



## ZBA Variance Application Package

***PLEASE READ ALL INFORMATION ON THIS APPLICATION CAREFULLY.  
WE WILL ASSIST YOU AS MUCH AS POSSIBLE, BUT IT IS NOT OUR RESPONSIBILITY TO  
GATHER INFORMATION, MAKE COPIES OR ASSEMBLE APPLICATION PACKAGES.***

Fill out the application to the best of your ability. The Zoning Board Secretary can help you if necessary. All submissions to the Zoning Board of Appeals must be submitted a minimum of 12 days prior to scheduled meeting to be placed on the agenda for review. **See page 6 for list of all items that must be submitted.**

You will receive correspondence from the ZBA Secretary of your first meeting date. Meetings are typically held on the second Monday of each month at 7:30pm at the Philipstown Town Hall, 238 Main Street, Cold Spring, NY. (Meeting schedule can be found at [philipstown.com](http://philipstown.com))

The initial review of the application by the ZBA will be to ensure completeness of the application only. **It is strongly recommended that you attend this meeting to ensure all documentation has been submitted and is in order.**

If the application is deemed complete, a public hearing date will be set and the applicant will be notified of any additional requirements of the board. The ZBA may require more than one public hearing to decide your case. If so, you will be advised of any further public hearings.

Applicants must be prepared to present facts and any additional information the board may need at the time of the public hearing.

When the ZBA is satisfied that they have all the necessary information, they will close the public hearing and take a vote on your case, whether to approve or deny your application.

After your final vote is taken by the ZBA you should contact the Building Department for further instructions and assistance.

The application must contain detailed directions to the property to enable the board members to make site visits as required. The property must also be properly posted with the correct 911 address required by town code.

A copy of the Zoning Code and Zoning Map are available in the office of the Town Clerk and on [philipstown.com](http://philipstown.com).

**FEES: Payable at time of application.**

**Variance: \$100.00**

**Interpretation: \$200.00**

**Special Use Permit: \$500.00**

# ZBA Variance Application

APPEAL # \_\_\_\_\_ 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), \_Charity Shumway and Greg Starner \_\_\_\_\_

residing at \_\_77 Lower Station Road \_\_\_\_\_

Telephone: home\_617-270-1079 \_\_\_\_\_ cell\_ same as above \_\_\_\_\_

Email address: charityshumway@gmail.com \_\_

Charity Shumway and Greg Starner, owners\_HEREBY appeal the decision of (name and title) \_\_\_\_\_ whereby he/she

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

OCCUPANCY \_\_\_\_\_ For \_New 992 sqft accessory structure

*describe project and/ or proposal*

For property tax map # \_\_71.5-1-4 \_\_\_\_\_ in zoning district \_\_HR \_\_\_\_\_

**WHEN FILLING OUT APPLICATION, ATTACH ADDITIONAL PAGES IF NECESSARY TO ANSWER QUESTIONS.**

1. LOCATION OF PROPERTY: The Property is located at 77 Lower Station Road in Garrison, NY. It is just north of the Garrison train station. It is located just west, towards the Hudson River, of the intersection of Route 9D and 403.

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.

*85 Lower Station Road — Kyle Good and Gerald Singer (right next door)*

*92 Lower Station Road — Will Felder and Kate Calligaro (above us on the hill with sight down onto our property)*

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

Accessory Structure: 175-c. In the case of this project, the existing home is 1296 sqft. According the philipstown code, the accessory must be less than 30% or 800 sqft of floor area whichever is greater. Due to the small sqft of the existing home, while the accessory structure complies with a footprint of less than 1000 sqft (992), it exceeds the allowable floor area per code at 1352 sqft of floor area.

In addition, we are including steep slope analysis as part of this application. The setbacks comply with code but an approximately 500 sqft area of steep slope is affected. See badey and watson drawing which shows this analysis.

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.

No previous Appeals

TYPE OF APPEAL:

- A.  a VARIANCE from the Zoning Code
- B.  an INTERPRETATION of the Zoning Code or Maps
- C.  a SPECIAL USE PERMIT under the Zoning Code

DETAILS OF APPEAL: **Complete only that section which applies to the appeal you are submitting.**

(A) A VARIANCE from the Zoning Code is requested:

(1) An exact statement of the details of the variance requested is:

For this project, the existing home is 1296 sqft. According the philipstown code, the accessory structure must be less than 30% or 800 sqft of floor area whichever is greater. Due to the small sqft of the existing home, while the accessory complies with a footprint of less than 1000 sqft (992), it exceeds the allowable floor area at 1351 sqft of floor area. . The site plan and area of lot do comply, it is a variance for floor area that is being requested.

In addition, we are including steep slope analysis as part of this application. The setbacks comply with code but an approximately 500 sqft area of steep slope is affected. See badey and watson drawing which shows this analysis.

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

The project is to include a simple structure that is cost effective. There are existing similar structures of adjoining neighbors along the road. It will serve as additional recreational space for this family of 5. Also the family needs extra storage for outdoor equipment and sporting goods. The client works from home and would like to have an office outside of the main residence.

(B) INTERPRETATION of the Zoning Code is requested.

(1) An exact statement of the interpretation requested is:

(C) a SPECIAL USE PERMIT is requested:

(1) The reason the permit is requested:

Not applicable

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

N/A

(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:

N/A

STATE OF NEW YORK, COUNTY OF PUTNAM \_\_\_\_\_

applicants name

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 \_\_\_\_\_ day of \_\_\_\_\_ 2021

Notary, \_\_\_\_\_ County \_\_\_\_\_

**SUBMISSION REQUIREMENTS For a VARIANCE, INTERPRETATION OR SPECIAL USE PERMIT.**

Please submit 8 individual packets for the ZBA. Each packet should contain one each of the below listed items. **These items are very specific and MUST be complied with exactly.**

1. Completed application/appeal form.
2. Deed to property.
3. Building Department denial letter.
4. Building plans. **One of the 8 copies must have ORIGINAL professional seal & signature.**
5. Survey prepared by NYS licensed surveyor, showing all property lines, structures and dimensions to property lines. **One of the 8 copies of the survey must have ORIGINAL professional seal & signature.**
6. Certificates of Occupancy for any existing structures.
7. Owner authorization form (if acting on behalf of homeowner).
8. Contour maps as required by conditions (if applicable).

**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?\_\_

We do not believe the accessory structure will negatively affect the neighborhood. Along 77 lower station road, the few houses ther, and are adjacent, have currently very similar structures that would serve as examples of what we are hoping to build.

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\_ 2. Can the benefit sought be achieved by some method, feasible to pursue other than the area variance?\_Due to the interior floor plan configuration and the existing site conditions, an addition on the home would not be easily architecturally feasible. The client is hoping to gain extra storage and recreational space, along with a small office, in a way that is cost effective and will not negatively affect the existing architecture of the main residence or the site.

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3. Is the requested area variance substantial?\_The sqft we are asking for is approximately 500 sqft above the 800 allowable. This includes the necessary area for mechanical equipment etc. so we do not feel it is substantial.

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? \_\_\_We do not feel it will have a negative environmental or physical affect on existng conditions. We have provided a steep slope analysis and are happy to follow any suggested mitigation the board would recommend for the appromately 500sqft of the land that will be affected and considered steep slope.

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\_ 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.) \_\_\_

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Yes. The existing home is small but serves our family of 5 well. We are happy with the size of the home, and do not wish to expand the footprint. In addition, the existing floorplan and the existing site conditions would make it very difficult to add any kind of addition that would be able to give us the additional space we are seeking. In addition, we would like a separate home office away from the main house, which could not be accomplished without building a separate structure. We are looking to build a simple structure that is cost effective and can serve a variety of purposes, storage, additional recreation area and a home office that could not otherwise be accomplished off the main residence.

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