

**ZONING BOARD OF APPEALS**  
238 Main Street, Cold Spring, New York 10516

May 9, 2016  
7:30 P.M.

Regular Monthly Meeting

**Pledge of Allegiance**

**Approval of Minutes:**  
April 11, 2016

**PUBLIC HEARINGS**

--NONE SCHEDULED--

**REGULAR MEETING**

- 1) **Robert M. Manzella,** **TM#91.6-2-12** **Appeal # 893**  
11 Mountain Drive, Garrison  
(seeking a side yard variance of 6' from section 175-26A.1 of the Town Code which requires a minimum of 20' from the side property line.) **RESCHEDULED FOR JUNE**
  
- 2) **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)
  
- 3) review and discuss altering or changing the application to make it more understandable for the applicant.

**ZONING BOARD OF APPEALS**

**April 11, 2016**

**MINUTES**

The Zoning Board of Appeals for the Town of Philipstown held their regular monthly meeting on Monday, April 11, 2016, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York.

- PRESENT:**
- Robert Dee - Chairman
  - Vincent Cestone - Member
  - Paula Clair - Member
  - Lenny Lim - Member
  - Adam Rodd - Attorney (Drake Loeb PLLC)

**\*\*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 7:30 P.M. with the Pledge of Allegiance.

**Minutes:**

**Robert Dee** – The first order of business is the approval of minutes from March 14, 2016. Does anybody have any changes or corrections on it?

**Lenny Lim** – I don't have any.

**Paula Clair** – I wasn't here so I wouldn't.

**Robert Dee** – Did you get a chance to go through them?

**Paula Clair** - Yes, I did read it and so.

**Robert Dee** – But you weren't here so you wouldn't have any questions.

**Paula Clair** – No.

**Robert Dee** – I make a motion that we approve the minutes.

**Lenny Lim** – I second it.

**Robert Dee** – All in favor. Aye.

**Paula Clair** – Aye.

**Lenny Lim** – Aye.

**Robert Dee** – Okay, minutes are good. Now the next order of business is a variance Robert Manzella, 11 Mountain Drive, seeking a side yard variance from section 175-26A. The Town Code requires a 20 yard set back and he's looking for a six foot variance. Mr. ah... I guess that Mr. .. step to the microphone please. Give us your name and address.

**Mr. Robert Manzella** – Robert Manzella, 11 mountain Drive.

**Robert Dee** – Okay.

**Mr. Robert Manzella** – Garrison New York.

**Robert Dee** – Go ahead, tell us a little bit about what you are looking to do here.

**Mr. Robert Manzella** – I just moved here about a year ago in January. So I'm just looking to add a garage to the side of the home. I believe it is a 20 ft. minimum and I'm looking closer to, I think, it's about 12... between 8-12 feet depending on how it is set back.

**Robert Dee** – Okay. I reviewed your application, Okay, do you have a pen and a piece of paper because you are going to need it because, there are a few things missing. Do you have your application?

**Mr. Robert Manzella** – Yeah. We don't have a pen though.

**Robert Dee** – you don't have a pen.

**Audiance member** – Yeah.

**Robert Manzella** - We have everything but a pen.

**Robert Dee** – Here, here's one here, bring up your application too. It will be easier to go over it with you. You can put it in front of you so you know what we are talking about. Okay on page one of the appeal. One of the things we ask for is the names and addresses of adjoining property owners. Okay you don't have that.

**Mr. Robert Manzella** - Of the adjacent?

**Robert Dee** – I'm Sorry.

**Robert Manzella** – Of the other property owners.

**Robert Dee** – Yes.

**Lenny Lim** - The joining property owners.

**Robert Dee** - That would be on the side of you, across the street, a few things like that. You better right that down on a piece of paper because there are a few things that you have to get.

**Audience member** – What about the house numbers.

**Robert Manzella** – I haven't met all the neighbors yet. There is one that is directly next door to me. I believe it is number 13.

**Robert Dee** – Well,

**Robert Manzella** – It's a vacant house.

**Robert Dee** - That's not going to help me now. You can get it like from the building department. You can go to the Building Department they can give it to you. You know.

**Robert Manzella** - Okay.

**Robert Dee** – Okay, that's one thing you are going to have to get. It's going to have to be at least both sides across the street and everything else like that. So it will probably be an area 4 or 5 at least neighbors.

**Robert Manzella** - Okay.

**Robert Dee** – Okay, now ...

**Lenny Lim** – If their property touches yours, your a neighbor.

**Robert Manzella** – I got it.

**Robert Dee** – Yeah, right okay. Now let's see where were we, not page two but page three which is the last page. Go to page three, the last page which you signed and had notarized of the application, of the appeal. You have it.

**Robert Manzella** – yes.

**Robert Dee** - Okay, now number one says completed appeal form. Number two is deed to property, we don't have a copy of the deed. Okay, so you are going to have to get that.

**Robert Manzella** – Okay.

**Robert Dee** - Right that down in the things to do, this is your things to do list. Okay.

**Robert Manzella** - Okay.

**Robert Dee** – Now you got a survey prepared by New York State Licensed Surveyor showing all the property lines, structures and dimensions of the property. Now the survey you gave us is from 1954. You got your survey.

**Robert Manzella** – Okay.

**Robert Manzella** – yes

**Robert Dee** - Okay you got it from 1954. You bought the house last year right, January something here before you started.

**Robert Manzella** – Correct, A year ago.

**Robert Manzella** – That... everything on the house you see and the outside was there as well.

**Robert Dee** – You never... You didn't get a survey then?

**Robert Manzella** – He's going to have to put that there as well. You got a deck, you got an existing deck and here to get paperwork.

**Robert Manzella** – They haven't given me anything, the only thing I got through, was when I came here to get paperwork.

**Robert Manzella** - Um. It's just existing, like I said, the gentleman from downstairs drew it for me.

**Robert Dee** – The problem with this is, I guess, this is hand written where you put down garage 14X22.

**Robert Manzella** 14... The gentleman from uh, that I spoke with downstairs filled this in for me.

**Robert Dee** – He filled it in for you.

**Robert Manzella** – Correct.

**Robert Dee** – Okay and then you have 6 feet from the house.

**Robert Manzella** – Correct.

**Robert Dee** - You measured that with what, a tape measure?

**Robert Dee** - I don't know that. There is no way of me telling that. There is no way of me telling that because there is no real survey. What I mean by that is I don't know how far the edge of your house is from the side yard.

**Robert Dee** – Okay, well we can't go by that.

**Robert Manzella** – Okay.

**Robert Manzella** – Okay.

**Robert Dee** - You understand what I'm saying?

**Robert Dee** - Not that I don't trust you, it's just that I'm saying these are things that have to be exact.

**Robert Manzella** – I got you.

**Robert Manzella** – Okay.

**Robert Dee** - From the side line. I don't know that. Okay, now you got it measured 6 foot. Then you got it measured ...you know, so you would have to have it at least 34 feet, your house would have to be from the side yard line. I don't know that because it's not here.

**Robert Manzella** – I got you okay.

**Robert Dee** - So I'm going to need a survey. So I need a new survey okay of what exists now.

**Robert Manzella** - Okay,

**Robert Dee** - Of what exists now.

**Robert Manzella** – Okay.

**Robert Dee** – Okay, you added on anything or anything else like that I don't know that, I took a ride by. I know that you have blacktop there. There is a blacktop section in front, I don't know if that was there before you started.

**Robert Manzella** – That... everything on the house you see and the outside was there as well.

**Robert Dee** – He's going to have to put that there as well. You got a deck, you got an existing deck and you got a line through it, what does that mean?

**Robert Manzella** – Um. It's just existing, like I said, the gentleman from downstairs drew it for me.

**Robert Dee** – Okay

**Robert Manzella** – He told me to measure the current. I guess just to make sure that this was all up to date, so he had me measure from, you know, the property line. Meaning you know, he basically showed me how to use the scale.

**Robert Dee** – Right

**Robert Manzella** – I scaled everything down. So I measured the current foundation from the house. how it was and then the addition to get everything you know what previously was there.

**Robert Dee** - You measured that with what, a tape measure?

**Robert Manzella** - Correct.

**Robert Dee** – Okay, well we can't go by that.

**Robert Manzella** – Okay.

**Robert Dee** - Not that I don't trust you. It's just that I'm saying these are things that have to be exact.

**Robert Manzella** – Okay.

**Robert Dee** - Now in doing that, when you go to a surveyor he's also going to have to put in the shed. When you say shed, there are two things you show us, a picture of a shed yet you're asking for a garage

**Robert Manzella** - It is, it's like a prebuilt.

**Robert Dee** - Okay so you are going to store a car in there?

**Robert Manzella** – Correct.

**Robert Dee** - Okay now that has to show on this...

**Robert Manzella** – Okay.

**Robert Dee** – Survey, what your proposed plan is going to be because it's going to be a car garage.

**Paula Clair** – Yeah.

**Robert Manzella** – Correct.

**Robert Dee** - I guess you didn't go for a real garage because it's cheaper this way.

**Robert Manzella** – Well Prebuilts... yeah, it's a little bit more affordable.

**Robert Dee** – Okay, I understand. Now in looking at the shed; the doors are sideways correct?

**Robert Manzella** – Yeah, this was the only picture that basically...

**Robert Dee** - Well I mean the door is in the front?

**Robert Manzella** - It's going to be a regular garage door in the front.

**Robert Dee** – Oh, its going to be, well that doesn't show us that here.

**Robert Manzella** – Yeah, what he basically... like I said this is all new to me you know my first home.

**Robert Dee** – No, I understand.

**Robert Manzella** - You know, when I spoke to the gentleman downstairs, he said just basically, he was using this for, is really the dimensions on what the garage is built out of for the prebuilt. This isn't an actual picture of it.

**Robert Dee** – Well, right he's the Building Code Enforcement. See he's looking at different things then what we are looking at.

**Robert Manzella** – Okay.

**Robert Dee** - You are looking at him to get a permit to do this, okay.

**Robert Manzella** - You can't get the permit because you don't have enough side line.

**Robert Manzella** – Correct.

**Robert Dee** - You know there is not enough space there, so you are looking for a variance. So you come to the real ones that's going to have to give you a variance,

**Robert Manzella** – Okay.

**Robert Dee** - He can't give you a variance.

**Robert Manzella** – Okay.

**Robert Dee** - Okay he's trying to help you out, which I understand.

**Robert Manzella** - I know... I just...

**Robert Dee** - So I have to have a picture of exactly what you are going to do.

**Robert Manzella** – Okay.

**Robert Dee** – Okay, now I'm sure you can get that from Pennsylvania.

**Robert Manzella** – Yeah, from the place, that's no problem.

**Robert Dee** – Yeah, I'm sure you can get that from them. Okay so you are going to have to get that and also in here you got its either going on railroad ties or cement, you know.

**Lenny Lim** – That's...

**Robert Dee** - We got to know that.

**Robert Manzella** – Yeah. No. I think we decided to go with the cement foundation.

**Robert Dee** – Okay, and like your statement before, 18 foot by 12 feet. We go to the inch.

**Robert Manzella** – Okay.

**Robert Dee** – Okay. Because let me explain it to you. Because if we do give you the variance its an appeal variance. What I mean is we're giving it to you because we feel you need.. It's a hardship or something like that okay and if we say 14 feet and if you were to build it 6 inches closer you are in trouble.

**Robert Manzella** - I got you.

**Robert Dee** – Okay, you would basically have to take it up and move it.

**Robert Manzella** - Fair enough.

**Robert Dee** - So this is what we're into. Okay. So, I'm looking to get you right the first time.

**Robert Manzella** – Okay.

**Robert Dee** - So you don't have to keep coming here over and over and over okay.

**Robert Manzella** - Thank you.

**Robert Dee** - Now you got another thing here. You see your exhibits show shrubs or something like that, well I don't see anything that shows shrubs okay. Oh, I see now is this the unit you are going to put there. No.

**Robert Manzella** - What's that one.

**Robert Dee** - You are showing us this picture?

**Robert Manzella** - It's no... That's not the exact.

**Robert Dee** - That's not the one?

**Robert Manzella** - No. That's not the exact one, that's pretty much similar to that just...

**Robert Dee** - So that's out okay. So lets see what else we need. Hold on, then I will go to my Board because I'm sure there are things I forgot. C of O - I'm going to need a C of O for any existing structures that means your house or anything that might have been done. A copy of the C of O. You can get that from the Building, Code Enforcement office.

**Robert Manzella** - Okay.

**Robert Dee** - Now, you bought this house last year, right?

**Robert Manzella** - Correct, In January.

**Robert Dee** - Okay, let me see okay and the questions we ask you, you don't have to change it I will put it in. You put down (on the appeal application under) "what is code requirement you seek to vary" you put down a 14X22 foot structure. But actually you are seeking a 6 foot variance. That's what you are seeking. Now go to an architect okay or somebody to make sure you have the exact figures, you know what I'm trying to say. Because, if you need a seven foot variance then you are going to have to go back and tell this person I need a 7 foot or something like that, you know what I mean, because if we give you a six foot variance that's it. You know what I am trying to say.

**Robert Manzella** - I got yeah.

**Robert Dee** - It's a one shot deal.

**Robert Manzella** - Okay.

**Robert Dee** - Okay and I am just trying to get you all clear so when you come back here you have everything okay.

**Robert Manzella** - Okay I appreciate it.

**Robert Dee** - Now is there anything you have?

**Lenny Lim** – You hit on everything I was going to say and the only other thing is, like on your survey here, I don't know how many feet anything is. In other words, I need distances; how big the property is in the front, the side lines. The same thing with the shed, you have down here approximate height of shed and it's all cut off. I don't know how tall this thing is.

**Robert Dee** – That's not the shed.

**Lenny Lim** – Well I'm saying... it's the garage, but we have to know dimensions of everything; height, width, everything.

**Robert Manzella** – Okay.

**Robert Dee** – And we are going to refer to this as a garage now, because it's not a shed you are going to put a car in here.

**Robert Manzella** – Correct.

**Robert Dee** - Correct okay.

**Lenny Lim** – This confuses us.

**Robert Dee** - Our wording is going to be garage okay?

**Robert Manzella** – No, that was just on the picture that they had sent me.

**Robert Dee** – No, no, no. I understand this is the first time for you. I was just trying to help you so that I don't want... to because we had people that have to come back here over and over and over and that's what I'm trying to avoid.

**Robert Manzella** - I appreciate it.

**Robert Dee** - Okay, is there anything you have.

**Paula Clair** – No you covered everything I was going to say also. Thank you.

**Robert Dee** - Anything else.

**Lenny Lim** – No, we all had the same concerns.

**Robert Dee** - Okay, So what your going to have to do is you have to get all that okay.

**Robert Manzella** – Okay.

**Robert Dee** - And you are going to have to get it to our secretary before our next meeting. Okay our next meeting is going to be May. It's going to be at the same time, at the same place. May 9<sup>th</sup> okay your going to have...because she has to mail out these items to us. Okay,

**Robert Manzella** – Okay.

**Robert Dee** - So you are going to have the items delivered to her, Linda over here, okay she will be downstairs in the Code Enforcement Office.

**Robert Manzella** – Yeah, I remember.

**Robert Dee** - At the latest let's say Monday, May 2<sup>nd</sup>. Okay this way she can make what copies she has to make, you know, and get a package mailed out to us, and then we will be able to look at it before we get to the next meeting which will be May 9<sup>th</sup>.

**Robert Manzella** – Okay.

**Robert Dee** - Okay and that way you'll have everything and we should be able to make a decision on that. But now what's going to happen is because you didn't have it, that's going to delay you in a way. What I mean by that is on May 9<sup>th</sup> we are going to review the application and to see that it's complete okay.

**Robert Manzella** – Okay.

**Robert Dee** - And then we will send it out for public hearing and the public hearing will be the next month, which will be June.

**Robert Manzella** – Okay.

**Lenny Lim** – I was just thinking, if he can put the driveway in and everything on too.

**Robert Dee** – Yeah have him put everything you see, the driveway everything like that because looking at the shed...

**Lenny Lim** – I didn't even get into that yet.

**Robert Dee** - When I drove past your house it looks like you are going to put it half on the driveway.

**Robert Manzella** - That's what it is. It's half on the driveway and half in the backyard.

**Robert Dee** – Okay, okay I understand that, but I just want to see that, so put down the exact things so we know what we are talking about.

**Robert Manzella** - So get some updated stuff. Okay.

**Robert Dee** – Yes.

**Audiance member** – So, can you refer a survey place to us so we can get the survey done?

**Robert Dee** – Um, I can't do that.

**Lenny Lim** - I don't think we're allowed to.

**Robert Dee** - No no no I would say look into who's local. Somebody local you know, or something like that. I would rather not do that then everyone would say I'm getting a kick back or something like that believe me. I just paid my tax bill today (not audible) that would be nice but, you know you can look around you can get somebody, I'm sure.

**Paula Clair** – As far as I know.

**Robert Dee** - So you think that's all we need. I don't want this guy coming back. What we'll do then, at that meeting is we'll look at it, make sure we have everything and then we'll send out... after that we'll decide if it's complete then she'll, the secretary, will be able to send out the notices to your neighbors and everything else like that.

**Robert Manzella** – Okay.

**Robert Dee** - Then in June, our monthly meeting, we will meet in public hearing okay and anybody who is notified will get the chance to say "I don't like it or I do like it" whatever.

**Robert Manzella** -Okay.

**Robert Dee** - You know what I am trying to say then we decide from there. And if we decide to issue the variance we'll vote on it that night.

**Robert Manzella** – Okay.

**Robert Dee** - We will close the public hearing, vote on it that night and then our attorney will make it up and you will get it the next month. So this is going to be a three month period.

**Robert Manzella** – Okay.

**Robert Dee** - So that is what the average length of time is. I just want you to understand.

**Robert Manzella** - No problem.

**Robert Dee** - Are there any other questions you have?

**Robert Manzella** - No that was it. The one thing I have is the one house next to me, number 13, is vacant now how would I get any of their information.

**Robert Dee** – Whatever is listed with the town.

**Robert Manzella** – Whatever is listed with the town.

**Robert Dee** - You send it out and if it comes back to the town it comes back to the secretary - no longer address, not there, forward or something like that.

**Robert Manzella** – Okay, I just want to make it clear.

**Robert Dee** - We'll deal with it but we make the attempt... you have to make an attempt... we make the attempt to do it but we have to have the names and addresses in order to do it.

**Robert Manzella** - Got you.

**Robert Dee** - Are you all set?

**Robert Manzella** – Good.

**Robert Dee** – Okay, thank you.

**Robert Manzella** - Thank you, thank you.

**Lenny Lim** – your welcome.

**Robert Dee** - It's mine. I don't know where it came from but on top of there... and this way you'll have everything you know, like that and it will only be better for you.

**Robert Manzella** - I appreciate it.

**Robert Dee** - It will only be better for you and heck.

(Vincent Cestone arrived at 7:45 P.M.)

#### Old Business:

**Robert Dee** – Okay. Any old business. The old business we talked about we talked about was the application and I know, I think Dominic was working on something. Okay just one of the things we have in here is that it has to be in a week before you know, the meeting. We would like to change that to two weeks that was one of the things that we wanted to change. So ah, you had a chance to look at that. Alright, anyway just think about it.

**Paula Clair** – Right.

**Robert Dee** – And look at the application. What I'm trying to do is make it easier.

**Paula Clair** – Alright.

**Robert Dee** - The application, you know, the people understand because they come here...

**Adam Rodd** – Two weeks is fine. I mean that is not a problem if you want two weeks.

**Robert Dee** – Yeah, make it two weeks.

**Adam Rodd** - That is fine.

**Robert Dee** – I don't see that that's unreasonable because... but if she gets...if people come, in lets say late Monday or something like that then she's got to...you know, the Secretary has to mail it out like that and then it becomes a problem for us.

**Paula Clair** – Yeah, maybe we should have on the application right at the beginning of the application even though it's elsewhere that the application has to be accompanied by the deed; the property deed.

**Robert Dee** – That's in there.

**Paula Clair** – Yeah, but maybe prominent like at the very beginning of the application because, you know, it might be more noticeable to people.

**Robert Dee** – Alright, I guess, let's do this let's everybody, you know, move to the next month. Look at the current application form which is given to them and give suggestions and for next months meeting everybody come in with there suggestions okay.

**Paula Clair** – Yeah.

**Robert Dee** – Write them down and we'll go over them with Dominic or whoever is here and we'll get... we will try to get a new application form.

**Paula Clair** – We should also think about what kind of problems people have had, you know, in processing their applications and try to address them.

**Robert Dee** – No, you can see here though, half the stuff it says isn't in there.

**Paula Clair** - No, I know.

**Robert Dee** - He didn't do it, we really can't do a lot about that.

**Paula Clair** - No I know but maybe if we make it more prominent it might be less problematic. I mean... I know.

**Robert Dee**- Right.

**Paula Clair** – I know that most people do have that stuff but...

**Robert Dee** – Right, okay write any suggests you can make.

**Paula Clair** - Okay anyway.

**Robert Dee**- Just right them down.

**Paula Clair** – Okay.

**Robert Dee** - And get them altogether in your head.

**Paula Clair** – Alright,

**Robert Dee** - Because you have plenty of time.

**Paula Clair** – Alright.

**Robert Dee** – And the next month’s meeting we will put that on the agenda.

**Paula Clair** – Okay.

**Robert Dee** - Put that on the agenda to review and discuss altering or changing the application to make it more understandable for the applicant.

**Paula Clair** – Right.

**Robert Dee** - Okay and maybe we can finalize that and get that going.

**Lenny Lim** – Okay.

**Robert Dee** – Okay is anything else. Any other new business, old business, anything. We are all good okay, then are you ready.

**Lenny Lim** – I,m ready.

**Robert Dee** – I make a motion that we adjourn.

**Lenny Lim** – Second.

**Robert Dee** – All in favor.

**Lenny Lim** – Aye.

**Vincent Cestone** – Aye.

**Paula Clair** – Aye.

**Robert Dee** – Aye.

**(The meeting adjourned at 7:51 by a unanimous decision.)**

**Robert Dee** - The next meeting will be May 9<sup>th</sup> at 7:30 Pm same place. May 9<sup>th</sup> thank you.

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 #

49.-1-17

Final hearing date

Zoning Board decision APPROVED / DENIED

Date application submitted

Fee \$

Received by

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

I (we),

*Stephen*  
Steven C. Flavin

residing at

51 Indian Brook Road Garrison NY 10524

Telephone: home

845-265-2728

business

-

HEREBY appeal the decision of (name and title)

Kevin Donohue, Building Inspector

whereby he/she

GRANTED

DENIED



a BUILDING PERMIT

a CERTIFICATE OF OCCUPANCY

For

Construction of a garage with accessory apartment above.

To

*Stephen*  
Steven C. Flavin

of

51 Indian Brook Road, Garrison, NY 10524

For property at tax map #

49.-1-17

in zoning district

RC

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:

51 Indian Brook Road. Property is on the west side of Indian Brook Road opposite its intersection with Beverly Warren Road and approximately 0.3 miles south along Indian Brook Road from its intersection with NYS Route 9D.

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  
4-25-16 W

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

175-12C(1)(b)

---

---

---

---

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:

---

---

---

---

---

---

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

---

---

---

---

---

---

(c) a SPECIAL USE PERMIT is requested

(1) The reason the permit is requested:

**Applicant seeks to construct a conforming accessory structure with an accessory apartment. Because the lot is a legally non-conforming lot containing at least 40,000 square feet a Special Use Permit issued by the Zoning Board of Appeals is required.**

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

**The building to be constructed will be a garage for the storage of personal vehicles. The immediate need for the accessory apartment is to house an aging relative still capable of independent living by needing family support nearby. Because it is likely that the immediate use will eventually disappear, the applicant will probably rent the apartment as allowable under the Philipstown Zoning Law.**

(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 town code for granting of a special use permit.

**Section 175-12C(1)b clearly allows an accessory apartment under the circumstances (non-conforming residential lot containing at least 40,000 square feet) presented by the applicants property provided a Special Use Permit is obtained from the Zoning Board of Appeals. The attached survey shows the location of the new building located sufficiently far from the property lines to conform with the setback requirements in the RC zone in which the Flavin property is located.**

**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, and submitting and presenting your case to the Zoning Board. Please complete the factors 1 a - 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**

1 a. 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?

**Not Applicable**

---

---

---

1 b. 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?

**Not Applicable**

---

---

---

---

---

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?

**Not Applicable**

---

---

---

---

---

3. What is Code requirement you seek to vary? **Not Applicable**

How large of a variance do you seek? **Not Applicable**

---

---

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?

**Not Applicable**

---

---

---

---

---

---

---

---

---

---

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.

**Not Applicable**

---

---

---

---

---

---

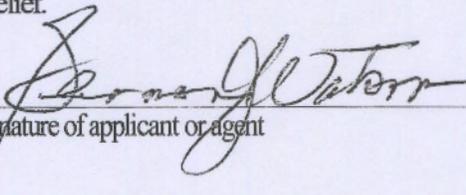
---

---

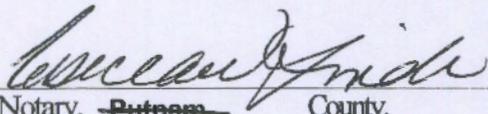
---

---

Steven C. Flavin 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.

 Surveyor for Applicant  
Signature of applicant or agent

Sworn before me this  
22nd day of April 2016

  
Notary, ~~Putnam~~ 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

**ADJOINERS LIST**

**FLAVIN**

**49.-1-17**

49.-1-15  
NICE, DONALD  
73 Indian Brook Road  
Garrison, NY 10524

49.-1-18  
VOGEL, DOROTHY KLEIN  
39 Indian Brook Road  
Garrison, NY 10524

49.-1-4  
COSGROVE, ALYN J  
30 Indian Brook Road  
Garrison, NY 10524

49.-1-5  
DE RHAM, EMILY FOSTER  
66 Indian Brook Road  
Garrison, NY 10524

49.-1-16.1  
Pileggi, John  
65 Indian Brook Road  
Garrison, NY 10524

49.-1-16.2  
GILLIGAN, MICHAEL  
61 Indian Brook Road  
Garrison, NY 10524

49.-1-6  
Granger, Marshall West  
53 Lakeshore Trl  
Glastonbury, CT 06033



PUTNAM COUNTY RECORDING PAGE  
PAGE 1 OF RECORDED DOCUMENT

RETT: 468 \$0.00  
CONSIDERATION: \$6.00  
09/23/2003 12:09:59 P.M.  
LIBER 1635 PAGE 212  
RECEIPT: 18373 FEE: \$94.00  
DENNIS J. SANT  
PUTNAM COUNTY CLERK

RESERVE FOR RECORDING INFORMATION

RECORD & RETURN TO:

TYPE OR PRINT

Rossm. Gerber, Esq.  
Mirra & Diagnostics P.C.  
107 South Central Ave  
Valley Stream, NY 11580

GRANTOR/MORTGAGOR  
Stephen C. Flannery

DO NOT WRITE BELOW THIS LINE

DEED  MTG  SAT  ASMT  CEM  POA  ESMT   
OTHER \_\_\_\_\_

RECORDING FEES	# OF PAGES
RCD FEE	4
STAT CHG	5.00
REC MGMT	20.00
CROSS REF	
TOTAL	39.00
( ) MORTGAGE TAX AFFIDAVIT FILED \$5.00	

- MORTGAGE/DEED TAX DISTRICTS:**
- TOWN OF CARMEL
  - TOWN OF KENT
  - TOWN OF PATTERSON
  - TOWN OF PHILIPSTOWN
  - TOWN OF PUTNAM VALLEY
  - TOWN OF SOUTHEAST
  - APPORTIONMENT MORTGAGE
- MORTGAGE TYPES:**
- COMMERCIAL/VACANT LAND
  - 1-2 FAMILY
  - CREDIT UNION/ PERSONAL MTG
  - 3-6 UNITS
  - EXEMPT

RESERVE FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED  
PURSUANT TO §315 REAL PROPERTY LAW

*Dennis J. Sant*

DENNIS J. SANT  
PUTNAM COUNTY CLERK

RESERVE FOR CLERK'S NOTES

Form 8002 (3/00) - Bargain and Sale Deed, with Covenants against Grantor's Acts - Individual or Corporation. (Single sheet)  
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 29 day of July, 2003 and BETWEEN

STEPHEN C. FLAVIN, as Trustee of the Personal Residence Trust of DANIEL N. FLAVIN, JR. dated November 27, 1985, residing at 51 Indian Brook Road, Garrison, New York 10524

party of the first part, and

STEPHEN C. FLAVIN, residing at 51 Indian Brook Road, Garrison, New York 10524

party of the second part,

WITNESSETH, that the party of the first part, pursuant to the terms of the Personal Residence Trust, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part 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 Philipstown, Putnam County, New York, more particularly bounded and described as set forth in the Annexed Rider to Deed.

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, the heirs or successors and assigns of the party of the second part forever.

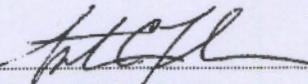
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
Stephen C. Flavin, Trustee

LIBER 1635 PAGE 213

## LIBER 1635 PAGE 214

RIDER TO DEED

Stephen C. Flavin, Trustee to Stephen C. Flavin

BEGINNING at a point on the westerly side of the Old Garrison and Cold Spring Road, at the southeasterly corner of the parcel hereby described and at the northeasterly corner of the parcel of land conveyed to Ridling Carlson; thence along the northerly line of the said Carlson land South 58° 08' 00" West 246.24 feet to a cross on a rock, at the northwesterly corner of the Carlson parcel; thence along the westerly line of the said Carlson parcel South 13° 41' 10" West 45.37 feet to a stake at the northeasterly corner of the parcel known as the "Large House" parcel and owned by the said Allan Dewey; thence along the northerly line of the said "Large House" parcel South 80° 15' 30" West 990.47 feet to the high water line of the bay of the Hudson River, being the southwesterly corner of the parcel hereby described and the northwesterly corner of the said "Large House" parcel; thence northerly along the said high water line 384 feet to the northwesterly corner of the parcel hereby conveyed and other land of the said Allan Dewey; thence along the northerly boundary line of the parcel hereby described and land of the said Allan Dewey North 80° 15' 30" East 974.79 feet to a cross on a rock on the westerly line of the said Old Garrison and Cold Spring Road; thence along the said westerly line of the said Old Garrison and Cold Spring Road, the following courses and distances: South 25° 59' 40" East 5.00 feet; South 11° 38' 20" East 13.49 feet; South 7° 32' 10" West 8.46 feet to the northeast corner of a stone pier; thence South 53° 39' 00" East 15.62 feet; South 52° 50' 00" East 37.77 feet; South 50° 41' 20" East 48.79 feet; South 50° 31' 40" East 93.88 feet; South 50° 33' 00" East 53.43 feet; South 44° 43' 00" East 29.74 feet to the place of beginning. Containing 9.25 acres of land.

Being the same premises conveyed by Daniel N. Flavin, Jr. to Stephen C. Flavin, Trustee, by deed dated the 27th day of November, 1995 and recorded in the Putnam County Clerk's Office on November 29, 1995 in Liber 1317 of Deeds, at page 89.

**Acknowledgement taken in New York State**

State of New York, County of Putnam, ss:

On the 29 day of July, in the year 2003, before me, the undersigned, personally appeared

Stephen C. Flavin 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/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

*Handwritten signature: Penny A. Demo*  
*Handwritten date: 7/29/03*  
PENNY A. DEMO  
No. 01DE6059109  
Notary Public, State of New York  
Qualified in Dutchess County  
My Commission Expires 02/21/2007

**Acknowledgement taken in New York State**

State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, the undersigned, personally appeared

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/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

LIBER 1635 PAGE 245

**Acknowledgement by Subscribing Witness taken in New York State**

State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, the undersigned, personally appeared

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who being by me duly sworn, did depose and say, that he/she/they reside(s) in

that he/she/they know(s) to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

**Acknowledgement taken outside New York State**

\*State of \_\_\_\_\_, County of \_\_\_\_\_, ss:  
\*(for insert District of Columbia, Territory, Possession or Foreign Country)

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, the undersigned, personally appeared

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/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

Title No. ACC 1124P

TO

*Handwritten: 110 Philipstown*  
DISTRICT \_\_\_\_\_  
SECTION 49  
BLOCK 1  
LOT 17  
COUNTY OR TOWN Putnam County

**RETURN BY MAIL TO:**

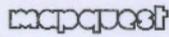
Distributed by  
**A.R.S. Abstract, Ltd.**

Ross M. Gerber, Esq.  
Minerva & D'Agostino, P.C.  
107 South Central Avenue  
Valley Stream, New York  
Zip No. 11580

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

# YOUR TRIP TO:

51 Indian Brook Rd, Cold Spring, NY 10516

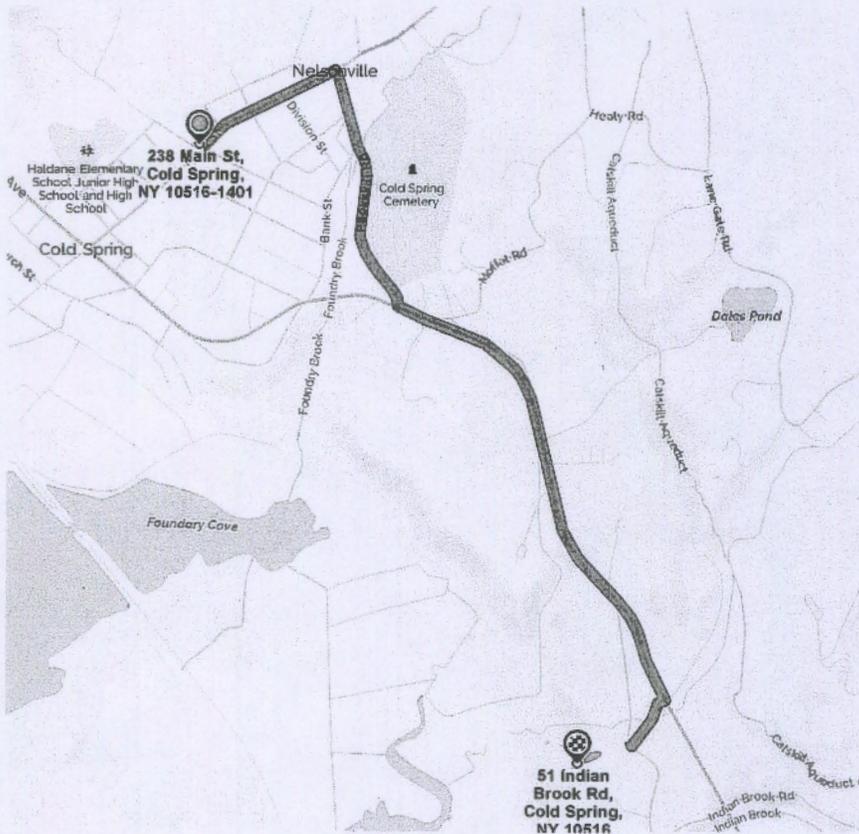


4 MIN | 1.8 MI

Trip time based on traffic conditions as of 10:15 AM on April 21, 2016. Current Traffic: Light

1. Start out going northeast on Main St/NY-301 toward Parsonage St.  
Then 0.29 miles 0.29 total miles
2. Turn right onto Peekskill Rd/County Hwy-16.  
*Peekskill Rd is just past Spring St.*  
*If you reach Nichol Ln you've gone a little too far.*  
Then 0.47 miles 0.76 total miles
3. Turn left onto Route 9D/NY-9D.  
Then 0.93 miles 1.69 total miles
4. Turn right onto Derham Cross Rd (Portions unpaved).  
*Derham Cross Rd is 0.2 miles past Indian Brook Rd.*  
*If you are on NY-9D and reach Dicks Castle Rd you've gone about 0.3 miles too far.*  
Then 0.11 miles 1.80 total miles
5. Turn right onto Indian Brook Rd (Portions unpaved).  
Then 0.01 miles 1.81 total miles
6. 51 INDIAN BROOK RD is on the left.  
*If you reach Route 9D you've gone about 0.2 miles too far.*

Use of directions and maps is subject to our [Terms of Use](#). We don't guarantee accuracy, route conditions or usability. You assume all risk of use.





# Town of Philipstown

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

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

## OWNER CONSENT & AUTHORIZED AGENT FORM

Date: April 25, 2016

I, Stephen C. Flavin, residing at  
Owner

51 Indian Brook Road Garrison, NY 10524 do hereby authorize  
Mailing Address, being the same as Putnam County Tax Records

Glennon J. Watson, L.S. Badey & Watson Surveying & Engineering, P.C., residing at  
Authorized Agent

3063 Route 9 Cold Spring, NY 10516 to act as my agent in  
Authorized Agent Resident Mailing Address

securing permits in the Town of Philipstown at the following location;

51 Indian Brook Road Garrison, NY Tax Map #49.-1-17  
Street Address and Tax Map Number

I, as owner of this property, understand that I am responsible for any information and work submitted and performed by my agent. I further understand that each time my agent applies for a permit, that he/she must submit a new authorization form to the Town of Philipstown.

[Signature] (845) 265-9217  
Authorized Agent's signature phone #

[Signature] (845) 265-2728 5030  
Property Owner or Corporate Officers signature phone #

State of New York  
County of Dutchess

The foregoing instrument was acknowledged before me this 27 day of April, 2016  
By (Owner's name) Stephen C. Flavin, who is personally known to me or as identification  
shown: NY State Drivers License  
Type of Identification

Notary Public Signature: [Signature]  
Printed Name of Notary: SUSAN K. TRUAX  
My commission expires: 8/03/2017

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

Commission # 01TR6209733 010311