TOWN OF PHILIPSTOW ZONING BOARD OF APPEALS 238 MAIN STREET, COLD SPRING NY 10516

MEETING AGENDA

September 8, 2014

- 1.) APPROVAL OF MAY 2014 MINUTES
- 2.) REVIEW FOR COMPLETENESS OF APPLICATION JOSEPH ESTVANIK
 125 OLD ALBANY POST RD GARRISON NY 10524 APPEAL # 886

Applicant is seeking an area variance for rear and side decks. The required set back is 30 feet. The decks are located 25 feet from property line.



ZONING BOARD OF APPEALS

May 12, 2014

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday May 12, 2014 at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Robert Dee, Chairman, at 7:30 p.m.

PRESENT: Robert Dee - Chairman

Paula Clair - Member - Member Bill Flaherty Vincent Cestone-- Member Lenny Lim - Member Taylor Palmer - ZBA Council Tina Andress- Landolfi

- Secretary



The Pledge Of Allegiance was said.

Minutes

Minutes were approved for November 2013, February 2014, March 2014, and April 2014.

All members voted in favor except Mr. Cestone abstained from voting.

There were no appeals on agenda for this meeting

Discussion

The Board held a discussion about ways to possibly speed the appeal process up for an applicant. The board reviewed the memo that the ZBA Attorney prepared. It was determined and agreed by the majority of the members that the process and procedures used by the ZBA currently were best, and would still be used during the application process. It was also discussed and clarified by the ZBA attorney about the time limitations on submitting minutes, decisions, and and finalized resolutions according to Town Code and New York State Law.

Mr. Dee made a motion to adjourn the meeting. Mr Lim second the motion. All members were in favor. Meeting closed.

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

DATE APPROVED:	• •

Respectfully Yours, Tina Andress- Landolfi, ZBA Secretary



Town of Philipstown

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

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

July 28, 2014

Joseph F. Estvank Jr. 125 Old Albany Post Road Garrison, NY 10524

Re:

Building Permit Application for deck

Location:

125 Old Albany Post Road

Tax Map:

#83.5-1-1

A Building Permit Application for a deck was received on July 28, 2014 and includes the following information;

- 1. Application for Building Permit
- 2. Site Plan
- 3. Three page construction drawings.

125 Old Albany Post Road is located in the RR (Rural Residential) zone with a required side set back of 30 feet. The survey indicates the deck to be located on the existing single family dwelling with the deck and dwelling to be 25' from the side property line.

This Building Permits application is hereby **DENIED** for nonconformance with section 175-11 Schedule B for setback requirements.

If YOU ARE AGRIEVED THIS DECISION you may submit an application to the Zoning Board of Appeals, pursuant to the provisions of Article IV of the Code of the Town of Philipstown, to appeals from and review any order, requirement, decision or determination made by the CODE ENFORCEMNET OFFICER within sixty (60) days of the date on this letter. An application for the Zoning Board of Appeals is enclosed.

If you have any question you may contact may office at (845) 265-520.

Kevin Donohue, CFM

Code Enforcement Officer



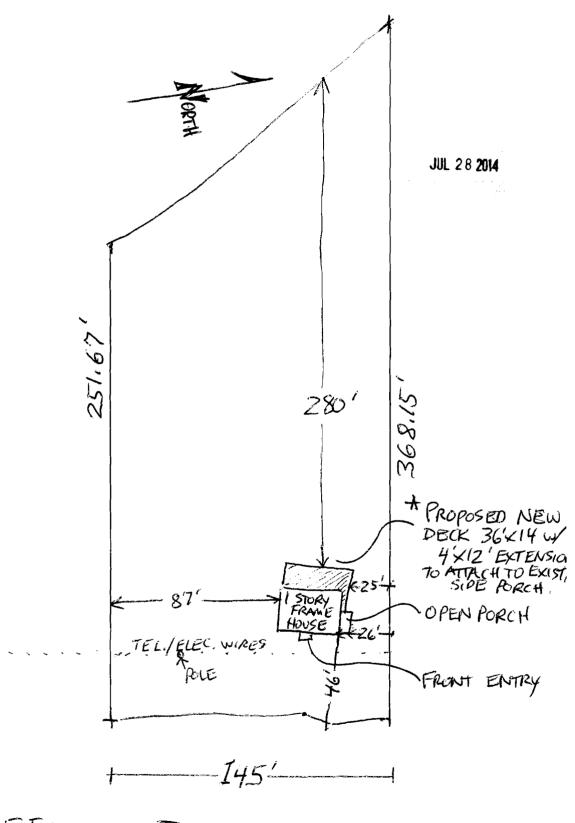
Town of Philipstown Code Enforcement Office

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

APPLICATION FOR BUILDING AND ZONING PERMIT

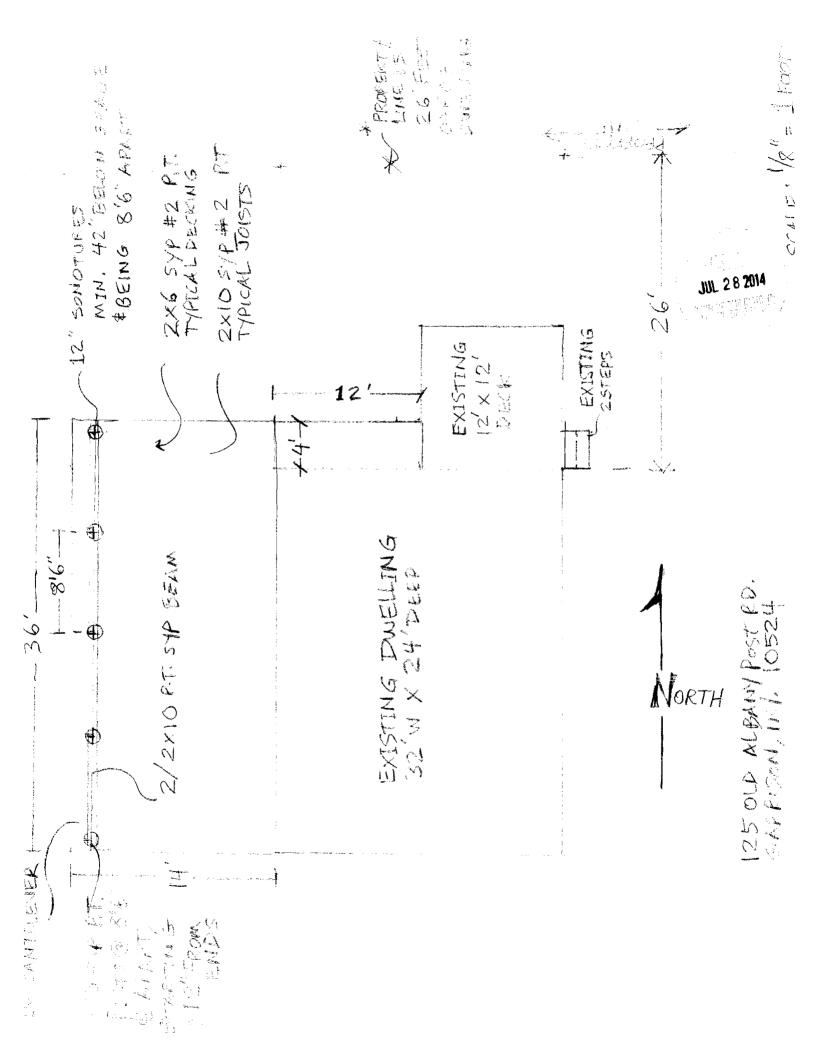
JUL 28 2014

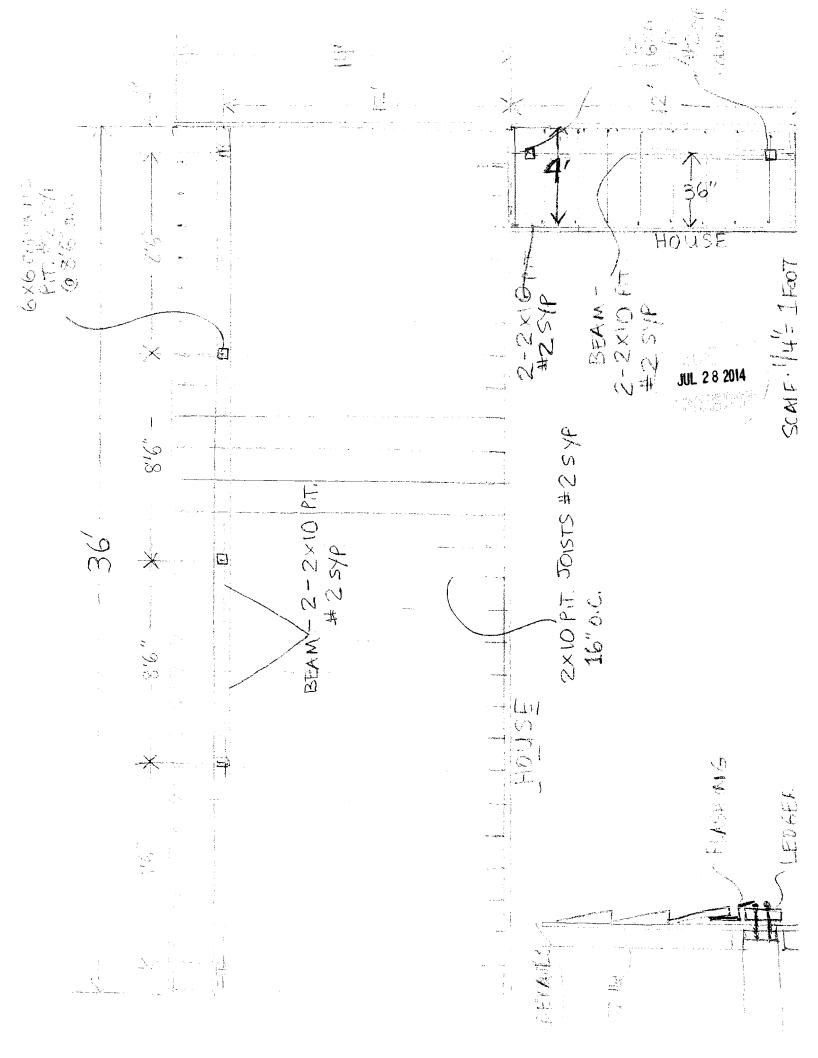
Tax Map # 33.5-1-1	Date Received:	7-28-14
Construction Located at: 125 OLD ALBANY F	OST RD. Ga	arrison or Cold Spring
OWNER: JOSEPH F. ESTVANIK JA		
Mailing Address 125 OLD ALBANY POS		
Authorized Agent:		-
Mailing Address		
Description of Work: DECK - 14 DEE DECK & 4'DEEP X /2	PX 36 WIDE ALL 2'WIDE ATTACHED	SO SIDE TO EXISTING PUR
Occupancy Classification: Construction Classification:		
New Const: Addition: Repair/Replacement: Al	Iteration: Change in Use: _	Demolition:
Heating Appliance: Electrical, Mechanical, Plumbing:	Wood Stove:	Oil or LP Tank:
Zoning District: RR Located within Special Flood Hazard Zon	e: Located within 100feet W	Vetland/Watercourse:
Area of Land Disturbance:sq.ft.		
Putnam County Licensed # for Home Improvement, Plumb	ing, HVAC, LP Gas and Electrica	al Contractor only (PCL#)
Design Professional:	Phone	
General Contractor:	Phone	PCL#
Subcontractor:	Phone	PCL#
Subcontractor:	Phone	PCL#
I hereby make application for a permit and all information enter accordance with the construction documents which were submitted understand that as the permit holder, I shall immediately notify the course of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and further understand that if the Code Enforcement of the work and the work an	ted with and accepted as part of the Code Enforcement Official of any prement Official determines that surew or amended permit reflecting such	nis application for a permit. I y change occurring during the ach change warrants a new or
Make Checks Payable To: Town of Philipstown (Office Use) Chargeable footage: 552 + co sqft. FEE\$ 28	3. Received Date	2011
When the application for permit has been examined and the propos of the Uniform Code, Energy Code and the Code of Town Philips by signature and date which herby authorizes the issuance of said permits and the Code of Town Philips by signature and date which herby authorizes the issuance of said permits and the proposition of the Uniform Code, Energy Code and the Code of Town Philips by signature and date which herby authorizes the issuance of said permits and the proposition of the Uniform Code, Energy Code and the Code of Town Philips by signature and date which herby authorizes the issuance of said permits and the Code of Town Philips by signature and date which herby authorizes the issuance of said permits and the Code of Town Philips by signature and date which herby authorizes the issuance of said permits and the Code of Town Philips by signature and date which herby authorizes the issuance of said permits and the Code of Town Philips by signature and date which herby authorizes the issuance of said permits and the Code of Town Philips by signature and date which herby authorizes the issuance of said permits and the Code of Town Philips by signature and date which herby authorizes the instance of the Code of Town Philips by signature and date which herby authorizes the instance of the Code of Town Philips by signature and the Code of Town Philips	sed work is deemed in compliance we town, the Code Enforcement Official ermit when payment of FEES are reco	I shall endorse this application eived and duly recorded.
Ĩ	UILDING PERMIT NUMBER: _ Defined 1728/14 Sideya Ace ludet	and set beeck axhine

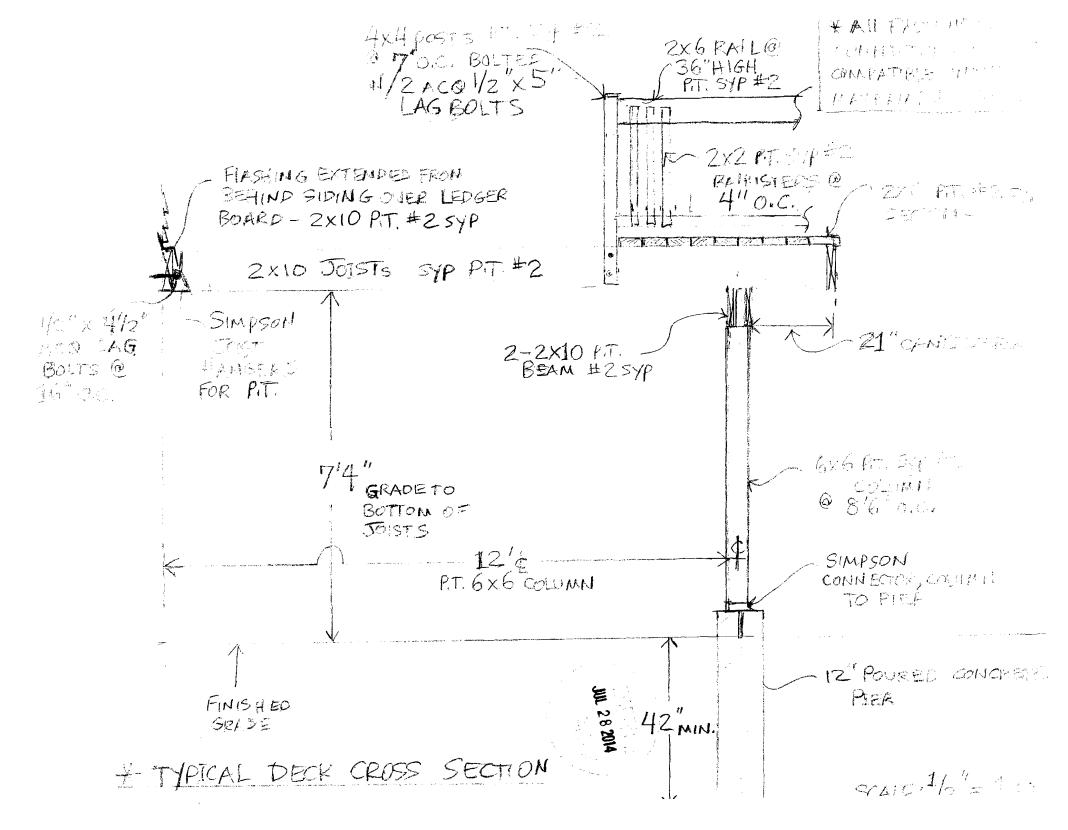


JOSEPH F. ESTVANIK JR. 125 OLD ALBANY POST RD. SARRISON, NY. 10524

SCALE: 1'=50 FEET







APPI	EAL#	886	Tax IV	lap #_	83.5-1	11
Final hearing	ng date		Zoning Beard	decision APP	ROVED / DEN	WED
		7/28/14				
Application	fee \$	Escrow \$	Rece	ived by		
	-	eals, Town of Ph F. ESTVAN	•	York:		
				RD GAI	erison n	14, 10524
Telephone:	home 845	736 - 43	35 bus	siness 914.	393 - 7	325
						procement office
wherehy he	e/she			•		
GRANTED	DENIED_	× a BUILD	ING PERMIT	🗘 a CERTIF	ICATE OF OC	CUPANCY
		12 to the si				
		83.5-1-1			RR	
WHEN FIL QUESTIO		LICATION, ATTA	CH ADDITION	IAL PAGES AS	NECESSARY	TO ANSWER
dii M	rections to the productions of the properties of the production of		i names, such imarks such a	as Route 9 or 9	D, Old Albany	

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)

 ERID/ASIONS OF ZOMING CODE INVOLVED (give Article Section, Sub-section, paragraph by number, Do not quote text of orde)

Zoing Law Section 175-11, schedule B getback for Side yard Regulard 30 Provided 25

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 Z6A decision resulting)

TYPE OF APPEAL:

an INTERPRETATION of the Zoning Code or Maps

a VARIANCE from the Zoning Code AREA

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:

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

Homebult 1963 in complement with zoning.
Zoning change wish to build next deck from side deck

(2) The grounds on which this variance should be granted are: No other way to install deck side door is on North side. Using minimal deck width to getreen deck

- (c) a SPECIAL USE PERMIT is requested:
 - (1) The reason the permit is requested:
 - (2) An exact statement of use for which the permit is requested:
 - (3) The facts showing the use is permitted as a SPECIAL USE under the code and the ability of the applicant to comply with all requirements of the code for granting of a special use permit:

STATE OF NEW YORK, COL	SHTY OF PUTMAN
representations made the ele-	reac the foregoing appeal and papers attached; that the statements and pare true to the best of my knowledge and belief AMA
Signiture of applicant or ager Sworn before me this 28th	day of July 2000 2014
Notary, _Con	nty e isa M. Mesando
	TINA M. MERANDO NOTARY PUBLIC, STATE OF NEW YORK
	REG 01ME5079624
	QUALIFIED IN PUTNAM COUNTY COM EXP.RES JUNE 9 2015

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

PHOLESTOA 19 ZONNIG BOARD OF APPEALS SUPPLIEDTS LIVERGSHEET FOR AREA VARIANCE APPLICANTS

in generate with state law, the Zoning Board must grant or deny an area variance based on specified factors and a state rate of the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the peighborhood 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 1a ~ 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 CONSIDERD BY THE BOARD

а. V	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?	
o. V	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?	
, 1	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?	
, \	goal? For example; different location or design; shorter fence; smaller deck; smaller overhang or addition?	
	goal? For example: different location or design; shorter fence; smaller deck; smaller overhang or addition?	
	goal? For example: different location or design; shorter fence; smaller deck; smaller overhang or addition?	
	goal? For example: different location or design; shorter fence; smaller deck; smaller overhang or addition? What is Code requirement you seek to vary?	

	twist moant or effect will the variance have on the current physical and environmental schedisces in the area? Is there grading (or blasting) proposed? - Will you be paving previously unpleaved sortiaces? - 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?
e en	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