

THE LOCATION HAS  
CHANGED FOR THE  
ZONING BOARD OF  
APPEALS MEETING FOR  
JULY 11, 2016.

THE NEW LOCATION IS

PHILIPSTOWN  
RECREATION DEPT.  
107 GLENCLYFF DR.  
GARRISON



- 5) Review and discuss altering or changing the application to make it more understandable for the applicant.



NOTICE IS HEREBY GIVEN that a public hearing will be held by the Zoning Board of Appeals of the Town of Philipstown on Monday, July 11, 2016 at 7:30 P.M. at the Philipstown Recreation Department, 107 Glenclyffe Drive, Garrison New York, to hear the following appeal:

Robert M. Manzella, 11 Mountain Drive, Garrison New York, TM# 91.-1-17. Appeal # 893.

The Applicant is proposing a 14 X 24 foot accessory building and is seeking a side yard variance of 12 feet from section 175-26A(1) of the Town Code which requires a minimum of 20 feet from the side 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 Planning Board at the Philipstown Town Hall.

Dated: June 24 2016

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



NOTICE IS HEREBY GIVEN that a public hearing will be held by the Zoning Board of Appeals of the Town of Philipstown on Monday, July 11, 2016 at 7:30 P.M. at the Philipstown Recreation Department, 107 Glenclyffe Drive, Garrison New York, to hear the following appeal:

Griffin's Landscaping, Inc. (Glenn Griffin),                      TM#27.20-1-14                      Appeal # 895.

The Applicant is seeking an area variance to allow for outside storage on its lot in the amount of 40% of the lot area, whereas Section 175-65D(5)(b) of the Town Zoning Code limits outside storage to 20% of the lot area.

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 Planning Board at the Philipstown Town Hall.

Dated: June 24 2016

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

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**NOTICE OF CHANGE OF LOCATION FOR THE TOWN OF PHILIPSTOWN ZONING BOARD OF APPEALS meeting which will be held Monday, July 11, 2016 at 7:30 P. M. at the Philipstown Recreation Department, 107 Glenclyffe Drive, Garrison, New York**

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## **ZONING BOARD OF APPEALS**

**June 13, 2016**

### **MINUTES**

The Zoning Board of Appeals for the Town of Philipstown held their regular monthly meeting on Monday, June 13, 2016, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York.

<b>PRESENT:</b>	Robert Dee	-	Chairman
	Vincent Cestone	-	Member
	Lenny Lim	-	Member
	Adam Rodd	-	Attorney (Drake Loeb PLLC)

<b>Absent:</b>	Paula Clair	-	Member
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**\*\*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 7:35 P. M. with the Pledge of Allegiance.

#### **Minutes:**

**Robert Dee** - Approval of the minutes. Anybody have any changes on the minutes?

**Lenny Lim** – Not from me, no I don't.

**Robert Dee** – Vin.

**Vincent Cestone** – No, No.

**Robert Dee** – No. I make a motion that the minutes be approved, May 9<sup>th</sup>.

**Vincent Cestone** - Second.

**Robert Dee** – Aye.

**Lenny Lim** – Aye.

**Vincent Cestone** – Aye.

**Public hearing:**  
**Stephen Flavin, 51 Indian Brook Road**



**Robert Dee** – The next item on the agenda is a public hearing for Stephen Flavin, 51 Indian Brook Road. It's a public hearing on a Special Use Permit for an accessory apartment for a special use structure, I'm sorry. Now there is a gentleman down stairs, a disabled gentleman, and there is no access here Okay, so what we are going to do is this woman. Can I have your name please?

**Sandra Nice** – Sandra.

**Robert Dee** – I'm sorry.

**Sandra Nice** – Sandra.

**Robert Dee** – Sandra. Okay. Sandra, I'm going to speak to Sandra and she's going to go downstairs and explain to him and if he has any questions we'll give you time to come back up here if you want to exchange any questions or answers or something like that okay? Will that be okay with you?

**Sandra Nice** – Yes.

**Leslie Heanue** – Yes, that's fine.

**Robert Dee** – Alright Mr. Watson, I know that this is yours, can you explain it to us a little bit?

**Glenn Watson** – Yes, Glennon Watson from Badey and Watson, I am here for Mr. Flavin who's sitting in the audience along with his architect, Jeff Wilkinson. The application before you is for a Special Use Permit to construct an 800 sq. ft. building which will be a garage, over which will be an accessory apartment. Again, as we discussed last month this is a Special Use Permit this is not an appeal. In that sense, but I wanted to point out a couple of things to the Board. What we had... Mr. Flavin owns just under 10 acres, 9.09, he owns nine acres. He wants to locate an accessory structure down the hill and away from the road about 130 ft. from the southerly property line. What I want to specifically point out to you is that the map you are looking at now is not the map that was submitted with the application. When Mr. Flavin made a site visit with his neighbors and looked at where we had print... had the proposed building marked, on the print he called me and told me you have it too close to the southerly property line. You notice there are two little circular contours there, one right next to the building. I had gotten that mixed up and I misplaced the building further away from the road and closer to the south line so what we did is we had Mr. Flavin go out and mark where he wanted the building. We had Mr. Wilkinson mark it on a separate map. They coincided to the maps I have here for you tonight. We did move the building a little to the north and a little to the east. So what you're seeing here is this 800 sq. ft. garage which will be accessed by an existing service road. Set behind and a little to the southwest of the existing dwelling. Again it's an allowable use. Within the zone it's allowable as of right. If the lot was a conforming lot. This is not a conforming lot. The reason it's not conforming is because the Zoning passed in 2011 made it. Put this land in a 10 acre zone. Mr. Flavin only has 9 acres so it's legally non-conforming based on the area. The next step it's an allowable thing subject to getting a Special Use Permit issued by the Zoning Board of Appeals. Hence the application before you and that's it. If there are any questions, I'll be happy to try and answer them.

**Robert Dee** – Well then I guess that the survey you gave us, where we had the proposed building is not the one are you going to change that?



**Glenn Watson** – The one you're looking at changes. I have what map changes to give to you.

**Robert Dee** – Alright. Okay so this one is no good right?

**Glenn Watson** – That one is not.

(Mr. Watson distributed revised surveys to the Board members stamped exhibit 17)

**Robert Dee** – Okay so that's good.

**Glenn Watson** - I'm sure Mr. Wilkinson will be available. He's available here but I also have his sketch of the building, a perspective sketch of the building along with the layout of the apartment over the top of the garage.

**Robert Dee** – Alright. This is a separate building right?

**Glenn Watson** - Separate building, all entirely new.

**Robert Dee** - And the garage is going to be?

**Glenn Watson** – Underneath.

**Robert Dee** - Underneath. One car, two cars was it?

**Glenn Watson** - Two cars I believe.

**Robert Dee** – Two car garage okay, I know we spoke last time. There is not going to be a lot of tree removal or what?

**Glenn Watson** - There, no there's...

**Robert Dee** - There will be some.

**Mr. Watson** - ...there is a septic area. It has to have a septic system. But There's a cleared area out here and I'm not exactly sure where the holes are but it's only 800 sq. ft. It won't be a lot of clearance.

**Robert Dee** – Okay. And this I believe you said is for his mother?

**Glenn Watson** – I think I said Aunt.

**Robert Dee** – Aunt, somebody that's for you. Okay, Any questions, any Board members for Mr. Watson? Okay this is a public hearing, If anybody would like to speak I ask that you come to the microphone give their name can you step...

**Audience member** – Can we look at the map?



**Robert Dee** - Okay yeah sure why don't you come up and take a few minutes Why don't we do that? Anybody that is interested take a few minutes to look at the map and I'm sure that Mr. Watson will be able to answer any of your questions.

(At 7:40 P. M. The public reviewed the maps. While the audience members reviewed the maps there was a lot of talking about the direction of the road)

**Lenny Lim** - Excuse me Glenn. Is this proposed road, is it going to be wide enough for emergency vehicles?

**Glenn Watson** - Yes yeah, this road... It actually exists.

**Lenny Lim** - It does exist.

**Glenn Watson** - It has to be.

**Lenny Lim** - Well you said it was pre-existing but we want to know if it's wide enough?

**Glenn Watson** - I believe it is, but if it has to be widen a little it can be.

**Lenny Lim** - Do you have a dimension?

**Glenn Watson** - Yes, I have a scale.

(At about 7:43 P. M. the Board opened the meeting for public comment)

**Lenny Lim** - We would like to hear what you are saying.

**Robert Dee** - Alright, now if you have any questions or anything like that.

**Sandra Nice** - Let me go downstairs and let me tell Brian I'll be right back.

**Robert Dee** - Go ahead, I'll tell you what we are going to do, if anyone has any questions you can stand up to the microphone and ask Mr. Watson it will be easier, so we know.

(Audience members and Board members casual talking among themselves)

**Robert Dee** - Okay.

**Leslie Heanue** - Yeah.

**Robert Dee** - Alright. Any questions?

**Leslie Heanue** - Yeah, I did have a question actually.

**Robert Dee** - Okay, go ahead.



**Leslie Heanue** – Um.

**Robert Dee** – I'm sorry and you are?

**Leslie Heanue** – Leslie Heanue. I'm Don and Sandra Nice's Daughter and I live, I grew up at that house and I live right next door to it.

**Robert Dee** – Okay.

**Leslie Heanue** - My question is that the area, the existing road that Glenn is specifying as existing road is actually not at that angle. The road actually runs this way because I used to walk it on the school bus every morning.

**Robert Dee** – Okay.

**Leslie Heanue** – So my concern is this swing around here to the garage. Because as I had spoken to Stephen, there is actually a wet lands area right here, I took some pictures today. It's wet today and the ground is extremely dry. So I'm very concerned about the swing of that road as it relates to that wetland area.

**Robert Dee** - So you feel that the road is going to go through the wetland area?

**Leslie Heanue** – Yes, and if's it's not then there's going to have to be some sort of elevation here. Some sort of drainage to deter this runoff that is going to go right into my parents property. They actually park their car right here.

**Robert Dee** – Okay.

**Leslie Heanue** - I've taken a picture of that. It also, it also... the lights coming around that angle, this way it goes right into their living room.

**Robert Dee** – Okay, what am I looking at here, I see...

**Leslie Heanue** – So this is,

**Robert Dee** - ...a house with a car.

**Leslie Heanue** - I'm sorry.

**Robert Dee** – That's Okay.

**Leslie Heanue** – Okay, so this is where their car is parked.

**Robert Dee** - Who's car?

**Leslie Heanue** - My parents car.



**Robert Dee** – Okay.

**Leslie Heanue** - Because they live next door. This is where the car is parked and the wetland area is right in here.

**Robert Dee** – Okay.

**Leslie Heanue** – So the road is going to come down in here and swing around. So I'm just concerned about that swing.

**Robert Dee** – That it's going through the wetlands?

**Leslie Heanue** – Yeah.

**Robert Dee** – Okay.

**Adam Rodd** – Just so the record is clear, what property are you referencing is going to be affected?

**Leslie Heanue** – My parents property which is right here.

**Adam Rodd** – Well, if you can identify the address of that?

**Leslie Heanue** - 73 Indian Brook Road.

**Adam Rodd** - Thank you.

**Leslie Heanue** - So what I was hoping, what I was thinking is, if possibly this could be flipped so that the driveway comes down into the garage at this angle or this area needs to be addressed because there used to be a pond right here that we used to have like frogs and there's... it's wet.

**Robert Dee** – Right, right, I understand.

**Leslie Heanue** - So I'm just concerned about that for them.

**Robert Dee** - Well naturally if there is any kind of wetlands and if he's going to put any kind of road in there, he's going to have to have the Wetlands Inspector look at it, if that becomes an issue. Okay, she's thinking about putting the road, I guess it would be at the opposite side of the building, is that possible?

**Glenn Watson** – No.

**Robert Dee** – No, okay.

**Stephen Flavin** - It's simply following the contour of the old, existing old road.

**Robert Dee** - I'm sorry you're going to have to stand up and speak I can't... so you are?

**Stephen Flavin** - I'm Stephen Flavin.



**Robert Dee** – Okay.

**Stephen Flavin** - The idea is to follow the road that is there.

**Robert Dee** – Okay.

**Stephen Flavin** - You know that's been there since the 19<sup>th</sup> century, if not earlier.

**Robert Dee** - Right, right.

**Stephen Flavin** - Simply following that contour.

**Robert Dee** - Okay, I guess where this woman is talking about there is a wet area there correct?

**Stephen Flavin** - There is a wet area that is quite a bit south of that, yes.

**Robert Dee** - South of where the road is going to be?

**Stephen Flavin** – Yes, yes.

**Leslie Heanue** – Yes, that's true, yes.

**Stephen Flavin** – It's right on the property line.

**Robert Dee** – Well I guess what her concern is would be the cutting of the trees and putting a road in and like that may disturb the wetlands is that...

**Leslie Heanue** – Yes.

**Robert Dee** - ...is that your concern, if it is wetlands I don't know?

**Leslie Heanue** - And my point was just that maybe it was just Glenn's survey that the way the road was depicted it is not the existing road bed that's all I'm saying, it's not. The existing road doesn't bend like that. Where Stephen and I walked it, it is not the way the survey is. So, I'm just concerned about something being approved as such and that is not the way it is right now.

**Robert Dee** – Okay.

**Adam Rodd** - And where are you located on this map? Are you in this neighborhood?

**Leslie Heanue** – My parents live right here and I work over there. I am there all the time, I grew up there.

**Adam Rodd** – Okay.

**Jeff Wilkinson** – There are dashed lines, I'm Jeff Wilkinson, the Architect, The dash lines are the road in essence Beverly Warren Road that comes straight down there.



**Robert Dee** – Right.

**Jeff Wilkinson** – And we are following that road. we're not adding any more additional.

**Robert Dee** – So the road you're depicting on the map really isn't there?

**Jeff Wilkinson** – It is there.

**Glenn Watson** – It is there.

**Jeff Wilkinson** – It is there. That's what we're trying to explain. The dash lines are the existing road which is there and it's basically a continuation of Beverly Warren. It's a 19<sup>th</sup> century road. We're just using that as the road bed for that it seems the least disturbance.

**Robert Dee** - But on your map here, on your survey it says wide and extend existing driveway.

**Glenn Watson** – Well, you have to extend it to get to the garage down there.

**Robert Dee** – Correct.

**Glenn Watson** – You can see the dash line underneath it.

**Robert Dee** – Right.

**Glenn Watson** - You can see the solid lines outline what will be the driveway and slightly inside each of them there's a dash line.

**Lenny Lim**– Correct, Yeah, okay.

**Glenn Watson** – The dash line represents the existing traveled way. I mean, not that I'm incapable of making mistakes I certainly just admitted to one before. But, we made a survey to do this we developed this topography from aerial photography.

**Robert Dee** – Right.

**Glenn Watson** – And if you look at the grades here, it just doesn't really make sense that the road went north and south like Leslie pointed out. She's asking you to compare a childhood memory from a professionally prepared map. I just...

**Robert Dee** – I understand, I just don't know if there is a wet area there. That's what she...

**Glenn Watson** - That area has to be... it can't be at this point...It's a hundred.

**Lenny Lim** - So it's a minimum of a hundred feet away.

**Glenn Watson** – The driveway will be 90 feet the property line.



**Jim Klein** – From which side Glenn?

**Robert Dee** - The driveway is 90 feet from the property line.

**Glenn Watson** – From the south property line.

**Robert Dee** – Isn't it... If it's a wet area, shouldn't it be a 100 feet?

**Glenn Watson** - If it's a regulated wetland.

**Robert Dee** – I don't know if it's a regulated wetland or not. Do you know if it's a regulated wetland or not?

**Glenn Watson** – I don't think so.

**Robert Dee** – Alright so definitely what we are going to have to do is we're going to have to continue this public hearing until we find out whether it's a wetlands. We're going to have the Wetland Inspector go there and find out whether it's a wetlands or not. Because It has to be 100 feet. If not a wetlands, then there's no issue.

**Stephen Flavin** – Excuse me, What is the definition of the wetlands?

**Robert Dee** – I'm sorry.

**Stephen Flavin** - What would be the definition of the wetland?

**Robert Dee** - I really don't know.

**Glenn Watson** – It's a hundred...it's a quarter acre.

**Robert Dee** – A quarter acre.

**Glenn Watson** – A quarter acre or greater.

**Vincent Cestone** – If it's federally designated, the Federal Law designates them as a wetland.

**Robert Dee** – The wetlands inspector would know more then that. I really don't know the true... don't know the complete definition. I guess there was a pond there at one time.

**Stephen Flavin** – It's really like a stream or a spring.

**Sandra Nice** – Spring.

**Robert Dee** – Okay, right, you have to understand from my position I just don't want to say, I'm not saying no, to this, I'm just trying to say that a woman brought up a thing about a wetlands and I don't know. So Unless somebody has any other...



**Lenny Lim** – Does she have to communicate with anybody downstairs?

**Robert Dee** - Oh, do you have to tell the gentleman downstairs anything? Do you want me to give you a few minutes?

**Sandra Nice** – I'm fine. I told him. Know.

**Robert Dee** - Are you okay? Okay. Do you have any other suggestions with this?

**Vincent Cestone** – No, no.

**Lenny Lim** - Lets find out if it's a wetlands first.

**Robert Dee** – Yeah, Yeah. Just to be on the safe side.

**Lenny Lim** – Just hold on, excuse me Glenn what did you say, at least 90 feet from the property line?

**Robert Dee** – 90 feet.

**Glenn Watson** – The driveway, yeah.

**Robert Dee** – The driveway, yeah.

**Glenn Watson** – The driveway, plan to be about 90-92 feet by scale.

**Robert Dee** – Right.

**Glenn Watson** – The house, the building is 131.

**Robert Dee** – Right, so you're saying that a quarter acre has to be wet. Do you know that area at all Glenn?

**Glenn Watson** – Yeah, I don't believe there is a wetland down there by regulation. I didn't make the most recent survey. By definition it takes a quarter acre.

**Robert Dee** – Right.

**Sandra Nice** – It's a spring.

**Robert Dee** – My concern is that I would like to have the Wetlands Inspector look at it...

**Glenn Watson** – I can't object to that.

**Robert Dee** – ...look at it and make a determination.



**Vincent Cestone** – We should actually vote on it and make it contingent on the Wetlands Inspector doing a review to see if it meets the criteria.

**Lenny Lim** – I don't know if I want to vote tonight.

**Robert Dee** – I don't want to vote on it tonight. I would like to get it from the Wetlands Inspector first so we're covered with it first, I understand what you're saying.

**Vincent Cestone** – Right.

**Lenny Lim** – I would like to get it from the Wetlands Inspector first.

**Vincent Cestone** – Okay.

**Robert Dee** - I don't see a lot of other objections besides that I'll be honest with you, in my opinion. Okay, I'm just trying to say, That's a stopper for me. I would want to know that before I make a decision. I think any other Board member would want to know that Okay?

**Vincent Cestone** – Yes, I understand.

**Robert Dee** – Is there anybody else? Yes sir. Come up and speak in the mic please.

**Jim Klein** – I'm Jim Klein, and I'm the neighbor to the north.

**Adam Rodd** – What is your address?

**Jim Klein** – Excuse me?

**Adam Rodd** – Your address please?

**Jim Klein** – 39 Indian Brook Road.

**Robert Dee** – 39 Indian Brook Road. Jim Klein right?

**Jim Klein** – Right.

**Robert Dee** - Okay Mr. Klein.

**Jim Klein** – And I have a couple of questions.

**Robert Dee** – Sure.

**Jim Klein** – Number one, are you going to have to do any blasting for this to put this through?

**Jeff Wilkinson** – As far as I know we are not planning to. Part of the reason that we don't want...this is... there is some land drop. But part of the reason we don't want to is, we can't really... We're trying to keep this as far away from the property and build it into the hill. It's Garrison we never know what we



are going to hit. There is some flexibility. We don't want to do any blasting So we're... I can't give you a definite, but I don't think we are planning too.

**Jim Klein** – My second question is.

**Robert Dee** – Mr. Watson let me ask you a question, do you feel there will be any blasting there?

**Glenn Watson** – I don't know for sure, they are probably going to encounter rock. Sometimes they can chip it away and be done with it.

**Jeff Wilkinson** - That's what we feel like with the larger rock...

**Glenn Watson** - But there's been more in the recent years with the problems that there have been with the blasting. The technology is such now, that their trying to avoid it and there's more and more ways to avoid it.

**Robert Dee** – Okay. Mr. Klein, other questions?

**Jim Klein** – Where is the septic going?

**Glenn Watson** – The septic is going down to the south west where it gets flatter.

**Jim Klein** - How are you going to landscape the rest of the lot?

**Stephen Flavin** – It will be just as it is now. It's you know, the meadow.

**Jim Klein** – Will it look anything like our...

**Stephen Flavin** – I'm sorry?

**Jim Klein** – Will it look anything like our meadow? because you let the...

**Robert Dee** – Mr. Klein address us please.

**Jim Klein** - I'm sorry, I'm just curious.

**Robert Dee** – No, I understand. What's your question?

**Jim Klein** – How he is going to landscape that area.

**Robert Dee** – Okay.

**Jeff Wilkinson** – There is no general landscaping plan in the meadow that is here. We're using rock wall foundations to do any retaining and we're trying to keep as many of the trees that are there.

**Jim Klein** – The trees are all garbage. I mean they're...



**Jeff Wilkinson** – Well there are some Walnut trees that we're trying to leave.

**Jim Klein** – Not very many. That's my next question.

**Jeff Wilkinson** – Well, we're... and then we are planning on planting the buffer between this, you know, along here so there would be some planting there. But there wasn't a general large scale of landscaping planned for this. This is...

**Jim Klein** – Are you going to take any of those trees down that are bad?

**Stephen Flavin** – Which trees?

**Jim Klein** – Way in the back.

**Stephen Flavin** – I don't know which one's you mean.

**Jim Klein** – Oh you (not audible).

**Robert Dee** – Some trees will be removed in order for the driveway and to make...

**Jim Klein** – Well, How about to the west, will you remove any of those trees?

**Stephen Flavin** – I wasn't planning too.

**Jim Klein** – Well I hope you were.

**Stephen Flavin** – They've been there for so long.

**Jim Klein** – Yeah, well there all (not audible) trees.

**Robert Dee** - Alright that's not his...

**Jim Klein** - Yeah, I know, I know.

**Robert Dee** - Yeah, Yeah, I understand he doesn't have to clean up you know.

**Jim Klein** – My last question is are you planning on doing anything else with this land?

**Stephen Flavin** – Not at the moment.

**Jim Klein** – Okay, alright, thank you.

**Robert Dee** – Alright that's it? Mr. Klein let me ask you a question, Mr. Klein, do you have any objection to this? After your questions, if we show this is not a wetlands, Do you have any objection to this being done?

**Jim Klein** – No, I have no objection to this.



**Robert Dee** – Okay, thank you.

**Lenny Lim** – What kind of plantings and where are you putting them? You said you were going to put in a screen?

**Jeff Wilkinson** – We were not planning on any major landscaping other than there was talk about us putting a tree row here just as a visual buffer. And I think that seemed like a good, you know, a good thing to do, a row of pine or something like that but there wasn't a, the intention is this was to maintain the gravel...

**Lenny Lim** – Right.

**Jeff Wilkinson** -...gravel which is a better way, This is the old road bed which is our intention not to make it a non-pervious.

**Robert Dee** – Okay, are there any other questions from anybody?

**Sandra Nice** – Well I couldn't really hear quite well. I just wanted to ask because when we walked it Stephen said he was going to put some foliage or trees so the lights wouldn't come into the kitchen and the living room.

**Robert Dee** – Stand up here, let him show you, come on he'll show you stand up, he'll show you where he's going to put them. Don't worry about it, don't be shy.

**Jeff Wilkinson** – Well Stephen, you can show us.

**Stephen Flavin** – Well it's just as we discussed.

(Stephen Flavin walked to the map to show where plantings will take place)

**Jeff Wilkinson** – So they are discussing some foliage or trees to block any mitigate any potential head light issues.

**Robert Dee** – Right.

**Lenny Lim** - How far is their house from the proposed house?

**Jeff Wilkinson** – Glenn would you answer...

**Leslie Heanue** – It's 156 feet

**Vincent Cestone** - It's hundreds of feet.

**Robert Dee** – Okay. Mr. Watson, how far is this young ladies house from the proposed house?

**Jeff Wilkinson** - This is about, this is 130 feet here and your house is



**Robert Dee** – Guess-timate.

**Sandra Nice** – From here.

**Sandra Nice** – What did we say Leslie?

**Leslie Heanue** – It's 130.

(Not audible)

**Glenn Watson** – Okay from their house to the property line is 126, I think it said and from the property line to the proposed building is 130.

**Multiple people** – So 260 feet.

**Robert Dee** – Okay, now you said something, I'm sorry, about light in your kitchen or something like that I don't quite understand what that's about.

**Leslie Heanue** – Well... and Stephen is going to fix that with the trees because when the cars comedown that road bed. Because that was the old road that went through Stephens property and then went passed my parents house, it used to to old Beverly Warren Road.

**Robert Dee** – Okay now let me ask you a question. Since we discussed the tree buffer and we're going to have it checked for the wetlands, If it's not wetlands and a tree buffer do you have any objection to this being done?

**Sandra Nice** - No.

**Leslie Heanue** – No, not where he put it, I was just concerned about that water running off and that's all.

**Robert Dee** - That's what we're here for. We are here to hear your concerns.

**Leslie Heanue** - Yeah.

**Robert Dee** – Okay, and that will be checked out by the Wetlands Inspector.

**Leslie Heanue** – And if it is a wetlands, it will only have to be pushed back 10 feet right, because it has to be a total of 100 right?

**Robert Dee** – We'll deal with that. We only deal with one problem at a time.

**Lenny Lim** – So the houses are at least 100 yards apart.

**Robert Dee** – Yeah.



**Glenn Watson** – You're right. Coming down that road, you can just match this there...

**Leslie Heanue** – Right.

**Glenn Watson** - ...Coming down that road, it will go right into the house.

**Leslie Heanue** - Yeah. See Glenn it's right here. (Not audible)

**Robert Dee** – Okay, do you have any other questions? Miss?

**Sandra Nice** – Leslie.

**Robert Dee** – Do you have any other questions?

**Leslie Heanue** – No.

**Robert Dee** – Okay. How about the gentleman downstairs, have we had time to speak to him?

**Vincent Cestone** – She just went down to talk to him.

**Leslie Heanue** – She's going down to talk to him now.

**Robert Dee** – She's going down to talk to him now. Okay.

**Sandra Nice** – No.

**Robert Dee** - So basically, what I'm hearing is the neighbors don't really have a problem with this except if it a wetland and a wetland area something like that. What I'm going to do now, if the Board members agree, is push it over to July 11<sup>th</sup>, the next meeting. That time will give time for the Wetlands Inspector to go out there, make an inspection and determine whether it's a wetland area or not. Okay?

**Lenny Lim** – I'll second.

**Robert Dee** – All in favor.

**Vincent Cestone** – That's fine.

**Robert Dee** – Aye.

**Lenny Lim** – Aye.

**Vincent Cestone** – Aye.

**Robert Dee** – Okay, that's what we are going to do so this meeting will be continued until July 11th Okay?

**Jeff Wilkinson** – So the public hearing is still open?



**Robert Dee** – So the public hearing is still open. So anybody who wants to talk at the July 11th meeting will be allowed to talk. From what I see here tonight is the neighbors discussed it and they are not against it as far as I can see except for the wetlands that we have to clear up. Okay. Thank you. Okay the next item on the agenda is..

**Robert Dee** – Are you okay, do you want to say something?

**Lenny Lim**– Our Secretary does.

**Linda Valentino** – You have to vote on that.

**Robert Dee** – What?

**Linda Valentino** – You have to vote to keep it open.

**Robert Dee** – Oh, we already did Okay, I made the motion and he seconded it. We're too quick. Sorry we're a little quick for you I'm sorry. And do me a favor, can you call the Wetlands Inspector tomorrow...

**Linda Valentino** – Yes,

**Robert Dee** - ...and tell him to go and take a look at this...

**Linda Valentino** – Okay.

**Robert Dee** – ...and pretty much what we were talking about and maybe Glenn can you give her the area that we were talking about maybe mark it for her so she can call the Wetlands Inspector tomorrow so he can check it out. We'll get a letter from him and if it's not wetlands we'll take it from there. Okay.

**Adam Rodd** – We'll send the application materials and the survey to the Wetlands Inspector.

**Robert Dee** – Yes, write we'll sent the whole package, correct.

**Adam Rodd** – I'll talk to you about that.

**Old business:  
Robert Manzella, 11 Mountain Drive**

**Robert Dee** – Alright the next item is Robert Manzella, 11 Mountain Drive. Garrison. Seeking a side yard variance of 6 feet which requires a minimum of 20 feet from the property, from the side yard property line. You were here before, I know you had to get a survey.

**Robert Manzella** – Yes Sir, about two months ago.



**Robert Dee** – You had to get a survey and everything else like that.

**Lenny Lim** – Did he get us everything remember he said...

**Robert Dee** – Yeah, he got us everything.

**Lenny Lim** - He got us everything. No more resistance right?

**Robert manzella** – I went through the check list twice. I got everything.

**Robert Dee** – There's a reason for it believe me.

**Robert manzella** – No, no I know believe me, It's my first house like I said, I have a lot to learn. I went through everything twice.

**Robert Dee** – I guess our Secretary was kind enough to get you a list of the neighbors, right?

**Robert Manzella** – Yes, and I appreciate that.

**Robert Dee** – Okay. I guess you found out by your survey that your neighbors walls on your property right?

**Robert Manzella** - Yeah, and a couple of other things we have to address.

**Robert Dee** – and a couple of other things, so, I guess you are glad you got the survey?

**Robert Manzella** – Yes, correct.

**Robert Dee** - And we have a diagram of the building that you are actually going to put up.

**Robert Manzella** – Correct, I had the guys who are doing the building design the exact thing we are going to set up with pretty much every detail on there.

**Robert Dee** – Okay.

**Robert Manzella** - So that's going to be the exact set up of how it will be.

**Robert Dee** - Right, right with the garage door in the front?

**Robert Manzella** – Correct.

**Robert Dee** - Because the other one didn't make any sense, it didn't have a garage door.

**Robert Manzella** – No, no no, I got ya, like I said I got it straightened out, I go everything.

**Robert Dee** – Okay we're all on the same page. Does anybody have any questions? Anything missing on this application?



**Lenny Lim** – No, no.

**Vincent Cestone** – We got everything we asked for.

**Robert Dee** – Everything we asked for

**Vincent Cestone** – Yup.

**Robert Dee.** I make a motion that this be completed, marked as completed the application.

**Lenny Lim** – I'll second.

**Robert Dee** – All in favor.

**Lenny Lim** – Aye.

**Vincent Cestone** – Aye.

**Robert Dee** – Aye. We're going to set you for public hearing for July 11 th. Okay that's the second Monday of next month and it will be right here okay?

**Robert Manzella** – Okay.

**Lenny Lim** – Both of them will be July 11th.

**Adam Rodd** – Just to clarify a couple of things from the survey.

**Robert Manzella** – Yes.

**Adam Rodd** – So you're proposing the garage to be set back eight feet from the side yard?

**Robert Manzella** – Correct.

**Adam Rodd** – So you're looking for a variance of 12 feet?

**Robert Manzella** – 12 feet correct.

**Adam Rodd** – And the garage, I know there was a little confusion on the application, but it's definitely 14 by 24 feet?

**Robert manzella** – That's 100%, yeah, I finalized with that, it's a 100%.

**Adam Rodd** – So it's going to be 236 square feet in size?

**Robert Manzella** – I can see that yeah. It's the best I can do with the calculation.



**Adam Rodd** - Okay, alright-y.

**Robert Dee** – Okay, we are going to have a public hearing then and the same thing anybody who, any neighbors will be notified and everything like that.

**Robert Manzella** – Okay.

**Robert Dee** - It will be if they want to come in, you know, and discuss anything.

**Robert Manzella** - Okay very good.

**Robert Dee** - And then if everything is okay we'll vote on it from there.

**Robert Manzella** - Okay, so if everyone is okay with it, I guess by next month we can hopefully start the process after that, July 11<sup>th</sup>. I'm not sure how that goes.

**Robert Dee** – We take it meeting by meeting. Yeah, if your approved then you go down to the Building Inspector, you go down there and get your building permit.

**Robert Manzella** -Awesome.

**Robert Dee** - Okay, very good thank you.

**Robert Manzella** - Thank you. Thank you very much. I appreciate it very much.

**Robert Dee** - Your welcome.

**Robert Manzella** - Have a good night guys.

**Robert Dee** - You too.

**Lenny Lim** - Number two done.

**Robert Dee** - Next on the list is?

**Lenny Lim** - Griffin Landscaping.

**Robert Dee** – Griffin Landscaping Okay, Mr. Watson do you want to explain something to us.

**Griffin Landscaping (Glenn Griffin)**  
**3032 route 9, Cold Spring, NY**

**Glenn Watson** – Glenn Griffin, owner of Griffin Landscaping. The project is on route 9 approximately opposite Best Blueprint just a little south of Jaycox Road where it comes out at Route 9. When Mr. Griffin came into this property, It was approved originally in 1994, I believe it was for a nursery building by a fella named Victor Torchia who had a nursery business called Victor Hills and he got approval to build this building and put some, put stock, nursery stock, in the front I believe it was all to



be planted. In the back, it was all to be non planted stock; peat moss, packaged landscaping materials. That went on for not too long, after which he sold it to a Mr. Bisesto, who started this processing business. It was basically bringing on lumber from site clearing, not lumber, logs and tree trunks from site clearing and it was this was back in about late to mid 90's.

**Glenn Griffin** – 90's no...Yeah 90's.

**Glenn Watson** – 90's, and it operated, Mr. Bisesto leased the place to Mr. Griffin for some period of time. And more recently Mr. Griffin purchased the property. It just basically has grew to a successful business, it grew without very much question, it grew with a couple of building permits being issued during that time. It's grown a little bit bigger then it needs to be grown. There have been some encroachments which is shown. You are looking at the existing conditions map. The existing conditions are that there are stockpiles that have been encroaching on the neighbor. There have been some encroaching by the neighbors onto the property. This structure here is a kiln, it's a built plant, manufactured plant that dries the lumber. The lumber is... tree trunks come on they're broken down, there split, there put into a kiln and dried to a 20% moisture, the content which is apparently the optimal content for moisture content for firewood. It's going merrily on it's way on it's way and being successful and Mr. Donohue decided that it was out of conformance with the site plan, It had been a change in use. Mr. Griffin was sited so we set to getting him Site Plan approval. The use that is here is allowable. It's a light industrial use. It's allowable in this district. Which is a Highway Commercial District. So we went to...see what we could do with this Site Plan. We can get almost all the way there to be perfectly frank. So what I'm going to turn over is the new Site Plan. The new Site Plan calls for any removal of any of the encroachments first of all which obviously even as a Zoning Board you wouldn't be able to wave anyway. It's a matter of being on the right property. We had several quite serious discussions about the building being... the kiln being located on the north side of the building which is quite convenient and something that is already in place and everything is there. But I just decided that if we get this thing anywhere near legal, we are going to have to move that because it in fact encroached onto the neighbors property a little bit so we propose to remove, to relocate the kiln and existing shed that's there that houses the controls for the kiln. Move it to a place behind the building away from Route 9 where it will be legal for Zoning setbacks. The outdoor storage. We reduced the size of it. We provided for landscaping along the neighbor and along the road so it wouldn't be seen. We provided for a chain link fence to encapsulate the operation and the outdoor material. This material we specified fencing that will keep this place in check. The odd part about this the stuff I was talking to you about before, the peat moss and the fertilizer is all kind of float-able stuff and putting it in the back in a flood time will carry it down stream and that causes more problems. So obviously wood floats so we would have the same problem. But the wetlands law, when you have this situation you're supposed to contain it with a good endorsed sturdy and durable fence so we specified that. So we've removed any of the setback encroachments, we removed the... We made sure that we don't have too much impervious surface on the property. The only thing that we can't do to keep operating is to get down to 20% of outside storage, it just won't work. we're asking for, we're asking for a 100% which is a substantial variance of outside storage in these two areas that we've now made every attempt to contain so it, so that it wouldn't grow any bigger. A and b wouldn't escape in the case of a flood down stream.

**Robert Dee** – Okay, you've corrected those encroachments already right?

**Glenn Watson** – No.



**Robert Dee** – No you haven't

**Glenn Watson** – There not corrected.

**Robert Dee** – Okay.

(Not Audiable)

**Robert Dee** – Have you been before the Planning Board with this?

**Glenn Watson** – What?

**Robert Dee** – Have you been before the Planning Board with this?

**Glenn Watson** – Yeah and I believe you have a letter from Mr. Gaba that states that we appeared and we have made an application for a Site Plan but we are not eligible for approval because we are outside of the Zoning Code, we need a variance to get approval.

**Robert Dee** – Right.

**Glenn Watson** – I will have to say that the Site Plan they are looking at has not addressed as many of these issues as when we sat down in between the Planning Board and coming here. We sat down and we revised it. We got rid of as many of the problems as we could.

**Lenny Lim** – Excuse me Glenn, you said both places are going to have a 100%?

**Glenn Watson** – No.

**Lenny Lim** - Exactly what do you mean by that?

**Glenn Watson** – Sorry if I was unclear. Outside storage in this district is limited to 20% of the site.

**Lenny Lim** – Okay,

**Glenn Watson** – We are asking for a variance to allow us to go to 40% of the site which is double, which is a 100% variance.

**Lenny Lim** – Okay. I thought you were looking for 36 or 38 I thought I read. But that's why you got me confused when you said 100%.

**Glenn Watson** – I apologize it's a 100% of the variance.

**Lenny Lim** – Okay.

**Glenn Watson** - It's a doubling of the 20%.



**Lenny Lim** – Doubling, right.

**Lenny Lim** – Do you know the exact percentage?

**Glenn Watson** – I think it's actually 36 is... The calculation is 36.

**Lenny Lim** – I thought I saw 30 something.

**Glenn Watson** – The calculation is 36.

**Lenny Lim** – Okay, okay.

**Robert Dee** – Now do you have to go before the Planning Board also on this or what?

**Glenn Watson** – yes. We have to go back to the Planning Board and we will require a Wetlands Permit. That will be because of the activity that will happen within the buffer.

**Robert Dee** – Okay. So tonight you are looking for?

**Glenn Watson** – We are looking for completeness and we are looking for a public hearing on our application.

**Robert Dee** – Okay.

**Lenny Lim** – Who is north and south of the property?

**Glenn Griffin** – North is I'm sorry south is.

**Glenn Watson** – South is Phat Motorcycles.

**Robert Dee** – Okay.

**Glenn Watson** – That's immediately south and incidentally that bear carving that is going on there, that's on Phat's property.

**Lenny Lim** – Who is it? I'm thinking it's him in my mind.

**Glenn Watson** – No it's not. That's why I wanted to point it out.

**Lenny Lim** – Okay, that's Phat's property.

**Glenn Watson** – That's on Phat's property That's not part of the application.

**Lenny Lim** – Yeah.

**Glenn Watson** - PH.



**Robert Dee** - Do you have any questions?

**Glenn Watson** - And the north, the north this was part of a subdivision that Steve Carlson did. This property wraps around here it goes all the way down and there's a covered bridge over Torchia Road.

**Robert Dee** - Right.

**Glenn Watson** - That Steve Carlson built. Well unfortunately he was going at that the wrong time and he lost it to a bank. So presently this land is owned by the bank who took the property back.

**Glenn Griffin** - Which I'm in negotiations with. I'm trying to purchase one of the lots so I can get potentially in the next year even better offsets and things.

**Robert Dee** - Okay.

**Adam Rodd** - I just have a question with respect, you are also seeking a side yard variance?

**Glenn Watson** - I don't think so, No I don't think so. We've managed. If I put that in there I don't think I was asking for that.

**Adam Rodd** - I see "seeking a side yard 15 required 11.6 proposed".

**Glenn Watson** - That is a pre-existing non conforming condition.

**Adam Rodd** - And so that is. It's not a new structure?

**Glenn Watson** - This is an existing structure.

**Adam Rodd** - The existing structure is 11.6 feet from the side yard lot.

**Glenn Watson** - Correct.

**Vincent Cestone** - I do have a question, when did you buy this property, a long time ago?

**Glenn Griffin** - I'd say about 20 years 17 years ago.

**Vincent Cestone** - Were you aware of the limitations back then?

**Glenn Griffin** - No, I was doing exactly then what I'm doing now. I'm not doing... the reason I purchased it was it fit my use exactly.

**Vincent Cestone** - Um hum.

**Glenn Griffin** - It was being operated the way I'm doing it today, the way I was 15 or 17, I forgot how many years ago it was. That's my business, my livelihood and I just made, I was trying to conform with the laws. There's laws now because you have to have a kiln for firewood within this district because of the Long Horn Beetle and basically you know, the DEC and the DEP came to me and they were very



nice about it and they said "buy a kiln, your out of business immediately" and that was them being nice believe me and I just didn't really realize ignorance isn't my fault, but I had to do what I had to do to protect my business, my livelihood. I had to buy this machine because you have to heat the wood up or you can't sell it.

**Robert Dee** – Right.

**Glenn Griffin** – And then that's what happened who ever the inspector was, Mr. Donohue, he didn't do anything wrong.

**Robert Dee** – Right.

**Glenn Griffin** - So he simply...

**Robert Dee** – Right.

**Glenn Griffin** - ...came out and did what he had to do.

**Glenn Watson** – You did actually occupy it? That's when you bought the property?

**Glenn Griffin** – Yeah, but I have no idea when I bought it, that is when we actually closed I actually purchased it in..

**Glenn Watson** - Oh you had a contract sale?

**Glenn Griffin** - I was paying monthly, Yeah.

**Glenn Watson** - Okay the deed which was attached to the application is dated February 8, 2011. But you say you were in contract to buy it for a little over (not audible).

**Glenn Griffin** – I was in contract to buy it. I actually got the deed because I made the final payment on that day.

**Glenn Watson** – Okay.

**Glenn Griffin** - I paid it off for like 12 years or 15 years.

**Robert Dee** - Okay.

**Glenn Griffin** – every time...

**Robert Dee** – so you've been there for a long time?

**Glenn Griffin** – Since I think, I can get you the exact application.

**Robert Dee** – No, no no that's okay. No no don't do that.



**Glenn Griffin** – I'm going to say 95.

**Robert Dee** – Right. But you've expanded over the years? I mean, you know on that piece of property, I mean you've done other things?

**Glenn Griffin** - Well actually I was renting from the next door.

**Robert Dee** – Right.

**Glenn Griffin** - And they decided they needed it so that's where I expanded it. Then I went recently like the last two years I went back to my property.

**Robert Dee** – Okay.

**Glenn Griffin** – I actually reduced it.

**Robert Dee** – Okay.

**Lenny Lim** – Just curious you said you were putting plantings in along Route 9?

**Glenn Griffin** – Yes. I said I would do...

**Lenny Lim** – Because I don't really live that far from you.

**Glenn Griffin** – ...I said I would do anything that the Village or the Town, I would be amicable to anything that they would want. And then we said we would do plantings, I would be happy to do it.

**Glenn Watson** – We're proposing a berm with plantings on top of the berm to screen that wood pile.

**Lenny Lim** – Okay.

**Robert Dee** – Okay. And that would be before the Planning Board?

**Glenn Watson** – That's before the Planning Board and along the neighbor's as well.

**Robert Dee** – Okay the variance you are looking for is exactly what?

**Glenn Watson** – That the allowable outside storage be... limitation on allowable outside storage be raised from 20% of the area to 40% of the area.

**Robert Dee** – Okay. Anybody have any questions?

**Vincent Cestone** - No.

**Lenny Lim** – So it's just going to be firewood?

**Glenn Griffin** – Yes sir, That's it.



**Robert Dee** – Okay.

**Glenn Griffin** – We may bring in some landscape stock here and there like trees and things like that. Store them for a week or two or three at a time, but that's all I do.

**Robert Dee** – Just the firewood there?

**Glenn Griffin** – Yes sir.

**Robert Dee** – That pile is getting higher.

**Glenn Griffin** – We'll that's because,

**Robert Dee** – Yes.

**Glenn Griffin** – Yeah it's getting higher.

**Robert Dee** – Okay.

**Glenn Griffin** – You know I've never had a problem because over the years the last 20 years. They would come in and they would take a measurement and they would say hey the restriction is 10 feet or 12 feet or what ever it is. And if it ever was over I would say no problem the guy was like great they were great to me for years and years and years. Very, very amicable and sometimes you don't realize if it stocks up and the next day I would reduce it to the max height. I never had a problem.

**Robert Dee** – Okay. Well Glenn is trying to straighten the problem out so. Does anybody have any questions?

**Vincent Cestone** – No.

**Robert Dee** – Do we have enough to mark this complete or do you feel that the application is complete?

**Vincent Cestone** – Yes.

**Robert Dee** – I make a motion that the application be deemed complete.

**Vincent Cestone** – Second.

**Robert Dee** – All in favor.

**Lenny Lim** – Aye.

**Vincent Cestone** – Aye.

**Robert Dee** – Aye. Going to set the public hearing for July 11<sup>th</sup>. Alright that will be the next meeting.



**Glenn Watson** – Thank you.

**Robert Dee** – Thank you very much.

**Glenn Griffin** – Thank you for your time guys, thank you.

**Robert Dee** – Thank you.

**Board discussion:**

**Robert Dee** – as far as what else. As far as talking about the application, new ideas and all like that to make it easier Paula had written up a form of ideas but she's not here tonight so I think we'll push that off until the next meeting. Is there any other business, old business, new business?

**Vincent Cestone** – Just a statement, Remember when we had Verizon in here they wanted to relocate on the WHUD tower and they said that they were increasing the coverage to Continental Village. Well they put it in and it doesn't appear that we gotten any improvements. I don't know if you've got any improvement. I'm right near WHUD and I still get only two bars.

**Robert Dee** – Yeah, I know I can't...  
house there's still nothing.

**Robert Dee** – No. there's not that much we can do.

**Vincent Cestone** – You know that is what I was afraid of, nothing gets done.

**Robert Dee** – I know that's what you said, you said that during the hearing on that, public hearing. But I really don't know if there is really anything we can do about that.

**Lenny Lim** – Under new business Are we going away for a day for a seminar or something this year?

**Robert Dee** – Yeah, There is something in there, a seminar...

**Glenn Watson** – Good night.

**Robert Dee** – Good night... or something, I don't have the date. I'll call you. I think it's July something.

**Lenny Lim** – I think I Got something in the mail but I don't remember what it was either.

**Robert Dee** – Yeah, I think It's July.

**Vincent Cestone** – What is it in Poughkeepsie?

**Robert Dee** – Poughkeepsie yeah, Do you want to go?



**Vincent Cestone** – Eh.

**Robert Dee** – Okay.

**Lenny Lim** – Well we have to every year go.

**Robert Dee** – You got to go yeah, yeah. I'll call you tomorrow. I don't have the exact date. Do you have it Vin? Vin, Do you have it there? Somebody, I know had sent it to me.

**Lenny Lim** – Yeah, I'm sure I saw this.

**Robert Dee** – Yeah, I saw it also.

**Vincent Cestone** – You take this one, I'll keep this one.

**Robert Dee** – Let's see Friday, July 29<sup>th</sup> at Hyde Park in Dutchess. It's case law update, Planning and Zoning, Affordable housing, Comprehensive Plans, Planning Breakout and Zoning Breakout. I guess it starts at I don't remember the time.

**Lenny Lim** – Oh, It's at the FDR Library alright.

**Robert Dee** – 8:30 until registration begins at 8:30, class begins at 8:30, registration is 8:30 class is at 9:15 and ends at 3:45. It's five hours of credit. I'm going to go. Would you like to go?

**Lenny Lim** – Yes I am. I would like to go. Oh, 90 at the door 80 to pre register.

**Robert Dee** – Okay, what I would like to do is stop by tomorrow because Tina will have to write out a check and application. Lenny and I are going.

**Lenny Lim** – Are you going?

**Robert Dee** – Just Lenny and I. Okay, any other business?

**Lenny Lim** – Second.

**Robert Dee** – I make a motion to adjourn.

**Lenny Lim** – Second.

**Robert Dee** – All in favor?

**Lenny Lim** – Aye.

**Robert Dee** – Aye.

**Vincent Cestone** – Aye.



**Robert Dee** - Okay, Thank you.

(The meeting adjourned at 8:23 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



DAVID J KLOTZLE  
WETLAND INSPECTOR PHILIPSTOWN N.Y.  
238 Main Street  
Cold Spring, N.Y. 10516  
914 736 7132  
845 265 5202

To: Steven Flavin  
51 Indian Brook Road  
Garrison NY 10524

Tax Map # 49.-1-17

From: David J Klotzle

Re: Local wetland /watercourse Determination

Date: 6/28/16

Dear Mr. Flavin

I have inspected your lot at the above address and Tax Map # and date and find that that no wetlands or water courses as defined by the Philipstown Code exist within 100 feet of the proposed new garage as shown on the site plan prepared by Badey & Watson and dated 7/22/15 .

If I can be of any further assistance please feel free to contact me.

Sincerely

*David J Klotzle*

David J Klotzle

Respectfully,

RECEIVED  
JUN 29 2016  
BY: *K*

EXHIBIT # 21



73 Indian Brook Road

Garrison, New York 10524

Robert Dee, Chairman

Zoning Board Philipstown, New York

June 21, 2016

Subject: Stephen Flavin's 9.2 acres in Garrison NY.

Mr. Dee and board members,

We would like to thank you for moving the public meeting regarding the above reference to a accommodate wheelchair bound Brian Nice.

We, the Nice Family, neighbors of Stephan Flavin were at the zoning board meeting June 13, 2016.

Upon further exploring the law and our rights and meeting with the building inspector we determined we are NOT in favor of another structure being built on Stephen Flavin's property. We are extremely concerned about how you determine to give a variance on a second building on a property when the law was changed to ten acre zoning for a second structure in 2011.

Please tell us how you determine a variance.

Respectfully,

Don, Sandra, Brian and Leslie Nice

Don Nice  
Sandra Nice

Julie Nice - Mom

RECEIVED  
JUN 21 2016  
BY: *RL*





# Town of Philipstown

Code Enforcement Office  
238 Main Street, PO Box 155  
Cold Spring, NY 10516  
Office (845) 265- 5202 Fax (845) 265-2687

4714

RECEIVED  
JUN 30 2016  
BY: *[Signature]*

## APPLICATION FOR BUILDING AND ZONING PERMIT

Tax Map # 82-1-29 Date Received: \_\_\_\_\_

Construction Located at: 7 Mangeta Garrison or Cold Spring

Owner: CHRIS & MARIA MORRISON Phone Number: (914) 954-1869

Mailing Address 7 Old Mangeta Rd

Authorized Agent: TERENCE LENNON Phone Number: (914) 954-1869

Mailing Address 2A HANDSCRAMBLE RD NORTH SILEN NY 10560

Description of Work: TWO STORY ADDITION w/ GARAGE Below

Occupancy Classification: \_\_\_\_\_ Construction Classification: \_\_\_\_\_ Number of Stories: \_\_\_\_\_ Building Area: \_\_\_\_\_ sqft

New Const: \_\_\_\_\_ Addition: ☒ Repair/Replacement: \_\_\_\_\_ Alteration: \_\_\_\_\_ Change in Use: \_\_\_\_\_ Demolition: \_\_\_\_\_

Heating Appliance: \_\_\_\_\_ Electrical, Mechanical, Plumbing: \_\_\_\_\_ Wood Stove: \_\_\_\_\_ Oil or LP Tank: \_\_\_\_\_

Zoning District: RR Located within Special Flood Hazard Zone: \_\_\_\_\_ Located within 100feet Wetland/Watercourse: \_\_\_\_\_

Area of Land Disturbance: 12,000 sq.ft. Estimated Value of Construction \$ 250,000.00

Putnam County Licensed # for Home Improvement, Plumbing, HVAC, LP Gas and Electrical Contractor only (PCL#)

Design Professional: TERENCE LENNON Phone 914 954-1869

General Contractor: \_\_\_\_\_ Phone \_\_\_\_\_ PCL# \_\_\_\_\_

Subcontractor: \_\_\_\_\_ Phone \_\_\_\_\_ PCL# \_\_\_\_\_

Subcontractor: \_\_\_\_\_ Phone \_\_\_\_\_ PCL# \_\_\_\_\_

I hereby make application for a permit and all information entered above is true and accurate. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of this application for a permit. I understand that as the permit holder, I shall immediately notify the Code Enforcement Official of any change occurring during the course of the work and further understand that if the Code Enforcement Official determines that such change warrants a new or amended permit, such change shall not be made until and unless a new or amended permit reflecting such change is issued.

TERENCE LENNON 6/30/16  
Owner/Authorized Agent Signature Date

Make Checks Payable To: Town of Philipstown (Office Use)

Chargeable footage: \_\_\_\_\_ sqft. FEES \_\_\_\_\_ Received Date \_\_\_\_\_ 2011

When the application for permit has been examined and the proposed work is deemed in compliance with the applicable requirements of the Uniform Code, Energy Code and the Code of Town Philipstown, the Code Enforcement Official shall endorse this application by signature and date which hereby authorizes the issuance of said permit when payment of FEES are received and duly recorded.

R. Emurich 6/30/16  
Code Enforcement Officer Signature Date  
Denise

BUILDING PERMIT NUMBER: \_\_\_\_\_



APPEAL # 896 Tax Map # 82-1-29

Final hearing date \_\_\_\_\_ Zoning Board decision APPROVED / DENIED \_\_\_\_\_

Date application submitted \_\_\_\_\_

Application fee \$ 100 Escrow \$ ND Received by \_\_\_\_\_

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

I (we), CHRIS & MARIA MARRISON

residing at 7 OLD MANITOU ROAD, GARRISON

Telephone: home 845 598 1620 <sup>cell</sup> business \_\_\_\_\_

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

whereby he/she

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

For \_\_\_\_\_

To \_\_\_\_\_

of \_\_\_\_\_

For property at tax map # 82-1-29 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:

From Rt. 9D South, Left onto Old Manitou,  
Follow to almost END (Heaving Back-to 9D)  
House is on Right side

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



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

175-74B(171) Front Yard

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:

PERMISSION FOR 27' DISTANCE FROM  
FRONT YARD SETBACK WHERE 60' IS  
REQUIRED

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

- EXISTING HOUSE ALREADY 5' FROM FRONT YARD
- RESIDENCE HAS "DOUBLE FRONT YARD" WHEREAS THIS MIGHT BE A SIDEYARD ISSUE

(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 30 day of June 2016

Notary, Putnam County, Linda M. Valentino

**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



# CERTIFICATE OF OCCUPANCY

8373

Philipstown Tax Map # 82 Block 1 Lot 29  
(Date)

Fee Paid \$ 50.<sup>00</sup>

Located At: OLD MANITOU ROAD OFF RD

Covering: NEW BASEMENT SPACE MAIN HOUSE - GUEST COTTAGE APT  
WITH BATH & KITCHEN

DONALD McLEAN of PO BOX 307 CAMDEN ME. 04840

having heretofore filed an application for a building permit pursuant to the Zoning Law, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee therefore and the undersigned having by inspection ascertained that the applicant has subsequently proceeded with the erection or improvement of the proposed structure in compliance with the requirements of the laws as aforementioned and that the said work and materials met every requirement of the laws as aforementioned and that the premises have now been fully completed and are ready for occupancy pursuant to the provisions of law, Now, therefore, this Certificate of Occupancy is hereby issued

under the seal of the Town of Philipstown this 18 day of JAN, 2001

Not valid unless signed in ink by a duly authorized agent  
and under the seal of the Town of Philipstown.

TOWN OF PHILIPSTOWN, NEW YORK

BY: Robert Emerick  
Building Inspector

RECEIVED  
JUN 30 2016

BY: N



RECEIVED  
JUN 30 2016

BY: 2

82-57  
**CERTIFICATE OF OCCUPANCY**

Tm - 65-5-3

Certificate of Occupancy No. 3357

Application No. **3357**

Location of Premises Old Manitor Road - Garrison, N.Y.  
Dorald McLean of Old Manitor Rd. Garrison having  
heretofore filed an application for a building permit pursuant to the Zoning Ordinance, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee therefor and the undersigned having by personal inspection ascertained that the applicant has subsequently proceeded with the erection or improvement of the proposed structure in compliance with the requirements of the laws as aforementioned and that the said work and materials met every requirement of the laws as aforementioned and that the premises have now been fully completed and are ready for occupancy pursuant to the provisions of law, Now, therefore, this certificate of occupancy is hereby issued under the seal of the Town of Philipstown this 12 day of December, 1977.

Not valid unless signed in ink by a duly authorized agent of and

under the seal of the Town of Philipstown.

**TOWN OF PHILIPSTOWN, NEW YORK**

By [Signature]

Plat. Inspector

"Barn"

**BUILDING PERMIT**

Tm - 65-5-3

**BUILDING PERMIT**

Application No. **3357**

Location of Premises Old Manitor Road - Garrison  
Dorald McLean of Old Manitor Road - Garrison having  
heretofore filed an application for a building permit pursuant to the Zoning Ordinance, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee in the sum of \$24.00, it appearing from the said application that the proposed improvement is intended to and will comply with the requirements of the law as aforementioned, a building permit is hereby granted this 23 day of September, 1977.

Additional information erect barn - 800 sq ft

agent of and

**TOWN OF PHILIPSTOWN, NEW YORK**



82-1-34, 33, 28, 27, 24, 6, 25, 5

81-1-26, 25, 27, 1, 32, 31, 34, 33, 36, 37, 38

\*\*\*\*\*

82.-1-5  
Tsu Kuo M  
Tsu Lili W  
46 Old Manitou Rd  
Garrison, NY 10524

\*\*\*\*\*

82.-1-34  
White Russell A  
White Judith  
PO Box 85  
Garrison, NY 10524

\*\*\*\*\*

81 cloudbank R2- 81  
82.-1-24  
Friedman-Kien Alvin E  
1 Lexington Ave Apt 2A  
New York, NY 10010

\*\*\*\*\*

82.-1-6  
O'Sullivan Patrick J  
O'Sullivan Mary M  
Woodlands  
28 Old Manitou Rd  
Garrison, NY 10524

\*\*\*\*\*

82.-1-28  
Corkrum Frank  
Corkrum Kay Ann  
16 Old Manitou Rd  
Garrison, NY 10524

\*\*\*\*\*

27 cloudbank R2 27  
82.-1-25  
Harris Barbara  
PO Box 623  
Garrison, NY 10524

\*\*\*\*\*

22 Old Manitou R2  
82.-1-33  
Manitoga Inc  
PO Box 249  
Garrison, NY 10524

\*\*\*\*\*

\*\*\*\*\*

82.-1-27  
Bockelmann Norris Mary Chris  
24 Old Manitou Rd  
Garrison, NY 10524

\*\*\*\*\*

569 R2 9D 56  
81.-1-26  
Herron William G  
5 Pascack Rd  
Woodcliff Lake, NJ 07577

\*\*\*\*\*

12 Kims Dock R2  
81.-1-31  
Giordano Philip A  
PO Box 506  
Garrison, NY 10524

\*\*\*\*\*

617 R2 9D  
81.-1-36  
Percacciolo Mary  
1 The Blvd  
Cold Spring, NY 10516

\*\*\*\*\*

9 Kims Dock R2  
81.-1-27.1  
Kilgour Peter J  
Kilgour Lesly R  
187 East Main St  
Beacon, NY 12508

\*\*\*\*\*

589 R2 9D  
81.-1-32  
Gary Jamil  
Straus Sarena  
589 Rt 9D  
Garrison, NY 10524

\*\*\*\*\*

615 R2 9D  
81.-1-37  
Parkus Richard D  
Sidoroff Fredrika N  
615 Route 9D  
Garrison, NY 10524

\*\*\*\*\*

563 R2 9D  
81.-1-25  
Herron William B  
5 Pascack Rd  
Woodcliff Lake, NJ 07677

\*\*\*\*\*

593 R2 9D  
81.-1-33  
Lindros Leo W Jr  
Lindros Karen Louise  
PO Box 145  
Garrison, NY 10524

\*\*\*\*\*

621 R2 9D  
81.-1-38  
Neill Richard W  
Neill Peggy L  
621 Rt 9D  
Garrison, NY 10524

\*\*\*\*\*

595 R2 9D  
81.-1-34  
Lindros Leonard W Jr  
Lindros Karen  
PO Box 145  
Garrison, NY 10524



THIS INDENTURE, made the 9<sup>th</sup> day of February, in the year Two Thousand One

BETWEEN

DONALD McLEAN, residing at Lakeview Box 307, Camden, Maine 04843;

party of the first part, and

CHRISTOPHER MARRISON, residing at 505 Route 9D, Garrison, New York 10524;

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN (\$10.00) DOLLARS and other good and valuable consideration, paid by the party of the second part, 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, County of Putnam and State of New York, which is more particularly bounded and described on Schedule "A" which is attached hereto and made a part hereof, AND IS DESCRIBED ALSO IN ATTACHED SCHEDULE B.

BEING the same premises conveyed by Gladys Denny Shultz to Donald McLean by deed dated 9-6-72 and recorded in the Putnam County Clerk's Office on 9-8-72 in Liber 704 cp 36 and by deed conveyed by Taylor G. Belcher, as sole devisee under the Last Will and Testament of Taylor Belcher, deceased to Donald McLean by deed dated 2-10-75, and recorded in the Putnam County Clerk's Office on 2-20-75 in Liber 725 cp 930.

RECEIVED  
JUL 01 2016  
BY: h

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 of the 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" when ever 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

BK 1541 PG 0312



**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE**

State of New York, County of

ss:

State of New York, County of

ss:

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

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.

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.

\_\_\_\_\_  
(signature and office of individual taking acknowledgment)

\_\_\_\_\_  
(signature and office of individual taking acknowledgment)

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE**

State (or District of Columbia, Territory, or Foreign Country) of MAINE, County of Knox ss:

On the 9<sup>th</sup> day of February, in the year 2001 before me, the undersigned, personally appeared

DONALD McLEAN

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

Town of Camden  
(insert the City or other political subdivision)

in Knox County, Maine  
(and insert the State or Country or other place the acknowledgment was taken)

Barbara A. Gillam  
(signature and office of individual taking acknowledgment)  
NOTARY PUBLIC

BARBARA GILLAM  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES AUGUST 12, 2007

**BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS**

Title No. KPP-10971L

DONALD McLEAN,

TO

CHRISTOPHER MARRISON.

SECTION  
BLOCK

LOT TAX MAP #82.-1-29 and 82.-1-30

COUNTY OR TOWN

PUTNAM/PHILIPSTOWN

STREET ADDRESS

9 OLD MANITOU ROAD

Recorded at Request of  
LAWYERS TITLE INSURANCE CORPORATION

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