

ZONING BOARD OF APPEALS

Via Zoom

September 14th, 2020

7:30 P.M.

Regular Monthly Meeting

Pledge of Allegiance

Approval of Minutes:

August

Correspondence:

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

Old Business:

Public Hearing:

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)

New Business:

NYSMSA Limited Partnership d/b/a/ Verizon Wireless, 22 Sky Lane TM# 83.18-1—22 & 23

(The applicant was granted a special use permit and variance for Verizon Wireless to place antennas and related improvements on a temporary facility at the property in October 2017. Verizon Wireless intends to relocate its antennas and related improvements to a replacement tower for the existing WHUD tower, which has not yet been completed. Due to COVID-19 and other circumstances, the owner of the existing WHUD tower at the property has not yet been able to complete construction of the said replacement tower. Therefore, the applicant is seeking a 1-year extension of their Special Use Permit approval for the Temporary Tower until October 13, 2021.)

William & Laura Cumming, 71 South Mountain Pass Spur, Garrison, New York TM#82.-1-52,53

(The applicant is seeking section 175-11B (Dimensional Requirements) as a subdivision Lot 1: Area from 10 acres to 4.296 acres, a variance of 5.704 acres. As to subdivision Lot 2: Lot frontage from 300 feet to approximately 165.0 feet.

*****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

August 10th, 2020

Minutes

The Zoning Board of Appeals for the Town of Philipstown held a monthly meeting on Monday, August 10th 2020, Via Zoom

PRESENT:

- Robert Dee - Chairman
- Vincent Cestone - Member
- Granite Frisenda - Member
- Paul Clair- Member
- Lenny Lim-Member
- Adam Rodd - Attorney (Drake Loeb PLLC)

Absent:

****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 7:40 P. M.

Minutes

Chairman Robert Dee: To start the meeting the first things will be the minutes. Does anybody have any corrections for the minutes last month?

Granite Frisenda: No corrections

Paula Clair: No corrections here

Vincent Cestone: No

Chairman Robert Dee: Can I get a; Can I get a vote on it?

Vincent Cestone: I'll make a motion

Granite Frisenda: I'll second it

Chairman Robert Dee: All in favor?

Paula Clair: Aye

Granite Frisenda: Aye

Vincent Cestone: Aye

Lenny Lim: Aye

Chairman Robert Dee: Aye, Minutes are excepted

Chairman Robert Dee: First order of business is the Chris Flagg and Heidi Snyder, 699 Old Albany Post Road. Is anybody here for them?

Kelly MacIntyre: I think David Spence

Chairman Robert Dee: David what?

Kelly MacIntyre: David Spence. Are you there David?

David Spence: I am, can you hear me?

Chairman Robert Dee: Yes, I can hear you. Mr. Spence hi, this is Bob Dee I'm the chairman of the board.

David Spence: Hello Bob

Chairman Robert Dee: On your application I don't have a denial letter

David Spence: Correct

Chairman Robert Dee: Okay

David Spence: So, I guess there was a little bit

Chairman Robert Dee: All right hello, anybody hear him?

Kelly MacIntyre: Are you there David?

David Spence: Yeah, can you hear me? Okay I know something kicked me out. So, Greg and I the Building Inspector and I spoke I don't know about a month and a half ago and I wanted to know about the process because we knew right up front that we would need to get a variance based on the fact that the current house is non-conforming and I said instead of putting it together a full set of drawings with construction details and structural and so on and so forth, we don't want to waste out clients time and money if we don't know if we're going to get an approval. So, I said can we sort of streamline the process of getting the full, doing a full permit set and go right to the Zoning and he said yes just send me you know what you have, I'll take a look and we'll kick it over to Zoning for meeting here.

Chairman Robert Dee: All right, I called him today

David Spence: Yeah

Chairman Robert Dee: This afternoon to ask about this, Okay and what he told me was, that he's not finished reviewing

David Spence: Okay

Chairman Robert Dee: So, he said when he is finished reviewing, he'll give you an answer you know, whether it's approved or whether it's denied and you need the denial letter to come before us. So, you have to get that first

David Spence: Okay

Chairman Robert Dee: So, you have to get in touch with him okay, tell him you tell him I spoke, you spoke to me and I spoke to him this afternoon and you know see how long whatever how he's gonna be, you know how long it's gonna be. Now are you gonna be representing these people?

David Spence: Yes

Chairman Robert Dee: Okay, then you're gonna have to get a letter from them, I'm just trying to save you time so, they don't keep getting you know pushed around. You're gonna to have to get a letter from them that you're doing that and it's okay with them okay?

David Spence: Okay

Chairman Robert Dee: That's it, and then speak to him and as soon as you speak to him you get that you contact the, our secretary Kelly and she'll put you on the agenda.

David Spence: Oh, okay so with that denial letter and this letter from the owner's um then

Chairman Robert Dee: We need plans I mean actually, we're gonna have to see what you're doing.

David Spence: Yeah well those are all submitted, everything else is submitted.

Chairman Robert Dee: Okay, good

David Spence: You have all that

Chairman Robert Dee: Okay

David Spence: Um

Chairman Robert Dee: As long as that is submitted, like the deed and stuff I saw you having

David Spence: You have, you have the deed, you have the adjacent property owners, you have um the application itself the questionnaire

Chairman Robert Dee: Right, okay

David Spence: The site survey by a civil engineer uh surveyor excuse me

Chairman Robert Dee: Right

David Spence: Um, so you have everything there

Chairman Robert Dee: Okay, let me ask you a question, Adam

Adam Rodd: Yeah, I'm here

Chairman Robert Dee: He's got all that now do we have to hold it over to next month and you know review it again next month or can we make a tentative that he has the denial letter next month and have a public hearing? Is that legal or not?

Adam Rodd: I mean, I think if you guys are satisfied that you have enough materials now, I mean we could put it over for a public hearing next month on conditions that we do get the letter from Greg Wunner outlining what items that he needs

Chairman Robert Dee: Right, right yeah Mr. Spence I'm just trying not to hold you up because if I, if I do that you know uh, hold you over until next month I wouldn't, you wouldn't it would be not until the next month after that, do you understand? Hello Mr. Spence

David Spence: Yeah, sorry I'm uh you're a little muted on me so, what you're saying is that

Chairman Robert Dee: What I'm trying to do is trying to do is I'm trying to help you

David Spence: Yeah

Chairman Robert Dee: I'm trying to figure out a way that I could,

Unidentified: He doesn't have all the paperwork in?

Chairman Robert Dee: I wanted to do that um, can you hear me Mr. Spence?

David Spence: Yes

Chairman Robert Dee: Okay, what I'll do is if I, if I could it will go through we'll go over it and it's kind of you know uh, out of the ordinary because normally we used to have the letter but I understand what your position here I'm not certainly not trying to hold you up on any kind of project or anything like that because if I hold you up until next month it wouldn't be until the month after that so

David Spence: Yeah, I understand that

Chairman Robert Dee: That's what I'm trying to do, I'm not trying to hold you up so uh, he still had to finish reviewing and we have to get the letter from him. Technically I'm not suppose to do this, until I have the letter of denial but under the conditions, we've been under with the Covid and things like that, I can understand how things become confused and I don't want to hold you up another month.

David Spence: Right, and I really appreciate that. Our um time frame is that if we can get you know if everything's approved and all and we can get construction started late

fall you know before winter frost hits that's our goal. So, like the month does matter to us but I understand that you have to follow protocols.

Chairman Robert Dee: Attorney said that its um that we can do it if we want to, right? correct Adam?

Adam Rodd: Say it again

Chairman Robert Dee: We can do this if we want too? Set it for a public hearing on condition now you get the denial letter is that possible?

Adam Rodd: Yeah, yes

Chairman Robert Dee: Let's do that because I reviewed if and I see that you have the plans there and you have the uh, the deed but I'm going to need that letter too. The other thing you're going to need is the uh letter from the uh owners that you're going to be representing then in this, you know uh in this case in this appeal.

David Spence: Right, right

Chairman Robert Dee: All it has to be in, it's got to be in at least two weeks before our next meeting okay,

David Spence: Okay

Chairman Robert Dee: So, let me put it this way, sooner the sooner the better

David Spence: Yeah, no I'll have the owner's letter by week's end and then and then it's it'll be all up to Greg.

Chairman Robert Dee: Okay, next the next meeting is September 14th

David Spence: Okay

Chairman Robert Dee: we will do the same thing on zoom you know, like that so, when you get the letters and you get the denial and you get the letter of authorization you get then to Kelly, she sends them to us out in a package. Usually she sends the package out like 10 days before so we have time to review it. Time is of the essence.

David Spence: Sure

Chairman Robert Dee: Now if you don't have that denial letter or the other that I can't hear, you understand that?

David Spence: I understand that

Chairman Robert Dee: Yeah, so I'm going to ask the other board members everything in here that you need or is there anything you think that s missing from this application?

Vincent Cestone: I have a question. Is the proposed addition in the same footprint as the current house or are you going outside of the footprints?

David Spence: It is going outside of the footprint of the current house um and it is the addition is with all within conforming setbacks and so on and so forth so, um in other words that that edition itself um meets all the Zoning requirements.

Vincent Cestone: Okay, because it's not on the drawing at least I'm not seeing it maybe I'm looking at an older version.

David Spence: Uh, there's only one version um

Vincent Cestone: I cannot be denoted as being the addition because of its, you know because we have to see that.

David Spence: Uh it's there um, are you, what drawing sheet are you looking at? What drawing number?

Vincent Cestone: I'm looking at the land survey

David Spence: You're looking at the surveyor's drawing, so that is the existing conditions okay, if you look at the architectural drawings with the sit plan, the site plan shows the proposed edition in the back of the house.

Vincent Cestone: Okay

David Spence: The surveyor

Vincent Cestone: When you come there's nothing to hold it back

David Spence: Right, and that's so I'd be happy if you want to quickly take a look at those, let me know if there is something missing, but um

Vincent Cestone: That's what I'm trying to do. Inaudible

David Spence: Yeah, I appreciate that

Vincent Cestone: Delay if possible

David Spence: Right, so the uh if you go to drawing L1 which is the second sheet L1

Vincent Cestone: Oh, okay

David Spence: You'll see the existing house and then the proposed edition

Vincent Cestone: Okay, and it's client engineer. It looks like it's okay to me. Is that okay for everyone else?

Chairman Robert Dee: Yeah, yeah I don't have a problem

Vincent Cestone: If they're happy I'm happy

Chairman Robert Dee: Yeah, yeah I don't unless you know does anybody else have any questions? Granite?

Granite Frisenda: Not at this time

Chairman Robert Dee: Any questions on it? Paula?

Paula Clair: No

Chairman Robert Dee: Okay, Lenny have any questions on it Adam?

Adam Rodd: No

Chairman Robert Dee: No good, okay, can I get a motion that we, that the application you want to complete be complete but, you know with those others things that are missing I guess basically you know have to be in by next meeting.

David Spence: Right

Vincent Cestone: I'll so move

Granite Frisenda: I'll so move

Chairman Robert Dee: Okay, second it, Granite second it

Granite Frisenda: I'll second it

Chairman Robert Dee: All in Favor?

Vincent Cestone: Aye

Paula Clair: Aye

Granite Frisenda: Aye

Chairman Robert Dee: Lenny

Adam Rodd: He said Aye

Chairman Robert Dee: He said aye, good okay. Let's get Mr. Spence

David Spence: Yes

Chairman Robert Dee: Okay, all right. We're going to mark it complete but you understand what you have to have?

David Spence: Absolutely

Chairman Robert Dee: Okay, because otherwise you would lose a month

David Spence: Right, I know I appreciate this

Chairman Robert Dee: Okay, all right fine so you're set

David Spence: Thank you very much

Chairman Robert Dee: That will be September 14th

David Spence: September 14th, all right we'll see you then

Chairman Robert Dee: Same thing and try and get those things as quick as you can okay sir?

David Spence: Will do

Chairman Robert Dee: And if there's any neighbors next door let me tell you it'd be easier for you if you had any neighbors that you're friendly with or something like that. If you get a letter that they have no problems with the edition or something like that, that would help.

David Spence: Okay

Chairman Robert Dee: I don't know if it is possible or not, but that's worth asking seeing that you're going to have to ask them for the letter authorization anyway.

David Spence: Okay, I'll give that homework assignment to my client

Chairman Robert Dee: Okay, fine you're all set. Thank you

David Spence: Okay, thank you very much. Have a good evening.

Chairman Robert Dee: Bye now

David Spence: Bye now

Chairman Robert Dee: All right the next one, uh on the agenda

Lenny Lim: In auditable

Adam Rodd: September 14th

Chairman Robert Dee: September 14th for a public hearing. Next on the agenda is uh, lets see, 28 Lane gate Road I see here I guess Mr. Clark?

Kelly MacIntyre: Dennis Clark, yes

Chairman Robert Dee: Mr. Clark you here? Hello

Kelly MacIntyre: I just let him in

Chairman Robert Dee: You just let him in? Okay. Mr. Clark?

Vincent Cestone: He's muted

Chairman Robert Dee: He's muted

Dennis Clark: Oh, there I am

Chairman Robert Dee: There you are. Okay, Mr. Clark. All right um that is the homeowner. I see, your proposal of what you're doing. Your putting 85 square foot addition to the second kitchen and bath.

Dennis Clark: Yes

Chairman Robert Dee: And then you're gonna be on the second floor where the total square foot that you're adding on to it and then you're gonna the deck you're gonna replace the deck correct?

Dennis Clark: Yes

Chairman Robert Dee: Okay, and the total square footage in under 25 percent, I think it's like four percent something like that so

Dennis Clark: Yeah

Chairman Robert Dee: Don't need a variance for that but, you do need a permit because this house is pre-existing non-conforming right?

Chairman Robert Dee: Right, okay, so the variances you would need then and Adam correct me if I'm wrong would be um, composed on a 20 there's a 27-foot 9-inch side yard setback where 30 foot is required. So, you're looking for two feet or two-foot three-inch side yard bearing.

Dennis Clark: No, that's the rear yard

Chairman Robert Dee: That's the rear yard

Dennis Clark: Yeah

Chairman Robert Dee: No, you got another one for the rear yard.

Dennis Clark: Right

Chairman Robert Dee: You got

Dennis Clark: I'm sorry go ahead

Chairman Robert Dee: Okay, this one I'm talking about is the side yard

Dennis Clark: Yes

Chairman Robert Dee: And then the second one you need is you got a 27-foot three-inch rear yard setback where 50 is required so that is the big one.

Dennis Clark: Right

Chairman Robert Dee: Okay, of course what you're gonna need there is um 22-foot 9-inch variance

Dennis Clark: Right

Chairman Robert Dee: Correct?

Dennis Clark: Yes

Chairman Robert Dee: I did a site survey and I said there's a there's a neighbor next to you on that uh, on that side, is that going to be encroached on her in any way? Let's see if I can stand in front of your house to the left.

Dennis Clark: We can't even see each other's houses from here. She's up above us

Chairman Robert Dee: Okay

Dennis Clark: There's a stone wall in between us and the horses

Chairman Robert Dee: Okay, all right. So, those two variances then you would also need Adam correctly if I'm wrong, he also going to need a uh under 175.23 about the special permit?

Adam Rodd: Well yeah, the other variance that they would need because you're enlarging a pre-existing non-conforming structure, you would require a special permit so, the board will address that and the other variance that you didn't mention Bob was impervious surface coverage

Chairman Robert Dee: Okay

Adam Rodd: And it's a small variance the existing coverage is 21.7 percent you're proposing 22.4 percent and the code has a limit of 10 percent.

Chairman Robert Dee: okay

Adam Rodd: You're increasing impervious surface coverage by less than one percent

Chairman Robert Dee: Less then one percent. Okay, thank you. Is there anybody any board members have any questions on this one?

Vincent Cestone: No

Paula Clair: No

Chairman Robert Dee: Okay, is there anybody in the audience who has any questions on this? Anybody would like to speak? Kelly do you know?

Kelly MacIntyre: No, there's nobody

Chairman Robert Dee: There's nobody there?

Kelly MacIntyre: No

Chairman Robert Dee: There's nobody to speak. At this time point I guess I ask for a motion to approve the variances

Vincent Cestone: I'll make a motion to close the public hearing

Chairman Robert Dee: Close the public hearing, oh I'm sorry. A second?

Granite Frisenda: I'll second

Chairman Robert Dee: All in favor?

Granite Frisenda: Aye

Vincent Cestone: Aye

Paula Clair: Aye

Lenny Lim: Aye

Chairman Robert Dee: Aye. All right now I need a motion to approve the variances?

Granite Frisenda: I'll make the motion

Chairman Robert Dee: that's Granite.

Vincent Cestone: And I'll second

Chairman Robert Dee: And Vinny will second it. Okay now I need a vote. Paula how do you vote on this?

Paula Clair: Aye

Chairman Robert Dee: Granite

Granite Frisenda: Aye

Chairman Robert Dee: Vinny

Vincent Cestone: Aye

Chairman Robert Dee: I'm Aye. And Lenny? How does Lenny vote?

Adam Rodd: Lenny how do you vote?

Lenny Lim: I'm voting a yes

Adam Rodd: Lenny votes yes, if you didn't hear

Chairman Robert Dee: Okay great, all right you're all set there Mr. Hello?

Dennis Clark: Hello

Chairman Robert Dee: You're all set you've been approved.

Dennis Clark: I can't thank you enough

Chairman Robert Dee: I know it's a little confusing on the situation

Dennis Clark: No no no its fine, I'm good

Chairman Robert Dee: We're doing the best we can here, you know what I'm saying here

Dennis Clark: I get it

Chairman Robert Dee: Okay, all right you're all approved and everything. Now you call them, you call the Building Inspector Okay

Dennis Clark: Okay

Chairman Robert Dee: Okay, other then that you have been approved uh because the attorney has to make up the resolution

Dennis Clark: Right

Chairman Robert Dee: I know it's possible that he can approve it through the minutes or something like that. That is something you have to work out with him.

Dennis Clark: Okay, thank you

Chairman Robert Dee: Okay, all right you're all set for tonight thank you

Dennis Clark: Great, thank you

Chairman Robert Dee: You're welcome. Okay, next and last one is 48 Old Albany Post Road. Somebody here representing them? That was uh

Kelly MacIntyre: Yes, there's gonna be two

Chairman Robert Dee: Two, okay

Michael Piccirillo: Hello

Chairman Robert Dee: Michael inaudible right?

Michael Piccirillo: Piccirillo

Chairman Robert Dee: I was close

Michael Piccirillo: That was very close, it's very good

Chairman Robert Dee: Okay, I'm gonna call you Michael, it's a lot easier

Michael Piccirillo: That's fine, that's fine

Chairman Robert Dee: You the contractor or the architect?

Michael Piccirillo: We are the architect

Chairman Robert Dee: you are the architect, okay

Michael Piccirillo: We have an existing non-conforming single-family house

Chairman Robert Dee: Right

Michael Piccirillo: And we are seeking four variances

Chairman Robert Dee: Go ahead

Michael Piccirillo: So, we are looking the existing house has a non-conforming front and rear yard to be a front and side yard. We are looking to add an addition to a second-floor addition to one part of the house. The um, that addition will require a front and side yard variance. The exiting the existing front yard is 57 feet um 60 feet is required.

Chairman Robert Dee: Let me read you what I have and see if it works with uh if it compares to you. I got um you're asking for a 28-foot side yard setback where 30 foot is required so that would mean you're looking for a two-foot variance?

Michael Piccirillo: Correct

Chairman Robert Dee: Okay, right? Correct?

Michael Piccirillo: Yup

Chairman Robert Dee: 30 foot is required and you're looking for 20 and 28 you're gonna so, you're looking for two-foot variance?

Michael Piccirillo: Correct

Chairman Robert Dee: Okay, the second one is they're asking for a 59 front yard setback where 60-foot is required. So, it only comes actually a one yard a one-foot setback that's correct in the front?

Michael Piccirillo: That's correct

Chairman Robert Dee: All right, on one foot okay. Its small so far, and now for the carport, pavilion you're asking for 24-foot 6-inch rear yard setback where 50-foot is required so, that's the big one. That equals, that's a 25-foot 6-inch rear yard barrier right?

Michael Piccirillo: Correct, just keep in mind that existing carport rear yard is 32.5-feet already so, the existing carport setback is 32.5-feet

Chairman Robert Dee: Okay

Michael Piccirillo: So, we are going back another 10-feet roughly 10-feet so

Chairman Robert Dee: Okay, so it comes out to 25-feet 6-inches I guess basically, right

Michael Piccirillo: 24-feet 6-inches correct

Chairman Robert Dee: 24-feet 6-inches, correct. Okay there's 24 inches that's what you are looking for

Lenny Lim: In auditable

Adam Rodd: Bob's still talking

Chairman Robert Dee: Is this the purple house?

Michael Piccirillo: Yes

Chairman Robert Dee: Is this the purple house

Michael Piccirillo: Yes, the purple house for now

Chairman Robert Dee: Okay

Michael Piccirillo: Correct

Chairman Robert Dee: Are you going to paint it?

Michael Piccirillo: Ah, may depends

Chairman Robert Dee: I went and did a site inspection; it was easy to pick out

Michael Piccirillo: Yea, easy to find

Chairman Robert Dee: Now, Adam do also need a special permit for the uh, because this is a pre-existing non-conforming?

Adam Rodd: Correct, but they're only increasing the square footage be three point, this is Maxwell correct?

Chairman Robert Dee: Yes

Adam Rodd: So yeah, they're increasing the square footage by approximately 10 percent so, they're well within the 25 percent limit so, they do need a special permit because they're increasing it but they're well within the 25 percent.

Chairman Robert Dee: Okay, so for the four items and then is the side yard setback, the front yard setback, rear yard setback and then the special permit for the pre-existing non-conforming correct?

Michael Piccirillo: There is also an impervious coverage

Chairman Robert Dee: Right, what is that? In audible

Michael Piccirillo: Correct, so we are looking for 15.68 percent where 10 percent is required.

Chairman Robert Dee: what do you have now?

Michael piccirillo: 12.3. So, we are going from 12.3 to 15.68 so, we are increasing it by 3 percent roughly.

Chairman Robert Dee: in audible okay

Michael Piccirillo: 3.3

Chairman Robert Dee: 3.3 okay. Are there any questions on this one? Any board members?

Vincent Cestone: what's on your property line behind you, where you are encroaching?

Michael Piccirillo: There is uh, in the rear?

Vincent Cestone: Yes

Michael Piccirillo: There's a large hill, I can't even see the next house on any of the two side or the rear I can't even see the next house so,

Vincent Cestone: Okay

Michael Piccirillo: There's topography there's a hill back there and uh

Vincent Cestone: if you had to guess the distance to your neighbor's houses on the side in the back what would you say?

Michael Piccirillo: Um, I would say a couple of hundred feet. Um again I can't even see them.

Vincent Cestone: Okay

Michael Piccirillo: Again I would have to go look at, I mean I don't you know the um the variance that we're seeking are you know obviously pretty minimal um to improve the existing house and I don't see it as being uh anything that's going to be in the way of anyone's view or certainly imposing on any of the neighbor's um so

Vincent Cestone: I just wanted to get it on to the record. I just asked the question

Michael Piccirillo: Absolutely

Paula Clair: I have a question about the second floor. Uh

Michael Piccirillo: Sure

Paula Clair: You're increasing the second floor by a really small amount and I was wondering what you're going to do with it?

Michael Piccirillo: Right now, the um, it's going to be converted from a loft space into a master bedroom master bathroom

Paula Clair: Oh, it is?

Michael Piccirillo: And um, one, correct. Uh it's on the drawings and one of the and then the bedroom downstairs is going to be converted into one of the bedrooms downstairs is going to be converted into a sitting room, family room type space you know with no closets no bathrooms so

Paula Clair: Okay

Michael Piccirillo: That is the idea

Chairman Robert Dee: You're not adding any bedrooms?

Michael Piccirillo: Correct, We can't, we can't we're on septic no

Chairman Robert Dee: Right, I just wanted to check this out.

Michael Piccirillo: sure

Chairman Robert Dee: Is there anybody here who uh, any in the audience anybody else would like to speak? Neighbor's or any other person Kelly?

Kelly MacIntyre: No, there's nobody else in the audience

Chairman Robert Dee: all right, I just want to go over the five factors quickly with this so, uh factor number one, what is the personal what is the possible detriment uh would be the variance on nearby properties? No detriment are nearby properties which are visibly shielded from one another by trees. Well, I went up there I took a site inspection on it. I agree with that, you got like a big rock, rock hill in the back you know something like that so I don't see an issue with that. The second one was, what impact would the variants have on a character of the neighborhood? The scale of the pro's improvement is in the keeping with the scales of the structure in the immediate surrounding neighborhood. Um, I agree with that. My only problem there if you didn't get the

variance how else could you build what you want to accomplish. The second-floor addition is over the existing first floor so there was no alternative location. The proposed carport is in the same location as the existing carport and its specification because is at the end of the existing driveway. The pavilion creates an outdoor living space, a flat part of the site so, I agree that I don't see an issue there. What is the code requirement your seeking to variance, well we went through that, front yard, rear yard, side setbacks and the pervious coverage and the special permit. What is the variance you seek is six percent you've got percentage here and the reduction side yard and reduction of the front yard. They are not big percentages. I don't see a problem there. What impact would the effect would the variance have in a current physical envirmetal condition. No different current physical environmental conditions. Uh its of a rocky setting there so, I agree with it there uh housing is existing un non-conforming. What is the values requested? Existing non-conforming (In audible) front yard and setback coverage and eliminates one side yard but we'll give it, we have that one special permit in there for that uh you know pre-existing non-conforming so that would cover that. Anybody have any questions? Any Board members and everybody? No? All right, can I get a motion to close the public hearing?

Vincent Cestone: I'll move

Chairman Robert Dee: Okay, Vinny. Who seconds it?

Granite frisenda: Second

Chairman Robert Dee: Granite

Chairman Robert Dee: Now can I get a motion to vote on this application?

Vincent Cestone: I'll make that motion

Chairman Robert Dee: Second

Granite Frisenda: I'll second

Chairman Robert Dee: Okay, Granite will second it. I'm gonna take a vote. Granite how do you vote?

Granite Frisenda: I approve

Chairman Robert Dee: Approve, Okay. Vinny?

Vincent Cestone: I'll approve

Chairman Robert Dee: Adam how does Lenny vote?

Adam Rodd: Lenny how do you vote?

Lenny Lim: I approve

Adam Rodd: Lenny approves

Chairman Robert Dee: Okay, Paula

Paula Clair: I approve also

Chairman Robert Dee: I approve also. Okay, you're all set. You still there Michael?

Michael Piccirillo: In audible

Chairman Robert Dee: Give a call to the Building uh you know tell them that's been approved and then you can uh get more information from them how you're gonna proceed okay?

Michael Piccirillo: Fantastic, thank you guys appreciate it

Chairman Robert Dee: It's all right, have a good night

Michael Piccirillo: Have a good night

Chairman Robert Dee: Does anybody have anything? No

Vincent Cestone: whatever happened to that application for those people on Ferris Drive back in February? I still have the records. Did they pull back or are they just not doing anything right now?

Chairman Robert Dee: he called me and he told me that he had spoken with Greg and it was kind of taken care of so, I don't know maybe he's going to change around his designs or something like that. Where he wouldn't need to come before us. That's the last I have heard of it, okay

Vincent Cestone: Okay

Chairman Robert Dee: And I have not heard anymore from the guy. He phoned me on it so, I'll ask the Building Inspector next time I'm talking to him you know on it. Maybe I can get some more information on it. Maybe he decided not to do it I don't know you know

Vincent Cestone: Yeah, bad timing

Chairman Robert Dee: Yeah, Yeah I know. I passed by there in all honesty, its my neighbors just like last week and nothing has been done on the house itself. So, he probably he might have backed out on it you know just maybe fic up the house the way it is and not you know not uh make any addition.

Vincent Cestone: Okay

Chairman Robert Dee: Okay

Paula Clair: I was wondering, I missed the last meeting but the, um letter from Drake and Loeb regarding Cummings

Chairman Robert Dee: Yeah, that's not before us. That's a lot line change or something you know

Paula Clair: Yeah

Chairman Robert Dee: So, we don't have any information so, there's nothing we could discuss

Paula Clair: Okay, so yeah because it, alright because it says that they need a variance from us before they could do it

Chairman Robert Dee: Well there not here

Paula Clair: Oh, Okay

Chairman Robert Dee: They don't have any so, you know when it comes before us we'll handle it when it comes before us

Paula Clair: Okay

Chairman Robert Dee: Right now, we don't have it so

Paula Clair: Okay

Chairman Robert Dee: Anybody else have any questions or anything? Anything? No? all right can I get a motion

Granite Frisenda: Zoom for next meeting?

Chairman Robert Dee: Next meeting is gonna be September 14th and we are staying on zoom. I think at this point in time the zooms working out for us. Does anybody have any issues with it? No? If anybody wants to go into the gymnasium or something like that, let me know.

Granite Frisenda: Okay

Vincent Cestone: I have no problem

Chairman Robert Dee: Okay, alright so lets just keep it this way until uh you know somebody else with the schools starting and everything like that who know what the heck is gonna happen. You know with kids going back to school and everything like that. Nobody really knows where we're going with this one. Can I get a motion to adjourn?

Vincent Cestone: I'll move

Granite Frisenda: Second

Chairman Robert Dee: Granite you'll second that

Chairman Robert Dee: Okay, that's it. Thank you everybody and we will see you next month.

(THE MEETING ADJOURNED AT 8:10pm PM BY (UNANIMOUS DECISION))

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

DATED APPROVED: _____

Respectfully submitted,

Kelly MacIntyre

Secretary

Christopher S. Flagg
1 Bleecker Street, Apt. 2
New York, NY 10012

August 18, 2020

Zoning Board of Appeals
Philipstown, NY 10516

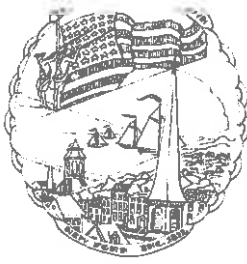
RE: Owner Authorization Letter – Proposed addition at 699 Old Albany Post Rd

To whom it may concern:

I, Christopher S. Flagg, - Owner of 699 Old Albany Post Rd. - authorize my architect David Spence, to represent me in the upcoming Zoning board meeting and present my project and request for variances to the members of the board.

Sincerely,


Christopher S. Flagg



Town of Philipstown

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

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

Chris and Heidi Flagg
Bleeker St. Apt 2
New York N.Y. 10012

8-17-2020

Ref: Application for building permit
Proposed Barn Addition
699 Old Albany Post Rd.
Tax map # 61.-3-6 (RC Zone)

Included:

1. Application for building permit
2. Construction plans
3. Site plans with dimensions

The application proposes a 1762 sq. ft. addition to a 2888 sq. ft. pre-existing, non-conforming structure. The application does not comply with section 175-23 B 2.

Further the proposed addition exceeds 1000 sq. ft. and also proposes a cumulative footprint of over 3000 sq. ft. requiring site plan review as per the Town of Philipstown Use Table.

Therefore the application at this time is Denied.

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

Any questions please contact this office.

Greg Wunner

Code Enforcement Officer

LAW OFFICES OF
SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

(914) 333-0700

FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

email to LSnyder@Snyderlaw.net

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

Tarrytown Office

NEW YORK OFFICE
445 PARK AVENUE, 9TH FLOOR
NEW YORK, NEW YORK 10022
(212) 749-1448
FAX (212) 932-2693

LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

August 24, 2020

Honorable Chairman Robert Dee
and Members of the Zoning Board of Appeals
Town of Philipstown
238 Main Street
Cold Spring, NY 10516

Re: Special Use Permit and Variance Appeal #908
New York SMSA Limited Partnership d/b/a Verizon Wireless
Public Utility Temporary Tower at the property known as
Section 83.18, Block 1, Lots 22 & 23 on the Tax Map and
located at 22 Sky Lane, Garrison (Town of Philipstown), NY ("Property")

Dear Hon. Chairman Dee and
Members of the Zoning Board of Appeals:

We are the attorneys for New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with Verizon Wireless' temporary tower for antennas and related improvements ("Temporary Tower") at the Property. As you may recall, on July 9, 2019, the Zoning Board of Appeals ("ZBA") granted a one year extension of Special Use Permit and Variance Appeal #908 for the Temporary Tower, expiring on October 13, 2020. Copies of the ZBA's original approval and extension approval for the Temporary Tower are attached hereto for your reference.

As you recall, Verizon Wireless intends to relocate its antennas and related improvements from the Temporary Tower to the replacement tower for the existing WHUD tower at the Property. However, due to COVID-19 and other circumstances, the owner of the existing WHUD tower at the property has not been able to complete the construction of said replacement tower. Therefore, pursuant to Section 175-62H.(1) of the Town of Philipstown Zoning Code, Verizon Wireless respectfully requests an additional one year extension of the special use permit approval for the Temporary Tower until October 13, 2021.

We look forward to discussing this matter at your next meeting. If you have any questions, please do not hesitate to call.

Sincerely yours,



Leslie J. Snyder

cc: Verizon Wireless

Z:\SSDATA\WPDATA\SS4\WP\NEWBANM\Mike Bonhomme\Lake Peekskill- 22 Sky Lane\Zoning\COW\ExtensionLetter fin.doc



Town of Philipstown

Zoning Board of Appeals
238 Main Street, PO Box 155
Cold Spring, NY 10516

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

July 15, 2019

Michael Sheridan
Snyder & Snyder, LLP
94 White Plains Rd
Tarrytown, New York 10591

Re: Special Use Permit & Variance Appeal #908
NYSMSA Limited Partnership d/b/a Verizon Wireless
Public Utility Wireless Communication Services Facility
At property 83.18-1-22 & 23, 22 Sky Lane, Garrison

Mr. Sheridan,

As you are aware, your office submitted a request for a 1-year extension of your Special Use Permit for Verizon Wireless to place antennas and related improvements on a temporary tower located at 22 Sky Lane, Garrison in the Town of Philipstown. At the July 9, 2019 meeting of the ZBA, the ZBA voted 4 to 1 to grant a 1-year extension of your Special Use Permit. Please be advised that the 1-year extension will expire on October 13, 2020, 1-year from the expiration date of the original resolution. If you have any questions please contact the office at 845-265-5202.

Thank you,

Robert Dee
Town of Philipstown
Zoning Board of Appeals

Cc: Adam L. Rodd, Esq.

TOWN OF PHILIPSTOWN ZONING BOARD OF APPEALS

X

In re the application of:

NEW YORK SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS

SPECIAL USE PERMIT AND
VARIANCE
APPEAL # 908

For a Special Use Permit and Area Variance to locate
a temporary wireless communications facility in accordance with
Sections 175-46 of the Town' Zoning Law

X

In 2015 the ZBA granted a "Special Permit" to New York SMSA Limited Partnership d/b/a Verizon Wireless for the placement of an antenna array on the existing 390± foot WHUD tower at 22 Sky Lane. However, the WHUD tower (hereinafter referred to as "existing tower") was subsequently found to be structurally deficient (based upon recent changes in Federal design requirements) and so the antennas were never installed.

As a result, the applicant, New York SMSA Limited Partnership d/b/a Verizon Wireless, has applied for an amended special permit (to its existing special permit (Approval # 889, November 9, 2015) and area variance to place Verizon Wireless' antennas and related improvements on a 100 foot temporary tower ("Temporary Facility") at the property located at 22 Sky Lane, Garrison, New York. On August 30, 2017, the applicant submitted an application to the Zoning Board of Appeals of the Town of Philipstown for the special use permit and variance for such Temporary Facility.

The applicant submitted an application consisting of plan materials prepared by Tectonic Engineering & Surveying Consultants, PC, a Statement of In Support of Application, with exhibits

RECEIVED
12/19/17
DK

and a Short Environmental Assessment Form. On September 25, 2017 the applicant submitted additional information, including a Full Environmental Assessment Form.

On September 11, 2017 and October 2, 2017, the applicant's representative, Leslie Snyder of Snyder & Snyder LLP appeared before the Zoning Board of Appeals in order to discuss the nature of the proposal. At its September 11, 2017 meeting, the Zoning Board classified the proposal as a "minor project" special permit application. A Public Hearing was held on October 2, 2017. No members of the public spoke regarding the application. The public hearing was closed on October 2, 2017.

The application was referred to the Putnam County Department of Planning pursuant to General Municipal Law §239-1, m and n, which responded recommending approval. The application was also referred to the Town Engineer, Ronald J. Gainer, P.E., who provided comments to the ZBA on August 8, 2017 and September 8, 2017.

As noted above, the applicant submitted a Full Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"). Given that there are no other permitting agencies associated with this application, a coordinated review was not required.

FINDINGS AND CONCLUSIONS

I. SEQRA DETERMINATION – NEGATIVE DECLARATION

Based on its consideration of the available information, the Zoning Board of Appeals found that there would be no significant adverse environmental effects associated with the Temporary Facility. With respect to impacts on the land, the proposed facility will result in a minimal physical change to the project site considering the site is already improved by an existing tower. The proposed project will not have an effect on unique or unusual land forms on the site. With respect to impacts

on water, the proposed action will not affect any water body designated as protected, or any non-protected existing or new body of water. The proposed project will not affect surface or groundwater quality or quantity. With respect to impact on air, the proposed action will not affect any threatened or endangered species or substantially affect non-threatened or non-endangered species. With respect to agricultural land resources, the proposed action will not affect agricultural land resources. With respect to impacts on aesthetic resources, the proposed action will not have a significant adverse impact on aesthetic resources given that the site is currently improved with an existing tower. With respect to impact on historic and archaeological resources, the proposed action will not impact any site or structure of historic, pre-historic or paleontological importance. With respect to impact on open space and recreation, the proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities. With respect to impact on critical environmental areas, the proposed action will not impact the exceptional or unique characteristic of a critical environmental area. With respect to impacts on transportation, there will not be an effect to existing transportation systems. With respect to impact on energy, the project will not affect the community's sources of fuel or energy supply. With respect to noise impacts and odor impact, there will not be objectionable odors, noise, or vibrations as a result of the proposed action. With respect to impacts on public health, the proposed action will not affect public health and safety. With respect to impacts on growth and character of community or neighborhood, the proposed action will not have an impact on the character of the existing community. No other potentially significant harmful environmental impacts were identified.

On October 2, 2017, having reviewed with due care and diligence the EAF submitted by the application, the application herein and all pertinent documentation, the Zoning Board of Appeals

determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts.

I. SPECIAL USE PERMIT

The application is a "minor project" requiring a special permit. Based on the Town Zoning Code Section 175-63A, before granting or denying a special permit for a "minor project", the Zoning Board of Appeals must make general findings that none of the criteria for major projects listed below will be violated, which the Board considered and are set forth below:

- (1) the project will comply with all land use districts, overlay districts, and other specific requirements of Chapter 175 and other chapters and regulations, and will be consistent with the purposes of this chapter and of the land use district in which it is located; and
- (2) the project will not result in excessive off-premises noise, dust, odors, solid waste, or glare or create any public or private nuisances; and
- (3) the project will not cause significant traffic congestions, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, as well as any improvements proposed to be made to them by the applicant; and
- (4) the project will be accessible to fire, police, and other emergency vehicles; and
- (5) the project will not overload any public water, drainage, sewer system, or any other municipal facility; and
- (6) the project will not materially degrade any watercourse or other natural resource or ecosystem and will not endanger the water quality of an aquifer; and
- (7) the project will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, hydrology, and if appropriate, its ability to be buffered or screened from neighboring properties and public roads; and

(8) the project will be subject to such conditions on operation, design and layout of structures, and provision of buffer areas as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town; and

(9) the project will be consistent with the goal of concentrating retail uses in hamlets, avoiding strip commercial development, and buffering nonresidential uses that are incompatible with residential use is not applicable to this project; and

(10) the project will not adversely affect the availability of affordable housing in the Town is not applicable to this project; and

(11) the project will comply with applicable site plan criteria in §175-65D; and

(12) the project, which is located in a residential district, will have no greater overall off-site impact than would full development of the property with uses permitted by right, considering relevant environmental, social and economic impacts.

Following conclusion of the Zoning Board of Appeals consideration of the above findings, the Zoning Board voted to grant the amendment to the special permit for the Temporary Facility. Pursuant to Section 175-65, no separate site plan approval shall be required for uses requiring a special permit.

II. VARIANCE

The applicant sought an area variance from §175-46(G) pertaining to a front yard setback for communications towers. The Temporary Facility has a 50 foot front yard setback where a 150 foot setback is required for communications towers. The Zoning Board of Appeals took into consideration the benefit to the applicant if the variance was granted as weighed against the detriment to the health, safety, and welfare of the neighborhood and community. The Zoning Board of Appeals also considered those criteria for a variance as set forth at Town Law §267-b(3) and determined that:

1. An undesirable change will not be produced in the character of the neighborhood and a significant detriment will not result to nearby properties if the variance is granted, since the Temporary Facility will serve the neighborhood and benefit the community by providing essential wireless telecommunications services, which are particularly well suited for responding to accidents, natural disasters, and for reporting medical emergencies and other dangers such as potential criminal activity; and

2. the benefit sought by the applicant cannot be achieved by other methods, since Verizon Wireless cannot collocate its antennas on the existing tower until said existing tower is replaced. As such, the requested front yard setback is unavoidable since the Temporary Facility needs to be placed in a location to allow for the replacement of the existing tower and enable Verizon Wireless to provide its service; and

3. the variance, if granted, will not have an adverse effect or impact on the physical and environmental conditions in the neighborhood, since the Temporary Facility will have no impact on pedestrian or vehicular traffic, will not produce any smoke, gas, odor, heat, dust, noise above ambient levels, fumes, vibrations or flashing lights, and will not generate solid waste, waste water or sewage, will not require water supply or waste disposal, and will not attract insects, vermin or other vectors; and

4. the variance request is not substantial, since the Temporary Facility is not permanent and will be removed upon replacement of the existing tower; and

5. the difficulty, created by the applicant, does not preclude the granting of the variance.

Following conclusion of the Zoning Board of Appeals consideration of the above findings, the Zoning Board voted to grant the area variance.

CONCLUSION

Due to the temporary nature of the Temporary Facility, the applicant has agreed that it will remove the Temporary Facility once its antennas are collocated on the tower replacing the existing tower at the property and such removal shall be a condition to the applicant's building permit for such collocated antennas. If requested, the applicant shall provide a removal bond in the amount of \$10,000 to assure the removal of the Temporary Facility.

It is understood that the special permit for the Temporary Facility will be valid for two years from the date of the building permit for the Temporary Facility and if the existing tower is not replaced and applicant's antennas collocated thereon by such date, the applicant can request an extension from the Zoning Board to keep the Temporary Facility at the Property.

Based on these findings, the Board adopted a negative declaration under SEQRA, and granted the special permit and variance for the applicant's Temporary Facility.

ROLL CALL VOTE

The question of the foregoing Resolution calling for approval of the special permit and variance was put to a roll call vote on the 2nd day of October, 2017, and the results were as follows:

Vincent Cestone, Member – Voting Aye

Leonard Lim, Member – Voting Aye

Paula Clair, Member – Voting Aye

Granite Frisenda – Voting Aye

Robert Dee – Voting Aye



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

APPEAL # 935

Tax Map # 82.-1-52 & 53

Final hearing date _____ Zoning Board decision APPROVED / DENIED

Date application submitted 8/24/2020

Application Fee \$ 100.00 Escrow \$ N/A Received by LV

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

I (we), William and Laura Cumming

residing at 71 South Mountain Pass Spur, Garrison, NY 10524

Telephone: home cell 917-443-3223 business _____

HEREBY appeal the decision of (name and title) Philipstown Planning Board

whereby he/she

GRANTED DENIED a BUILDING PERMIT a CERTIFICATE OF OCCUPANCY

For Approval of a Minor Subdivision

To William and Laura Cumming

of 71 South Mountain Pass Spur

For property at tax map # 82.-1-53 & 82.-1-52 in zoning district RC (Rural Conservation)

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:

71 South Mountain Pass Spur, Garrison, NY 10524

Route 9D South , make left on South Mountain Pass, then left on to South Mountain Pass Spur.

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)

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:

Section 175-11B (Dimensional Requirements)

As to Subdivision Lot 1: Area from 10 acres to 4.296 acres, a variance of 5.704 acres

As to Subdivision Lot 2: Lot Frontage from 300 feet to approximately 165.0 feet

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

Failure to grant variance would deny applicants reasonable use of their property. Applicant's subdivision plan represents their best effort to make their lots as conforming to the current zoning as possible.

(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 town code for granting of a special use permit.


STATE OF NEW YORK, COUNTY OF Putnam

Laura Cumming 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 25th day of August 2020



Notary, Putnam County

MARY GANSWINDT
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01GA6373538
Qualified in Putnam County
Commission Expires April 9, 2021

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

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

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

**PHILIPSTOWN ZONING BOARD OF APPEALS SUPPLEMENTAL
WORKSHEET FOR AREA VARIANCE APPLICANTS**

In accordance with state law, the Zoning Board must grant or deny an area variance based on specified factors and a balancing of "the benefit to the Applicant" if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community submitting and presenting your case to the Zoning Board. Please complete the factors 1 a - 5 below and submit with your application (attach additional pages if necessary). We have provided suggested questions which will assist you in answering each factor and in preparing for the Board's review. It is strongly suggested that you structure your presentation at the hearing in accordance with the factors. Provide facts and proof to support each factor.

FACTORS TO BE CONSIDERED BY THE BOARD

1 a. What possible detriment would the variance have on nearby properties? How close are nearby structures? Will your structure be visible to others or will it block a view? Do you propose exterior lights?

There would be no detriment to nearby properties. The two houses currently exist and will continue to exist regardless if the variances are granted. Each of the houses will have same capacity regardless whether variances are granted. So, while impacts such as traffic increase because of increase in the number of people living in one or the other of the houses, that can happen regardless of whether the variances are granted or not. New construction is not proposed. New lighting is not proposed.

1 b. What impacts would the variance have on the character of the neighborhood? Have others in the neighborhood received similar variances? Does the Neighborhood contain similar structures with similar setbacks/heights etc.? Is your property similar to or different from others in the area? If several of your neighbors were to receive variances in the future similar to the one you now request, would the neighborhood be changed?

Similarly, granting the variances will not change the character of the neighborhood because the variances will not result in additional houses. Others in the neighborhood have not received similar variances. Others in the neighborhood are not likely seek similar variance because the situation being presented is, if not unique, rare. Dwellings in the neighborhood do not follow general design pattern. They vary widely in design and appearance. Most are built on fairly large lots and are well setback. Few, if any, have multiple houses on a single parcel that cannot be legally subdivided. However, parcels so improved do exist, a similar variance would have the same affect, there would be no physical change in the appearance of the neighborhood.

2. If you didn't get the variance, how else could you build what you want or accomplish your goal? For example: different location or design; shorter fence; smaller deck; smaller overhang or addition?

The appellants' goal is to have each of their two homes on separate lots. They cannot accomplish this without the variances they seek. It is obvious that the variances are needed. What is not so obvious is the fact that granting the variances will remove the non-conformity that exists by the mere fact that the houses exist on a lot that is too small to accommodate more than one house.

3. What is Code requirement you seek to vary? The appellants seek variances from the frontage and area requirements of the zoning law.

How large of a variance do you seek? As to Lot 1, the appellants seek a variance of the lot area from 10 acres to 4.296 acres. a variance of 5.7 acres. As to Lot 2, the appellants seek a variance of the required frontage from 300 feet to 165.0.

4. What impact or effect will the variance have on the current physical and environmental conditions in the area? Is there grading (or blasting) proposed? Will you be paving previously unpaved surfaces? Are you proposing to remove any vegetation? Are there wetlands or other watercourses on site? Will normal drainage patterns be affected? How close are the nearest wells and septic systems? Will the proposed use or activity produce emissions (noise or odors)? Will traffic be increased? Is the area considered scenic?

Because there will be no physical change in the property, no grading, no building that will result if the variance is granted, there will be no impact of effect on the current physical and environmental conditions in the area. There will be no additional paving or removal of vegetation. There will be no effect on wetlands or water courses, Drainage patterns will not change. Wells and septic systems on other lots are over 100 feet away, and in most cases several hundred feet away. Noise and odors are not currently produced and granting the variances will not facilitate them. Traffic will not increase. The area is considered scenic, Still, granting the variances will not impact the scenic nature of the area.

5. Is the variance requested as a result of a "self-created hardship? Was there a need for the variance when you purchased the property? How long ago did you purchase the property? Did you build the structure without a permit? Is the need for a variance as a result of someone's mistake? Describe.

The variance is not self-created. The second house was built under the old zoning law that defined a single family residence in a manner that allowed more than one house to be considered a single family dwelling. When the property was acquired the second house did not exist. Since the second house was built, the appellans acquired additional land in an effort to reduce their non-conformities. The houses were permitted when they were constructed. The need for the variances were not the result of someone's mistake.

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 22nd day of October, nineteen hundred and ninety-one BETWEEN

LAURA J. CARMODY, residing at 102 West 79th Street, Apt. 4D, New York, New York 10024;

party of the first part, and

WILLIAM R. CUMMING and LAURA J. CARMODY, a/k/a LAURA J. CUMMING, husband and wife, residing at 102 West 79th Street, Apt. 4D, New York, New York 10024;

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other 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, being more particularly bounded and described on SCHEDULE A which is annexed hereto and made a part hereof.

BEING the same premises conveyed by Robert J. Carmody to Laura J. Carmody, by deed dated October 25, 1990, and recorded in the Putnam County Clerk's Office on November 2, 1990, in Liber 1107 of Deeds at Page 160.

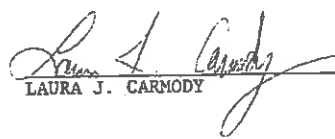
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; 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 whatsoever, 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" whenever the sense of this indenture so requires. IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

ROMBOUT ABSTRACT
831-3697
RAD 6268


LAURA J. CARMODY

SCHEDULE A (description)

1140 - 127

RAD NO. 6268
Title No.

ALL that certain plot, piece or parcel of land situate, lying and being in the TOWN OF PHILIPSTOWN, County of Putnam and State of New York, bounded and described as follows:

BEGINNING at a point on the center line of a trail, known as Appalachian Trail, at the northwest corner of property heretofore conveyed to Frank E. West, by a certain deed recorded in the Putnam County Clerk's Office in Liber 678 of Deeds at Page 318, said point being also the northwesterly corner of property heretofore conveyed to Robert J. Carmody and Lydia A. Carmody, his wife, in liber 695 of Deeds at Page 301, and running thence S 87-14-00 E 6.36 feet, N 88-54-20 E 89.45 feet; N 88-02-30 E 234.30 feet, S 87-10-54 E 672.18 feet, S 80-06-00 E 133.71 feet to a corner in the property now or formerly of Estate of William M. Evarts and Landon Evarts; thence along lands of said Landon Evarts and along the centerline of the aforesaid Trail, S 13-00-00 W 70.12 feet, S 05-04-30 W 206.12 feet, on an arc to the left having a radius of 250.00 feet and a central angle of 23-45-00, a distance of 103.63 feet to a point where the radial of said curve bears S 61-10-30 E and to a point in the lands now or formerly of Lark I. Kulleseid; thence along lands now or formerly of said Kulleseid S 87-09-30 W 848.85 feet to a point in line of lands now or formerly of Clifton; thence N 25-39-05 W 311.11 feet, S 77-42-20 W 378.65 feet and N 77-20-20 W 250.00 feet to a point in the centerline of the Appalachian Trail; thence along the center line of said trail, along a curve to the right having a radius of 100.09 feet and a central angle of 43-29-20, a distance of 75.89 feet to a point of reverse curve; thence running along a curve to the left having a radius of 250.00 feet and a central angle of 19-15-20 and a distance of 84.04 feet, N 75-17-00 E 158.54 feet to a point; thence running on a curve to the left having a radius of 150.00 feet, a central angle of 15-48 and a distance of 41.36 feet to a point of reverse curve; thence running on a curve to the right having a radius of 150.00 feet, a central angle of 11-16-20 a distance of 29.51 feet to a point of reverse curve and thence running along a curve to the left having a radius of 350.00, a central angle of 31-21-05 a distance of 191.51 feet still along the Appalachian Trail to the point or place of BEGINNING.

TOGETHER with a right-of-way 50.0 feet wide for ingress and egress over the abovementioned Appalachian Trail from Manitou Road for a total distance of 3066.47 feet to the extent, if any, that the party of the first part has rights in said Appalachian Trail and may legally grant this right-of-way.

SUBJECT to the rights of others over a strip of land 25.0 feet wide at the northwesterly corner of the above-described premises measured southeasterly from the center line of the aforementioned Appalachian Trail for the purpose of ingress and egress to and from the abutting properties.

1140 - 128

STATE OF NEW YORK, COUNTY OF PUTNAM ss:
On the 22nd day of October, 19 91, before me personally came LAURA J. CARMODY

STATE OF NEW YORK, COUNTY OF ss:
On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

Handwritten signature of Michael J. Tighe
NOTARY PUBLIC
MICHAEL J. TIGHE
Notary Public, State of New York
No. 4513044
Qualified in Putnam County
Commission Expires 4/30/97

STATE OF NEW YORK, COUNTY OF ss:
On the day of 19 before me personally came
to me known, who, being by me duly sworn, did depose and say that he resides at No.

STATE OF NEW YORK, COUNTY OF ss:
On the day of 19 before me personally came
the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of
the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

that he knows
to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Tax Mailing Address:

102 West 79th Street, Apt. 4D,
New York, New York 10024

Margain and Balr Beed

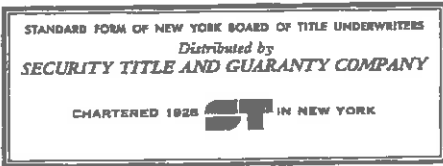
WITH COVENANT AGAINST GRANTOR'S ACIS

TITLE No. RAD No. 6268
LAURA J. CARMODY,

SECTION 82
BLOCK 1
LOT 53
COUNTY OR TOWN County of Putnam
Town of Philipstown

TO
WILLIAM R. CUMMING and LAURA J. CARMODY,
a/k/a LAURA J. CUMMING.

RETURN BY MAIL TO:



MICHAEL J. TIGHE, ESQ.
81 Main Street
P. O. Box 313
Cold Spring, New York 10516
Zip No.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

Recording office stamps including: PUTNAM COUNTY CLERK'S OFFICE, RECEIVED ON THE 1 DAY OF 21 OCT 19 91, BOOK No. 1140 OF SEEDS, AT PAGE 126 AND EXAMINED, RECEIVED REAL ESTATE NOV 1 1991, TRANSFER TAX PUTNAM COUNTY, 19.00 T. Tax exempt, Nov 1 10 23 AM '91.



Michael C Bartolotti, County Clerk
 Putnam County Office Building
 40 Glencida Avenue Room 100
 Carmel, New York 10512



ACS-000000000418473-000000000815131-006

Endorsement Page

Document # 1503031 Drawer # 02 Recorded Date: 11/24/2017
 Document Type: DEED COM OR VACANT Book 2062 Page 458 Recorded Time: 3:24:39 PM
 Document Page Count: 7 Receipt # 19312

PRESENTER: SNEERINGER MONAHAN PROVOST REDGRAVE 420 WARREN STREET HUDSON, NY 12534	RETURN TO: SNEERINGER MONAHAN PROVOST REDGRAVE 420 WARREN STREET HUDSON, NY 12534
---	---

PARTIES

GRANTOR LARS ERIK KULLESEID	GRANTEE LAURA J CUMMING
---------------------------------------	-----------------------------------

FEE DETAILS

Consideration:	\$147,100.00
1503031	
DEED COM OR VACANT 6	50.00
TP-584 1	5.00
CULTURAL EDUCATION	15.00
RP-5217 COMMERCIAL	250.00
RECORD MANAGEMENT	5.00
TRANSFER TAX	590.00
PROCESSING FEE 1	1.00
AMOUNT FOR THIS DOCUMENT:	916.00
RETT # 00000877	

RESERVED FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED PURSUANT TO S315
 REAL PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES

Michael C. Bartolotti
 Putnam County Clerk

BARGAIN AND SALE DEED with Covenant against Grantor's Acts

THIS INDENTURE, made the 28th day of October 2017

BETWEEN

LARS ERIK KULLESEID, SARA INGRI KULLESEID and NILS GUNDERSEN KULLESEID, having an address at 126 Lancaster Street, Albany, New York 12210, party of the first part; and

LAURA J. CUMMING, having an address at 71 South Mountain Pass Spur, Garrison, NY 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, the sufficiency and receipt of which is hereby acknowledged, 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, generally identified as Tax Parcel # 82.-1-52, and more particularly described in **Schedule A** annexed hereto.

TOGETHER, with all the 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 line thereof;

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

SUBJECT TO a Deed of Conservation Easement dated as of September 9, 2017, and recorded on _____, 2017, in the Office of the Putnam County Clerk at Liber _____ of Deeds, Page _____.

TO HAVE AND TO HOLD the Premises herein granted unto the party of the second part, their 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" whenever the sense of this indenture so requires.

SCHEDULE A

ALL that certain parcel of land situate in the Town of Philipstown, County of Putnam, and State of New York that was heretofore conveyed by Lars I. Kulleseid and Margaret G. Kulleseid to Lars Erik Kulleseid, Sara Ingri Kulleseid and Nils Gundersen Kulleseid (The Kulleseid Siblings) by that certain deed dated December 30, 1991, and recorded in the Putnam County Clerk's Liber 1144 of deeds at Page 337 that by more recent survey is bounded and described as follows:

BEGINNING at the point that is the southeasterly most corner and the point of beginning of the lands so conveyed to The Kulleseid Siblings, which point is distant, the following courses:

N 47°14'51" W 429.35 feet,
N 43°22'09" E 482.87 feet,
N 87°35'09" E 35.16 feet, along the center of a brook.
S 69°05'51" E 21.46 feet, along the center of a brook,
N 77°59'09" E 60.38 feet, along the center of a brook
S 59°39'51" E 16.02 feet, along the center of a brook and
N 63°38'09" E 525.22 feet,

measured along the line dividing lands now or formerly of Lars Kulleseid on the southwest, west and northwest, from land formerly of Myron Hofer (Liber 568 cp 130), on the northeast, east and southeast, and then the following, first

N 16°15'21" W 153.66 feet, and
N 25°01'51" W 233.54 feet

then on a tangent curve to the right, the central angle of which is 46°07'50", the radius of which is 250.00 feet for 201.28 feet, then on a curve reversing to the left, the center of which bears N68°54'01"W, the central angle of which is 37°36'50", the radius of which is 100.00 feet for 65.65 feet, then

N 16°30'51" W 100.00 feet

then on a tangent curve to the right, the central angle of which is 29°16'30", the radius of which is 250.00 feet for 127.74 feet, then on a curve reversing to the left, the center of which bears N77°14'21"W, the central angle of which is 21°07'30", the radius of which is 300.00 feet for 110.61 feet, then

N 08°21'51" W 110.60 feet, and
N 02°24'49" E 143.39 feet

and then on a tangent curve to the right, the central angle of which is 13°37'08", the radius of which is 250.00 feet for 59.42 feet, measured along the line dividing lands now or formerly of Lars Kulleseid on the west from other lands formerly of Webb, on the east from the point on the

northerly line of South Mountain Pass where it is met by the line dividing lands formerly Lars Kulleseid from lands formerly of Hofer. The said point of beginning also being the northeasterly most corner of the lands shown on that certain "Minor Subdivision Plat prepared for Lars Kulleseid ...," which was filed in the Putnam County Clerk's office on April 14, 1997 as Map No. 2711.

THENCE from the said point of beginning along lands now or formerly of Lars Kulleseid and shown on said Filed Map No. 2711

S 85°10'39" W 117.51 feet, and
S 45°39'59" W 325.21 feet,

to a point at the line of other lands formerly of Webb and now or formerly of Morgan. Thence along the said Morgan lands

S 68°52'40" W 330.36 feet,

to a point at the line of other lands formerly of Webb and now or formerly of Clifton. Thence along the said Clifton lands

N 08°33'00" W 446.08 feet,

to a point at the line of other lands formerly of Webb and now or formerly of Cumming. Thence along the said Cumming lands

N 78°36'30" E 848.84 feet

to a point at the line of other lands formerly of Webb, formerly of Evarts and now or formerly of Kulleseid. Thence along the last mentioned Kulleseid lands southerly on a non-tangent curve to the right, the center of which bears N69°43'30"W, the central angle of which is 03°25'13", the radius of which is 250.00 feet for 14.92 feet, then

S 23°41'43" W 226.41 feet

and then on a tangent curve to the left, the central angle of which is 07°39'46", the radius of which is 250.00 feet for 33.43 feet to the point or place of beginning, containing 5.884 acres, more or less.

SUBJECT TO a Trail Easement over that portion of the lands hereinabove described that is bounded and described as follows:

BEGINNING at the point that is the southeasterly most corner of the lands hereinabove described, the northeasterly most corner of the lands shown on that certain "Minor Subdivision

Plat prepared for Lars Kulleseid ...," which was filed in the Putnam County Clerk's office on April 14, 1997 as Map No. 2711 and the point of beginning of the lands herein above described

THENCE from the said point of beginning along the lands now or formerly of Kulleseid that are shown on Filed Map No. 2711

S 85°10'39" W 8.54 feet

to a point at the line of other lands formerly of Webb, formerly of Evarts and now or formerly of Kulleseid. Thence along the last mentioned Kulleseid lands the following, first on a non-tangent curve to the right, the center of which bears N69°43'30"W, the central angle of which is 03°25'13", the radius of which is 250.00 feet for 14.92 feet, then

S 23°41'43" W 226.41 feet

and then on a tangent curve to the left, the central angle of which is 07°39'46", the radius of which is 250.00 feet for 33.43 feet, to the point or place of beginning of this easement area.

N.B. The meridian (North Point) used in the foregoing description refers to True North at 74°20'00" West Longitude and bears approximately 08°33'00" clockwise from the meridian of Liber 1144 of deeds at page 337. The substance of this note should remain with this description in any instrument to which it may become a part.

Prepared by
BADEY & WATSON
Surveying & Engineering, P.C.
3063 Route 9
Cold Spring, New York 10516
(845) 265-9217 (voice)
(845) 265-4428 (fax)
(877) 3.141593
www.Badey-Watson.com

Being the same Premises conveyed from Lars I. Kulleseid and Margaret G. Kulleseid to Lars Erik Kulleseid, Sara Ingri Kulleseid, and Nils Gundersen Kulleseid by deed dated December 20, 1991, and recorded in the Putnam County Clerk's office in Liber 1144 at page 337 on December 30, 1991.

RECORD AND RETURN TO:
Laura J. Cumming
71 South Mountain Pass Spur
Garrison, NY 10524

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

In Presence of:


LARS ERIK KULLESEID

STATE OF NEW YORK)
)
COUNTY OF PUTNAM) ss:

On the 9th day of September 2017, before me the undersigned, personally appeared LARS ERIK KULLESEID, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual(s) or the person upon behalf of which the individual acted, executed the instrument.


NOTARY PUBLIC


SARA INGRI KULLESEID

KATHLEEN N. HAMEL
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HA6257732
Qualified in Putnam County
Commission Expires March 19, 2020

STATE OF NEW YORK)
)
COUNTY OF PUTNAM) ss:

On the 9th day of September 2017, before me the undersigned, personally appeared SARA INGRI KULLESEID, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity and that by her signature on the instrument, the individual(s) or the person upon behalf of which the individual acted, executed the instrument.


NOTARY PUBLIC

KATHLEEN N. HAMEL
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HA6257732
Qualified in Putnam County
Commission Expires March 19, 2020

Nils Gundersen Kulleseid

NILS GUNDERSEN KULLESEID

STATE OF NEW YORK)
)
COUNTY OF PUTNAM) ss:

On the 9th day of September 2017, before me the undersigned, personally appeared NILS GUNDERSEN KULLESEID, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual(s) or the person upon behalf of which the individual acted, executed the instrument.

KATHLEEN N. HAMEL
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HA6257732
Qualified in Putnam County
Commission Expires March 19, 2020

Kathleen N. Hamel

NOTARY PUBLIC

Section: 82
Block: 1
Lot: 52
Town and County: Putnam Valley, Putnam County

FOR COUNTY USE ONLY

C1. SWIS Code 372689

C2. Date Deed Recorded 11/24/17
Month Day Year

C3. Book 2062 C4. Page 458



New York State Department of
Taxation and Finance
 Office of Real Property Tax Services
RP- 5217-PDF
 Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location N/A N/A Tax Parcel # 82. 1-52

*STREET NUMBER Town of Philipstown *STREET NAME

*CITY OR TOWN 10524 *ZIP CODE

2. Buyer Name CUMMING LAURA J.

*LAST NAME/COMPANY FIRST NAME

3. Tax Billing Address 71 South Mountain Pass Spur Garrison NY 10524

STREET NUMBER AND NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed 1 # of Parcels OR Part of a Parcel (Only if Part of a Parcel) Check as they apply:

4A. Planning Board with Subdivision Authority Exists

5. Deed Property Size X 5.88 OR 5.88 ACRES

*FROM FEET *DEPTH *ACRES

4B. Subdivision Approval was Required for Transfer

4C. Parcel Approved for Subdivision with Map Provided

6. Seller Name KULLESEID Lars Erik

*LAST NAME/COMPANY FIRST NAME

KULLESEID Sara

LAST NAME/COMPANY FIRST NAME

7. Select the description which most accurately describes the use of the property at the time of sale:

C. Residential Vacant Land

8. Ownership Type is Condominium

9. New Construction on a Vacant Land

10A. Property Located within an Agricultural District

10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

SALE INFORMATION

11. Sale Contract Date _____

12. Date of Sale/Transfer 10/28/2017

13. Full Sale Price 147,100.00

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

14. Indicate the value of personal property included in the sale 0.00

Property Subject to Conservation Easement

15. Check one or more of these conditions as applicable to transfer:

A. Sale Between Relatives or Former Relatives

B. Sale between Related Companies or Partners in Business

C. One of the Buyers is also a Seller

D. Buyer or Seller is Government Agency or Lending Institution

E. Deed Type not Warranty or Bargain and Sale (Specify Below)

F. Sale of Fractional or Less than Fee Interest (Specify Below)

G. Significant Change in Property Between Taxable Status and Sale Dates

H. Sale of Business is Included in Sale Price

I. Other Unusual Factors Affecting Sale Price (Specify Below)

J. None

*Comment(s) on Condition: _____

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

16. Year of Assessment Roll from which information taken (YY) 17

17. Total Assessed Value 65,000

18. Property Class 314 R

19. School District Name Garrison Union

20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s)) _____

81 - 1-52

CERTIFICATION

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

SELLER SIGNATURE Lars Erik Kulleseid DATE _____

BUYER SIGNATURE Laura J. Cumming DATE 28 Oct 2017

BUYER CONTACT INFORMATION

(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)

Cumming Laura J.

*LAST NAME FIRST NAME

71 South Mountain Pass Spur

*AREA CODE *STREET NUMBER *STREET NAME *TELEPHONE NUMBER (E.g. 5696609)

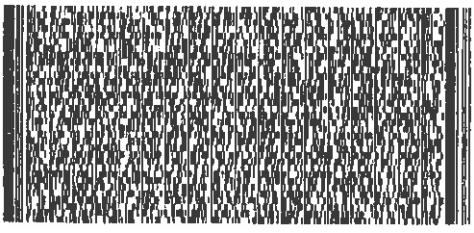
Garrison NY 10524

*CITY OR TOWN *STATE *ZIP CODE

BUYER'S ATTORNEY

LAST NAME FIRST NAME

AREA CODE TELEPHONE NUMBER (E.g. 5696609)



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

July 6, 2020

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 these 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

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

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

BUILDING PERMIT

SEC-BLK-LOT: 89/82.-1-53

Permit No: 2005:9493

Issue Date: 07/05/2005

Permit Fee: 80
C/O Fee : 80

OWNER'S NAME: CUMMING, WILLIAM R.
23 GAYTON CRESCENT

can't find C/O

ADDRESS: HAMPSTEAD
LONDON, UK

Location of project : 71 SO MOUNTAIN PASS

WORK DESCRIPTION: Second story dormer addition

Approximate project cost : \$65,000.00

An application having been filed and the required fee paid, pursuant to the Code of the 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:



Code Administrator

THIS PERMIT IS VALID FOR TWO YEARS AND MUST BE RENEWED WITH
A FEE OF \$ 80 NOT LATER THAN 7-5-07

(NEW 82.-1-53) **CERTIFICATE OF OCCUPANCY** 6463

Philipstown Tax Map # 65 Block 1 Lot 8.7 Fee Paid \$ 35⁰⁰ by Chas. Rose
 (Date) 5/19/92 4-22-92
 Located At: R/W off South Mt Pass - north side
 Covering: Single Family Residence w/ deck no garage

Laura J. Carmody/Cumming of 102 W 79th St NY 10024 & So-Mt Pass Garrison

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 19 day of May, 19 92.

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: [Signature]
 Building Inspector

BUILDING PERMIT 6463

Philipstown Tax Map 65 Block 1 Lot 8.7
 Location of Premises R.O.W. off So. Mt. Pass, GARRISON, N.Y. 10524
 Type of Construction: Single Family Residence / Deck - no GARAGE
LAURA J. CARMODY of 102 W. 79th St. NY NY 10024

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 in the sum of \$ 50⁰⁰ (septic) \$ 25⁰⁰ (well) \$ 470⁰⁰ (structure) 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 20th day of Sept 19 94, being valid for a period of one year and renewable upon payment of established fee schedule.

Total = 545⁰⁰

INSPECTIONS REQUIRED: Call 265-9668, 2 days notice.

- | | |
|--|---|
| 1. Soil conditions: (Footings, forms and reinforcement.) | 4. Mechanicals: (rough plumbing, piping, ducts) |
| 2. Foundations: masonry, concrete (Transit-mix slips required) | 5. Final Driveway Inspection. |
| 3. Framing: insulation; (prior to drywall or closing) | 6. Final Inspection, including safety features. |

NOTE: All construction shall comply with the NY State Building Code whether or not shown on approved building plans. This structure, or any portion thereof, for which this permit is issued, shall NOT BE OCCUPIED until a CERTIFICATE OF OCCUPANCY is issued. Permit must be renewed annually until such date of Certificate of Occupancy issuance.

RENEWALS:

	DATE	FEE PAID
#1	_____	_____
#2	_____	_____
#3	_____	_____
#4	_____	_____

TOWN OF PHILIPSTOWN

BY: [Signature]
 Building Inspector

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: 89/82.-1-53

Permit No : 2013:11214

CO/CC Issue Date: 12/9/2014

CO/CC Number : 2013:11214

OWNER'S NAME: CUMMING WILLIAM
& ADDRESS CARMODY LAURA
67 RIVERSIDE DR
NEW YORK, NY 10024

Location of project : 71 SO MOUNTAIN PASS SPUR

WORK DESCRIPTION : CONSTRUCTION OF ACCESSORY STRUCTURE (BARN)
18' x 36' 1520 SF 2 STORIES

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.

ISSUED BY :



Code Enforcement Officer

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

CERTIFICATE OF OCCUPANCY

SEC-BLK-LOT: 89/82.-1-53

Permit No : 2010:10348

CO/CC Issue Date: 2/8/2012

CO/CC Number : 2010:10348

OWNER'S NAME: CUMMING WILLIAM
& ADDRESS CARMODY LAURA
67 RIVERSIDE DR
NEW YORK, NY 10024

Location of project : 71 SO MOUNTAIN PASS SPUR

WORK DESCRIPTION : R-3 SINGLE FAMILY DWELLING, TYPE 5b 3 STORY WITH
CELLAR,2 CAR GARAGE, 5 BEDROOM,SPRINKLER
SYSTEM NFPA13D, NYS VARIANCE #2011-0049(FOR
ADDITIONAL OIL STORAGE IN STRUCTURE)

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.

ISSUED BY :


Code Enforcement Officer

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

CERTIFICATE OF OCCUPANCY

SEC-BLK-LOT: 89/82.-1-53

Permit No : 2010:10349

CO/CC Issue Date: 10/20/2010

CO/CC Number : NREG

OWNER'S NAME: CUMMING WILLIAM
& ADDRESS CARMODY LAURA
67 RIVERSIDE DR
NEW YORK, NY 10024

Location of project : 71 SO MOUNTAIN PASS SPUR

WORK DESCRIPTION : BLASTING (BUILDING PERMIT #2010:10348)

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.

ISSUED BY :

Code Enforcement Officer

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

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: 89/82.-1-53

Permit No : 2007:9857

CO/CC Issue Date: 12/18/2008

CO/CC Number : 2007:9857

OWNER'S NAME: CUMMING WILLIAM
& ADDRESS CARMODY LAURA
67 RIVERSIDE DR
NEW YORK, NY 10024

Location of project : 71 SO MOUNTAIN PASS SPUR

WORK DESCRIPTION : 18 x 36 In-ground pool with spa

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.

ISSUED BY :


Code Enforcement Officer

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UNDER THE SEAL OF THE TOWN OF PHILIPSTOWN

CERTIFICATE OF OCCUPANCY

SEC-BLK-LOT: 89/82.-1-53

Permit No : 2006:9820

CO/CC Issue Date: 11/7/2007

CO/CC Number : 2006:9820

OWNER'S NAME: CUMMING WILLIAM
& ADDRESS CARMODY LAURA
67 RIVERSIDE DR
NEW YORK, NY 10024

Location of project : 71 SO MOUNTAIN PASS SPUR

WORK DESCRIPTION : Two story single family residence, 2200 sf +/- with finished
basement

Replacement after original destroyed by fire

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.

ISSUED BY :



Code Enforcement Officer

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



WILLIAM R. & LAURA J. CUMMING
TOWN OF PHILIPSTOWN
PUTNAM COUNTY
NEW YORK

SCALE 1 inch = 200 feet
Map 6, 2020

DATE OF SURVEY
BY
FOR

PRINTED
BY
BASSETT & WATSON



DESIGNED & DRAWN BY

AMOUNT SUBSEQUENT PLAT
LOT LINE ADJUSTMENT

NOTES
1. THIS PLAT IS A PART OF A LARGER SURVEY...
2. THE BOUNDARIES SHOWN ON THIS PLAT...
3. THE AREA OF THE PLAT IS...
4. THE SURVEY WAS MADE BY...
5. THE PLAT IS SUBJECT TO...
6. THE PLAT IS NOT TO BE USED...
7. THE PLAT IS NOT TO BE REPRODUCED...
8. THE PLAT IS NOT TO BE USED...
9. THE PLAT IS NOT TO BE REPRODUCED...
10. THE PLAT IS NOT TO BE USED...

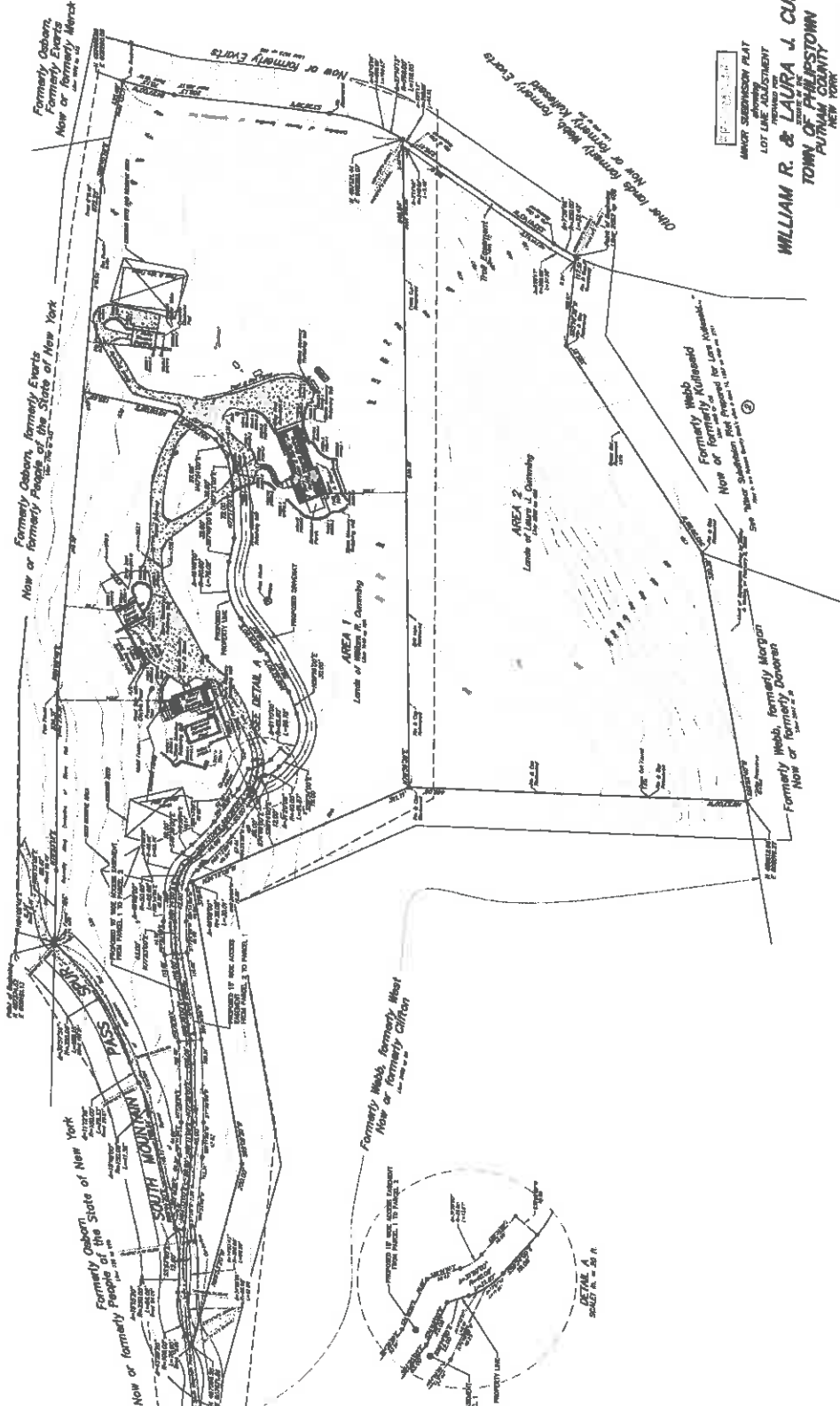


TABLE OF AREAS

PARCEL	AREA	ADJACENT AREAS	ADJACENT AREAS	ADJACENT AREAS	ADJACENT AREAS
PARCEL 1	100,000 sq. ft.	100,000 sq. ft.	100,000 sq. ft.	100,000 sq. ft.	100,000 sq. ft.
PARCEL 2	100,000 sq. ft.	100,000 sq. ft.	100,000 sq. ft.	100,000 sq. ft.	100,000 sq. ft.
PARCEL 3	100,000 sq. ft.	100,000 sq. ft.	100,000 sq. ft.	100,000 sq. ft.	100,000 sq. ft.

