

ZBA Variance Application

APPEAL # #951 TAX MAP# _____

Final hearing date _____ Zoning Board Decision APPROVED/DENIED

Date application submitted _____

Application fee \$ _____ Escrow (if applicable) \$ _____ Received by _____

Above section to be completed by the Building Department.

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

I (we), William Denehey

residing at 32 Hudson Way, Cold Spring, NY, 10516

Telephone: home _____ cell 914-450-2235

Email address: william.j.denehy@gmail.com

HEREBY appeal the decision of (name and title) building inspector

whereby he/she

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

For ground mounted solar array
describe project and/ or proposal

For property tax map # 38-3-87.22 in zoning district R40

WHEN FILLING OUT APPLICATION, ATTACH ADDITIONAL PAGES IF 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.

William Denehey's project is located at 32 Hudson Way, Cold Spring, NY, 10516 which is at the cross streets of Lane Gate Rd and Cold Spring-Camel Rd (which is an extension of Main St).

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 accessor's office.

Gregory & Samantha Rathe
28 Hudson Way
Cold Spring, NY, 10516
gregory@thedisplayers.com
Tax Map #: 38.-3-87.1

Undeveloped parcel bordering Rt. 301
Tax Map #: 38.-3-84.1
T. Ronald Berner & Edgar Berner
The Wicks Camp
485 Madison Ave.
Suite 702
New York, NY, 10022

3. **PROVISIONS OF ZONING CODE INVOLVED:** Give Article, Section, Sub-section, paragraph by number. Do not quote text of code.

Zoning Code 175, Attachment 2

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.

(C) a SPECIAL USE PERMIT is requested:

(1) The reason the permit is requested:

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



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

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

In accordance with state law, the Zoning Board must grant or deny an area variance based on specified factors and a balancing of “the benefit” to the Applicant if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community. We have developed this supplement to assist you with preparing, submitting and presenting your case to the Zoning Board. Please complete the factors 1- 5 below and submit with your application (attach additional pages if necessary). 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.

5 FACTORS TO BE CONSIDERED BY THE BOARD

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by the granting of the area variance?

No, the proposed location of the ground mounted solar array is heavily screened from all neighbors view and from the road.

2. Can the benefit sought be achieved by some method, feasible to pursue other than the area variance?

No, the roof is not suitable for the amount of solar panels needed so a ground mounted array is the only option . that Mr. Denehey has.

3. Is the requested area variance substantial?

No, the proposed variance is approximately 30 ft. from the property line.

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

No, it will not. The proposed array is not in a protected area suchas a wetland, historical or agricultural. district.

5. Is the alleged difficulty self-created? (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)

Yes, it is self created.



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



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Endorsement Page

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PRESENTER: AG AGENCY 1000 NORTH DIVISION STREET P.O. BOX 431 PEESKILL, NY 10566	RETURN TO: STEPHEN G TOMANN, ESQ. 1705 ROUTE 9D PO BOX 313 COLD SPRING, NY 10516
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PARTIES

GRANTOR	GRANTEE
MICHAEL COLAMARINO	WILLIAM DENEHY

FEE DETAILS

RESERVED FOR CERTIFICATION

Consideration:	\$985,000.00
1502308	
DEED	4 40.00
FP-584	1 5.00
CULTURAL EDUCATION	15.00
RECORD MANAGEMENT	5.00
FP-5217 RESID/AGRIC	125.00
TRANSFER TAX	3,940.00
PROCESSING FEE	1 1.00
AMOUNT FOR THIS DOCUMENT:	4,131.00
RETT # 000000307	

THIS DOCUMENT WAS EXAMINED PURSUANT TO §315
 REAL PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES

Michael C. Bartolotti
 Putnam County Clerk

Denehy, William from Colamarino

Title No. RGP 21094

Schedule A
(description)

All that certain piece, plot or parcel of land situate lying and being in the TOWN OF PHILIPSTOWN, COUNTY OF PUTNAM, State of New York, known and designated as Lot No. 2 on a certain map entitled, "Subdivision Plat prepared for Michelle Thorpe Holubar" dated June 2, 2005 and filed in the Putnam County Clerk's Office, Division of Land Records, on January 16, 2007 as Map No. 3040.



Town of Philipstown

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

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

William Denehy
32 Hudson Way
Cold Spring NY 10516

4-1-22

Ref: Application for building permit
Proposed Ground Mounted Solar
32 Hudson Way
Tax map # 38-3-87.22 (RC Zone)

Included:

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

The application proposes a free-standing ground solar system within 14 feet of the property line where 30 is required.

The application does not comply with the dimensional table in Chapter 175.

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

① 38.-3-86 *Richard Berner*
Thomas Berner
LYNDHURST 1988
~~WAYLAND F/D/O~~
485 MADISON AVE 23RD FL
NY NY 10022

② 38.-3-88.2
KYLE M HENDERSON & JACQUELINE
530 LANE GATE RD
COLD SPRING, NY 10516

③ 38.-3-84.1
BERNER T. ROLAND
BERNER EDGAR
~~485 MADISON AVE~~
The Wicks Camp
485 Mad. Ave Ste 702
NY NY 10022

④ 38.-3-87.1
GREGORY RATHE SAMANTHA
28 HUDSON WAY
COLD SPRING, NEW YORK 10516

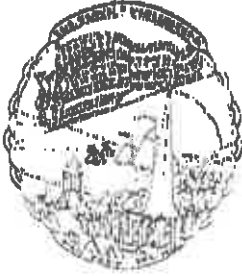
⑤ *20 Victoria Dr.*
Cold Spring Ny 10516
38.-3-87.21

⑥ HOLUBAR MICHELLE THORPE
147 RT 301
COLD SPRING, NY 10516

~~38.-3-87.22~~ *owner ✓*
~~WILLIAM DENEHY~~
~~32 HUDSON WAY~~
~~COLD SPRING, NEW YORK 10516~~

38.-3-87.23
HOLUBAR MICHELLE THORPE
147 RT 301
COLD SPRING, NY 10516

Berner Family Trust
485 Madison Ave
Fl 23
NY NY 10022



Town of Philipstown

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

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

CERTIFICATE OF OCCUPANCY

SEC-BLK-LOT: 38.-3-87.22

Permit No: 2017:12215

CO/CC Issue Date: 08/29/2018

CO/CC No.: 2017:12215

Owner's Name and Address: WILLIAM DENEHY
32 HUDSON WAY

Location of Project: 32 HUDSON WAY

Work Description: POOL - EXCAVATE AND INSTALL 850 SF GUNITE POOL & 64 ST GUNITE SPA. PERMIT POOL PULLED BY NEAVE LANDSCAPING INC

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

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

ISSUED BY:


Code Enforcement Officer

TOWN OF PHILIPSTOWN
238 Main Street, PO Box 166
Cold Spring, NY 10516
(845)265-5202 / (845) 265-2687 fax

CERTIFICATE OF OCCUPANCY

SEC-BLK-LOT: 89/38.-3-87.22

Permit No : 2016:11914

CO/CC Issue Date: 8/4/2016

CO/CC Number : 2016:11914

**OWNER'S NAME: COLAMARINO MICHAEL
& ADDRESS COLAMARINO JUDY
PO BOX 363
COLD SPRING, NY 10516**

Location of project : 32 HUDSON WAY

WORK DESCRIPTION : 12' x 16' ACCESSORY STRUCTURE (EXISTING)

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 158
Cold Spring, NY 10516
(845)265-5202 / (845) 265-2687 fax

CERTIFICATE OF OCCUPANCY

SEC-BLK-LOT: 89/38.-3-87.22

Permit No : 2007:9970

CO/CC Issue Date: 1/29/2010

CO/CC Number : 2007:9970

**OWNER'S NAME: COLAMARINO MICHAEL
& ADDRESS COLAMARINO JUDY
PO BOX 363
COLD SPRING, NY 10516**

Location of project : 32 HUDSON WAY

WORK DESCRIPTION : 2798 sf +/- Single family residence and three car garage

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**