# ZONING BOARD OF APPEALS Via Zoom August 10th, 2020 7:30 P.M.

**Regular Monthly Meeting** 

Pledge of Allegiance Approval of Minutes:

July

Correspondence:

Referral from Planning Board, William & Laura Cummings, 71 South Mountain Pass Spur

**Old Business:** 

**Public Hearing:** 

# Dennis Clark & Denise J. Grillo, 28 Lane Gate Road, Cold Spring Appeal # 932

TM# 38-3-57

(Applicant is seeking a permit for replacement deck and 85 sq ft addition to second floor kitchen and bath. Applicant proposes a 27'-9" side yard setback where a 3-'0" setback is required. The applicant also proposes a 27'-3" rear yard setback where a 50'-0" setback is required)

# Ryan Maxwell, 48 Old Albany Post Rd, Garrison Appeal # 933

TM#83.13-1-17

- 1) (The applicant proposes a second story addition within the side yard setback proposing a 28"-0" setback where 30" is required. Also proposing a 59" front yard setback, where 60" is required.)
- 2) (The applicant proposes a Carport/Pavilion within the rear yard setback proposing a 24"-6" setback where 50" is required.)

**New Business:** 

# Chris Flagg & Heidi Snyder, 699 Old Albany Post Road, Garrison TM# 61.-3-6 Appeal #934

(The applicant is seeking a variance to allow proposed addition to a non-conforming structure (Due to pre-existing front yard setback) on a non-conforming undersized lot (4.879 acres in lieu of 10 acres)

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

\*\*\*BEGINNING OCTOBER 1, 2019 ALL SCHEDULED ZONING BOARD OF APPEALS MEETINGS WILL BE HELD AT THE CLAUDIO MARZOLLO COMMUNITY CENTER, 107 GLENCLYFFE DRIVE, GARRISON, NY 10524\*\*\*

#### **ZONING BOARD OF APPEALS**

#### July 13th 2020

#### **Minutes**

The Zoning Board of Appeals for the Town of Philipstown held a monthly meeting on Monday, July 13<sup>th</sup> 2020, Via Zoom

PRESENT:

Robert Dee - Chairman

Vincent Cestone - Member

Granite Frisenda - Member

Adam Rodd - Attorney (Drake Loeb PLLC)

Absent:

Paul Clair- Member

Lenny Lim-Member

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

Chairman Robert Dee opened the meeting at 7:30 P. M.

#### **Minutes**

Chairman Robert Dee: First question I have is on the minutes, does anybody have any

changes to the minutes? Last month's minutes

Vincent Cestone: No, not at all

**Chairman Robert Dee:** Granite?

**Granite Frisenda:** No

Chairman Robert Dee: No, okay can I get a motion to except the minutes?

Vincent Cestone: I'll make that motion

Chairman Robert Dee: Can I get a second?

Granite Frisenda: I'll second

**Chairman Robert Dee:** Grainite second. I'm gonna say that's unanimous the minutes are passed unanimous. The second one is going to be on Dennis Clark and Denise

Grillo 28 Lane Gate Road are they here?

Kelly MacIntyre: Yes, they are here

**Chairman Robert Dee:** The correspondence from that was the Planning Board that they are referring an issue over to us. We don't have the information in front of us so that will be next months. That's just a correspondence explaining a lot line change on a few lots.

**Dennis Clark:** Hello?

Chairman Robert Dee: Mr. Clark?

Dennis Clark: Yes

Chairman Robert Dee: You're Mr. Clark?

Dennis Clark: Oh, there we go. Good evening, hi

Chairman Robert Dee: Okay, you are at 28 Lane Gate Road

**Dennis Clark:** Yes

Chairman Robert Dee: Okay, you are at 28 Lane Gate Road, right?

Dennis Clark: Yes

Chairman Robert Dee: Okay you are looking for Yes, can you hear me?

**Dennis Clark:** Yes

Chairman Robert Dee: You want to put an 85 square foot addition to the second floor,

kitchen and bath?

Dennis Clark: Yes

Chairman Robert Dee: Okay, and also you are going to replace the deck?

Dennis Clark: Yes, we need to do a new deck. We do, yes

**Chairman Robert Dee:** Okay, so you are looking for two variances. You are looking for a variance on the side yard setback where 30 feet is required. You are looking for 27 nine so, you are looking for two-foot three-inch variance on the side yard correct?

Dennis Clark: Yeah, we are reducing the size of the deck there. That is actually a

reduction from what it is.

Chairman Robert Dee: Oh, okay all right

Dennis Clark: May I

Chairman Robert Dee: Second variance is

Chairman Robert Dee: Go ahead

Dennis Clark: Can I explain, we were here two years ago

Chairman Robert Dee: Yeah, I remember

**Dennis Clark:** A variance to do a garage and a kitchen and we never did that. That was so, all I'm trying to do now is replace the deck that I have and add onto the kitchen

and bath upstairs.

Chairman Robert Dee: Okay

Dennis Clark: I can't use the variance that I had from two years ago to do what I'm

doing now.

Chairman Robert Dee: Okay, but two years ago we gave you the variance correct?

Dennis Clark: Yes, absolutely

Chairman Robert Dee: Okay, well it's no value to you now

**Dennis Clark:** I know that

Chairman Robert Dee: Okay, having it in hand doesn't mean anything. All right you know how the procedure works then. You know tonight is a review of your application to see if there's anything else we need and it is complete. We will then vote on it and if we vote that it is complete then we'll set up for a public hearing and the public hearing would be next month would be August 10<sup>th</sup>. Could you hear me?

Dennis Clark: Yeah

**Chairman Robert Dee:** Okay, so I guess my question now is with the other board members. Vinny do you have any questions on this application? Do you need anything else or do you think everything is pretty much there?

**Vincent Cestone:** I think everything is there. I think everything is pretty much there. Questions can wait until the public hearing, there's nothing out of the ordinary.

Chairman Robert Dee: Okay, Granite?

Granite Frisenda: I agree, I don't see anything that's out of the ordinary.

100

Chairman Robert Dee: I don't see either. The only thing Mr. Clark is where the meeting is going to be. We are not sure yet okay, it may still be on zoom or maybe at the Recreation Center over on 9D.

Dennis Clark: I'm fine with either one

**Chairman Robert Dee:** The one in the Recreation Center will be in person. The Town Board said they are going to set it up with chairs and so forth apart and everything else like that would you have an issue with that?

Dennis Clark: No not at all, I'm fine with that.

Chairman Robert Dee: okay, we'll vote on this right now. Can I get a motion that the

application is compete?

Adam Rodd: Bob

Chairman Robert Dee: Go ahead, wait

Adam Rodd: I'm counsel for the board, just a quick request to Mr. Clark before the public hearing one bit of information we would need from your application is an indication of what the floor area of your home is now in terms of square footage and how much larger it will be with your addition.

Dennis Clark: Okay, do you want me to turn that into the Zoning Board in town?

Adam Rodd: As long as they get it before the public meeting that would be fine.

Dennis Clark: I can do that, yes

Chairman Robert Dee: Okay, can I get a motion that the application is complete?

Vincent Cestone: I'll make that motion

Chairman Robert Dee: Can I get a second?

Granite Frisenda: Second

Chairman Robert Dee: Alright, so all in favor?

Vincent Cestone: Aye

Granite Frisenda: Aye 🐔

Chairman Robert Dee: Aye. Okay now Mr. Clark your application is complete. You're just gonna have to get that information to the Town Building Department. Try and get it you know as soon as possible because what happens, our secretary mails out a package and the information will be in it and we will have a chance to look at it okay.

Dennis Clark: Okay, thank you

Chairman Robert Dee: You are all set and you are all set for that public hearing now and you will be notified, I'll have Kelly, our secretary probably call you tomorrow and let you know exactly where the meetings gonna be okay?

Dennis Clark: Okay

**Chairman Robert Dee:** Okay, thank you. All right the next one is 48 Old Albany Post Road. Is there anybody here representing that?

Vladimir Levin: I am, Vladimir Levin the architect representing the homeowner.

**Chairman Robert Dee:** Okay, alright you have a letter here, let me see I have it. Oh yeah, I got a letter authorizing you to do that right?

Vladimir Levin: Yes sir

Chairman Robert Dee: Okay, this is again how the procedure is here. We're going to review the application and see if we need anymore information or whatever. If all the information is here then what we'll do is we'll set up a public hearing next month which will be August 10<sup>th</sup>. We haven't decided exactly where its going to be so, but you'll be notified like tomorrow or the next day where that meeting will take place. Now you know what I understand here you're looking for a second story edition and you're asking for a, what you are asking for is a 28-foot sideline where 34 is required. So, you are only looking for a two-foot variance for the side yard, is that correct?

Vladimir Levin: That's correct

**Chairman Robert Dee:** Okay, then on the front you're asking for a, you have a 59-foot setback where 60 is required so, you're looking for a three variances actually right?

**Vladimir Levin:** Well there is so, there's two parts to the project. There is the second story addition to the existing house so, there they house is existing non-conforming and we're just putting a second floor above there. So, there we need a variance for the side yard and for the front yard.

Chairman Robert Dee: okay

Vladimir Levin: Then the second part is a carport addition where there currently is a carport so, we're proposing to take down the existing carport put up a bigger carport which also has a covered living area so, a pavilion if you will and we're also looking to expand the paved area. So, we are looking to make a connection between the house and the carport pavilion to give the owner an outdoor living space. So, with the carport and the new patio there the carport is non-conforming with respect to the rear yard and we are also over in the impervious coverage. So, I guess that's for different issues, two the second story addition and two for the carport and a patio.

Chairman Robert Dee: I mean pervious surface is that another variance Adam?

Adam Rodd: Yes, I believe it's a slight increase in the impervious surface coverage and there are regulations about that in the RR district. It's in the application.

Chairman Robert Dee: It's in the application. So, we are talking about four or five variances?

Adam Rodd: Four

Vladimir Levin: Four by my count

**Chairman Robert Dee:** Four variances okay. Now you said where the carport is going is there anything there now? Is there an assisting structure?

**Vladimir Levin**: Yes, so I don't know if you are looking at the site plan that I submitted. So, it's sheet 100. The site plan shows the existing carport is dashed in lighter colored

dash line. So, there is a retaining wall that is holding that degrade it's a pretty severe grade there. So, there's an existing retaining wall and the carport is just on the inside of the retaining wall so we're taking down the carport and making essentially putting a new carport in the same location just slightly bigger. It's natural place to put it is at the end of the driveway and then attached to the carport is a covered pavilion area. So, the whole shape is kind of dog leg shaped but part of it upward part is pavilion.

**Chairman Robert Dee:** Okay, seeing that this is pre-existing non-conforming we're gonna have to know how much more square footage you're adding on in the house. The second story.

Vladimir Levin: okay

Chairman Robert Dee: I mean, okay go ahead

**Adam Rodd:** Let me be clear if before the next meeting if you could supply the Zoning Board secretary with the floor area that exist now on the structure and what the square footage would be of the floor area with the new second floor edition.

Vladimir Levin: Okay

Chairman Robert Dee: Okay

Chairman Robert Dee: Alright, Vinny do you have any questions or anything else you

need for this application?

Vinny Cestone: This application doesn't show the neighbor on the right side which is normal. I would suggest to the applicant that if you would talk to your neighbors that you're going to be getting closer to and if they're okay with it. If that neighbor would be willing, he doesn't have to come to the meeting but if he could give you a letter saying that he's okay with that, that would be helpful for you.

Vladimir Levin: Thank you, we'll do that.

Chairman Robert Dee: Granite do you have any questions?

Granite Frisenda: No, I'm alright

Chairman Robert Dee: You are alright? Okay. I think it is complete so you're gonna have to just supply us with that other information and we'll be set. So, can I get a motion on this that it's good application that be voted complete?

Vincent Cestone: I'll move again

Chairman Robert Dee: You will move again okay, Granite? There is only three of us here so, alright so we'll vote it's unanimous okay. So you are all set okay, you're just gonna have to get that information to us quickly as you can because that happens is our secretary mails out some items in a packet to us like a week before or something like that so, we could have time to look at it okay?

Vladimir Levin: Okay

**Chairman Robert Dee:** Of course, your neighbors will be notified and anybody could come and speak up you understand that?

Vladimir Levin: Okay

**Chairman Robert Dee:** And if it's a friendly neighborhood and they want to get letters you know that's fine too.

Vladimir Levin: Okay, I'll tell the owners to do that

**Chairman Robert Dee:** Alright, you are all set again now at the meeting like to sat to you all this time where it's going to be exactly, I don't know okay, it might be either on zoom or maybe at the Recreation Center which is on Route 9D. Someone will tell you. Thank you so much sir you are all set.

Vladimir Levin: Thank you, good night

**Chairman Robert Dee:** Good night. Is there any other business anybody has? Any other questions?. Now as far as the zoom meeting John is not on anymore, John left us I guess anyway, Vinny how do you feel about it? Vinny how do you feel about a zoom meeting or an in-person meeting for next month let me put it that way?

**Vinny Cestone:** I would like to take another month of using zoom just to see how things fall out with covet 19. The temperature yeah that if it's really hot in there it would be very uncomfortable but, I'm concerned about the Covid 19. Since we are all in that age group that were susceptible.

Chairman Robert Dee: Okay, Granite how do you feel about it?

Granite Frisenda: It doesn't make a difference for me

Chairman Robert Dee: No difference to you, okay you don't care.

John Vantassel: Can I just pipe in. If you guys are uncomfortably the last thing, I want is for anybody to be uncomfortable. So, lets do what makes the majority of you comfortable. If Vinny and Bob if you're not comfortable meeting in person then by all means lets wait till September. I do not want you to be uncomfortable I appreciate what you are doing currently as long as you feel you're effective what it seems like you are then continue it this way and we'll revisit it in September.

**Chairman Robert Dee:** Alright that sounds good. I think that's the best point at this time because no one really knows exactly what's going on right now. What I'm trying to say there is a lot of questions to this stuff.

**Adam Rodd:** One thing that I would add is Kelly when you do the public notice in the newspaper the zoom link address would need to be, if we are doing it by zoom which I understand we are, that would have to be in the public notice so, the public knows how to participate.

**Kelly MacIntyre:** Yeah, I will put the link in the paper also put for them to contact me if they would like and I could copy and paste it to them too, no problem.

Chairman Robert Dee: Okay, do they have anybody on the zoom here tonight from the Town Kelly do you know?
Kelly MacIntyre: No
Chairman Robert Dee: Okay, I guess that's it. I guess if you would like me to call Paul

Granite Frisenda: Well I mean if

Vinny Cestone: We have three here

and Lenny and ask them how they feel.

Granite Frisenda: Yeah, its fine

**Chairman Robert Dee:** Alright, lets go with the zoom meeting for the next month and then we'll look at the September. Hopefully everything will be in better shape.

John Vantassel: Sounds good, fine with me. I don't want anyone to be uncomfortable.

Chairman Robert Dee: Is there any other business? Anything else You want to

discuss? That's it. Alright can I get a motion to adjourn?

Granite Frisenda: I'll make that motion

Vincent Cestone: I'll second

Chairman Robert Dee: All right, all in favor?

Vincent Cestone: Aye

Granite Frisenda: Aye

Chairman Robert Dee: Aye

(THE MEETING ADJOURNED AT 7:50 PM BY (UNANIMOUS DECISION)

	ere prepared for the Zoning Board endation and approval thereupon.	of Appeals and are subject
DATED APPROVED:	(1924) (1924)	
		Respectfully submitted,
		Kelly MacIntyre

Secretary



555 Hudson Valley Avenue, Suite 100 New Windsor, New York 12553

Phone: 845-561-0550

Fax: 845-561-1235 www.drakeloeb.com

July 6, 2020

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

Alana R. Bartley Aaron C. Fitch Judith A. Waye Michael Martens

Jennifer L. Schneider Managing Attorney

\*LL.M., in Taxation

Zoning Board of Appeals Town of Philipstown Town Hall, 238 Main Street Cold Spring, NY 10516

Re: William & Laura Cumming
71 South Mountain Pass Spur

Dear Chairman Dee and Board Members,

The above-referenced matter is an application pending before the Planning Board for a lot line change (which constitutes a subdivision under the Town Code). Particularly William R. Cumming owns a lot of approximately 11.283 acres, and Laura J. Cumming owns an adjoining lot of approximately 5.884 acres. The proposed lot line change will result in approximately 7 acres (i.e., 6.989 ac.) being transferred from the larger lot to the smaller lot.

The subject lots are located in the RC ("Rural Conservation") Zoning District in which the minimum lot size is 10 acres. Although no new development is proposed, the lot line change nevertheless requires variances. Although the lot line change will make the smaller lot less non-conforming, it will make the larger lot into a non-conforming lot. Additionally, one of the lots does not have any frontage on a roadway. Further, various aspects of the two lots do not comply with the Town Zoning Code's bulk requirements, and if the applicants cannot demonstrate to the ZBA's satisfaction that the lot line change will not increase the degree of theses nonconformities, then variances will be required for these as well.

At its June 18, 2020 meeting the Planning Board adopted a resolution to refer the above-reference matter to the Zoning Board for the required variances, and directed that I send this referral letter.

Very truly yours,

Stephen J. Gaba

RECEIVED

ering P.C. JUL 0, 9 2020

cc: Badey & Watson Surveying & Engineering P.C. Planning Board

Writer's Direct: Phone: (845) 458-7310 Fax: (845) 458-7311 Email: sgaba@drakeloeb.com



# Town of Philipstown

Zoning Board of Appeal 238 Main Street, PO Box 155 Cold Spring, New York, 10516

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

Date July 22, 2020

To whom it may concern:

For your information Dennis Clark & Denise J. Grillo, 28 Lane Gate Rd, Cold Spring, NY TM# 38-3-57 are going to appear before the Zoning Board of Appeals for a public hearing Monday, August 10th, 2020. See the attached legal notice for details.

Thank you,

Kelly MacIntyre Town of Philipstown

**Zoning Board of Appeals Secretary** 

they MONTHIR

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Zoning Board of Appeals of the Town of Philipstown on Monday, August 10th, 2020 at 7:30 P.M. Via Zoom. If you would like to attend, please email <a href="mailto:kMACINTYRE@PHILIPSTOWN.COM">kMACINTYRE@PHILIPSTOWN.COM</a> to request login information before 7 pm on August 10th, 2020.

### Dennis Clark & Denise J. Grillo, 28 Lane Gate Road, Cold Spring TM# 38-3-57

(Applicant is seeking a permit for replacement deck and 85 sq ft addition to second floor kitchen and bath. Applicant proposes a 27'-9" side yard setback where a 3-'0" setback is required. The applicant also proposes a 27'-3" rear yard setback where a 50'-0" setback is required)

At said hearing all persons will have the right to be heard. Copies of the application, plat map, and other related materials may be seen in the Office of the Building Department, 2 Cedar Street, Cold Spring, New York.

Dated July 13th, 2020

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

July 14, 2020

Phillipstown Zoning Board of Appeals

re; Appeal
Dennis Clark & Denise Grillo
28 Lane Gate Rd

To All;

Per your request for square footage pertaining to our property and our appeal proposal, I am submitting the following measurements.

The existing house footprint of 26 ft x 34 ft yields a square footage for two floors of 1768 sq ft.

We are proposing to add 85 sq ft to the second floor for a proposed total square footage of 1853 sq ft.

Also, the measurement of the existing second floor deck is now 655 1/4 sq ft.

We are proposing to reconfigure and make essential repairs to the deck which will add 49 sq ft for a total of 704 1/4 sq ft.

I might mention, none of these additions will change the roofline or character of the building.

We await your attention. If we can supply any further information, please reach out to us.

Thank you kindly:

Denny Clark Denise J. Grillo



# Town of Philipstown

Zoning Board of Appeal 238 Main Street, PO Box 155 Cold Spring, New York, 10516

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

Date July 22, 2020

To whom it may concern:

For your information Ryan Maxwell, 48 Old Albany Post Road, Garrison TM# 83.13-1-17 are going to appear before the Zoning Board of Appeals for a public hearing Monday, August 10th, 2020. See the attached legal notice for details.

Thank you,

Kelly MacIntyre Town of Philipstown

Zoning Board of Appeals Secretary

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# Ryan Maxwell, 48 Old Albany Post Rd, Garrison TM#83.13-1-17

- 1) (The applicant proposes a second story addition within the side yard setback proposing a 28"-0" setback where 30" is required. Also proposing a 59" front yard setback, where 60" is required.)
- 2) (The applicant proposes a Carport/Pavilion within the rear yard setback proposing a 24"-6" setback where 50" is required.)

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Dated July 13th, 2020

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



July 15, 2020

Town of Philipstown Zoning Board 2 Cedar Street Cold Springs, NY 10516

Re: Supplemental Area Information

Maxwell Residence

House Addition/ Carport Addition

48 Old Albany Post Road

Garrison, NY

The floor area of the existing 1<sup>st</sup> floor is 1,373 sq.ft. The floor area of the existing <sup>2nd</sup> floor is 314 sq.ft. The proposed addition to the 2<sup>nd</sup> floor is 174 sq.ft.

Sincerely,

Michael Piccirillo

APPEAL # 934 Tax Map # 66-3-6
Zoning Board decision APPROVED / DENIED
Date application submitted 7/30/2020
Application (se \$ 100 Escrow 5 Received by
To the Zoning Board of Appeals Town of Philipstown, New York
I (HE) CHOIS FLAGG & HEIDI SNYDER
residing at 699 OLD ALBANY POST RD
Telephone home 917-225-5883 business DAME
HEREBY appreal the decision of (name and title). GREG
whereby haishe
GRANTEDDENIED_X _ a BUILDING PERMIT_X a CERTIFICATE OF OCCUPANCY
FOI PROPOSED ADDITION
THE FLAGG PENDENCE
JEGG OLD ALBANY POST Rd
For property at tax map # 61-3-6 in zoning district RC
WHEN FILLING OUT APPLICATION, ATTACH ADDITIONAL PAGES AS NECESSARY TO ANSWER QUESTIONS
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 lanemarks such as Garrison School, North Highlands Fire House Highlands Country Club, etc.
699 OLD ALBANY POST Rd. ON CORNER
OF TRAVIS CORNERS P.J. APPROXIMATELY
.85 miles EAST OF RIE 9.

2 RAMES AND PURPLISSES OF ADJOINING PROPERTY OWNERS (focuse those opposite on streets tryingly). List addition is streets if necessary. This information may be addition in the Tuwn assessor's other).

SEE ATTACHED

# CHAPTER 175-23 NON-CORMING LOT & NON-CORMING STRUCTURES

4 PREVIOUS AFFRACTS then now becausey presons appears for the environment below set offer the experimental refers to the 780 decision monthly.



#### WHIT OF APPEN

- and ITERPRETACION of the Zooing Code or Maps
- ARRANCE from the Zouling Gode
- a SPECIAL USE FERMIT under the Zoning Code
- 5. CEMBLS SERVINE (Complete on) that section which applies to his appear you are submitting).
  - (e) PSTERFRSTATE tractilina Johns Code is requested.

    An exect statement of the interpretation requested is



( ). As a sear state that half the details of the handness requested is

VAPIANCE TO ALLOW PROPOSED ADDITION TO A NON-CONFORMING STRUCTURE (DUE TO PRE-EXISTING FRONT YARD SETBACK) ON A NON-CONFORMING UNDERSIZED LOT (4879 ACRES IN LIEU OF IDACRES)

(3) The grounds on which his venence should be granted are

THE PROPOSED ADDITION DOES NOT ADD TO THE NON-CONFORMITIES, AND ADHERES TO CURRENT ZONING REGULATIONS.

- (c) a SPE CIAL USE PERMIT is requested
  - if the eason to permit is requested

NA

(2) on exect sict most of use for which the permit is econested

NA

and the tank and wind the use is percelled as a SELETAL USE under the code and the and type that appropalation comply with an requirements of the code for granting of a special use nearly.

haing duly avious sees. There eavishs to regoing appeal and papers attached, hat the statements and representations made therein are true to the best of my knowledge and belief.

Signal are of applicant or poed.

Midal County

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

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

- Completed appear form
- 2. Deed to simperly
- Denied application for Building Permit or Certificate of Occupancy
- 4 Building plans with ONE ORIGINAL professional seal and signature
- 5. Servey prepared by NYS licensed surveyor, showing all property lines, structures and dimensions to property lines. One survey with OPIGINAL incressionar seal and signature.
- 6. Decilitates of Decupancy for any existing structures.
- 3 Dentaur chaps as expetted by conditions.

# PHILIPSTOWN ZONING BOARD OF APPEALS SUPPLEMENTAL WORKSHEET AREA VARIANCE APPLICANTS

In accordance with state law, the Zoning Board must grant or deny an area variance based on specified factors and a balancing of "the benefit to the Applicant if the variance is granted, as weighted against the detrimental to the health, safety and welfare of the neighborhood or community". We have developed this Supplement to assist you with preparing, submitting, and presenting your case to the Zoning Board. Please complete the factors below (1 - 28) 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**

- What possible detriment would the variance have on nearby properties?
  NONE FORESEEN
- 2. How close are nearby structures?

  <u>NEAREST VISIBLE STRUCTURE IS APPROXIMATELY 165' AWAY AND ACROSS THE STREET. ALL OTHER NEARBY STRUCTURES ARE WELL OVER 400' AWAY AND OUT OF SIGHT.</u>
- Will your structure be visible to others?
   YES, PRIMARILY FROM OLD ALBANY POST ROAD
- 4. Will your structure block any views?
  NO
- 5. Do you propose any exterior lights? LIGHTS AT ENTRY WAYS
- 6. What impacts would the variance have on the character of the neighborhood?

  <u>VIRTUALLY NO IMPACT THE PROPOSED ADDITION ECHOES THE LOCAL VERNACULAR OF THE AREA AND MAINTAINS ITS CURRENT RURAL CHARACTER</u>
- 7. Have others in the neighborhood received similar variance? <u>UNKNOWN</u>
- 8. Does the neighborhood contain similar structures with similar setbacks/heights etc.? YES, ACROSS THE STREET THERE IS A BARN/RESIDENCE
- Is your property similar to, or different from others in the area?

  SIMILAR
- 10. If several of your neighbors were to receive variances in the future, similar to the one you now request, would the neighborhood be changed?
  NONE FORESEEN
- 11. If you did not get the variance, how else could you build what you want or accomplish goal?

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

  NO. ANY ADDITION, REGARDLESS OF SIZE, WILL REQUIRE A VARIANCE DUE TO NON-CONFORMING

  STRUCTURE AND LOT SIZE.

12. What is the CODE requirement you seek to vary?

REFERENCE 175-23 NON-CONFORMING LOT AND STRUCTURE. THE PROPOSED ADDITION CONFORMS
TO ALL CURRENT ZONING REQUIREMENTS, HOWEVER WE SEEK AN ALLOWANCE FOR AN ADDITION TO
A STRUCTURE THAT IS PRE-EXISTING NON-CONFORMING (IE. EXTENDS OVER FRONT YARD SET BACK
LINE) ON A LOT THAT IS ALSO PRE-EXISTING NON-CONFORMING (IE: THE LOT IS APPROXIMATELY HALF
THE 10ACRE MINIMUM REQUIRED)

13. How large of a variance do you seek?

PROPOSED ADDITION DOES NOT NEED A VARIANCE, HOWEVER THE EXISTING STRUCTURE IT ATTACHES TO IS NON-CONFIRMING

14. What impact or effect will the variance have on the current physical and environmental conditions in the area?

THERE WOULD BE VERY MINIMAL IMPACT. THE NEW ADDITION REPLACES AN EXISTING GARDEN SHED.
THE PROPOSED ADDITION WILL INCREASE IMPERVIOUS AREA, HOWEVER THE TOTAL AREA IS WELL
BELOW THE MAXIMUM ALLOWED.

15. Is there grading (or blasting) proposed?

SOME GRADING TO ACCOMMODATE PROPOSED ADDITION, NO BLASTING IS INTENDED

16. Will you be paving previously unpaved surfaces?

Are you proposing to remove any vegetation?

<u>NO</u>

18. Are there wetlands or other watercourses on site?

19. Will normal drainage patterns be affected?

NOT SIGNIFICANTLY, THOUGH CURRENT DRAINAGE PATTERNS WILL BE SLIGHTLY AFFECTED AS A RESULT OF THE ADDITION. NEW DRAINAGE PATTERNS TO BE DESIGNED AS PER BEST PRACTICE STANDARDS.

20. How close are the nearest wells and septic systems?

THE WELL IS APPROXIMATELY 110' AWAY FROM THE PROPOSED STRUCTURE AND THE EXISTING SEPTIC IS APPROXIMATELY 160' AWAY FROM THE PROPOSED STRUCTURE.

21. Will the proposed use or actively produce emissions (noise or orders)?
NO

22. Will traffic be increased?

NO

**17**.

23. Is the area considered scenic?

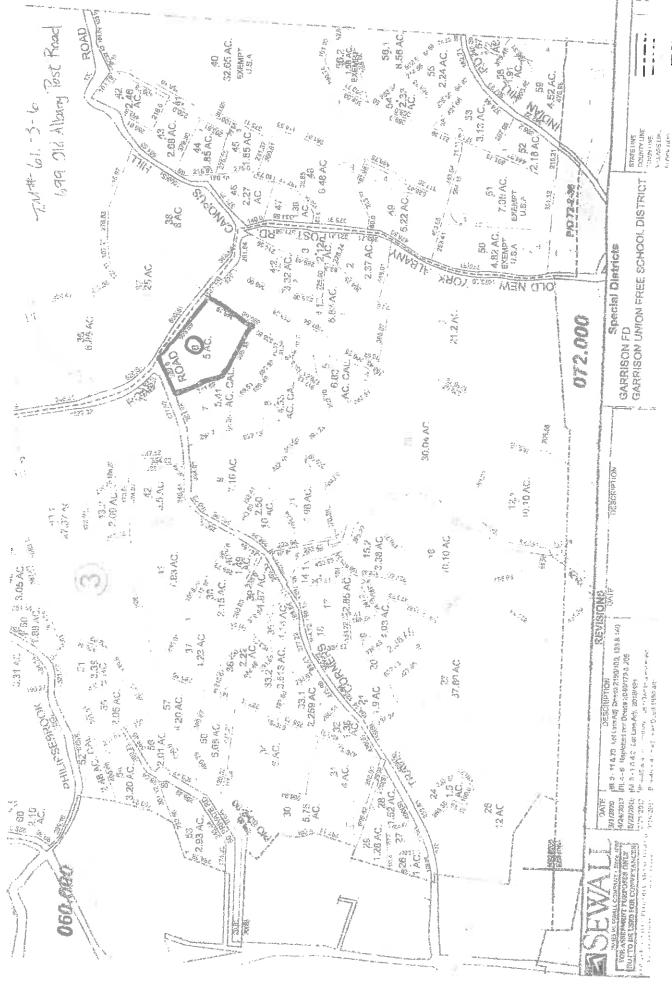
YES

- 24. Is the variance requested as a result of a "self-created hardship"?

  NO EXISTING NON-CONFORMING LOT AND STRUCTURE PREDATE ZONING ORDINANCE
- 25. Was there a need for the variance when you purchased the property?

  NO
- 26. How long ago did you purchase the property? 2012
- 27. Did you build the structure without a permit? <u>NO</u>
- 28. Is the need for a variance as a result of someone's mistake? <u>NO</u>

Describe:



POUNING PROPRETIES

St Stuffer Post Dr. Underson Unit Hor M. P. St. As School: Gesthon Union Total AV: 433,100 Overse Type Land AV: 67, 500 Zip Code: Corta Stevensor Barry See De Querentier e.g. Lite Use Automorrow Artentees F.S. 1 3rd Porty Address Pad Memor 7 Family Res Active Street Ho. Prefs Or. Street / Partel Route. Overent Ton Bill Meding Addings 780 A A Courtey: order if not "1154" Roll Year, Still Curr Yr Owner's Primate Residence Attention To / In Care City PoBortler Cautomy State Property Lend Streets, All acres Last Name / Company Shorkertone Stovenson Peter 148 Través Comers Rd Improvedo Valuetion ingervend s Valueton Speet Diettel 世紀(日本学 ) 4 - Shelt 1980 The Selection of the Control of the . Lands) Lande Sept 1705/00 Impremite) SHEDINGAL Valuation A CHESTINE Description She (1) Res Control Control Pace 61, 37 Donate) History

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ADJOINING PROPERTIES

PRESIDENT CONT.

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School Garden Union

Dynam Tox Bil Maing Addess 3rd Pary Address Street No. Prais Or Steat / Russ Rost PoBox No Clariform Mention to Am Date Dr. Last Name / Company Spac Diads Espential(s) Impremite Saled ABATE Velueton · Automobilitation Description SPECTRAL Cardial . D Overrage) Parcel 61,35 - History . (magnet

Total AV. 200, 690

Land AV: 67,388

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Jr., Sr., otc. T. Addismal Authore Fret Name:

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THIS INDENTURE, made the day of June , in the year 2012

BEITTEN.

CATRUCIA, KRING ING DAVID 1, CLAIR. With its address it 695 OLF Albany Post Road, Gaptians, RY

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CHRESTOFHER S. F. F. G. G. and HERDY L. SAYTHER, bushand and with, with an address at 1 Bloomer Seed, and 2. New York, NY 18912

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#### Title No. RGF 1976; Schedule A (description)

All that certain phose, plot or percet of tend effects byte and but of in the TOWN OF PHILIPETOWN, COUNTY OF PUTNAM, State of New York, known and designated at Parcel 4 and portions of Percets 3 and 5 as shown on a certain map enthlad, "Map showing survey of properly located in the Town of Philipetown, said map being dated April 6, 193; and made by the Hudson Vafley Engineering Co. Inc.", and filed in the Poinson County Clerk's Office on December 11, 1939 as Map No. 172, each parcel and portions of parcels, when together being more particularly bounded and described as follows:

REGINNING at the point of interwedien of the southwesterly side of Old Albany Post Roed and the northwesterly line of lands now or formerly of Kasper Sceniminin;

RUNNING IMENCE along each southwesterly line of Old Alburry Post Road the Jobowing courses and distances: North 45° 55' 67' West 192.62 feet, North 45° 26' 15' West 125.64 feet and North 51° 56' 19' West 176.45 feet to a point on the southerty line of Travia Cornels Road?

ROUSING THENCE along same, South 77° 52° 32° West 93.64 feet and Souti. 75° 15° 42° West 180.01 feet to a point on the northerly line of lands now as isomeray of Ephreim 8. First

RUNNING THENCE along series, South 18" 68" 60" Ear 341.95 feet and South 69" 43" 10" Eart 385.33 feet to a point on the north-sealarly line of lands nor or formerly of Kaspe: Conference.

RUNNING THEFICE stong same and along a clone wait North 30° 49° 30° East 345.19 (as to point on the continuestarly line of Old Albany Post Rood, said point being the point entipines of BEGINNIAIS. CENTRALINGEMENT PARTY IN NEW YORK EVENT

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A. John St. E. Gold Dankel.

History Public, Balles of North York.

Guernitation: Explicate August 24, Ed. 44, Commission: Explicate August 24, Ed. 44.

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PROPERTY AND INC.

DISTRIBUTED BY 19/4/9

The Judge The Brentage Aprile LLS 100-221-11712 (1980) VAN BECFAR 0150

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#### BUILDING DEPARTMENT

# TOWN OF PHILIPSTOWN TOWN HALL, COLD SPRING, N. Y. 10516

Town Hall, Cold Spring, N. Y. 10516 Tel. 265 - 3329

**No.** 449

# 61.

# Certificate of Occupancy

FOR EXISTING NON-CONFORMING USE

	DateOctober .22
THIS CERTIFIES premises owned	l by Frank & Patricia Minardi   located at
· Travis Corners Rd. Garrison, N.Y	and described as single. Family. Res Studio &
town; that such premises and use con existing non-conforming use under and the amondment that	of the Zoning Ordinance of the Town of Philipstinue unchanged to the date hereof and are an and subject to the provisions of said Ordinance, 53-1-15
This certificate is issued in that	said premises are in a R-80 District and
	es Lot area is .5 Width of lot
is 345 ft.	☐ Total percentage of lot covered is 4
☐ Yard dimensions are: Front 15	ft.; Side R-150 ft. 290 ft.
☐ Accessory building or use is St	udio / Front-150 ft. Side- R-470 ft. Rear- 73ft
	L-490ft Side- R-1006f. Rear-75ft.
	n Charles E. Jr. & Evelyn Doyle by deed
	and recorded in the Putnam County Clerk's of-
Now, therefore, this Certificate o	f Occupancy is issued under the seal of the Town
of Philipstown, this 22. a day of?	
Issued to: Frank & Patricia Minard Fee: \$10.00.	<b>1</b>
	TOWN OF PHILIPSTOWN, NEW YORK
Not valid unless signed in ink by a duly authoragent of and under the seal of the Town of Philips	town. By Donald L. Trost



# Town of Philipstown

38 Main Street, PO Box 155 Cold Spring, NY 10516

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



# CERTIFICATE OF OCCUPANCY

SEC-BLK-LOT/

61.-3-6

Permit No: 2016:11816

CO/CC Issue Date:

04/04/2017

CO/CC No.: 2016:11816

Owner's Name

**FLAGG CHRIS** 

and Address:

699 OLD ALBANY POST ROAD

Location of Project:

699 OLD ALBANY POST RD

Work Description:

TWO STORY ADDITION, NEW KITCHEN, NEW MASTER BATHROOM,

ENLARGE MASTER BEDROOM EXISTING 4 BEDROOM - NO ADDITIONAL BEDROOMS PROPOSED

An application having been filed and the required fee paid, pursuant to the Code of Town of Philipstown, and it appearing from said application that proposed project will comply with the Code of the Town of Philipstown and the New York State Uniform Fire Prevention and Building Code, in all respects, a building permit is hereby granted.

IT IS UNLAWFUL TO OCCUPY OR USE THE STRUCTURE OR ANY PORTION THEREOF, FOR WHICH THIS PERMIT IS ISSUED, UNTIL A CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLIANCE IS OBTAINED.

ISSUED BY

Enforcement Officer

# TOWN OF PHILIPSTOWN

238 Main Street, PO Box 155 Cold Spring, NY 10516 (845)265-5202 / (845) 265-2687 fax

# CERTIFICATE OF OCCUPANCY

SEC-BLK-LOT: 89/61.-3-6

Permit No: 2012:10749

CO/CC Issue Date: 5/14/2012

CO/CC Number: 2012:10749

OWNER'S NAME: CLARK DAVID & ADDRESS

KING PATRICIA

PO BOX 332

**GARRISON, NY 10524** 

Location of project : 699 OLD ALBANY POST RD

**WORK DESCRIPTION:** 

**REMOVAL OF BURIED 500 GAL TANK AND** 

INSTALLATION OF NEW 275 GAL. OIL TANK

A building permit having been issued for the herein described project, all required inspections having been completed, all required documentation having been presented, and the project having been found to be complete and in compliance with all applicable codes, rules, and laws, this certificate is hereby issued.

NOT VALID UNLESS SIGNED IN INK BY A DULY AUTHORIZED AGENT AND UNDER THE SEAL OF THE TOWN OF PHILIPSTOWN

CERTIFICATE	OF OCC	UPAN	CY	6375
53 Block / Lot	15		Fee Paid \$_	25°pd 3/18/87
119 Corners	Rd.	ani	10m	ny
ground Po	oe / Pat	Krine		
of of	Same	addi	w	
ion for a building permit pursuant to tanty, New York, having paid the requoceeded with the erection or improve he said work and materials met every	ired fee therefore a ment of the propo	and the unders sed structure i	igned having in compliance	by inspection ascertained that with the requirements of the
y for occupancy pursuant to the provi				
ipstown this day of _	July	,	19 91	
;ned in ink by a duly authorized agent seal of the Town of Philipstown.	ву:	Bui	TOWN OF PL	HILIPSTOWN, NEW YORK  OUT T

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Town of Philipstown, Putni the applicant has subseque laws as aforementioned and	am County, New I ntly proceeded wind that the said wor	York, having paid the rec th the erection or improvers the and materials met ever	uired fee therefore and rement of the proposery requirement of the l	itary Code, Building Code and the difference of the undersigned having by inspect of the structure in compliance with the aws as aforementioned and that therefore, this Certificate of Occup	ection ascertained that be requirements of the the premises have now
under the seal of the Town	of Philipstown this	s day of	July	, 19	
	unless signed in ink by under the seal of the Tov		L	TOWN OF PHILIPS	TOWN, NEW YORK
			BY:	Building Inspector	
	. — — — —				
7-80	£ 2	BUILDII	NG PERM	l. 1	642 <b>6</b>
Philipstown Tax Map		Block Lot	73	2.1/	- 74
Location of Premises	TRAVIS	(OANEI'S	Rd. Ga	11150m ny	10521
Type of Construction:	Altera	ing	of Box 3:	32 Garris	on my
heretofore filed an appli	cation for a build	ling permit pursuant to	the Zoning Law, Sa	nitary Code, Building Code an	nd the Laws in effect
in the Town of Philips	/2 5/			red fee in the sum of \$	
	11) \$ 116			aid application that the propo	
intended to and will co	mply with the re	quirements of the law	as aforementioned,	a building permit is hereby g upon payment of established	fac schedule
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INSPECTIONS REQU					
1. Soil conditions: (Foo				anicals: (rough plumbing, pipi	ng, ducts)
2. Foundations: masonr	* -			Driveway Inspection. Inspection, including safety fe	atures
3. Framing: insulation;					
structure, or a	ny portion thereo	of, for which this per	mit is issued, shall	r or not shown on approved NOT BE OCCUPIED until a of Certificate of Occupancy is	CERTIFICATE OF
RENEWALS:				TOWN OF PHILIPSTOWN	
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