110' away.

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 be the neighborhood be changed?

The neighborhood in fact does have similar structures built into the land, with even smaller setbacks from their property lines. The neighborhood would not be negatively impact, especially considering the structure should go virtually undetected upon completion.

2. If you didn't get the variance, how 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?

The proposed structure is designed to utilize the existing site development, maximizing it's utility by being able to drive over and into it, from the existing driveway. There is no other location or size that would accomplish the applicant's goal.

3. What is Code requirement you seek to vary?

Minimum side yard setback from 30' to 20.0'

How large of a variance do you seek?

10.0', or 33%.



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 Watercourses on site?- Will normal drainage patterns be affected?- How close are the nearest wells and septic systems?- Will the proposed use of activity produce emissions (noise or odors)? – Will traffic be increased?- is the area considered scenic?

There is very little land grading associated with the proposed construction. The building site is currently vegetated with grass, as part of the lawn. Off-site wetlands have been delineated, where the Adjacent Area (100' Buffer) encumbers the western portion of the property. The proposed development is outside of the any protected/controlled wetland areas.

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.

The applicant has owned the property for approximately 3 years. The variance is requested so that the applicant may have a garage. Vehicular access to the garage is existing. Conformance with the zoning setback will position the structure in a manner incompatible with the existing site development, and encroach upon land encumbered by steep slopes and wetlands buffer.



Town of Philipstown

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

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

Oct.- 3-2016

Scott Craft
100 Manitou Station Road
Garrison N Y 10524
Agent: Badey & Watson PC

Re: Building Permit Application for a 24' x 24' garage
Location: 100 Manitou Station Road
Tax # 89.7-1-22

Included:

1. Application for Building / Zoning permit
2. One plan for proposed garage
3. Site Plan showing location and proposed set backs

The site plan proposes a set back of 20. and 20.03 feet where in a RR zone 30 feet is required in the dimensional table of Philipstown Zoning Code Section 175-11B.

Since the building is proposed only 20 feet from the property line the application for a building permit is hereby DENIED for non-conformance with section 175-11B

If you are aggrieved by this decision, you may submit an application to the zoning board of appeals, pursuant to the provisions of article IV of the town code within 60 days from the date of this letter. An application is enclosed.

Any questions please contact this office.

Greg Wunner
Code Enforcement Officer



Adjoiners
List
Craft
89.7-1-22

89.7-1-23
Harracksingh LLC
225 Veterans Road Ste 101
Yorktown Heights, NY 10598

81.-1-1.2
Manitou Point Preserve LLC
c/o Stream Line Circle LLC
450 W 14th St Fl 9
New York, NY 10014

89.7-1-28
Seacor, Patrick
101 Manitou Station Road
Garrison, NY 10524

RECEIVED
OCT 12 2016
BY: N



Dennis J Sant, County Clerk
Putnam County Office Building
40 Glenside Avenue, Room 100
Carmel, New York 10512



ACS-00000000319742-00000000672890-005

Endorsement Page

Document # 1501901 Drawer # 02 Recorded Date: 09/06/2013
Document Type: DEED Book 1931 Page 370 Recorded Time: 11:43:39 AM
Document Page Count: 5 Receipt # 16664

PRESENTER:
INTEGRITY LAND SERVICES LLC
6054 ROUTE 9
RHINEBECK, NY 12572

RETURN TO:
WENDY BUSH LYONS, ESQ.
187 EAST MARKET STREET
SUITE 204
RHINEBECK, NY 12572

PARTIES

GRANTOR
RICHARD F. KELLER-COFFEY

GRANTEE
WAYNE SCOTT CRAFT

FEE DETAILS

RESERVED FOR CERTIFICATION

Consideration:		\$475,000.00
1501901		
DEED	5	45.00
TP-584	1	5.00
CULTURAL EDUCATION		15.00
RECORD MANAGEMENT		5.00
RP-5217 RESID/AGRIC		125.00
TRANSFER TAX		1,900.00
PROCESSING FEE	1	1.00
AMOUNT FOR THIS DOCUMENT:		2,096.00
RETT #	000000251	

THIS DOCUMENT WAS EXAMINED PURSUANT TO §315
REAL PROPERTY LAW

EXEMPTIONS

① RESERVED FOR CLERKS NOTES

DENNIS J. SANT
PUTNAM COUNTY CLERK

RECORDED
OCT 12 2016
BY: [Signature]

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR
(INDIVIDUAL)**

STATUTORY FORM C

THIS IS A LEGALLY BINDING INSTRUMENT. IF NOT FULLY UNDERSTOOD, WE
RECOMMEND ALL PARTIES TO THE INSTRUMENT CONSULT AN ATTORNEY BEFORE
SIGNING.

THIS INDENTURE, made the August 29, 2013,

between Richard F. Keller-Coffey and Catherine Cowell as tenants in common, of 100 Manitou Station
Road, Garrison, New York 10524,

party of the first part, and

Wayne Scott Craft and Anabel Adams as tenants by the entirety, of 75 Wall Street, Apartment 21D, New
York, New York 10005,

party of the second part:

Being the same premises as was acquired by Richard F. Keller-Coffey and Catherine Cowell by
deed from Richard F. Keller-Coffey dated July 14, 1999 and recorded on September 7, 1999 in Liber
1483 at Page 229.

WITNESSETH, that the party of the first part, in consideration of one dollar and other good and
valuable consideration, lawful money of the United States, paid by the party of the second part, does
hereby grant and release unto the party of the second part, their heirs, successors and assigns forever, all
that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of Phillipstown, County of Putnam.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any
streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in
and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, their
heirs, successors and assigns forever. And the party of the first part covenants that he has not done or
suffered anything whereby the said premises have been encumbered in any way whatever.

Title No: ILS-P-16076

Schedule A Description

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Town of Philipstown, County of Putnam, State of New York, and bounded and described as follows:

BEGINNING at a point in the centre of the highway leading from Bear Mountain – Beacon State Highway to Manitou Station, said point being on the division line of land of party of the first part and land of James J. Torpey;

thence N 52 degrees, 05' , 30" E 280 feet along an old post and wire fence along line of land of said Torpey to an iron pipe;

thence N 32 degrees, 14' , 45" W 100.03 feet along other land of part of the first part to a cut on a rock on the southerly side of a private road;

thence S 56 degrees, 39' W 111.00 feet along the southerly side of said private road;

thence S 60 degrees, 47' , 50" W 100.00 feet along the southerly side of said private road;

thence S 62 degrees, 24' , 25" W 89 feet along the southerly side of said private road to a cut on ledge rock;

thence S 37 degrees, 52' E 85.74 feet along other land of party of the first part to the centre of the before mentioned highway;

thence S 78 degrees 48' , 20" E 30.06 feet along the centre of said highway;

thence S 16 degrees, 35' , 20" E 33.30 feet along the centre of said highway to the point or place of **BEGINNING**.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

Richard F. Keller-Coffey
Richard F. Keller-Coffey, Seller

Catherine Cowell
Catherine Cowell, Seller

In presence of:

Acknowledgment by a Person Within New York State (RPL § 309-a)

STATE OF NEW YORK)
COUNTY OF DUTCHESS) ss.:
)

On the 29th day of August in the year 2013, before me, the undersigned, personally appeared Richard F. Keller-Coffey, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Ashlee R. Kelly
(signature and office of individual taking acknowledgment)

Ashlee R. Kelly
Notary Public State of New York
Registration No. 02KE6275914
Qualified in Orange County

Acknowledgment by a Person Within New York State (RPL § 309-a) Expires: 2/4/17

STATE OF NEW YORK)
COUNTY OF DUTCHESS) ss.:
)

On the 29th day of August in the year 2013, before me, the undersigned, personally appeared Catherine Cowell, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that she executed the same in his capacity(ies), and that by her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Ashlee R. Kelly
(signature and office of individual taking acknowledgment)

Ashlee R. Kelly
Notary Public State of New York
Registration No. 02KE6275914
Qualified in Orange County
Expires: 2/4/17

Deed

Title No. ILS-P-16076

Richard F. Keller-Coffey and Catherine
Cowell

To

Wayne Scott Craft and Anabel Adams

Section 89.7

Block 1

Lot 22

County or Town Putnam County, Town of Phillipstown

Street Address 100 Manitou Station Road

Garrison, New York 10524

Recorded By:

Integrity Land Services LLC

6054 Route 9

Rhinebeck, New York 12572

Phone: 845-876-2100

ILS-P-16076

Return By Mail To:

Wendy Bush Lyons, Esq.

187 East Market Street, suite 204

Rhinebeck, New York ~~10512~~ 12572

Reserve This Space For Use Of Recording Office

[Empty rectangular box for recording office use]

FOR COUNTY USE ONLY

C1. SWIS Code 372689
C2. Date Deed Recorded 9/16/13
C3. Book 1931 C4. Page 370



New York State Department of Taxation and Finance
Office of Real Property Tax Services
RP- 5217-PDF
Real Property Transfer Report (R/10)

PROPERTY INFORMATION

1. Property Location: 100 Manitou Station Road, Garrison, New York 10524
2. Buyer Name: Craft Wayne Scott, Adams Anabel
3. Tax Billing Address
4. Indicate the number of Assessment Roll parcels transferred on the deed 1 # of Parcels OR Part of a Parcel
5. Deed Property Size: X DEPTH OR 1 ACRES
6. Seller Name: Keller-Coffey Richard F., Cowell Catherine
7. Select the description which most accurately describes the use of the property at the time of sale: A. One Family Residential

SALE INFORMATION

11. Sale Contract Date August 26, 2013
12. Date of Sale/Transfer August 29, 2013
13. Full Sale Price \$475,000.00
14. Indicate the value of personal property included in the sale \$0.00

15. Check one or more of these conditions as applicable to transfer:
A Sale Between Relatives or Former Relatives
B Sale between Related Companies or Partners in Business
C One of the Buyers is also a Seller
D Buyer or Seller is Government Agency or Lending Institution
E Deed Type not Warranty or Bargain and Sale (Specify Below)
F Sale of Fractional or Less than Fee Interest (Specify Below)
G Significant Change in Property Between Taxable Status and Sale Date
H Sale of Business is Included in Sale Price
I Other Unusual Factors Affecting Sale Price (Specify Below)
X J None

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(YY) 13
17. Total Assessed Value \$295,000.00
18. Property Class 210
19. School District Name Garrison UFSD
20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))
89.7 1 22

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments

Seller Signatures: Richard F. Keller-Coffey, Catherine Cowell
Buyer Signatures: Wayne Scott, Anabel Adams
Dates: 8/29/13

BUYER CONTACT INFORMATION
(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)
Adams Anabel
Craft Wayne Scott
917 843 5045
100 Manitou Station Road
Garrison NY 10524
BUYER'S ATTORNEY: Bush Lyons Wendy (845) 876-4047

