

ZB# 02-24

Robert Smith

49-2-4

Prelim
April 22, 2002

Public Hearing:
June 10, 2002.
Granted.

Refund \$ 212.00

#02-24 Smith, Robert

49-2-4

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Smith, Robert

FILE# 02-274

RESIDENTIAL: \$50.00 COMMERCIAL: \$150.00
INTERPRETATION: \$150.00

AREA X USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*Parcel
ck # 185*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*# 106
3/22/02*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE *4/22/02 - 2* \$ 9.00
2ND PRELIMINARY- PER PAGE *6/11/02 - 2* \$ 9.00
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 18.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: *4/22/02* \$ 35.00
2ND PRELIM. *6/11/02* \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING. *6/11/02* \$ 35.00
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 88.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT .. \$ 212.00

ZBA #02-22

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#464-2002**

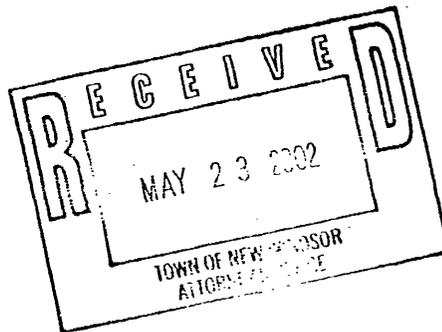
05/23/2002

**Smith, Robert G.
3700 South Westport Ave. #1395
Sioux Falls, SD 57106-6344**

**Received \$ 50.00 for Zoning Board Fees on 05/23/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**



10

BERNARD SMITH
100 WEST FRONT AVENUE #1395
SIOUX FALLS, SD 57106-1111

DATE May 22, 2002

REMISE "LLET OF DRAFTS"

PAY TO Town of New Windsor \$ 50.00
the order of Fifty and 00/100 DOLLARS

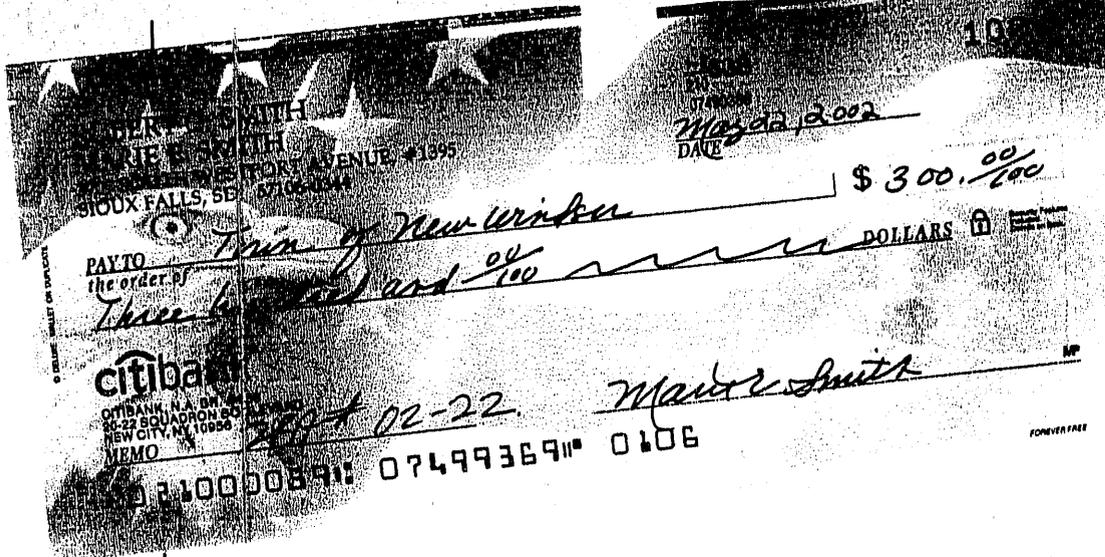
citibank

CITIBANK N.A. BR 42
80-22 SQUADRON BOULEVARD
NEW CITY, NY 10958

MEMO FOR 22 Maria Smith

⑆031000089⑆ 07499369⑆ 0105

FOREVER FREE



CITIBANK
120 AVENUE #1895
SIOUX FALLS, SD 57102-0189

DATE 02-22-2002

\$ 300.⁰⁰/₁₀₀

PAY TO the order of Manda & Smith

Three hundred and 00/100 DOLLARS

CITIBANK

CITIBANK N.A. BR. #1
86-22 SQUADRON SQ
NEW CITY, NY 10956

MEMO 02-22 Manda & Smith

⑆01000039⑆ 07499369⑆ 0106

FOREVER FREE

-----X
In the Matter of the Application of

ROBERT SMITH

#02-24
-----X

MEMORANDUM
OF DECISION
GRANTING AREA
VARIANCE

WHEREAS, ROBERT SMITH, 6 Regimental Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 7.5 ft. side yard variance for an existing shed at the above residence, in an R-4 zone; and

WHEREAS, a public hearing was held on the 10th day of June, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared with his wife for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to the Application, however a letter of support was received and filed from an adjacent neighbor; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood of residential properties.

(b) The topography of the lot is such that no shed can be located on the property except in the place designated without locating the shed on a slope or the removal of substantial vegetation.

(c) The shed has been in existence for approximately 14 years during which time there have been no complaints neither formal nor informal.

(d) The shed is similar to other sheds in the neighborhood.

(e) The shed is not located over any water or sewer easements, well or septic systems.

(f) Construction of the shed has not created any water hazards or affected the course of water drainage or the ponding or collection of water.

(g) Relocation of the shed would require the removal of substantial vegetation, including a tree which would have an adverse effect on surrounding neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations, but nevertheless are warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variance.

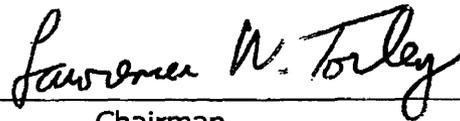
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 7.5 ft. side variance to allow an existing shed, at the above address, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: September 09, 2002.



Chairman

Date 6/28/82

TOWN OF NEW WINDSOR
TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh N.Y. 12550

DATE		CLAIMED	ALLOWED
6/18/82	Zoning Board Mtg	75 00	
	Misc. - 4		
	Kocher - 5		
	Hudson Valley Drilling - 2		
	Weissman - 3		
	House of Apache - 21		
	Donnan - 4		
	Westage Corp. - 3		
	Smith - 2		
	Denhoff - 10		
	<u>54</u>	<u>243 00</u>	
		318 00	

SMITH, ROBERT

Mr. and Mrs. Robert Smith appeared before the board for this proposal.

MR. TORLEY: Request for 7.5 ft. side yard variance for existing shed at 6 Regimental Place in an R-4 zone. Before I begin, is there anyone in the audience who wishes to speak on this matter? Let the record show none. Yes, sir?

MR. SMITH: There's an existing shed that's been there 14 years, it's too close to the property line and it would be virtually impossible to move it without cutting down trees, that area is the only level area to put a shed on and virtually nothing else.

MR. KANE: No complaints formal or informal?

MR. SMITH: Not at all.

MR. KANE: Shed similar to other sheds?

MR. SMITH: Yes.

MR. KANE: Creation of any water hazards or runoffs?

MR. SMITH: No.

MR. KRIEGER: Built on the top of any water or sewer easement?

MR. SMITH: No, it isn't.

MR. TORLEY: And moving the shed in a position that would be approved that that would fit within the zoning code would require you to cut down some of the larger trees which would be an economic loss for you?

MR. SMITH: Right and also affect the beauty of the area too taking those trees down.

MS. CORSETTI: For the record, may I get in that there were 77 notices sent out on May 24.

MR. KRIEGER: How long has the shed been up?

MR. SMITH: Fourteen years.

MR. REIS: Did you have put it up?

MR. SMITH: I had it put up, I didn't personally put it up, it's the first time we've owned a house, I didn't know anything about where sheds should be.

MR. KANE: Don't worry, they change the rules on you.

MR. MCDONALD: Accept a motion?

MR. TORLEY: Yes.

MR. MCDONALD: Motion we grant a variance to Mr. Robert Smith for his request for a 7.5 foot side yard variance for the existing shed.

MR. KANE: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: April 5, 2002

APPLICANT: ROBERT & MARIE SMITH
6 REGIMENTAL PLACE
NEW WINDSOR, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 4/4/02

FOR : SHED

LOCATED AT: 6 REGIMENTAL PLACE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SBL#49-2-4

IS DISAPPROVED ON THE FOLLOWING GROUNDS:48-14 A(1b) ACESSORY BUILDINGS

1.SHALL BE 10FT. FROM ANY LOT LINE.

2.EXISTING SHED IS 2.5 FT. FROM SIDE LOT LINE.

3.A VARIANCE OF 7.5 IS REQUIRED.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: SHED

MIN. LOT AREA:

MIN LOT WIDTH:

REQ=D.. FRONT YD:

REQ=D. SIDE YD 10FT.

2.5

7.5FT.

REQD. TOTAL SIDE YD:

REQ=D REAR YD:

REQ=D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

APR 04 2002

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2002-266

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Robert Smith

Address 6 Regimental Place Phone # 562-5317

Mailing Address _____ Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 49 Block 2 Lot 4

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other 10x12 SHED

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$ 50.00 CASH

PAID

Law

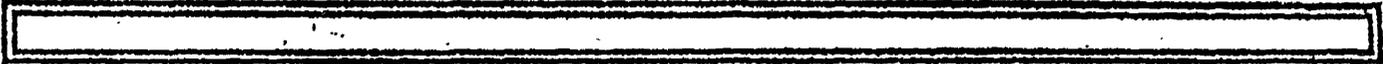
ZBA

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Robert Smith

(Signature of Applicant)

(Address of Applicant)

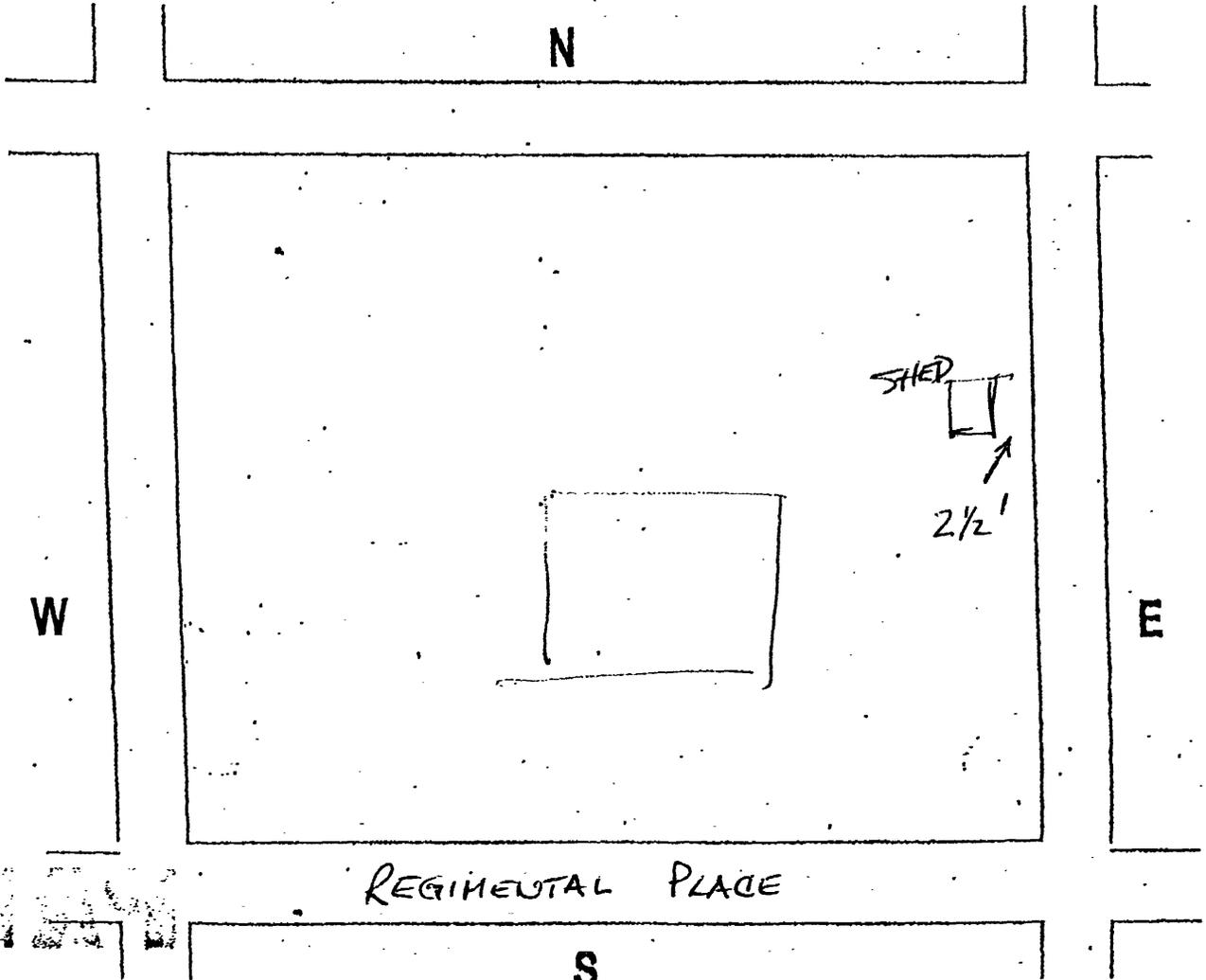
Robert Smith

(Owner's Name)

PLOT PLAN

(U. 111. 8 Adu/688)

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



REGIMENTAL PLACE

S

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

Robert & Marie Smith

AFFIDAVIT OF
SERVICE
BY MAIL

#02-22.

-----X

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 24th day of May, 2002; I compared the 177 addressed envelopes containing the Public Hearing ~~Notice~~ pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Corsetti
Notary Public

Sworn to before me this
____ day of _____, 20____.

Notary Public

Pls. publish immediately, send bill to Applicant.

**PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 22

Request of Robert + Marie Smith

for a VARIANCE of the Zoning Local Law to Permit:

existing sheds w/ less than the allowable side yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs.-Col. F.

for property situated as follows:

6 Regimental Place, New Windsor, N.Y. 12553.

known and designated as tax map Section 49, Blk. 2 Lot 4

PUBLIC HEARING will take place on the 10th day of June, 2002, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia A. Corsetti, Secy.

Date 4/24/02

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

Frances Roth
102 N. Dairy Lane
New Windsor, N.Y. 12550

TO DR.

DATE		CLAIMED	ALLOWED
4/23/02	Zoning Board Mtg	75.00	
	Misc - 2		
	Mestage - 2		
	Donovan - 3		
	Gastri - 1		
	Smith - 2 (Robert)		
	Deyer - 3		
	Trapp - 3		
	Mittelman - 5		
	Meyer - 4		
	777 - 3	136.00	
	28	201.00	



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

May 9, 2002

Robert Smith
6 Regimental Place
New Windsor, NY 12553

(27)

Re: 49-2-4

Dear Mr. Smith:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$95.00, minus your deposit of \$25.00.

Please remit the balance of \$70.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive that reads "L. Cook". The signature is enclosed in a hand-drawn oval.

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA

45-1-36
Chien-Min & Yao-Ming Lu
48 Continental Drive
New Windsor, NY 12553

X

49-1-1.2
Dimitrios & Pope Mylonas
C/o New Windsor Coach Diner
351 Windsor Highway
New Windsor, NY 12553

X

49-1-11
AnnMarie Marchiondo
Frank DeVaney
70 Continental Drive
New Windsor, NY 12553

X

45-1-37
Anne Hess
Mary Pascale
50 Continental Drive
New Windsor, NY 12553

X

49-1-2
Patricia Prendergast
52 Continental Drive
New Windsor, NY 12553

X

49-1-12
Felix & Luz DeJesus
72 Continental Drive
New Windsor, NY 12553

X

45-1-38
Eleanor Kaduk
PO Box 1206
Newburgh, NY 12550

X

49-1-3
Lawrence DiGregorio
Claudette Robertson
54 Continental Drive
New Windsor, NY 12553

X

49-1-13
Edward & Linda Spreer
74 Continental Drive
New Windsor, NY 12553

X

45-2-8
Ann Plass
5 Musket Place
New Windsor, NY 12553

X

49-1-4
Bradford & Kyong Smith
56 Continental Drive
New Windsor, NY 12553

X

49-1-14
Christopher Toepfer
76 Continental Drive
New Windsor, NY 12553

X

45-2-9
Robert & Theresa Penney
3 Musket Place
New Windsor, NY 12553

X

49-1-5
Elizabeth Stafford
58 Continental Drive
New Windsor, NY 12553

X

49-1-21
Wayne Baratta
33 Village Common Road
Fishkill, NY 12524

X

45-2-10
Giuseppe & Vincenza Cullaro
1 Regimental Place
New Windsor, NY 12553

X

49-1-6
Richard & Diane Storey
5 Mark Street
New Windsor, NY 12553

X

49-1-23.1
Carmine Andriuolo
363 Windsor Highway
New Windsor, NY 12553

X

45-2-11
Basil Komondarea
41 Continental Drive
New Windsor, NY 12553

X

49-1-7
Christopher & Christina Mullen
62 Continental Drive
New Windsor, NY 12553

X

49-1-23.2
County of Orange
255-275 Main Street
Goshen, NY 10924

X

45-2-12
Thomas & Beverly Karas
39 Continental Drive
New Windsor, NY 12553

X

49-1-8
Richard & Jeanine Crook
64 Continental Drive
New Windsor, NY 12553

X

49-1-25
Vittorio & Lucy Vitolo
30 Heather Court
Middletown, NY 10940

X

45-2-13
Diane Kennelly
37 Continental Drive
New Windsor, NY 12553

X

49-1-9
John & Mary Rohan
66 Continental Drive
New Windsor, NY 12553

X

49-1-26
Orfeo Cicchetti
33 Sherwood Drive
Mastic Beach, NY 11951

X

49-1-1.1
Kyriake, Christos & Nikolas Mylonas
C/o New Windsor Coach Diner
345 Windsor Highway
New Windsor, NY 12553

X

49-1-10
Edward & Linda Christian
68 Continental Drive
New Windsor, NY 12553

X

49-1-27
Reziero Vitolo
137 Mill Street
Wallkill, NY 12589

X

49-1-28
Bank of New York
Attn: P. Culas, Property Management
48 Wall Street - 24th Floor
New York, NY 10286 X

49-2-11
Anita Saltzman
47 Continental Drive
New Windsor, NY 12553 X

49-3-9
Nicholas & Jacqueline Battipaglia
8 Parade Place
New Windsor, NY 12553 X

49-2-1
David & Diana Kettner
43 Continental Drive
New Windsor, NY 12553 X

49-2-12
Joseph & Patricia Kraiza
45 Continental Drive
New Windsor, NY 12553 X

49-3-10
Keith Evans
6 Parade Place
New Windsor, NY 12553 X

49-2-2
Francis & Susan Sommerlad
2 Regimental Place
New Windsor, NY 12553 X

49-3-1
Vito Guidice
Katherine Shay
17 Cannon Drive
New Windsor, NY 12553 X

49-3-11
Robert & Brenda Tucker
4 Parade Place
New Windsor, NY 12553 X

49-2-3
John & Angela Parrino
4 Regimental Place
New Windsor, NY 12553 X

49-3-2
Raymond & Gloria Lopez
11 Cannon Drive
New Windsor, NY 12553 X

49-3-12
James & Elaine Shapiro
57 Continental Drive
New Windsor, NY 12553 X

49-2-5
Thomas & Itsia Slater
8 Regimental Place
New Windsor, NY 12553 X

49-3-3
Glen Giametta
Fred & Helen Giametta
20 Parade Place
New Windsor, NY 12553 X

49-3-13
Lee & Susan Benton
55 Continental Drive
New Windsor, NY 12553 X

49-2-6
Philip, Reina & George Justi
10 Regimental Place
New Windsor, NY 12553 X

49-3-4
George & Norma Weygant
18 Parade Place
New Windsor, NY 12553 X

49-3-14
Marianne Franklin
15 Regimental Place
New Windsor, NY 12553 X

49-2-7
James & Sylvia Bittles
12 Regimental Place
New Windsor, NY 12553 X

49-3-5
Richard Bogardus
Beth Castaldo
16 Parade Place
New Windsor, NY 12553 X

49-3-15
Ralph & Raylene Cafarelli
13 Regimental Place
New Windsor, NY 12553 X

49-2-8
James & Anita Gilbert
53 Continental Drive
New Windsor, NY 12553 X

49-3-6
David Jr. & Teresa Kenan
14 Parade Place
New Windsor, NY 12553 X

49-3-16
Robert & Kathleen Schultz
11 Regimental Place
New Windsor, NY 12553 X

49-2-9
Saturnino & Genovena Reyes
51 Continental Drive
New Windsor, NY 12553 X

49-3-7
Michael Soriano
Sandra Augustowski
12 Parade Place
New Windsor, NY 12553 X

49-3-17
Bankers Trust Co. of California NA
Trustee for Vendee Mtg. Trust 1999-2
C/o Countrywide Home Loans SV 24
400 Countrywide Way
Simi Valley, CA 93065 X

49-2-10
Benny & Roxanne D'Agostini
49 Continental Drive
New Windsor, NY 12553 X

49-3-8
San Juan Guillermo
Sara Ortiz
10 Parade Place
New Windsor, NY 12553 X

49-3-18
Thomas Jr. & Susan Caruso
7 Regimental Place
New Windsor, NY 12553 X

49-3-19
Frances Fellner
5 Regimental Place
New Windsor, NY 12553

49-3-20
Leonard & Alice Bauer
PO Box 4320
New Windsor, NY 12553

49-3-21
Betty Lou & Cindy Lou Drake
4 Musket Place
New Windsor, NY 12553

49-4-4
Charles & Patricia Roveto
23 Provost Drive
New Windsor, NY 12553

49-4-5
Carlos & Teresa Vasquez
21 Provost Drive
New Windsor, NY 12553

49-4-6
Jean, Terri & J C Adams
19 Provost Drive
New Windsor, NY 12553

49-4-7
William Thomas & Jean Marie
17 Provost Drive
New Windsor, NY 12553

49-4-8
Venera & Camille Martinisi
15 Provost Drive
New Windsor, NY 12553

49-4-14
Susan Hoffman
Ann Maria Cimino
3 Parade Place
New Windsor, NY 12553

49-4-15
Philip & Rosemary Mc Grath
5 Parade Place
New Windsor, NY 12553

49-4-16
Clemente Sr. & Clemente Jr. Valle
7 Parade Place
New Windsor, NY 12553

49-4-17
Rosa Celia, Jaime & Celmira Rodriguez
9 Parade Place
New Windsor, NY 12553

49-4-18
John III & Sylvia Glassey
11 Parade Place
New Windsor, NY 12553

49-4-19
Steven Whitehouse
13 Parade Place
New Windsor, NY 12553

49-4-20
Mary Nicotra
C/o Mary Abbruscato
15 Parade Place
New Windsor, NY 12553

49-4-21
Francis & Marlene Komsisky
17 Parade Place
New Windsor, NY 12553

49-4-22
Donald & Carolyn Cronin
19 Parade Place
New Windsor, NY 12553



SMITH, ROBERT

MR. TORLEY: Request for 7.5 ft. side yard variance for existing shed at 6 Regimental Place in R-4 zone.

Mr. and Mrs. Smith appeared before the board for this proposal.

MR. KANE: How long has your shed been up?

MR. SMITH: About 14 years.

MR. KANE: Any complaints formally or informally about the shed?

MR. SMITH: Not at all.

MR. KANE: Is the shed itself over any septic easements?

MR. SMITH: No.

MR. KANE: Create any water hazards, runoffs?

MR. SMITH: No.

MR. KANE: Similar to other sheds in the neighborhood?

MR. SMITH: Yes.

MR. TORLEY: What's the reason why the shed is where it is?

MR. SMITH: If you look at the pictures, you'll see our yard is very wooded and if I tried to get the shed away from the property line, I'd have to put it in front of those trees which makes it too close to the house.

MR. TORLEY: Or you'd have to move trees, you don't want to cut down large trees.

MR. SMITH: I don't want to do that and the only other level spot would be way up on top of the hill there, just wouldn't be practical to have it so far away.

April 22, 2002

9

MR. KANE: Is this the safest most practical spot on your property?

MR. SMITH: Right.

MR. REIS: What brings you to the ZBA, sir?

MR. SMITH: Pardon?

MR. REIS: What business brings you here?

MR. SMITH: I'm trying to sell the house.

MR. KANE: Accept a motion?

MR. TORLEY: Yes, sir.

MR. KANE: I move we set up Robert Smith for a public hearing on his requested variance at 6 Regimental Place.

MR. REIS: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

Date: #02-22.
5/22/02.

✓ I. Applicant Information:

- (a) Robert Smith Marie Smith 562-5317 X
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

- Use Variance Sign Variance
 Area Variance Interpretation

✓ III. Property Information:

- (a) R4 6 Regimental Place New Windsor, NY 49-2-4 100' x 211.44'
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
- (b) What other zones lie within 500 feet? None
- (c) Is pending sale or lease subject to ZBA approval of this Application? Yes
- (d) When was property purchased by present owner? 1987
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No. If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? Yes
- (h) Is there any outside storage at the property now or is any proposed? Yes

IV. Use Variance. MA

- (a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

(Describe proposal) _____

you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area Variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10 ft.</u>	<u>2.5 ft.</u>	<u>7.5 ft.</u>
Reqd. Total Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____	_____	_____
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** Non-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, 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 by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

why you believe the ZBA should grant your application for an area variance:

Existing shed is located in the safest, most practical position.
Yard has many trees plus is sloped. To place the shed in front of
the trees would place the shed too close to the house, and did not wish
to cut down trees.

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

(b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? _____.

VII. Interpretation. N/A.

(a) Interpretation requested of New Windsor Zoning Local Law,
Section _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones in maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Existing shed is located where it has no adverse affect on trees,
landscaping, fencing, utilities, or drainage. Curbs, lighting, paving
screening and sign limitations do not apply.

IX. Attachments required:

- Copy of referral from Bldg./Zoning Inspector or Planning Board.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copy(ies) of sign(s) with dimensions and location.
- Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- Photographs of existing premises from several angles.

X. Affidavit.

Date: 5/18/02

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X Robert Smith Maria Smith
(Applicant)

Sworn to before me this

18 day of May, 2002

Jasmine Otero

XI. ZBA Action:

(a) Public Hearing date: _____

JASMINE OTERO
Notary Public, State of New York
No. 01OT6051258
Qualified in Orange County
Commission Expires Nov. 20, 20 02

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
(This Page is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

VITO J. & LOUISE MAIORANA

TO

ROBERT & MARIE SMITH

RECORD AND RETURN TO:
(Name and Address)

GARY GALATI, ESQ.
27 WEST STREET
NEWBURGH, NEW YORK 12550

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 059561 DATE _____ AFFIDAVIT FILED _____ 19 _____

INSTRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

- BG20 Blooming Grove _____
- CH22 Chester _____
- CO24 Cornwall _____
- CR26 Crawford _____
- DP28 Deerpark _____
- GO30 Goshen _____
- GR32 Greenville _____
- HA34 Hamptonburgh _____
- HI36 Highland _____
- MK38 Minisink _____
- ME40 Monroe _____
- MY42 Montgomery _____
- MH44 Mount Hope _____
- NT46 Newburgh (T) _____
- NW48 New Windsor
- TU50 Tuxedo _____
- WL52 Wallkill _____
- WK54 Warwick _____
- WA56 Wawayanda _____
- WO58 Woodbury _____
- MN09 Middletown _____
- NC11 Newburgh _____
- PJ13 Port Jervis _____
- 9999 Hold _____

SERIAL NO. _____
Mortgage Amount \$ _____
Exempt Yes _____ No _____
Received Tax on above Mortgage
Basic \$ _____
MTA \$ _____
Spec. Add. \$ _____
TOTAL \$ _____

CHECK _____ CASH _____ CHARGE
MORTGAGE TAX \$ _____
TRANSFER TAX \$ 600-
RECORD. FEE \$ 20-
REPORT FORMS \$ 5-
CERT. COPIES \$ _____

MARION S. MURPHY
Orange County Clerk

by: _____

ORANGE COUNTY CLERK'S OFFICE S.S.
Recorded on the 13th day of July 19 87 at 10:42
O'Clock Deed M. in Liber/Film 2749
26 at page 26 and examined.

Marion S. Murphy
County Clerk

Kar-Vin

RECEIVED
\$ 600.00
REAL ESTATE
JUL 13 1987
TRANSFER TAX
ORANGE COUNTY

THIS INDENTURE, made the 10th day of July nineteen hundred and eighty-seven
BETWEEN VITO J. MAIORANA and LOUISE MAIORANA, his wife, both residing
at 6 Regimental Place, Town of New Windsor, Orange County, New York

G-2825
49-2-4

party of the first part, and ROBERT SMITH and MARIE SMITH, his wife, both residing
at 55 Lakeside Drive, Highland Mills, Orange County, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN AND 00/100-----
-----(\$10.00)-----dollars,

lawful money of the United States, and other good and 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

ALL that certain lot, piece or parcel of land, together with the improve-
ments thereon, known as Lot No. 6 Regimental Place, Block "F", on Amended
Map of Gateway, Schoonmaker Bros., Inc., Town of New Windsor, Orange County,
New York, as made and amended September 16, 1963, by C.F. DiMarzio, L.S. No.
15985, and which amended map was filed October 15, 1963, as Map No. 2009,
Orange County Clerk's Office, and which lot is more particularly bounded
and described as follows:

BEGINNING at the most easterly corner of Lot No. 8 Regimental Place, Block "F", as shown on said Amended Map of Gateway, filed in the Orange County Clerk's Office as Map No. 2009, and continuing from thence along the northeasterly line of said Lot No. 8 Regimental Place, Block "F", North $51^{\circ} 48'$ West 211.44 feet; thence along the southeasterly line of Lot No. 45 Continental Drive, Block "F", North $38^{\circ} 12'$ East 100 feet; thence along the southwesterly line of Lot No. 2 and Lot No. 4 Regimental Place, Block "F", South $51^{\circ} 48'$ East 211.44 feet; thence along the northwesterly line of Regimental Place, South $38^{\circ} 12'$ West 100 feet to the point of beginning.

TOGETHER WITH and SUBJECT TO the same rights, covenants and conditions contained in, and BEING the same premises described in that certain deed dated July 1, 1964 made by Schoonmaker Bros., Inc. to Vito J. Maiorana and Louise Maiorana, the grantors herein, and recorded in the Orange County Clerk's Office on July 3, 1964 in Liber 1669 of Deeds at page 89.

SAID premises also are described in accordance with a recent survey procured by parties of the second part as follows:

ALL that tract or parcel of land situated in the Town of New Windsor, County of Orange, and State of New York, being Lot No. 6, Block F, on a filed map entitled "Amended Map of Gateway", said filed map being filed in the Orange County Clerk's Office on October 15, 1963, as Map No. 2009, bounded and described as follows:

Lu
rg

LIBER 2749 PG 27

BEGINNING at a point on the northwesterly line of Regimental Place, said point being the intersection of the northwesterly line of Regimental Place, with the northeasterly line of Lot No. 8, Block F, on said filed Map No. 2009; thence along Lot No. 8, Block F, on said filed Map No. 2009, North 51° 48' 00" West 211.44 feet to a point; thence along Lot No. 45, Block F, on said filed Map No. 2009, North 38° 12' 00" East 100.00 feet to a point; thence along Lot No. 2, Block F, and Lot No. 4, Block F, on said filed Map No. 2009, South 51° 48' 00" East 211.44 feet to a point; thence along the northwesterly line of Regimental Place, South 38° 12' 00" West 100.00 feet to the point or place of beginning.

Containing 0.49 of an acre of land, more or less.

SUBJECT to the existing easements and right of ways of record, if any.

LM
gh

LIBER 2749 PG 28

~~TOGETHER~~ with all right, title and interest, together with all appurtenances, easements, rights of way, 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, as tenants by the entirety .

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 incumbered 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.

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

IN PRESENCE OF:

(Handwritten signature)

Vito J. Maiorana

VITO J. MAIORANA

Louise Maiorana

LOUISE MAIORANA

LIBER 2749 PG 29

On the 10th day of July 19 87, before me personally came

VITO J. & LOUISE MAIORANA

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

[Signature]
Notary Public

George J. ... Jr.
Notary Public, State of N.Y.
Qualified in ... County
Comm. Expires APR 30, 19 88

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.

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.

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 executed the same.

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.

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.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

VITO J. MAIORANA and LOUISE MAIORANA

TO

ROBERT SMITH and MARIE SMITH

SECTION

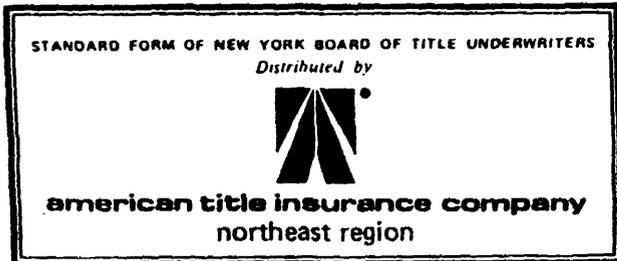
BLOCK

LOT

COUNTY OR TOWN

Recorded At Request of American Title Insurance Company

RETURN BY MAIL TO:



A Member of The Continental Insurance Companies

~~GARY A. GALATI, ESQ.~~
~~27~~ DAVID GRANT, ESQ.
7 CROSS ST.
NEW WINDSOR, N.Y.
Zip No. 12550.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 2749 PG 30