

ZB# 02-34

Hudson Valley Drilling

67-4-16

#02-34
Hudson Valley Drilling (Frye) 67-4-16



Pretim
June 10, 2002
P.H. 2/10/03

APPROVED 3/3/03

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: HV Drilling

FILE# 02-34

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 6/11/02 - 2 \$ 9.00
2ND PRELIMINARY- PER PAGE \$ _____
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ 18.00
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 27.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: \$ 35.00
2ND PRELIM. \$ _____
3RD PRELIM. \$ _____
PUBLIC HEARING \$ 35.00
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 97.00

LESS ESCROW DEPOSIT \$ 500.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT .. \$ 403.00

3/3/03
L.R.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

March 12, 2003

Hudson Valley Drilling
2177 Rt. 94
Salisbury Mills, NY 12577

SUBJECT: ZBA #02-34 - REQUEST FOR VARIANCE

Dear Mr. Frey:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

Sent 3/12/03

#02-34

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: May 10, 2002

APPLICANT: HUDSON VALLEY DRILLING
2177 RT. 94
SALISBURY MILLS, NY 12577

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 10, 2002

FOR :

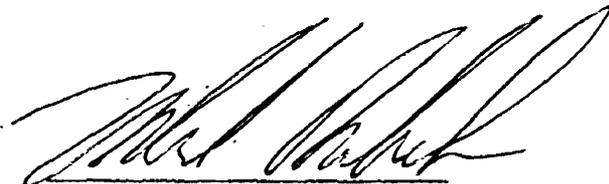
LOCATED AT: 1104 ROUTE 94

ZONE: NC SBL#67-4-16

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. REQUIRED SIDE YARD 15FT. BUILDING IS 12.6FT. NEED VARIANCE OF 2.4 FT.



BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: NC USE:

MIN. LOT AREA:

MIN LOT WIDTH:

REQ=D.. FRONT YD:

REQ=D. SIDE YD:

REQD. TOTAL SIDE YD:15FT.

12.6FT.

2.4FT.

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

ZBA

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 uncheduled 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.

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 ~~complete~~ 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 pond 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 perc 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.

RECEIVED

MAY 10 2002

Town of New Windsor Bldg. Dept.

FOR OFFICE USE ONLY:
Building Permit #: 2002-440

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

COPY

Owner of Premises HUDSON VALLEY DRILLING

Address 2177 RT. 94, SALISBURY MILLS Phone # 496-2131

Mailing Address SAME Fax # 496-2131

Name of Architect

Address Phone

Name of Contractor RKB CONST.

Address _____

Phone 565-7378

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

OWNER

If applicant is a corporation, signature of duly authorized officer _____

Michael Gray PRESIDENT

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____

1104 RT 94

(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 _____

67

Block _____

4

Lot _____

16

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

existing building

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

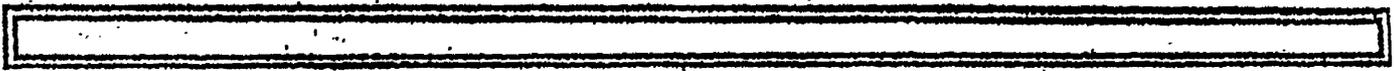
PAID

____/____/____
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 Kryshear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(846) 563-4818
(845) 563-4895 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.

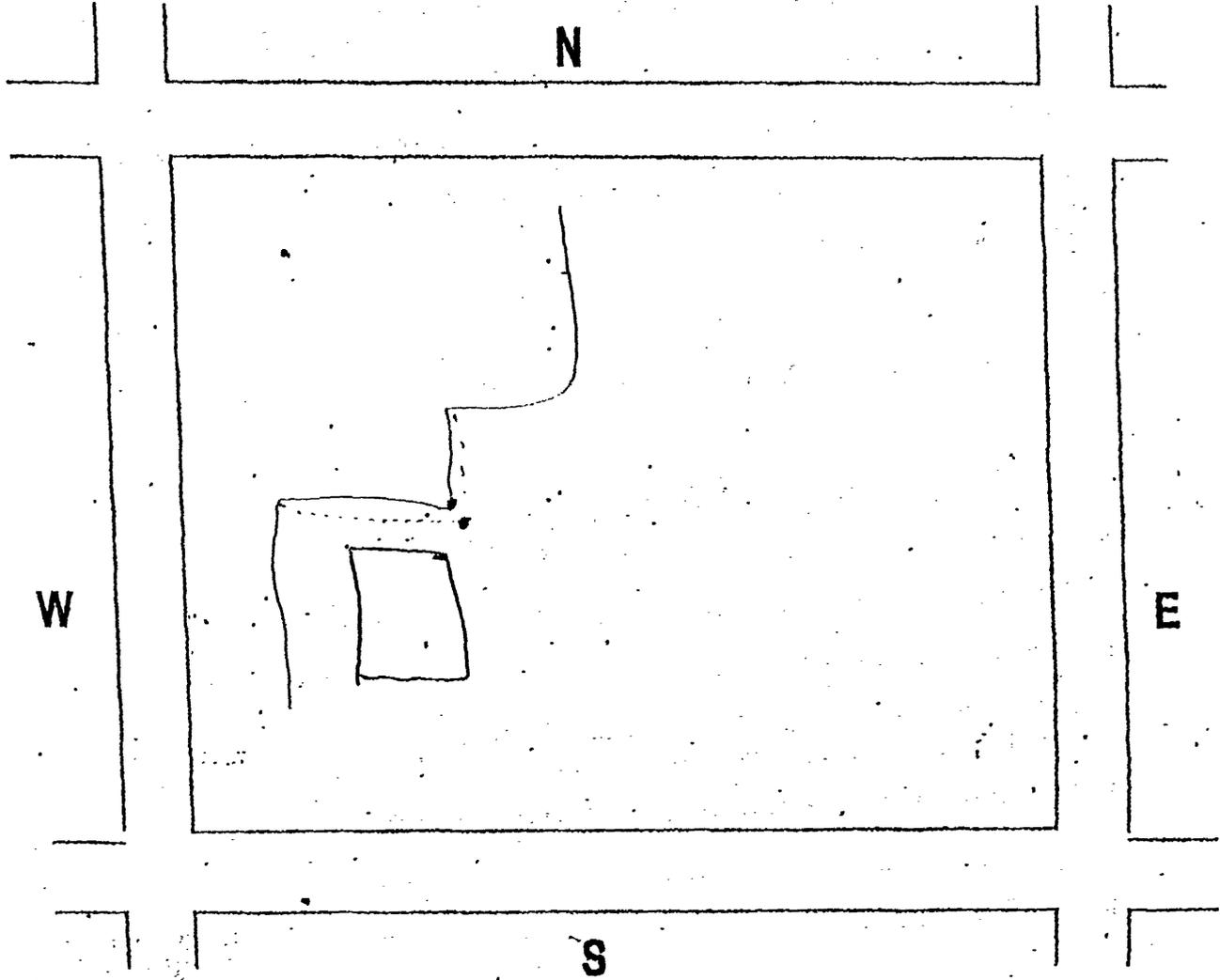
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein 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.

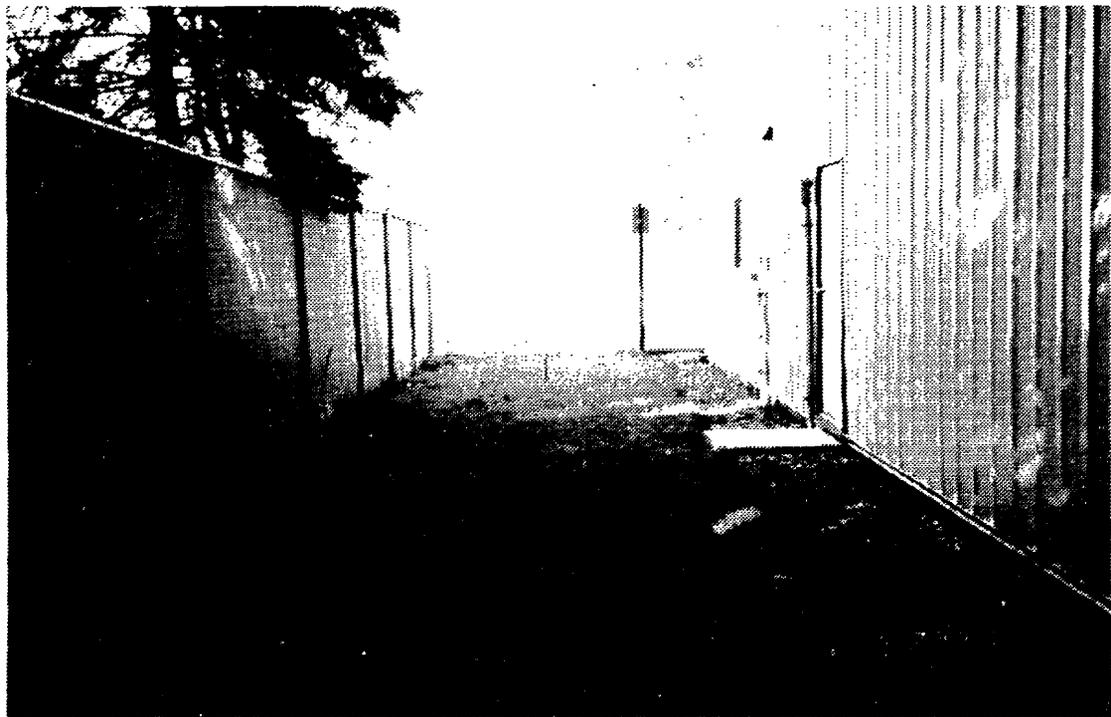
(Signature of Applicant) (Address of Applicant)
Michael J. J... 2177 RT 94. SALISBURY MILLS

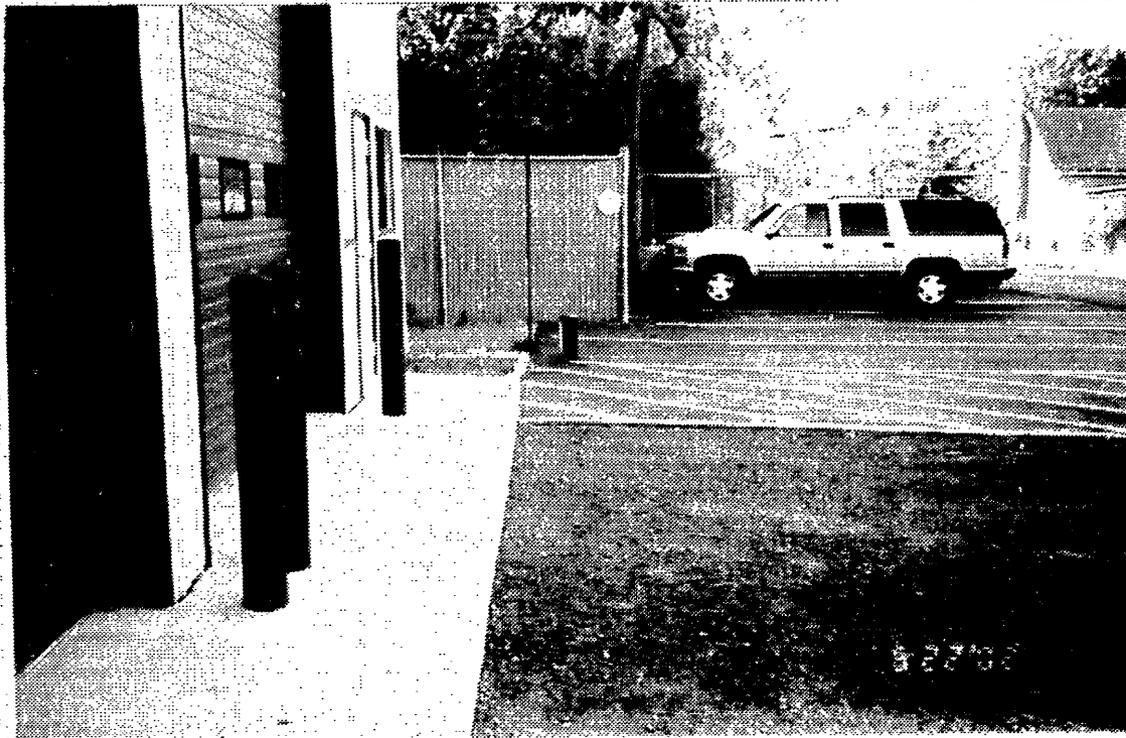
(Owner's Signature)

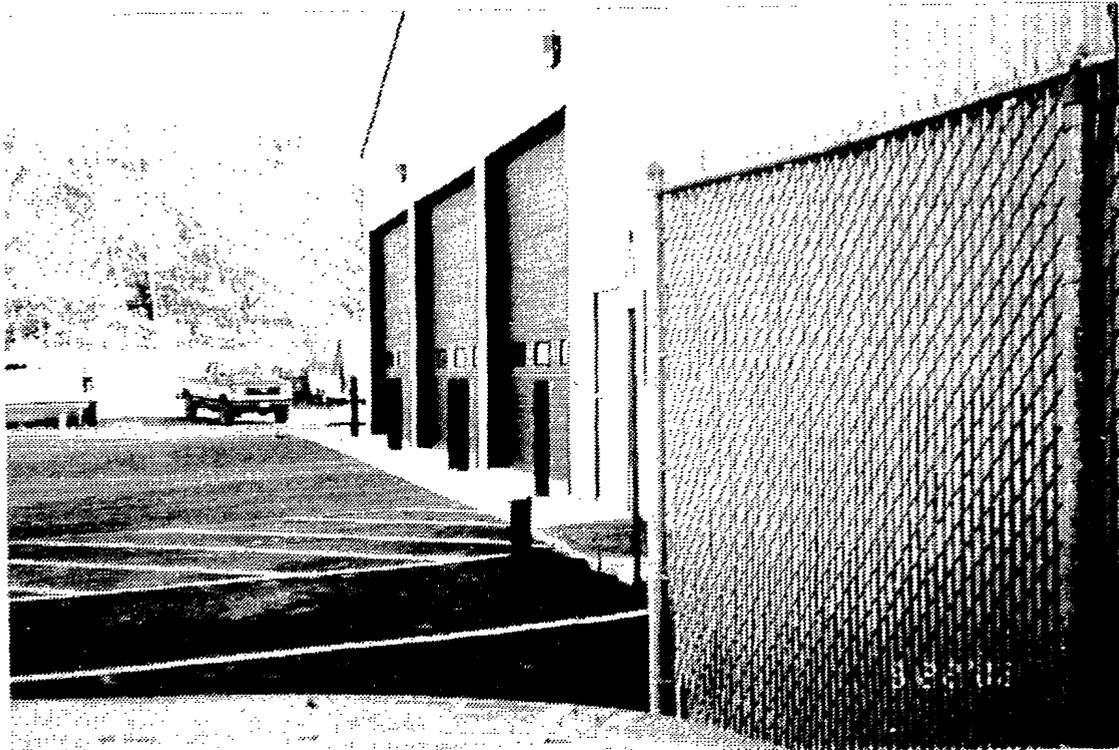
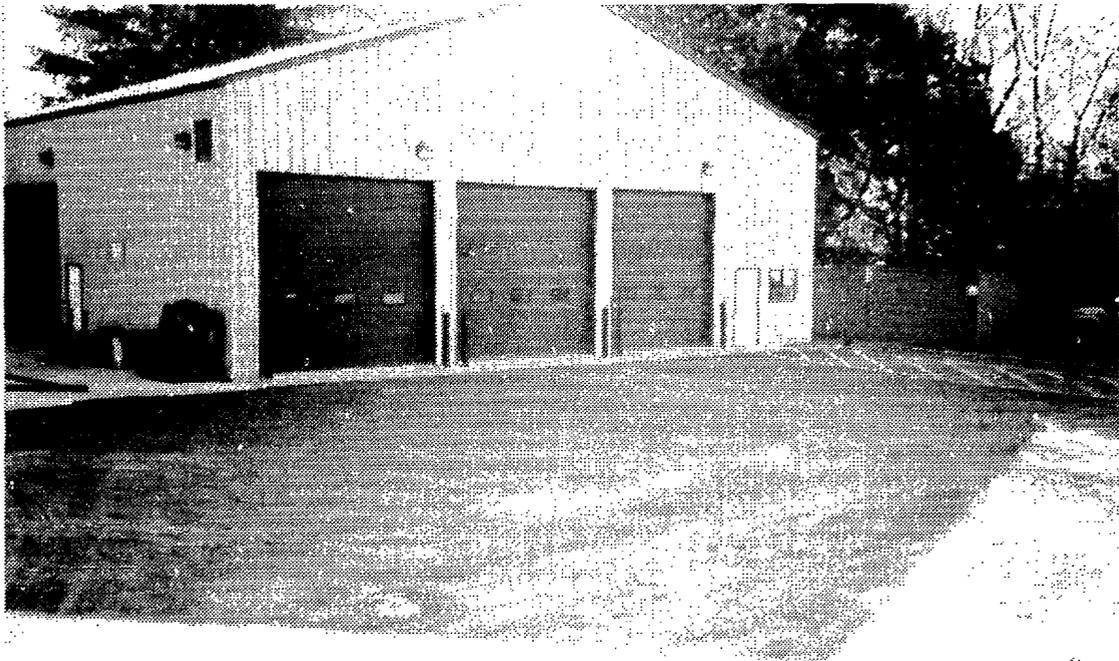
PLOT PLAN

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

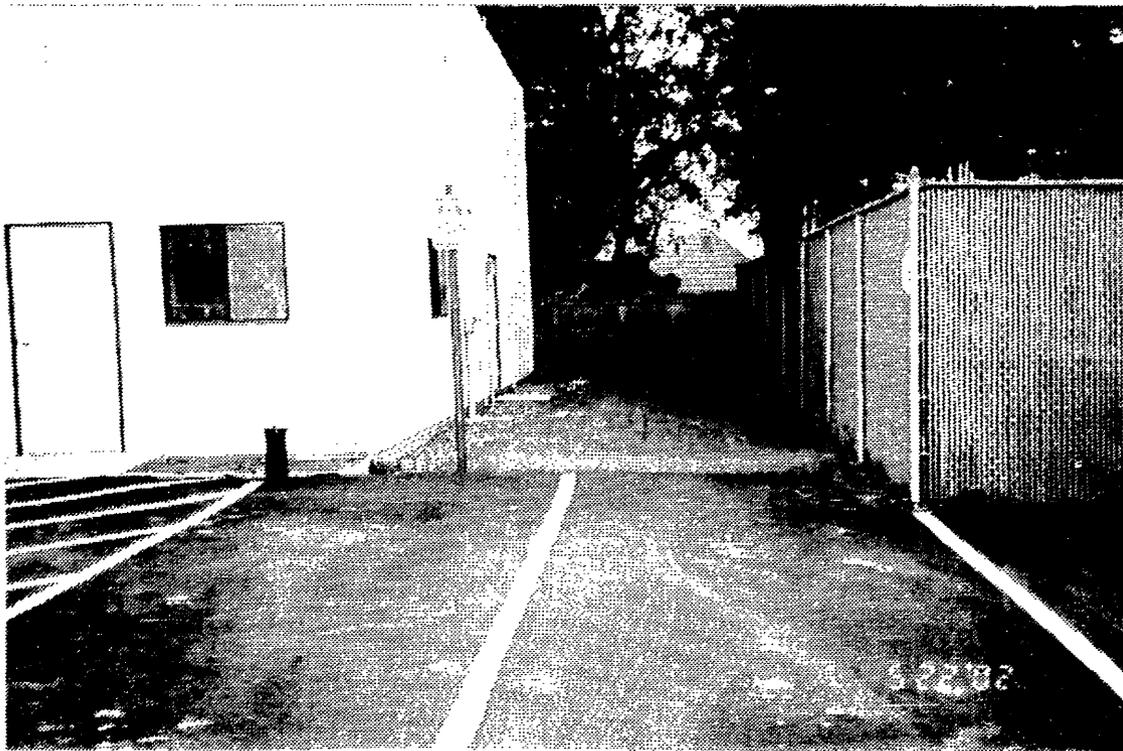


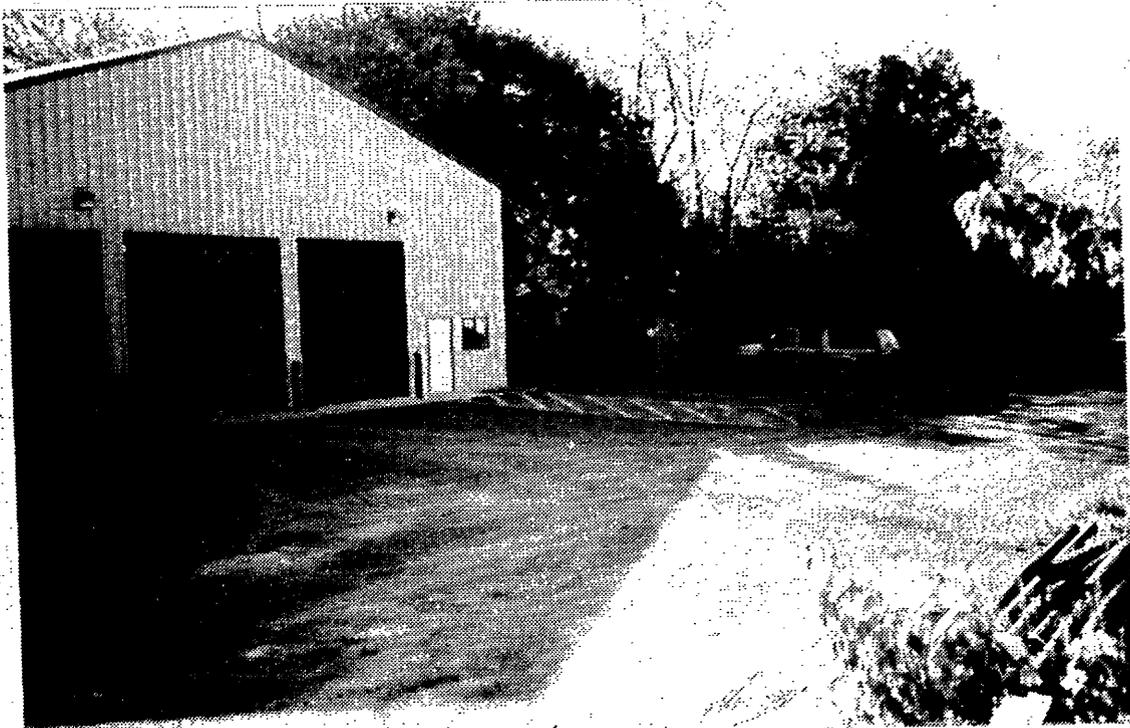












In the Matter of the Application of
HUDSON VALLEY DRILLING

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

CASE #02-34

-----X
WHEREAS, HUDSON VALLEY DRILLING, owners of 1104 Route 94, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 2.4 foot side yard setback for existing building in a NC Zone at above location; and

WHEREAS, a public hearing was held on the 10th day of February 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

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

WHEREAS, no one spoke in favor of or in opposition to the Application; 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 published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a commercial property located in a mixed neighborhood of commercial and residential properties fronting on a busy state highway.
 - (b) When the building was constructed, it was constructed closer to the road than allowed by the Zoning Law.
 - (c) The building for which the variance is sought cannot feasibly be moved.
 - (d) There have been no complaints, either formal or informal, about the building since its construction. Because of the shape of the property, the building is located a considerable distance from the adjacent state highway.
 - (e) The building is not readily visible to neighbors, except for one neighbor, who apparently has no opposition to this application.

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 requested variances 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 which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances 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 variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances.

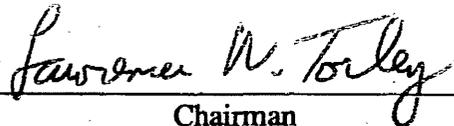
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 2.4 foot side yard setback variance for existing commercial building in an NC zone, at the above location, 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: March 3, 2003


Chairman

**TOWN OF NEW WINDSOR
ENGINEER, PLANNING BOARD
AND ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: MARCH 3, 2003
SUBJECT: HUDSON VALLEY DRILLING - ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 403.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #02-34

NAME: HUDSON VALLEY DRILLING

ADDRESS: 2177 RT. 94

SALISBURY MILLS, NY 12577

THANK YOU,

MYRA

HUDSON VALLEY DRILLING #02-34

Mr. Mike Frey appeared before the board for this proposal.

MR. TORLEY: Anyone in the audience who wishes to speak on this matter? Let the record show there is none.

MS. MASON: On January 23, we sent out 36 envelopes.

MR. TORLEY: What's your problem?

MR. FREY: The problem is the building's too close to the property, don't know if the mistake was by the surveyor or by the fence contractor, but the building was put too close to the property, it's a 50 x 60 steel building and one fence post is in the wrong place.

MR. KANE: Fence up before the building?

MR. FREY: Yes. There was some time before the building was built and we were ready for a C.O. on the property. When the town told me, I had the building plotted on the property by a surveyor, Mr. Washburn who's out of business. Mr. Hildreth then came in and discovered that problem and that's why we're here.

MR. TORLEY: On this map, do you mind showing me what we're talking about?

MR. FREY: It's right here in the corner.

MR. BABCOCK: This is the site plan and they took the fence which was existing before he bought the property and the property line basically runs the fence, that's what they tried to do so what happened was the fence is actually off the property line.

MR. TORLEY: It's on somebody else's property?

MR. BABCOCK: Yeah, it's partially yes and partially no.

MR. FREY: My fence is adjoining their fence and both of them are on the other property, we offered to buy

this property from the lady, she said no, get your variance so there's no opposition to the fence, they don't care about it.

MR. TORLEY: It should be simple, the unfortunate thing is if the fence is on somebody else's property, we can't give a variance for that.

MR. BABCOCK: He's not looking for a variance for the fence. What he's saying when the contractor went out, measured over from the fence instead of the property line. If you look at the map, it's very deceiving which is the fence, which is the property line, so he measured off the fence and the fence is over the property line which created this variance.

MR. KANE: Obviously, it would be a financial hardship to move the building.

MR. FREY: It's not impossible but it would be difficult to do.

MR. TORLEY: Financially impractical.

MR. FREY: Problem was really with the surveyor, they were nonchalant about the fence posts.

MR. KANE: Any complaints formally or informally about where the building lies right now with the fence where it is?

MR. FREY: No.

MR. KRIEGER: You have commercial property, what are your neighbors, commercial or residential?

MR. FREY: Both, there's a dog kennel and there's a residence out front.

MR. RIVERA: How many notices were sent?

MS. MASON: We sent out 36.

MR. KANE: Accept a motion?

MR. TORLEY: If there are no other questions.

MR. REIS: I have a question, what brings you to the ZBA?

MR. FREY: When I applied for my C.O. they said plot your building, when we plotted the building, we realized it was off the property, there's two surveyors involved and about five or ten year span, one surveyor went out of business, Mr. Washburn, Mr. Hildreth came in and found this problem.

MR. TORLEY: That may explain why he went out of business.

MR. FREY: At that time, the surveyor should of showed up at the time of the footing inspection, if there was any question and really in this case when you build, put a building within so many feet from a property line, the surveyor should have been there. I'm not a building contractor, I'm a well driller, but I know now and I was there when we measured it. We made some assumptions but in close proximity, the surveyor should always be there.

MR. KANE: Agreed. Mr. Chairman, accept a motion?

MR. TORLEY: Yes, sir.

MR. KANE: Move that we approve the request by Hudson Valley Drilling for 2.4 foot side yard variance on their Route 94 location.

MR. MC DONALD: Second it.

ROLL CALL

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

MR. FREY: Thank you, gentlemen, and especially I want to thank Mr. Babcock, he's been outstanding in dealing

February 10, 2003

40

with this.



RESULTS OF Z.B. MEETING OF: February 10, 2003

PROJECT: Hudson Valley Drilling - Public Hear. ZBA # 02-34
P.B.#

USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____
REIS _____ CARRIED: Y _____ N _____
KANE _____
TORLEY _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) K S) M VOTE: A 5 N 0.

RIVERA A
MC DONALD A CARRIED: Y N _____
REIS A
KANE A
TORLEY A

Large empty rectangular box with horizontal lines, likely for additional notes or signatures.

PUBLIC HEARING NOTICE
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. 02-34

Request of HUDSON VALLEY DRILLING, INC.

for a VARIANCE of the Zoning Local Law to Permit:

A 2.4 FT. Side Yard Set back Variance

being a VARIANCE of Section 48-12 Table of Bulk Regulations Column F(10)

for property located at: 1104 Route 94 - New Windsor

known and designated as tax map Section 67 Block4 Lot 16

PUBLIC HEARING will take place on FEBRUARY 10, 2003 AT 7:30 P.M.
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Chairman



Town of New Windsor

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

Assessors Office

May 15, 2002

Frey
Hudson Valley Drilling
Michael [REDACTED]
2177 Rt 94
Salisbury Mills, 12577

Re: 67-4-16

Dear Mr. Furey:

According to our records, the attached list of property owners are within five hundred(500), also please be advised that the property is also within five hundred(500) feet in the Town of Cornwall of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

L. Cook 

Leslie Cook
Sole Assessor

LC/srr

Attachments

CC: Pat Corsetti, ZBA



65-1-49.12
Frank & Barbara Mandato
78 Riley Road
New Windsor, NY 12553 ✓

67-4-2
Andrew Stahl, Jr.
54 Riley Road
New Windsor, NY 12553 ✓

67-4-20.1
Paresh Modh
1136 Route 94
New Windsor, NY 12553 ✓

65-1-49.13
Robert Keenan
72 Riley Road
New Windsor, NY 12553 ✓

67-4-3
Nilda Natal & Roberta Alvarez
50 Riley Road
New Windsor, NY 12553 ✓

67-5-1
Daniel & Carol Nagy
PO Box 66
Vails Gate, NY 12584 ✓

65-1-49.14
Richard & Marie Fitzpatrick
PO Box 526
Beacon, NY 12508 ✓

67-4-4.1
Edward Miele
Station Street
PO Box 116
Southfields, NY 10975 ✓

67-5-2
Robert Sparado
1089 Route 94
New Windsor, NY 12553 ✓

65-1-50.3
Allen & Kitty Dantas
958 Little Britain Road
New Windsor, NY 12553 ✓

67-4-4.21
Michael Miele
40 Riley Road Unit # 2
New Windsor, NY 12553 ✓

67-5-4
Ferdinando & Angela Collini
Box 116
Vails Gate, NY 12584 ✓

65-1-84.1
Gary & Therese Lamica
88 Riley Road
New Windsor, NY 12553 ✓

67-4-12.2
Erie Properties, Corp.
401 So. Water Street
Newburgh, NY 12550 ✓

67-5-5
Robert Waltke
Beecher Hill Road Box 137 A
Wallkill, NY 12589 ✓

67-1-2.1
Peter & Elaine Escalera
61 Riley Road
New Windsor, NY 12553 ✓

67-4-13.1
Alan & Linda Jobson
PO Box 655
Vails Gate, NY 12584 ✓

67-5-6
Kwok Hei-San
PO Box 409
Westmont, IL. 60559 ✓

67-1-3
Alton & Alice Peterson
53 Riley Road
New Windsor, NY 12553 ✓

67-4-15
Tina Fratto
PO Box 104
Vails Gate, NY 12584 ✓

67-5-7
Richard & Karen Mayer
1113 Route 94
New Windsor, NY 12553 ✓

67-1-4
Debbie Roszkowski
45 Riley Road
New Windsor, NY 12553 ✓

67-4-17 67-4-18.2
Jay Himelson
18 Peterbush Drive
Monroe, NY 10950 ✓

67-5-8 67-5-10.1
Arthur Stockdale
26 Kristie Lane
Jericho, VT 05465 ✓

67-4-1.1
Paul & Donna McCarthy
58 Riley Road
New Windsor, NY 12553 ✓

67-4-18.1
The Ciancio Corporation
593 Lakeside Road
Newburgh, NY 12550 ✓

67-5-9
Frank Maurice
14 Maurie Lane
PO Box 366
New Windsor, NY 12553 ✓

67-4-1.2
Bryant & Ella May Harris
Box 525
Vails Gate, NY 12584 ✓

67-4-19
Vernon & Brenda Peterson
PO Box 494
Vails Gate, NY 12584 ✓

67-5-10.2
Robert & Victoria Mule
PO Box 565
Vails Gate, NY 12584 ✓

67-5-11
Refined Home Renovation Co.
C/o Charles O'Kelly
PO Box 2588
Newburgh, NY 12550



67-5-12 67-5-13
Frederick & Christine Naclerio
408 Carlton Circle
New Windsor, NY 12553



67-5-14
Patricia & Kenneth Bates
PO Box 294
Vails Gate, NY 12584



67-5-15
County of Orange
255-275 Main Street
Goshen, NY 10924



69-4-1
Bank One National Association
9275 Sky Park Court
San Diego, CA 91941



69-4-2.2
New York Central Lines, LLC
c/o CSX
500 Water Street (J-910)
Jacksonville, FL 32202



Mailed (36)

(6)

ZBA #02-34 E ROW

HUDSON VALLEY DRILLING, INC.

2177 ROUTE 94
SALISBURY MILLS, NY 12577-5207 561-5061

6721

DATE 1/10/03

50-235-623
219
6809106371

PAY Five Hundred and 00/100

DOLLARS \$ 500.00

TO THE ORDER OF

Town of New Windsor

Dawn M. Frey

⑆006721⑆⑆0021902352⑆⑆6809106371⑆

THE BANK OF NEW YORK

ZBA #02-34 Application fee

HUDSON VALLEY DRILLING, INC.

2177 ROUTE 94
SALISBURY MILLS, NY 12577-5207 561-5061

6720

DATE 1/10/03

50-235-623
219
6809106371

PAY One Hundred Fifty and 00/100

DOLLARS \$ 150.00

TO THE ORDER OF

Town of New Windsor

Dawn M. Frey

⑆006720⑆⑆0021902352⑆⑆6809106371⑆

THE BANK OF NEW YORK



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

February 6, 2003

Hudson Valley Drilling
2177 Rt. 94
Salisbury Mills, NY 12577

SUBJECT: ZBA FILE #02-34 - REQUEST FOR VARIANCE

Dear Mr. Frey:

This is just a reminder that your Public Hearing before the Zoning Board of Appeals for your requested variance at:

1104 Route 94
New Windsor, NY
Tax Map #67-4-16

is scheduled for the February 10th, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

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

**RECEIPT
#68-2003**

01/27/2003

Hudson Valley Drilling

**Received \$ 150.00 for Zoning Board Fees, on 01/27/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

#08-34 app fee

**Deborah Green
Town Clerk**

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 01-24-2003

FOR: 02-34

FROM: **HUDSON VALLEY DRILLIN, INC.**

2177 ROUTE 94

SALISBURY MILLS, NY 12577-5207

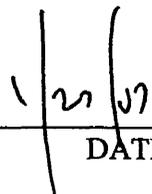
CHECK NUMBER: 6721

AMOUNT: **\$500.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

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
6/10/82	Zoning Board Mtg	75 00	
	Misc. - 4		
	Kochan - 5		
	Hudson Valley Drilling - 2		
	Weissman - 3		
	House of Apache - 21		
	Donovan - 4		
	Westage Corp. - 3		
	Smith - 2		
	Donhoff - 10		
	<u>54</u>	<u>243 00</u>	
		318 00	

HUDSON VALLEY DRILLING

Mr. Mike Frey appeared before the board for this proposal.

MR. FREY: The building is constructed too close to the property line by 2.4 feet. We don't know if the problem arose with the original surveyor but the fence installer, but the fence is put on the neighbor's property, the building was constructed 15 feet from the fence and that made it close, made it too close. Survey of the building shows us a plot plan when we did that we arose with this problem. Mr. Hildreth is my surveyor and original surveyor is not here, Mr. Washburn.

MR. BABCOCK: Mr. Chairman, I can verify that we have a site plan dated stamped approved May 20, 1998, it shows the property line on the opposite side of the fence is, shows the chain link fence which he submitted to the planning board as actually his representatives did, maybe I can just show you and it's on the other side. Today, when they did the as-built, the fence is on the other side of the line.

MR. TORLEY: I'm looking at a survey dated 10 May, 2002.

MR. BABCOCK: That's right, so when they measured, they measured from the fence and from the fence 15 foot put the building up.

MR. KANE: Obviously, he can't move the building.

MR. BABCOCK: No, it's an honest mistake, you can see it and he only went by the information that was supplied to him by his, the people that he had hired.

MR. TORLEY: You realize that we, the fence being on someone else's property, we can give you no relief from--

MR. FREY: I understand that, I offered to buy the property from the other homeowner, she said no, why don't you go for the variance route.

MR. TORLEY: You're aware that we can't let you.

MR. KANE: Accept a motion?

MR. TORLEY: If there are no other questions at this time, yes.

MR. KANE: I move we set up Hudson Valley Drilling for their requested variance at 1104 Route 94.

ROLL CALL

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

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

Date: _____

I. Applicant Information:

- (a) Hudson Valley Drilling, Inc 2177 Rt 94 Salisbury N.Y. 12577 561-5061
(Name, address and phone of Applicant) (Owner) MICHAEL FREY
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) William Hildreth 407 So. Plank Rd. Unit 3 Newburgh 566-6656 (SURVEYOR)
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) NC 1104 Rt 94 New Windsor, N.Y. 12553 67-4-16 0.7 AC.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R3
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1993
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? N/A
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: YES: MATERIAL RELATIVE TO BUSINESS OPERATION - APPROVED BY PLANNING BOARD ON 30 MAY 1998

IV. Use Variance. N/A

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

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why 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.

N/A

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes ___ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of BULK Regs., Col. F(10).

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>10,000 S.F.</u>	<u>30,344 S.F.</u>	<u>No</u>
Min. Lot Width <u>100'</u>	<u>187' (AT BLDG.)</u>	<u>No</u>
Reqd. Front Yd. <u>40'</u>	<u>71.4'</u>	<u>No</u>
Reqd. Side Yd. <u>15'/35'</u>	<u>12.4'/86.8'</u>	<u>2.4' (16%)</u>
Reqd. Rear Yd. <u>15'</u>	<u>15.3'</u>	<u>No</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt. <u>N/A</u>		
	<u>435'</u>	<u>No</u>
Min. Floor Area*		
Dev. Coverage* <u>N/A</u> %		
Floor Area Ratio** <u>1.0</u>	<u>0.1</u>	<u>No</u>
Parking Area <u>5 SPCS</u>	<u>5 SPCS</u>	<u>No</u>

* Residential Districts only

** No-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:

BENEFIT TO APPLICANT OF VARIANCE IS THE BUILDING DOES NOT HAVE TO BE MOVED. NO DETRIMENT OR CHANGE TO CHARACTER OF NEIGHBORHOOD WILL BE CREATED. THERE IS NO OTHER FEASIBLE METHOD OF RELIEF AVAILABLE. VARIANCE IS NOT SUBSTANTIAL (16%) AND HAS NO ADVERSE IMPACT ON ENVIRONMENT OR NEIGHBORHOOD. WHILE IT MAY BE DEEMED SELF-CREATED, DIFFICULTY AROSE DUE TO PRIOR CONSULTANT'S INATTENTION TO CLIENT'S NEEDS. VARIANCE SHOULD BE GRANTED BECAUSE OF SUBSTANTIAL COMPLIANCE WITH SPIRIT AND INTENT OF PLANNING BOARD APPROVAL

(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

N/A

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

	<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 over size 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 _____, Table of _____ Regs., Col. _____.

(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 is maintained or

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>HUDSON VALLEY DRILLING, INC.</i>		2. PROJECT NAME <i>HUDSON VALLEY DRILLING, INC. SITE PLAN</i>	
3. PROJECT LOCATION: Municipality <i>TOWN OF NEW WINDSOR</i> County <i>ORANGE</i>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>1104 ROUTE 94 NEW WINDSOR TAX MAP SECTION 67 BLOCK 4 LOT 16</i>			
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <i>REQUEST FOR A SIDE YARD VARIANCE OF 1.4' FROM THE REQUIRED 15' TO EXISTING 12.6'</i>			
7. AMOUNT OF LAND AFFECTED: Initially <u>0.7</u> acres Ultimately <u>0.7</u> acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>AREA VARIANCE FOR BUILDING SIDE YARD SET BACK REQUIRED</i>			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <i>TOWN OF NEW WINDSOR BUILDING DEPARTMENT - CERTIFICATE OF OCCUPANCY</i>			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval <i>TOWN OF NEW WINDSOR PLANNING BOARD SITE PLAN APPROVAL 20 MAY 1998</i>			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <i>HUDSON VALLEY DRILLING, INC.</i>		Date: <i>10 MAY 2002</i>	
Signature: <i>William B. Hildner, L.S. (PREPARER)</i>			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

 Name of Lead Agency

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (If different from responsible officer)

 Date



Parcel Area
30,344 S.F.
0.70 Ac.

N/L
CONSOLIDATED RAIL
CORPORATION
SEC 67 BLK 4 LOT 12.2
(NOT IN USE)

N/F
TOMPKINS
SEC 67 BLK 4 LOT 17
L.2301 P.725

N/F
ALEXANDER
SEC 67 BLK 4 LOT 13.1
L.2007 P.597

N/F
BROWN
SEC 67 BLK 4 LOT 15
L.1875 P.418

EQUIPMENT STORAGE

EQUIPMENT STORAGE

CONCRETE PAD

SHALE PARKING
AND STORAGE AREA

GARAGE AND OFFICE

OIL TANK

BARBQ

IRON PIPE FOUND
1.2' FROM CORNER

STONE CURB

WELL

H.C. SIGN

PAVED

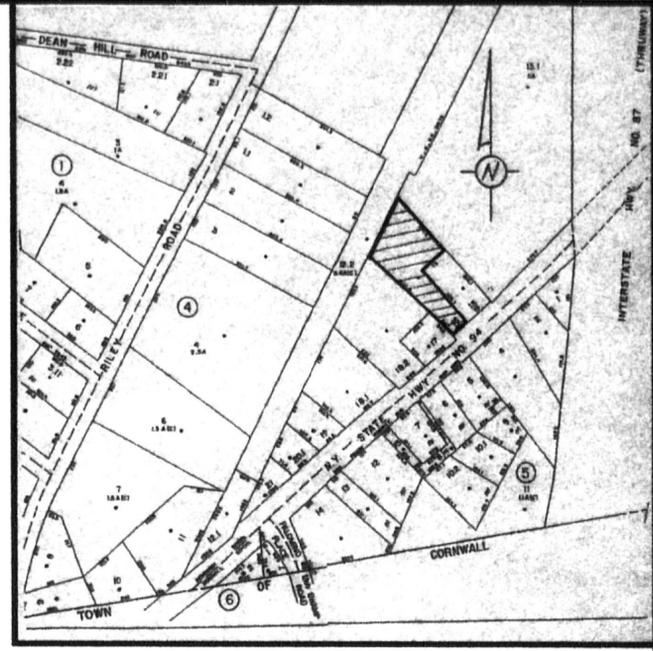
PARKING AREA

FUEL TANK

CONCRETE PAD

GATE

N/F
BROWN
SEC 67 BLK 4 LOT 17
L.1875 P.418



LOCATION PLAN SCALE 1"=300'

NOTES

1. BEING A SURVEY OF LANDS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAPS AS SECTION 67 BLOCK 4 LOT 16. PROPERTY ZONE: NC A(10) DATE OF PLANNING BOARD SITE PLAN APPROVAL: 20 MAY 1998
2. SURVEYED IN ACCORDANCE WITH A SURVEY MAP PREPARED BY WASHBURN ASSOCIATES FOR HUDSON VALLEY DRILLING, INC. DATED 7 JANUARY 1993 AND PHYSICAL MONUMENTATION FOUND AT THE TIME OF THE SURVEY.
3. OFFSETS SHOWN ARE AT RIGHT ANGLES TO THE PROPERTY LINES, UNLESS OTHERWISE NOTED.
4. NO CERTIFICATION IS MADE FOR ITEMS NOT VISIBLE AT GROUND SURFACE AT THE TIME OF THE SURVEY. ALL FEATURES SHOWN ARE EXISTING.
5. THIS PLAN WAS PREPARED PRIOR TO THE RECEIPT OF A TITLE REPORT OR ABSTRACT OF TITLE AND IS THEREFORE SUBJECT TO EASEMENTS AND OTHER GRANTS NOT VISIBLE, IF ANY.
6. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.
7. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, MARKED WITH AN ORIGINAL LAND SURVEYOR'S INKED SEAL, SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
8. CERTIFICATION SHALL RUN ONLY TO THE PERSONS FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF, TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON AND IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

NC (A10) ZONE BULK TABLE
PER PLANNING BOARD SITE PLAN APPROVAL OF 5/20/98

	REQUIRED	APPROVED SITE PLAN	ACTUAL
LOT AREA	10,000 S.F.	30,344 S.F.	30,344 S.F.
LOT WIDTH	100'	150'	151.4'
FRONT YARD SETBACK	40'	72'	71.4'
SIDE YARD SETBACK	15'/35'	15'/86'	*12.6'/86.8'
REAR YARD SETBACK	15'	15'	15.3'
BLDG. HEIGHT	35'	35'	< 35'
FLR. AREA RATIO	1.0	1.0	0.1
PARKING	5 SPCS	5 SPCS	5 SPCS

*1.4' VARIANCE REQUIRED (16%)

CERTIFICATION

I hereby certify that this plan resulted from an actual field survey of the indicated premises completed on 19 February 2002 performed in accordance with the code of practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc., and is, to the best of my knowledge and belief, correct.
CERTIFIED TO: Hudson Valley Drilling, Inc.



Grevas & Hildreth P.C.
LAND SURVEYORS
407 SOUTH PLANK ROAD UNIT 3, NEWBURGH, N.Y. 12550
TEL: (845) 566-6650

REVISIONS: ACAD:HVD

DATE	DESCRIPTION

SURVEY FOR:
HUDSON VALLEY DRILLING, INC.

TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK

Drawn: WBH
Checked:
Scale: 1"=20'
Date: 10 May 2002
Job No: 02-017

BOUNDARY/LOCATION SURVEY & AS-BUILT SITE PLAN

