

ZB# 05-68

**R. Melnik &
M. Mandel**

58-2-2

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 11-14-05

05-68
R. MELNIK & M. MANDEL (INT/VAR)
298 LAKE ROAD (58-2-2)

298 Lake Road



Area under house where extension is proposed

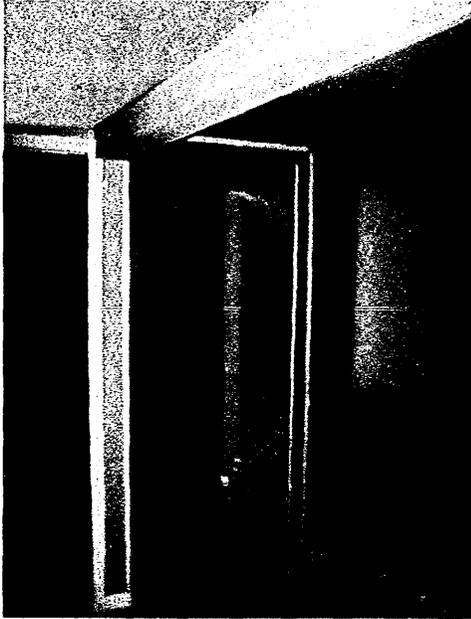


Rear view



Opposite side



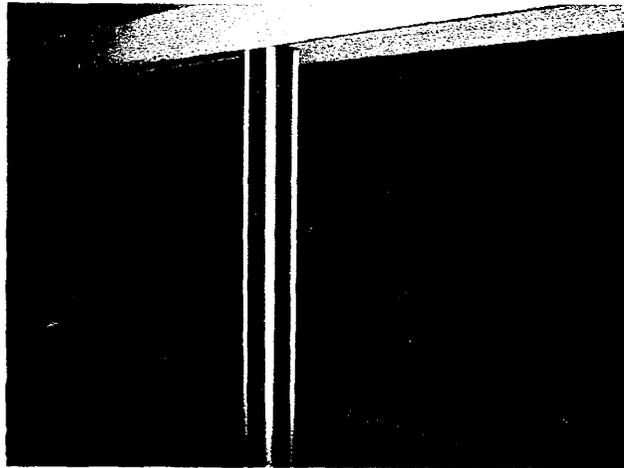


Left: Hall with stairs

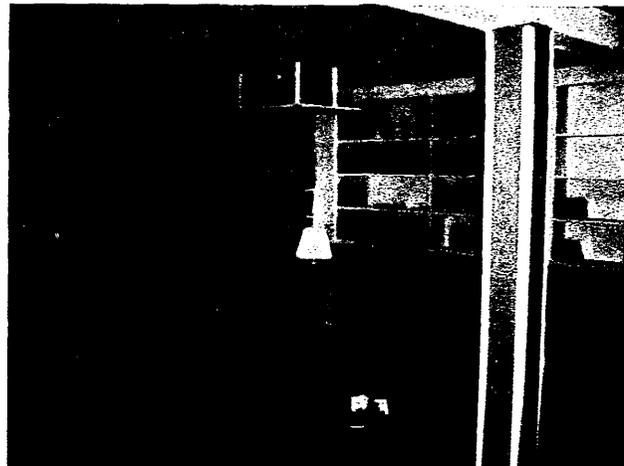
Right: Only doors added to this area



Wall to be removed



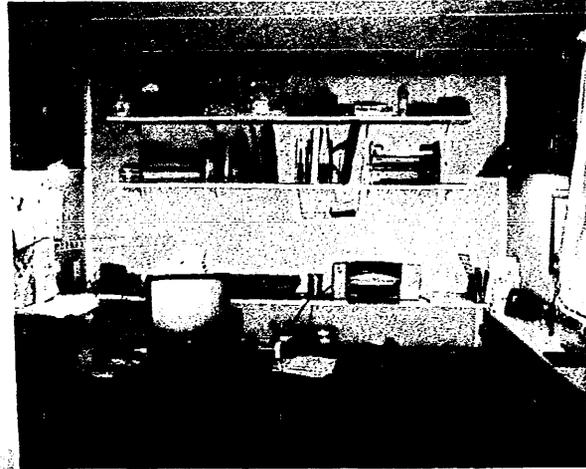
This area will remain the same



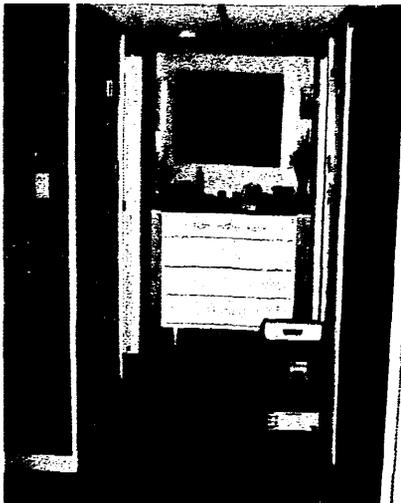


Left: Back wall to be removed

Right: Back room (currently home office)

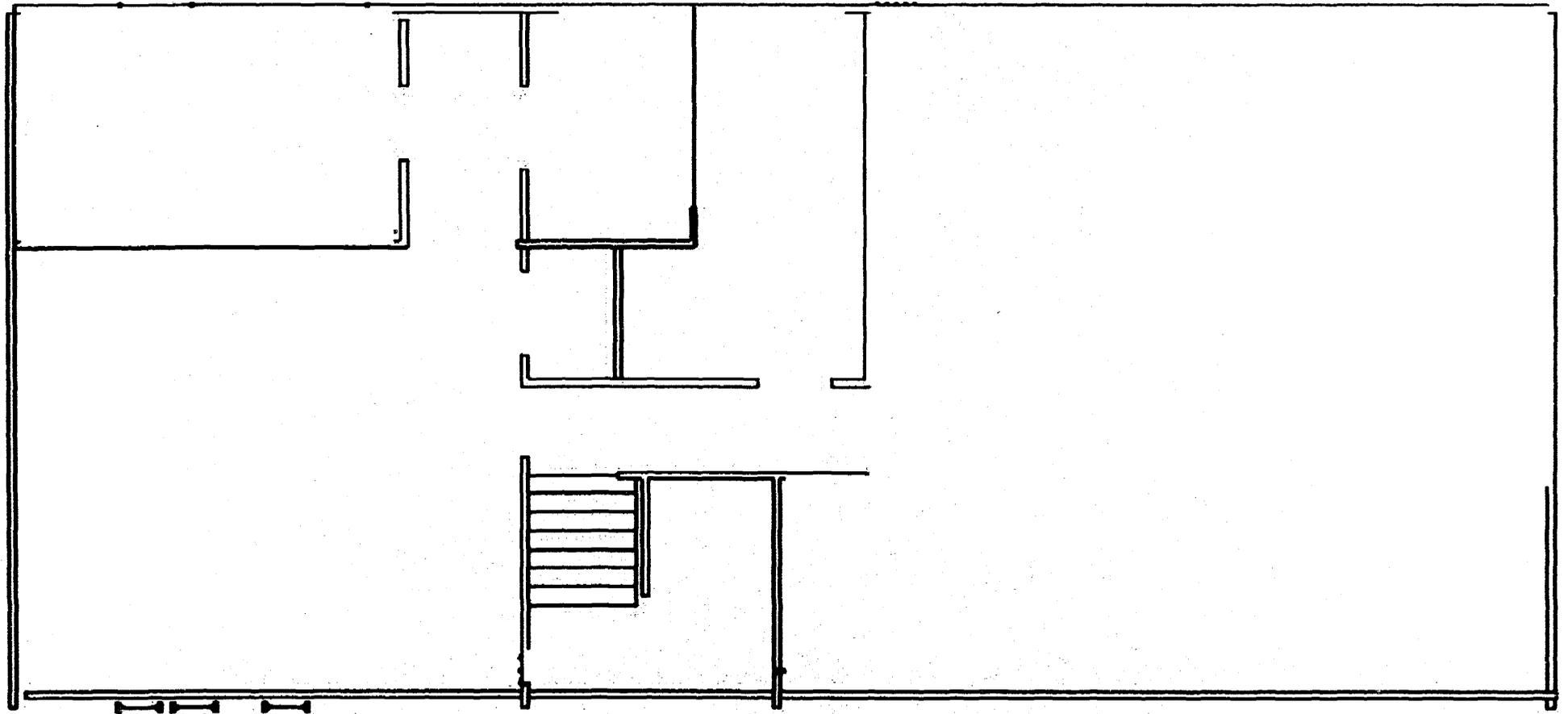


End of hall right: Bathroom pipe rough in.



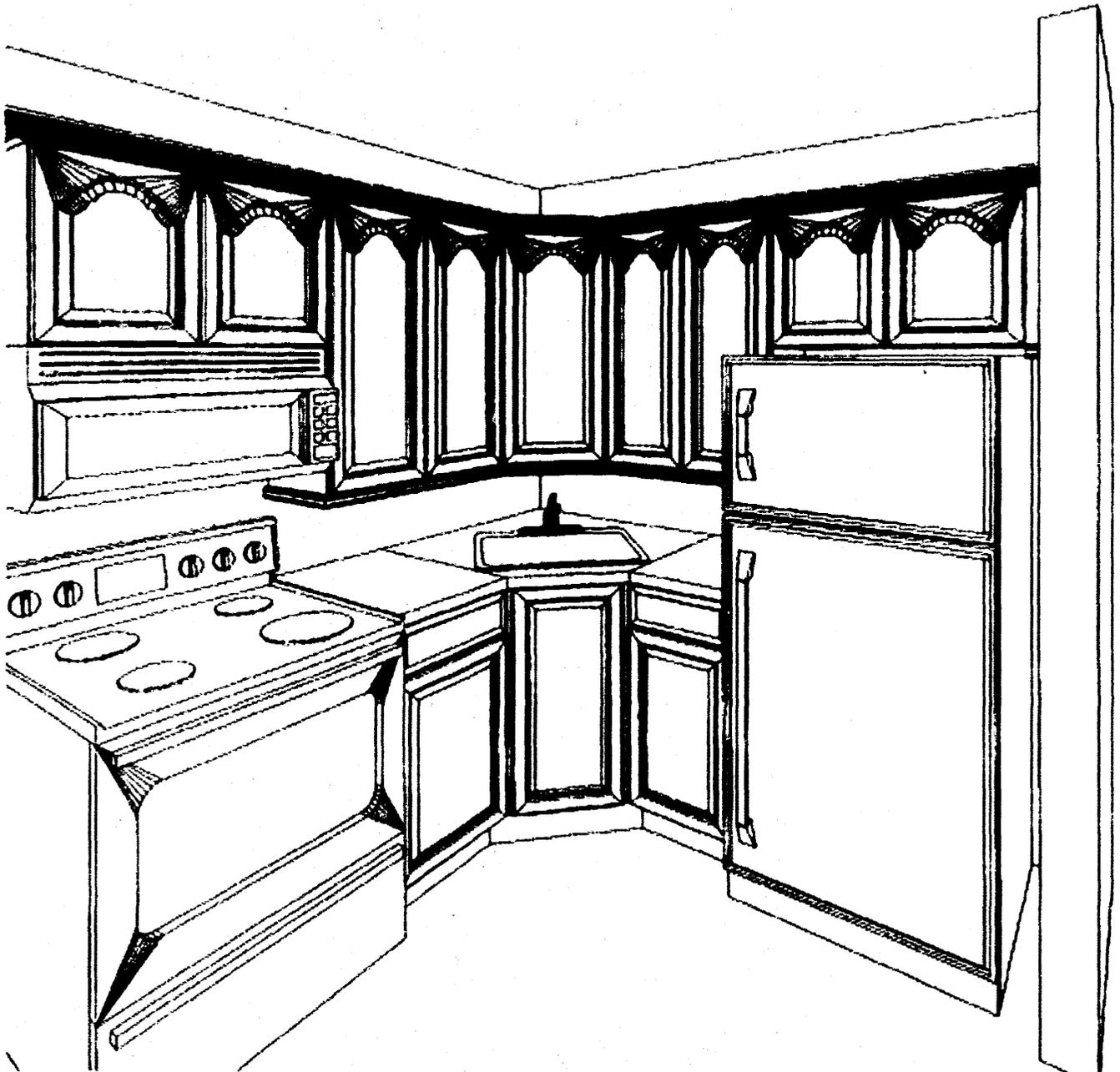
Area beyond closet to be included in bathroom.

Existing layout of lower level



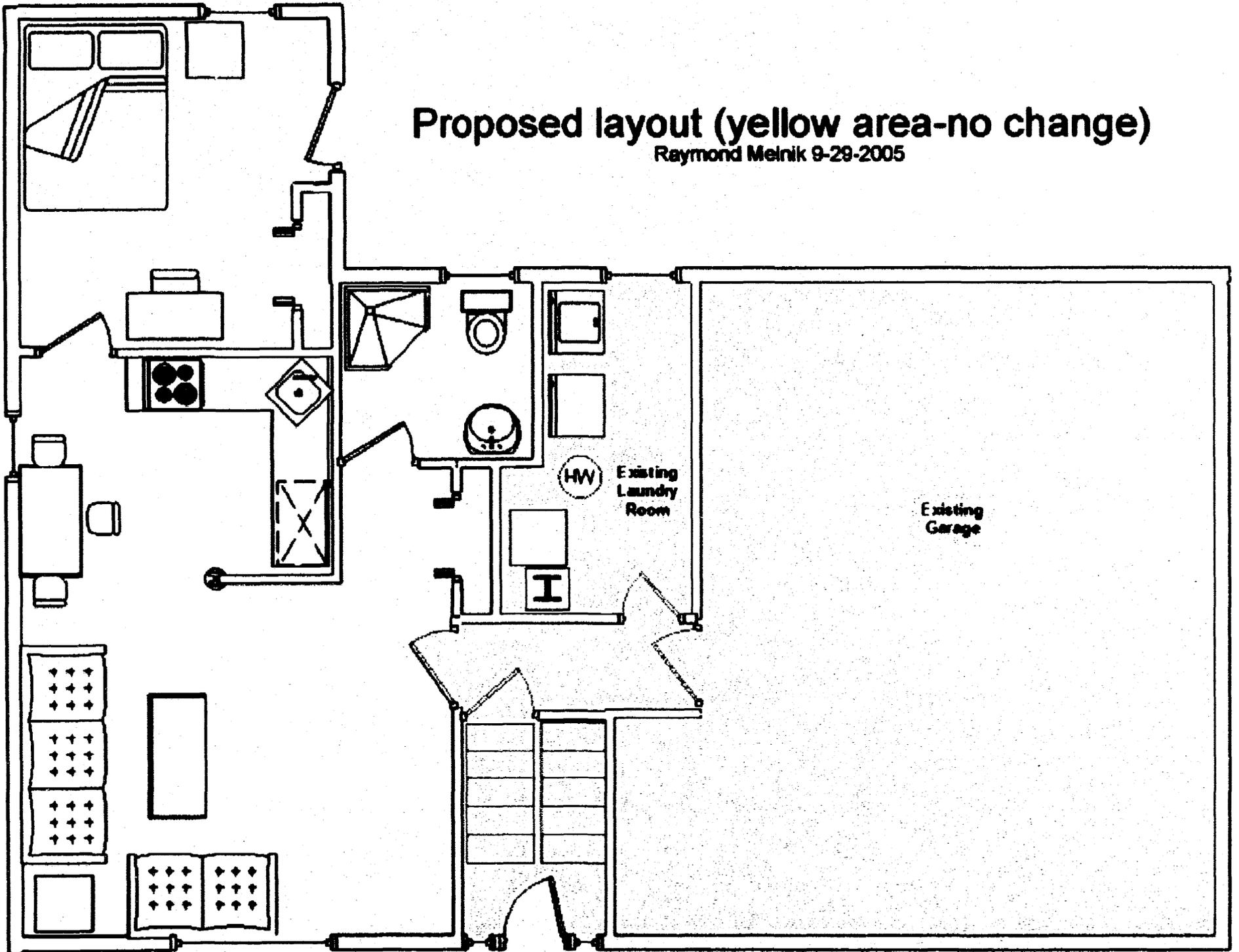
Lower Level

**Proposed small kitchen area
7' by 7'**



Proposed layout (yellow area-no change)

Raymond Melnik 9-29-2005



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

R. MELNIK, JR. & M. MANDEL

MEMORANDUM OF
DECISION GRANTING

INTERPRETATION

CASE #05-68
-----X

WHEREAS, Ms. Marsha Mandel, owner(s) of 298 Lake Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for Interpretation and/or variance for a two-family dwelling or a dwelling with two kitchens at in an R-4 Zone (58-2-2)

WHEREAS, a public hearing was held on November 14, 2005 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 Official Town Newspaper, 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 in an R-4 zone.
 - (b) The applicant seeks to place a second kitchen in a one-family home.
 - (c) The applicant proposes to place a second kitchen in the premises to accommodate a family member. The applicant purchased this property as a single-family

residence, has maintained it as a single-family residence and will market same always maintain same as a single-family residence.

- (d) All facilities will be operated on a single gas/electric meter.
- (e) The applicant in constructing the kitchen, will not remove any trees or substantial vegetation.
- (f) In building the kitchen, the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (g) In building the kitchen, the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (h) Where the entrance to the addition is proposed, is a space that is already being used by the house.
- (i) After construction, if permitted, the appearance of the house will be similar in size and nature to other houses in the 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 requested variance(s) 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(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) 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/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) 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 variance(s).
9. This property is a single-family residence.
10. The applicant has living with him a member of his family which, under the Town of New Windsor Zoning Code falls within the definition of single-family
11. The fact that this premises contains two kitchens does not make it a two-family residence. Notwithstanding the existence of two kitchens, the house is a single-family residence and its status as such has not changed.

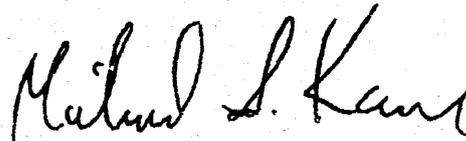
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for Interpretation and/or variance for a two-family dwelling or a dwelling with two kitchens at 298 Lake Road in an R-4 Zone (58-2-2) 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/or Building Inspector and Applicant.

Dated: November 14, 2006



Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JANUARY 11, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 348.78 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-68

NAME & ADDRESS:

**Raymond Melnik & Marsha Mandel
298 Lake Road
Salisbury Mills, NY 12577**

THANK YOU,

MYRA

L.R.01-12-2006



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #05-68 TYPE:INTERP. AND/OR VARIANCE TELEPHONE: 496-7558

APPLICANT:
Raymond Melnik & Marsha Mandel
298 Lake Road
Salisbury Mills, NY 12577

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # <u>3070</u>

ESCROW: COMMERCIAL \$500.00 CHECK #3072



<u>DISBURSEMENTS:</u>		MINUTES	ATTORNEY
		<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:10/28/05 \$ 48.22

TOTAL: \$ 81.22 \$ 70.00



ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 151.22

AMOUNT DUE: \$ _____

REFUND DUE: \$ 348.78

Cc:

L.R. 01-12-2006

MELNIK, JR. & M. MANDEL (05-68)

Ms. Marsha Mandel appeared before the board for this proposal.

MR. KANE: Request for interpretation and/or variance for a two-family dwelling or a dwelling with two kitchens at 298 Lake Road.

MS. MANDEL: Marsha Mandel, 298 Lake Road. We would like to make the ground floor of our house easily accessible and livable for a family member with a kitchen, bathroom downstairs so we would like to under where there's a sun room we want to put a slab, there are currently stilts there and gravel, we would like to just put a slab there so we can leave everything else the way it is pretty much and just make it so it's everything that's needed there.

MR. KANE: No intention of making this into a small apartment?

MS. MANDEL: You mean like to rent it to somebody else? No, not ever, no, family.

MR. KANE: It's your intention that--

MR. KRIEGER: You bought it as a single family house and it's a single family house and market it as a single family house?

MS. MANDEL: Always be a single family house.

MR. KANE: The home itself, the gas and electric all the power will be on one meter?

MS. MANDEL: Everything is on one, if any in the future whatever point it might be sold, I don't know if that's going to be 50 years from now or whatever, I think it would be ideal for somebody that's in a similar

situation with us that has a family member that you know would need this kind of setup.

MR. KANE: Will you be creating water hazards or runoffs with the building?

MS. MANDEL: No.

MR. KANE: Cutting down any trees or substantial vegetation?

MS. MANDEL: Just putting some gravel.

MR. KANE: Any easements running through the area where you intend to build?

MS. MANDEL: No.

MR. KANE: And where this is going to go underneath the overhang you really are using space that's already used by the house?

MS. MANDEL: Right, exactly.

MR. KANE: Keeps the house in similar size and nature to other homes in your neighborhood?

MS. MANDEL: Yes.

MR. KANE: At this point, I will ask the public if there's anybody here for this particular meeting? Seeing there's not, we'll close the public portion and ask Myra how many mailings we had.

MS. MASON: On October 25, I mailed out 37 envelopes and had no response.

MR. KANE: Any other questions?

MR. REIS: Accept a motion?

November 14, 2005

52

MR. KANE: I will.

MR. REIS: Make a motion that we grant Melnik and Mandel their request for allowing two kitchens in a single family dwelling that will remain a single family dwelling at 298 Lake Road.

MS. LOCEY: I will second that motion.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

R. MELNIK, JR. & M. MANDEL (05-68)

MR. KANE: Request for interpretation and/or variance for a two family dwelling or a dwelling with two kitchens at 298 Lake Road.

Ms. M. Mandel appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MS. MANDEL: We'd like to on the main downstairs level add a small addition and put in a second small kitchen so that an elderly family member can be comfortable there. Currently there's as you can see there's a sun room that's over it, it's just gravel and, you know, open space right now.

MR. KANE: You're going to be actually just building and enclosing in under the sun room and deck?

MS. MANDEL: Yes, I'm putting in a slab and framing it in.

MR. KANE: The obvious question is not cutting down any trees, substantial vegetation?

MS. MANDEL: No.

MR. KANE: Creating any water hazards, runoffs?

MS. MANDEL: Nothing.

MR. KANE: Any easements run through that area with the deck?

MS. MANDEL: No.

MR. KANE: Since it's going to be, is there going to be a separate entrance?

MS. MANDEL: Yes, we're going to make a separate entrance in the back.

MR. KANE: Will there be an internal entrance from the house down to it?

MS. MANDEL: Yes.

MR. KANE: That's easily accessible from both ends?

MS. MANDEL: Well, just coming downstairs there will be a door and another door that enters that other, the other area so it's easily accessible, yeah.

MR. KANE: And the intent is not to use this as a two-family home, an interpretation as a single?

MS. MANDEL: Never, right, one family.

MR. KANE: Gas and electric will be maintained on one meter?

MS. MANDEL: Yes.

MR. KANE: And in a public hearing we'll ask you those questions again to get it on record and it's just like giving your oath that that's what's going on.

MS. MANDEL: Absolutely.

MR. KANE: Okay, any other questions? I'll accept a motion.

MR. REIS: Make a motion that we set up Melnik and Mandel for their requested interpretation for variance for a two-family dwelling or a dwelling with two kitchens at 298 Lake Road.

MS. GANN: Second it.

October 24, 2005

22

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: September 22, 2005

APPLICANT: Raymond B. Melnik, Jr. & Marsha Mandel
298 Lake Road
Salisbury Mills, NY 12577

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: September 19, 2005

FOR : Raymond B. Melnik & Marsha Mandel

LOCATED AT: 298 Lake Road

ZONE: R-4 **Sec/Blk/ Lot:** 58-2-2

DESCRIPTION OF EXISTING SITE: SINGLE FAMILY DWELLING

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. **300-8 USE BULK TABLE R-4 ZONE – 2 FAMILY DWELLINGS ARE NOT A PERMITTED USE. A VARIANCE FOR A 2 FAMILY DWELLING W/ TWO KITCHENS IS REQUIRED.**

Louis J. Kymber
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

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 COMPLETION

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.

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 para last.
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.

SEP 19 2005

FOR OFFICE USE ONLY:
Building Permit #: _____

**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 Ray Melnik + Marsha Mandel

Address 298 Lake Rd Salisbury Mills Phone # 496-7558

Mailing Address same NY 12577 Fax # _____

Name of Architect undetermined at present

Address _____ Phone _____

Name of Contractor undetermined at present

Address _____ Phone _____

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

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 East side of Lake Rd.
(N, S, E or W)
and _____ feet from the intersection of Beaver Brook Rd

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

X 3. Tax Map Description: Section 58 Block 2 Lot 2

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

a. Existing use and occupancy one family dwelling b. Intended use and occupancy one fam/with 2 kitchens

5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other
with 2nd kitchen

6. Is this a corner lot? no

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 4 Baths 3 Toilets 3 Heating Plant: Gas _____ Oil
Electrical for 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 \$20,000 Fee \$50

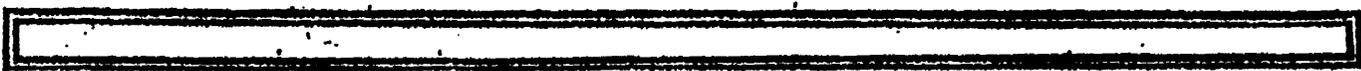
ZONING BOARD

____/____/____
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 Lal & Louis Kryshour
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12653
(845) 563-4818
(845) 563-4895 FAX

Big Map Examined _____
Fire Map 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 codes and 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.

Michael E. M... 278 Lake Rd Salisbury Mills NY

 (Signature of Applicant) " (Address of Applicant) 12577

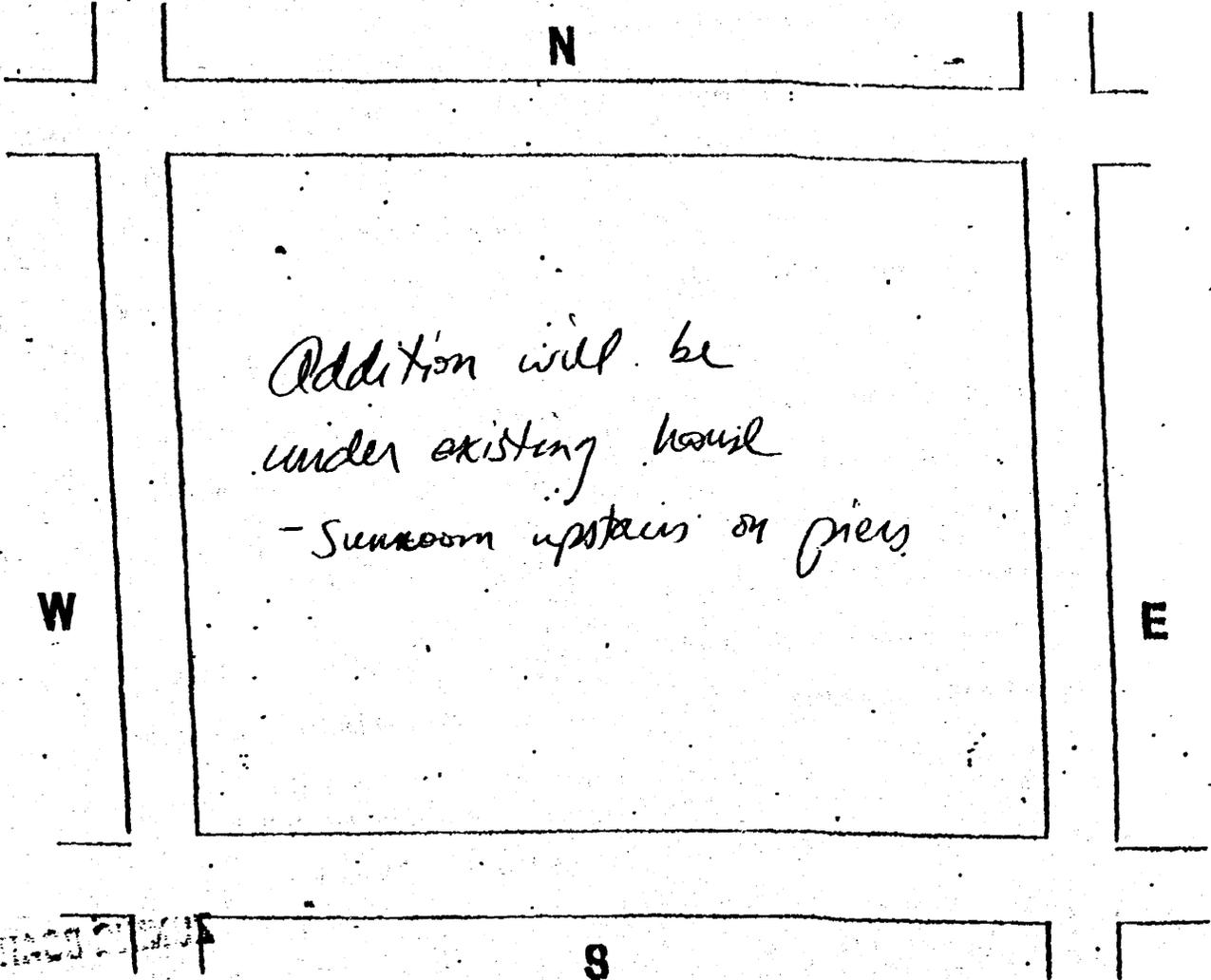
Michael E. M...

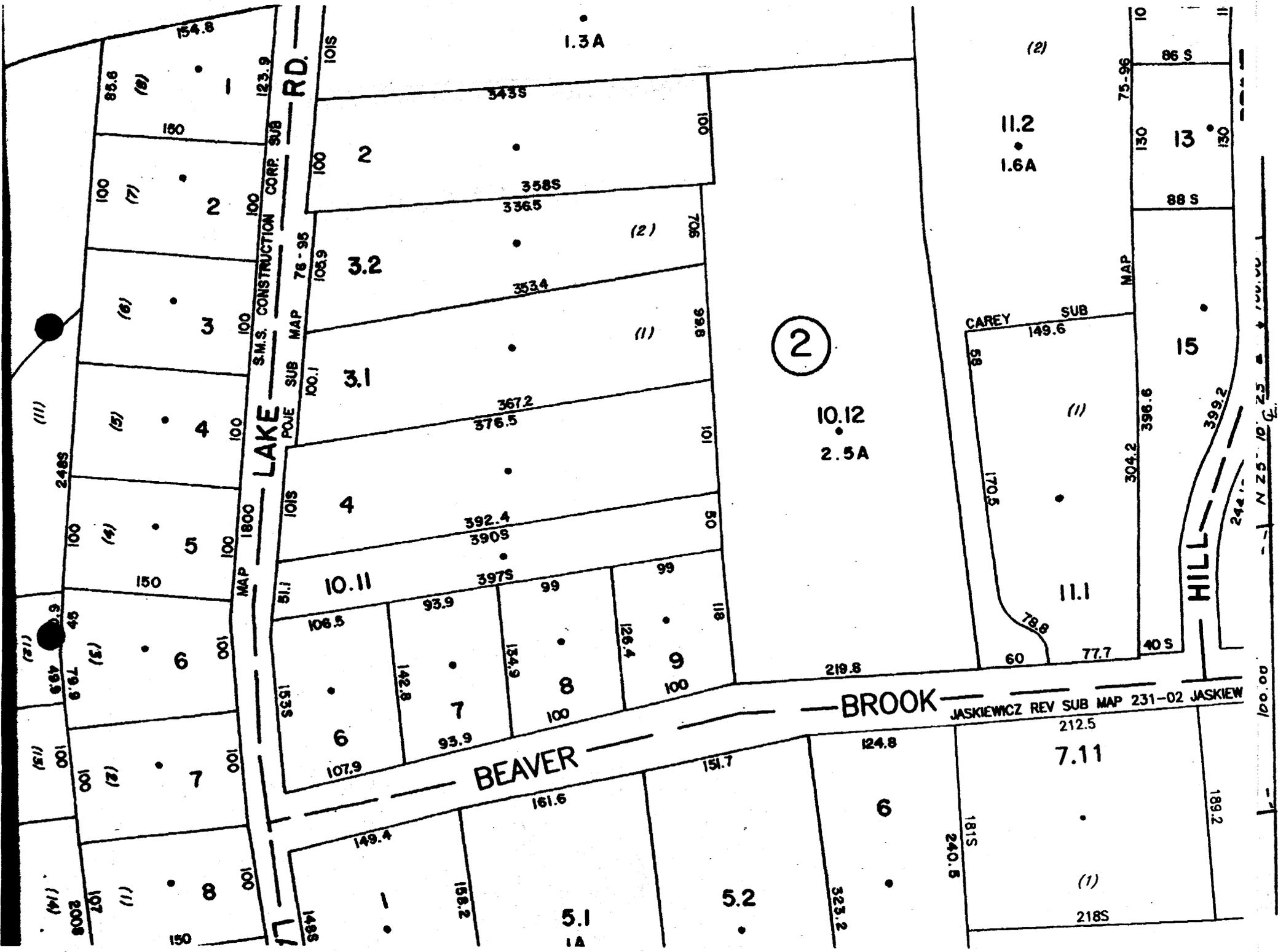
 (Owner's Signature)

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.



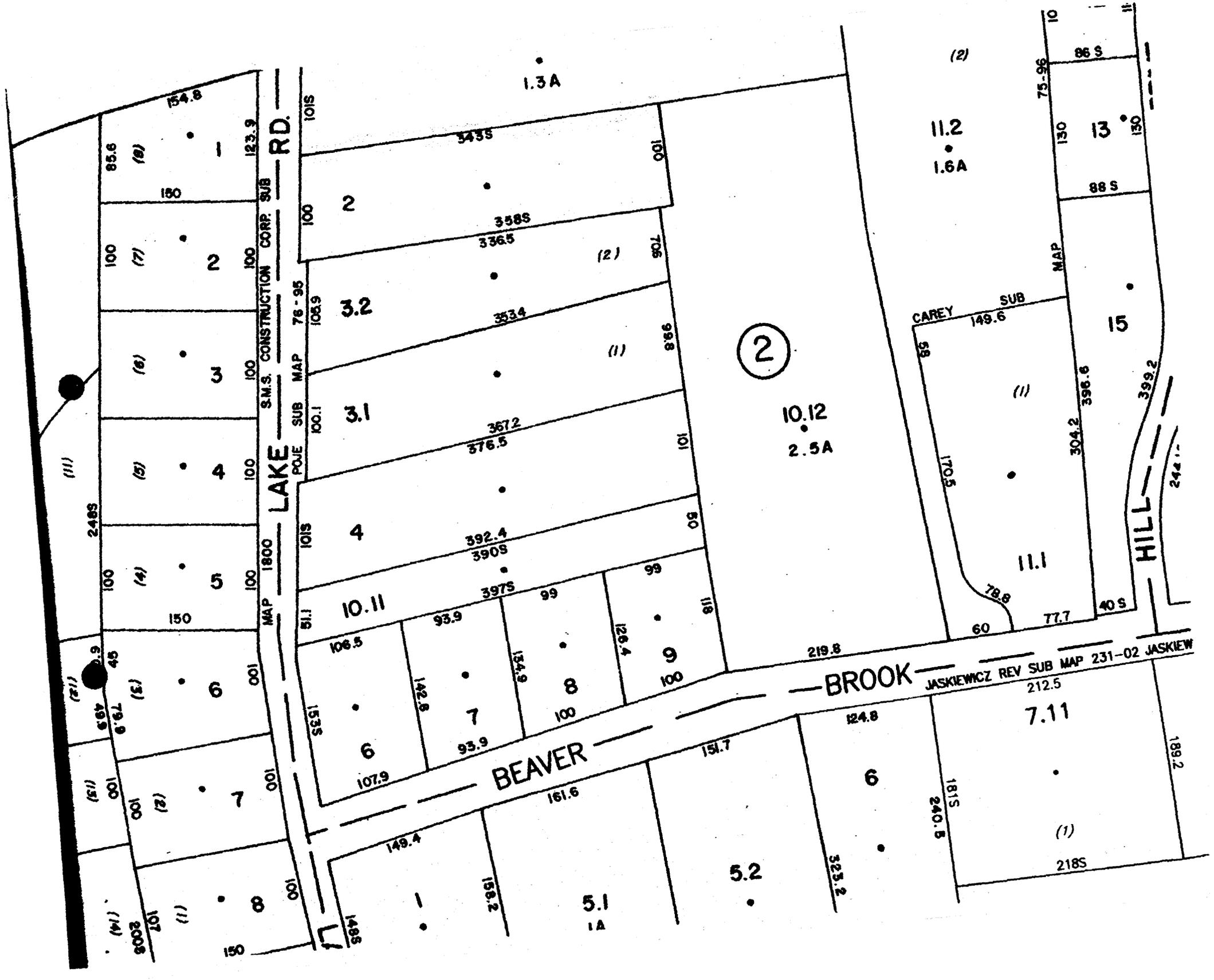


CERTIFIED TRUE & CORRECT TO:
 TOM D. LENARDSON
 LORRAINE LENARDSON
 AMERICAN TITLE INSURANCE CO.
 BROKERS MORTGAGE SERVICE, INC.
 BY GERALD ZIMMERMAN, P.L.S.
 L.I.C. No. 49410.

SURVEY OF TAX MAP NO.
 S 58-82-L2, TOWN OF
 NEW WINDSOR, ORANGE CTY,
 NEW YORK.
 SUBJECT TO COVENANTS, RESTRICT-
 IONS, & EASEMENTS OF RECORD,
 IF ANY.

Gerald S.

**RETAKE
OF
PREVIOUS
DOCUMENT**



LAKE RD.

S.M.S. CONSTRUCTION CORP. SUB MAP 76-95

POJE SUB MAP 76-95

BROOK

JASKIEWCZ REV SUB MAP 231-02 JASKIEW

HILL

154.8

85.6

(8)

180

100

(7)

2

(6)

3

(5)

4

2485

100

(4)

5

150

6

(12)

49.9

(3)

6

79.9

100

(2)

7

107

2005

(1)

8

150

1485

1.3A

3435

2

3585

3365

(2)

3.2

3534

(1)

3.1

3672

376.5

4

392.4

3905

10.11

3975

99

106.5

142.8

7

93.9

6

107.9

BEAVER

161.6

149.4

156.2

5.1

1A

5.2

124.8

6

1815

240.5

7.11

(1)

2185

10.12
2.5A

2

11.2
1.6A

(2)

86.5

130

13

88.5

15

(1)

11.1

CAREY

149.6

55

1705

78.8

60

77.7

40.5

75-96

130

130

MAP

396.6

304.2

399.2

244.1

189.2

ZIMMERMAN ENGINEERING & SURVEYING
 287 RT. 32 - CENTRAL VALLEY, N. Y.
 JOB NO. 84-103

S 58
 B 2
 L 10

S 58
 B 2
 L 1

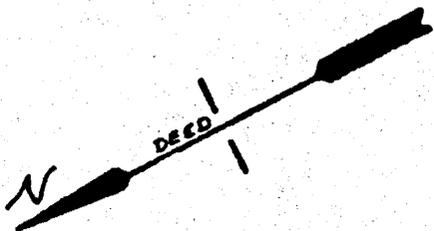
S 58
 B 2
 L 2

S 58
 B 2
 L 3

$A = 36,129.63 \text{ sq. ft.}$

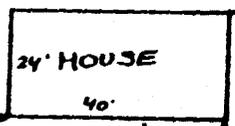
356.95 (SURVEY)
 359.19 (DEED)

384.41 (DEED)
 369.60 (SURVEY)



SCALE: 1" = 40'
 DATE: 4-23-84
 DEED: L. 1950
 P. 1088

SOUTHERLY RIGHT
 OF WAY LINE OF
 THE ERIE & JERSEY
 RAILROAD



WELL O

STONE WALL

Edge of pavement

100.00'

S 73° 18' 20" E

N 73° 08' 30" W

S 17° 54' 00" W 100.00'

IP FND
 IP FND IN SW

LAKE

ROAD

CERTIFIED TRUE & CORRECT TO:

TOM D. LENARDSON

LORRAINE LENARDSON

AMERICAN TITLE INSURANCE CO.

BROKERS MORTGAGE SERVICE, INC.

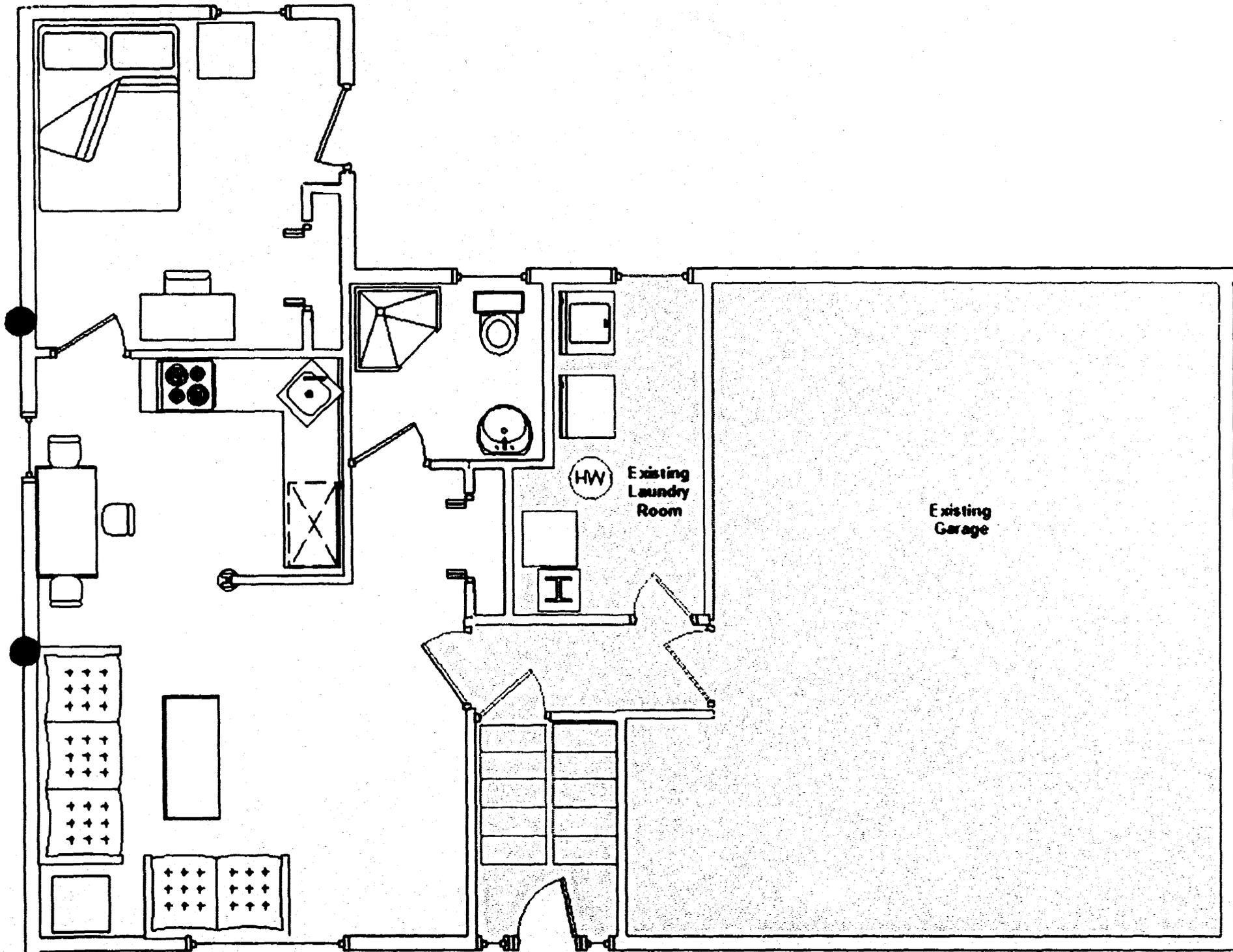
BY GERALD ZIMMERMAN, P.L.S.

LIC. NO. 49410.

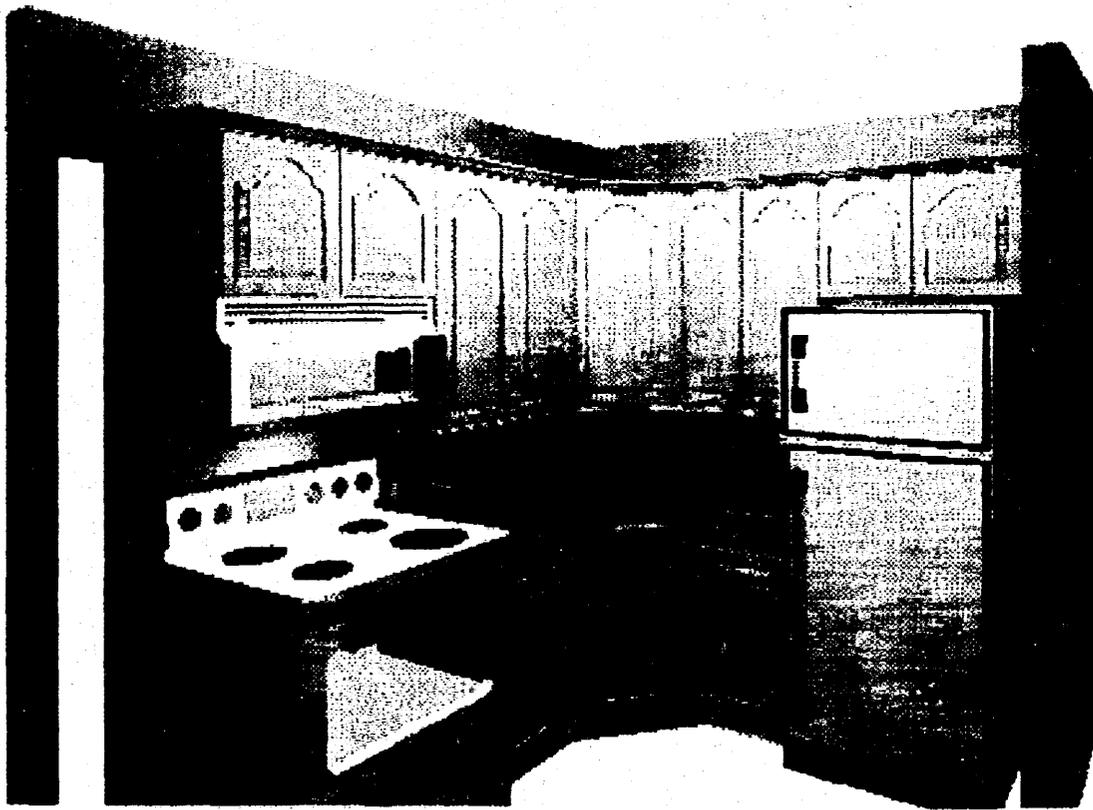


SURVEY OF TAX MAP NO.
S 58-B2-L2, TOWN OF
NEW WINDSOR, ORANGE CTY.,
NEW YORK.

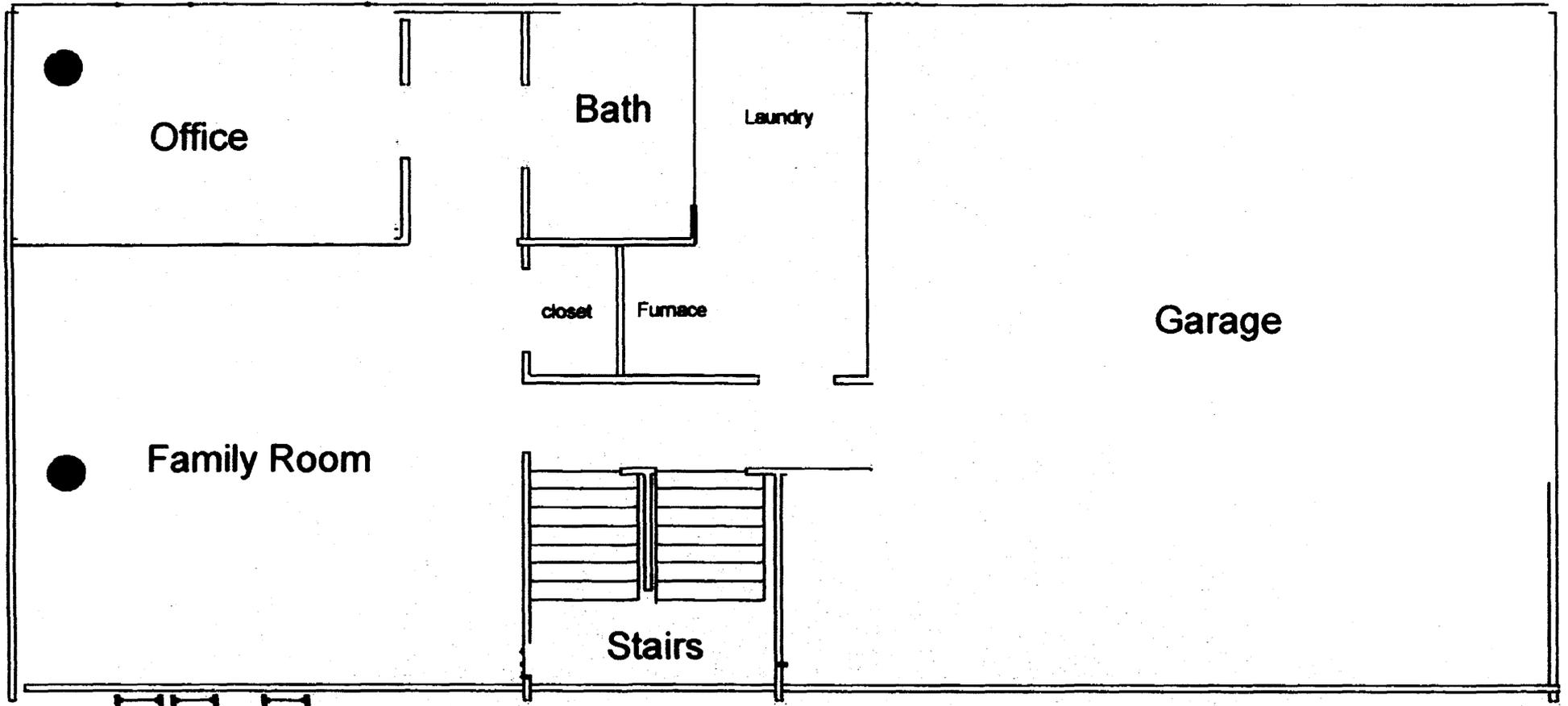
SUBJECT TO COVENANTS, RESTRICT-
IONS, & EASEMENTS OF RECORD,
IF ANY.



**Melnik
298 Lake Road
Salisbury Mills, NY 12577
New Windsor
Section 58 Block 2 Lot 2**



Basic layout (Current)



Lower Level



RESULTS OF Z.B. MEETING OF: November 14, 2005

PROJECT: Melnick & Mandel ZBA # 05-68

P.B.# _____

USE VARIANCE: _____ NEED: EAF PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN	_____	
LOCEY	_____	
BROWN	_____	
MCDONALD	_____	CARRIED: Y _____ N _____
REIS	_____	
KANE	_____	

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN	_____	
LOCEY	_____	
BROWN	_____	
MCDONALD	_____	CARRIED: Y _____ N _____
REIS	_____	
KANE	_____	

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN	_____	
LOCEY	_____	
BROWN	_____	
MCDONALD	_____	CARRIED: Y _____ N _____
REIS	_____	
KANE	_____	

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN	_____	
LOCEY	_____	
BROWN	_____	
MCDONALD	_____	CARRIED: Y _____ N _____
REIS	_____	
KANE	_____	

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN	_____
LOCEY	_____
BROWN	_____
MCDONALD	_____
REIS	_____
KANE	_____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) RS S) L VOTE: A 4 N 0.

GANN	_____
LOCEY	<u>A</u>
BROWN	<u>A</u>
MCDONALD	_____
REIS	<u>A</u>
KANE	<u>A</u>

CARRIED: Y N _____



Not even to be a rented apartment
All one meter
No Public Comment

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 on the following Proposition:

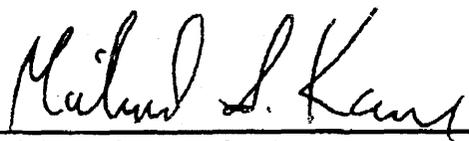
Appeal No. 05-68

Request of R. MELNIK AND M. MANDEL

for a VARIANCE of the Zoning Local Law to Permit:

Request for Interpretation and/or variance for a two-family dwelling or a dwelling with two kitchens at 298 Lake Road in an R-4 Zone (58-2-2)

PUBLIC HEARING will take place on NOVEMBER 14TH, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

October 25, 2005

Raymond Melnik & Marsha Mandel
298 Lake Road
Salisbury Mills, NY 12577

SUBJECT: REQUEST FOR INTERPRETATION AND/OR VARIANCE #05-68

Dear Mr. Melnik & Ms. Mandel:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

298 Lake Road
Salisbury Mills, NY

is scheduled for the November 14th, 2005 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
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-68
Request of R. MELNIK AND M. MANDEL

for a VARIANCE of the Zoning Local Law to Permit:

Request for Interpretation and/or variance for a two-family dwelling or a dwelling with two kitchens at 298 Lake Road in an R-4 Zone (58-2-2)

PUBLIC HEARING will take place on November 14, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
CHAIRMAN

Ad Number: 1811131 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA

INVOKING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

RECEIVED

NOV - 7 2005

TOWN OF NEW WINDSOR
COMPTROLLER'S OFFICE

ORDER:

Printed By: THRFODRHL Date: 10/26/2005 Assigned Sales: TownofNewWindsor ZONINGBOARDOFAPPEALS P AdType: LINER Order Type: NORMAL

Manual Delivery: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THH Paper: TH Class: 999X; LEGAL BILLING

Schedule: Start Date - 10/28/2005 End Date - 10/28/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPEA

PRODUCTION:

Text Size: 2 x 26.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 48.22 Payment Method: BI Amount Paid: 0 Amount Owed: 48.22

Price Method: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LE1

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

Patricia Foddrill

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc. is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that deponent is the

Legal Advertising Rep.

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit: In its issues of

10/28/05

Signature of Representative:

Patricia Foddrill

Sworn in before me this

Day of Nov. 2005

Gretchen Pina Bredy

Notary Public, Orange County

**GRETCHEN PINA BREEDY
NOTARY PUBLIC FOR THE STATE
OF NEW YORK, ORANGE COUNTY
OATH / SIGNATURE IS ON FILE
COMMISSION EXPIRES 11/29/2005**



1763

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

October 25, 2005

Raymond Melnik
Marsha Mandel
298 Lake Road
Salisbury Mills, NY 12577

Re: 58-2-2 ZBA#: 05-68

Dear Mr. Melnik and Ms. Mandel:

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 \$55.00, minus your deposit of \$25.00.

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

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

57-1-4
Francis Coleman
431 Lake Road
New Windsor, NY 12553

57-1-5
Harold Baxter, Jr.
505 Jackson Avenue
New Windsor, NY 12553

57-1-39.21
Pennsylvania Lines, LLC
ATT: Norfolk Southern Railway Co.
110 Franklin Road SE
Roanoke, VA 24042

57-1-39.22
Francis & EmmaJean MacPherson
61 Vidi Drive
Salisbury Mills, NY 12577

57-1-99
Daniel & Patricia Ryan
301 Lake Road
Salisbury Mills, NY 12577

58-1-1
Porfirio Matos
Ken Fuentecilla
291 Lake Road
Salisbury Mills, NY 12577

58-1-2
Joseph & Amy Ryan
219 Lake Road
Salisbury Mills, NY 12577

58-1-3
Susan & Dederick Kieck, Jr.
283 Lake Road
Salisbury Mills, NY 12577

58-1-4
Gregory & Stefanie Filippini
279 Lake Road
Salisbury Mills, NY 12577

58-1-5
Michael & Catherine Peraino
275 Lake Road
Salisbury Mills, NY 12577

58-1-6
Tamara Scapicchio
Michael Rury
271 Lake Road
Salisbury Mills, NY 12577

58-1-7
Michael & Tracy McGuinness
267 Lake Road
Salisbury Mills, NY 12577

58-1-11
Michael & Joy Morgese
6 Mecca Drive
Salisbury Mills, NY 12577

58-1-12
Mark Lavinski
8 Mecca Drive
Salisbury Mills, NY 12577

58-1-13
Michael Kennedy
10 Mecca Drive
Salisbury Mills, NY 12577

58-1-14
John & Helen Salony
12 Mecca Drive
Salisbury Mills, NY 12577

58-1-15
Charles McPherson
14 Mecca Drive
Salisbury Mills, NY 12577

58-1-16.2
Stephen & Karen Spellman
15 Mecca Drive
Salisbury Mills, NY 12577

58-2-1
James & Katherine Kelly
302 Lake Road
Salisbury Mills, NY 12577

58-2-3.1
Frank Diaz
290 Lake Road
Salisbury Mills, NY 12577

58-2-3.2
Patrick & Christine Monroe
294 Lake Road
Salisbury Mills, NY 12577

58-2-4
Timothy O'Leary
286 Lake Road
Salisbury Mills, NY 12577

58-2-6
Dawn Ann Dubois
Kevin Cunningham
1 Beaver Brook Road
New Windsor, NY 12553

58-2-7
Tommy & Ethel Kingery
5 Beaver Brook Road
New Windsor, NY 12553

58-2-8
Robert Roe
9 Beaver Brook Road
New Windsor, NY 12553

58-2-9
Tammy Burgos
15 Beaver Brook Road
New Windsor, NY 12553

58-2-10.11 & 10.12
Allen Deyo
21 Beaver Brook Road
New Windsor, NY 12553

58-2-11.1
Christopher & Valerie Davey
27 Beaver Brook Road
New Windsor, NY 12553

58-2-11.2
Mark Carey
25 Beaver Brook Road
New Windsor, NY 12553

58-2-12
Robert & Marianne Gellman
21 Hillview Drive
New Windsor, NY 12553

58-2-13'
Mark & Maxine Goulet
19 Hillview Drive
New Windsor, NY 12553

58-2-15
Michael Cacamis
9 Hillview Drive
New Windsor, NY 12553

58-3-1
Brian Scott
22 Hillview Drive
New Windsor, NY 12553

58-3-2 & 3
Dorothy & Edward Nixon, Jr.
P.O. Box 41
Salisbury Mills, NY 12577

58-3-4
Gerald & Maureen McHugh
35 Beaver Brook Road
New Windsor, NY 12553

58-4-5.2
Daniel & Eileen Schug
14 Beaver Brook Road
New Windsor, NY 12553

58-4-6
Mary DeMatte
Alfred Ostrander
20 Beaver Brook Road
New Windsor, NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 10-18-05

FOR: ESCROW 05-68

FROM:

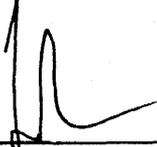
Raymond Melnik & Marsha Mandel
298 Lake Road
Salisbury Mills, NY 12577

CHECK NUMBER: 3072

TELEPHONE: 496-7558

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

10/18/05
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

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

**RECEIPT
#993-2005**

10/19/2005

Mandel, Marsha

Received \$ 150.00 for Zoning Board Fees, on 10/19/2005. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA # 05-68 application fee

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 10-18-05 PROJECT NUMBER: ZBA# 05-68 P.B. # _____

APPLICANT NAME: RAYMOND MELNIK & MARSHA MANDEL

PERSON TO NOTIFY TO PICK UP LIST:

Raymond Melnik & Marsha Mandel
298 Lake Road
Salisbury Mills, NY 12577

TELEPHONE: 496-7558

TAX MAP NUMBER:	SEC. <u>58</u>	B LOCK <u>2</u>	LOT <u>2</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	B LOCK _____	LOT _____

PROPERTY LOCATION: 298 LAKE ROAD

NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____



NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX



AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 3071

TOTAL CHARGES: _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

October 18, 2005

Raymond Melnik & Marsha Mandel
298 Lake Road
Salisbury Mills, NY 12577

SUBJECT: REQUEST FOR VARIANCE/INTERPRETATION 05-68

Dear Mr. Melnik & Ms. Mandel:

This letter is to inform you that you have been placed on the October 24, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

298 Lake Road
Salisbury Mills, NY 12577

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

9/28/05
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. Owner Information:

Name: Raymond Melnik + Marsh. Mandel Phone Number: (845) 496-7558
 (Name) Fax Number: ()
298 Lake Rd Salisbury Mills, NY 12577
 (Address)

II. Applicant:

Name: Raymond Melnik + Marshall Mandel Phone Number: (845) 496-7558
 (Name) Fax Number: ()
298 Lake Rd Salisbury Mills NY 12577
 (Address)

III. Forwarding Address, if any, for return of escrow:

Name: _____ Phone Number: ()
 _____ Fax Number: ()
 (Name)

 (Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Name: _____ Phone Number ()
 _____ Fax Number: ()
 (Name)

 (Address)

V. Property Information:

Zone: R-4 Property Address in Question: 298 Lake Rd Salisbury Mills
 Lot Size: _____ Tax Map Number: Section 58 Block 2 Lot 2 12577
 a. What other zones lie within 500 feet? _____
 b. Is pending sale or lease subject to ZBA approval of this Application? _____
 c. When was property purchased by present owner? 8/99
 d. Has property been subdivided previously? _____ If so, When: _____
 e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? _____
 f. Is there any outside storage at the property now or is any proposed? _____

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.



ESCROW
IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.



LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

- IX. 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.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Granting this variance will
enable an elderly family member to move in with us, allowing for mutually strengthening family ties and support, while providing desired privacy with separate but connected living quarters. Also, sharing the current kitchen would entail frequent use of stairs which could become difficult. Our neighbor at 296 Lake Rd also has a bi-level with a downstairs kitchen which was used by family; we wish to do the same. At the back of our house on the second floor is a sunroom supported by wooden posts. This addition would fill in that space underneath, eliminate the unpleasant appearance of wooden support posts, and provide great insulation for the current existing sunroom above.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (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 freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law, Section 300-8

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

We would like to add a second kitchen for an elderly family member to offer a one-level living space with privacy. The laundry room + garage will be shared - we will never rent this - it is only for our family -

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is 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.)

XIII. ATTACHMENTS REQUIRED:

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - One in the amount of \$ 300.00 or 500.00 (escrow)
 - One in the amount of \$ 50.00 or 150.00 (application fee)
 - One in the amount of \$ 25.00 (Public Hearing List Deposit)
- Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

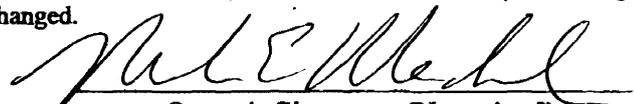
XIV. AFFIDAVIT.

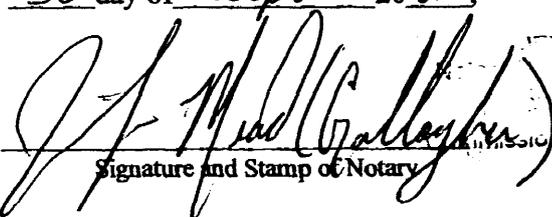
STATE OF NEW YORK)
) SS.:
 COUNTY OF ORANGE)

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/her 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.

Sworn to before me this:

30th day of Sept. 2005.


 Owner's Signature (Notarized)


 Signature and Stamp of Notary

Marsha E. Mandel
 Owner's Name (Please Print)
 No. 01ME6050024
 Orange County
 Expires 10/30/04
 DL# 459-907-491
 exp. 08-02-09
 Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

JENNIFER MEAD
 Notary Public, State Of New York
 No. 01ME6050024
 Qualified In Orange County
 Commission Expires 10/30/2006

COMPLETE THIS PAGE