

ZB# 93-11

Robert Collins

57-1-34.1

Re: Collins

April 26, 1993.

Apps. furnished
we have copies

- of (2)
- ① need it
 - ② Title report
 - ③ - Apps & legal. ✓
- ✓ Notice to Sheriff on 4/26/93.
- ④ \$50.00 + 300.00 -

Public Hearing:

May 10, 1993.

Area variance granted

Charges due:

\$38.00 paid
CK 1349
8/12/93.

MADE IN U.S.A.

NO. R753 1/3

ESSELTE

Oxford[®]

#93-11-Collins, Robert. - area.





TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

13295

Received of Robert Colerus April 29 1993
\$ 50.⁰⁰/_{xy}
Defty and oo
For ZBA Application Dec #93-11 100 DOLLARS
DISTRIBUTION:

FUND	CODE	AMOUNT
<u>OK 1389</u>		<u>50.00</u>

By Pauline G. Townsend
Town Clerk
Title

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Collins, Robert.
R.D. 2 - Jackson Ave.
New Windsor, NY 12553

FILE # 93-11

RESIDENTIAL: \$50.00 COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 *pd*
* * * * * #1339

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 *pd*
#1340

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 4/26/93 - 8 pages . . . \$ 36.00
 2ND PRELIM. MEETING - PER PAGE \$ _____
 3RD PRELIM. MEETING - PER PAGE \$ _____
 PUBLIC HEARING - PER PAGE 5/10/93 \$ 27.00
 PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 63.00

ATTORNEY'S FEES:

PRELIM. MEETING- .3 HRS. 4/26/93 \$ _____
 2ND PRELIM. _____ HRS. \$ _____
 3RD PRELIM. _____ HRS. \$ _____
 PUBLIC HEARING .1 HRS. 5/10/93 \$ _____
 PUBLIC HEARING _____ HRS. (CONT'D) \$ _____
 FORMAL DECISION 1.1 HRS. \$ _____

 TOTAL HRS. 1.5 @ \$ 150.00 PER HR. \$ 225.00
TOTAL \$ 225.00

MISC. CHARGES:

_____ \$ _____
TOTAL \$ 288.00

LESS ESCROW DEPOSIT \$ _____
 (ADDL. CHARGES DUE) \$ 38.00 due
 REFUND TO APPLICANT DUE \$ _____ *pd.*

-----X

In the Matter of the Application of

DECISION GRANTING
AREA VARIANCE

ROBERT COLLINS,

#93-11.

-----X

WHEREAS, ROBERT COLLINS, 455 Grove Road, Pine Bush, New York 12566, has made application before the Zoning Board of Appeals for a variance to permit two (2) existing garages to project nearer to the street on which the principal building fronts than such principal building, contrary to the provisions of Section 48-14A(4) of the Supplementary Yard Regulations at property located on Jackson Avenue in an R-1 zone; and

WHEREAS, a public hearing was held on the 10th day of May, 1993 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant ROBERT COLLINS appeared with his attorney, Robert Dickover, Esq., and his realtor, Michael Reis. All spoke in support of the application; and

WHEREAS, there was one spectator, Teresa Cerniglia, the financee' of the prospective purchaser of the applicant's property, who appeared at the public hearing but she did not speak either for or against the application; and

WHEREAS, the applicant submitted a statement, signed in his presence by six (6) of his neighbors, stating that they had no objection to any of the buildings on the property, as they now exist; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact 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 shows that applicant is seeking permission to vary the provisions of Section 48-14A(4) of the Supplementary Yard Regulations in order to allow the two (2) existing garages to remain in their present location which projects closer to the street on which the principal building fronts than such principal building.

3. The evidence presented by the applicant substantiated the fact that a variance to permit the two (2) existing garages, as accessory buildings, to project nearer to the street on which the principal building fronts than such principal building,

contrary to the provisions of Section 48-14A(4), would be required in order to allow the two (2) existing garages to remain in their present location on the applicant's property, the improvements on which otherwise would conform to the bulk regulations in the R-1 zone.

4. The evidence presented by the applicant indicated that at least one of the garages was constructed sometime around 1960 at the time of the construction of the residence. Consequently, one of the garages, in its present location, is pre-existing and non-conforming. Thus it does not require a variance from this Board in order to continue in its existing location. The applicant's father applied for a building permit on October 5, 1971 to construct a second garage. Said Building Permit remains open since no Certificate of Occupancy was ever obtained for the structure. The construction of said second garage was subsequent to the adoption of the Zoning Local Law of the Town of New Windsor so the variance from the provisions of Section 48-14A(4) is required before such Certificate of Occupancy can be solved.

5. The evidence presented by the applicant further indicated that it is not known at this time which of the two (2) garages pre-existing zoning and which was constructed subsequent to the adoption of zoning. Consequently the applicant has applied for a variance to permit the two (2) garages to remain in their present location. It is the finding of this Board that one of said two garages pre-existed zoning and thus does not require a variance as a pre-existing, non-conforming structure. However, since the identity of that pre-existing structure is unknown, this Board has entertained the variance application on both garages, understanding that only one of said garages requires a variance and it is only the marginal impact of the second garage which is relevant to this Board's consideration.

6. The evidence presented by the applicant substantiated the fact that if applicant were to conform to the requirements of Section 48-14A(4) of the Supplementary Yard Regulations, he would have to remove at least one of the garages so that it would not extend beyond the front portion of the residence. Not only would this be costly, it would not be effective or functional and would inhibit the sale of the house since the prospective purchasers offered to purchase the house on the assumption that both garages were entitled to remain in their present location.

7. The evidence presented by applicant also substantiated the fact that if applicant were forced to remove one garage so that it would not protrude in front of the house, he would jeopardize the sale of the property since the purchasers expected to purchase the property with both garages in their present location.

8. The evidence presented on behalf of the applicant would incur an expense of approximately \$1,500. to demolish one of the garages. If the applicant were to rebuild one of the garages in a conforming manner, he would incur an additional expense of approximately \$5,000.

9. The evidence presented on behalf of the applicant also indicated that if one of the garages was to be rebuilt in a location that was not nearer to the street than the principal building, he might still face difficulties in siting the garage because a sewer line runs along the side of the property and, if the garage was located to avoid this, that location might still require the applicant to obtain a side yard variance.

10. The garages have existed on the property in their present location for approximately 33 and 22 years, respectively, and it does not appear that such location has been a detriment to the neighborhood or adversely impacted the public health, safety and welfare.

11. The evidence presented by applicant substantiated the fact that the variance, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since the structures have been their existing location for many years.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

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

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is substantial in relation to the requirements of Section 48-14A(4) of the Supplementary Yard Regulations. However, it is the conclusion of this Board that the granting of the substantial requested variance is warranted here because of the fact that the second garage has existed in its present location for approximately 22 years.

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 a self-created one since the violative conditions were created by a predecessor in title, to wit, the applicant's father, who failed to obtain the necessary variance and a Certificate of Occupancy on the second garage, which failures are attributed. However, the applicant is now in the process of correcting this situation by the appropriate application to this Board.

6. It is the finding of this Board that the benefit to the applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the

requested variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the regulations 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.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a variance to permit the two (2) existing garages as accessory buildings, to project nearer to the street on which the principal building fronts than such principal building, contrary to the provisions of Section 48-A(4), of the Supplementary Yard Regulations at the above location in an R-1 zone, as sought by 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: July 12, 1993.

Chairman

(ZBA DISK#8C-021993.AS)

Date 5/21/93, 19.....

TOWN OF NEW WINDSOR

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

to Frances Roth 389 Morris Hill Rd DR.

New Windsor NY 12553

DATE		CLAIMED	ALLOWED
5/18/93	Zoning Board Meeting	75 00	
	Misc - 2		
	KWG - 12 - 54.00.		
	Leidy - 4 - 18.00		
	Harris - 21 - 94.50.		
	Collins - 6 - 27.00.		
	<u>45</u>	202 50	
		<u>322 50</u>	

COLLINS, ROBERT

Robert Dickover, Esq., Mr. Robert Collins and Michael Reiss appeared before the board for this proposal.

MR. TORLEY: Request for variances to allow garages to project closer to road than principal building contrary to Section 48-14A (4) of Supplementary Yard Regulations at property located on Jackson Avenue in an R-1 zone.

MR. DICKOVER: Good evening, my name is Robert Dickover, I'm here on behalf of the applicant, attorney practicing law at 31 Main Street, P.O. Box 100, Warwick, New York 10900. With me this evening is Mr. Collins, who is the present owner, also Michael Reiss, who is the broker that put together the transaction for the sale of this property during which apparent need for this variance came to our attention. Also with us this evening is the fiance of the proposed purchaser of the property and her name is Theresa Serniglia. As you may recall from our appearance here two weeks ago, this is a request now for a variance applicable to both garages on this property to allow them as they presently exist to remain in the front yard of this premises closer to the street than the principal dwelling which is constructed on the lot. Present zoning ordinance as you know would prohibit the construction of an accessory building on the lot closer to the street and hence the reason that we're here this evening. I've previously submitted a number of photographs to you at the work session and I'd ask that they be deemed as exhibits for purposes of this hearing and I don't imagine that presents any problems, Mr. Chairman or counsel?

MR. LUCIA: No.

MR. DICKOVER: Likewise, I mentioned to you when we were here two weeks ago that we had a petition circulated amongst the neighbors of Mr. Collins indicating that they have no objections to any of the buildings on his property as they now exist. If you would accept this at this point as a further exhibit, I'd like to hand it up. That particular document does

not bear, those are not notarized or sworn to signatures, they were taken personally in front of Mr. Collins, if you deem it appropriate, he will attest to the taking of the signatures, Mr. Chairman.

MR. TORLEY: Do you wish me, should I read the petition into the record?

MR. LUCIA: Sure. Counsel just is asking if you want Mr. Collins to swear that you saw them sign it.

MR. TORLEY: I don't think it's necessary. Reading from a petition handed to me, I being a neighbor of Bob Collins, Jackson Avenue, would like you to know that I have no objection to any of the building on his property as they now exist. It is signed by 6 individuals, I believe. We never were able to decide which of these garages is the one that pre-existed zoning.

MR. DICKOVER: That seems to be the case, we know that one of them was constructed at the time that the house was constructed sometime around 1960, from the tax assessor's records. They go back that far and that garage was on the property at that time. But our investigation has failed to turn out which garage in fact was constructed. We know that a building permit was applied for the construction of a garage and that is an open building permit and that was dated in October of '71 for the construction of a 12 by 22 foot garage. That is obviously one of them and we don't know which one and because of that particular quirk, at this time, when we were here two weeks ago, we amended the application to resolve the difficulty by applying for a variance for both of them. Since both of them do in fact violate the present ordinance, for purposes of not having a future owner of this property have to appear in front of you, you were kind enough to suggest that we amend the application and we have done that and the legal notice was amended I understand. I believe the building department's office or the secretary's office handled the mailing of the public notice so we don't have any receipts to hand up to you. That is something from a procedural standpoint.

MR. LUCIA: Notices have been published and mailed.

MR. DICKOVER: Do you want the witness to be sworn at this point or would you take other statements concerning those areas of the statutes?

MR. TORLEY: I don't need to swear the witness.

MR. DICKOVER: If I could proceed addressing those variance issues. The first one is the benefits to the applicant if the variance is granted weighed against the detriment. First of all, the applicant's benefits will allow, that will allow this existing garage to remain in its present location. The contract for the sale of this property will be allowed to proceed, Miss Serniglia has told me that they want the garage to remain on the property for one. There would be no cost obviously to the applicant to demolish and remove this garage if the variance is approved. And it would allow the contiguous use of the present building. Those are all benefits to the applicant. As far as detriments to the health, safety and welfare of the community at large, we would submit to you that there are no detriments at all to the health of the community, it's not an issue. Likewise, the safety of the community it's not at issue, we're here asking that a garage that has been there since arguably since 1971 would be allowed to remain and likewise there's no detriment to the welfare of the community to allow this garage to remain in its present location. As far as a change to the neighborhood, we would submit to you that to remove the garage would effect more of a change than to allow to it remain where it presently is. It's been there since 1971 so allowing the variance or allowing the variance will not effect any adverse change to the neighborhood. One of the other issues that you need to consider is what other methods could the applicant pursue in order to obviate the need for this particular variance. We would submit to you that the benefits sought here is not the removal of the building but actually to allow it to remain and as such, relocation of the building or it's demolition would not serve any benefit at all to the applicant. In fact, it would be a detriment on account of that it goes back to the question of removal is not really an option.

Relocation of the garage both of them really is not an option either to this applicant because of the cost involved in doing that, just a rough cost to rebuild these garages alone is in the area of about \$5,000. Mr. Collins has just incurred that expense recently in the last couple of weeks on another piece of property where he has relocated himself so the cost of demolishing and removing would be in the area of \$1,500 probably. The lot as it is presently configured does not lend itself to a relocation of these garages because the sewer line that is presently servicing this property lies along the side of the property and that would be a viable position if it wasn't there probably would violate one of the side yard requirements. But if it could be put there because of the side yard problem you can't do that and likewise it would be on top of the sewer line and also if you did relocate it, it would require relocation of the driveways that are presently servicing the house. So on account of that, it does not appear to be any other viable alternatives to this particular request other than to grant it. One of the considerations that you have to determine is whether or not granting this variance is a substantial issue or whether or not it's a substantial variance and I would have to tell you that I, that if we didn't have a garage on the property already and if it hadn't been there for 20 years and if this was a brand new application for a garage in the front yard it would probably be a substantial variance. However because it's been there for so many years we're submitting to you that it is in fact unsubstantial variance just on account of the number of years it's been there. Finally, we would submit to you that there's no adverse impact on the neighborhood. In fact, this garage is probably part of the character of the neighborhood at this point and financially Mr. Collins purchased this property actually he took it from his own parents at the time of a prior marriage and because of that it was not self-created, he basically inherited the problem created a number of years ago. With that, I don't have anything further to say. If you have any questions of Mr. Collins, he's here to speak for himself on this issue.

MR. LUCIA: Thank you Mr. Dickover for touching on all

those issues. Thank you for providing deed and title policy which turns out some easements and restrictions and covenants of record. I assume there's nothing in the title to the land to your knowledge or your client's knowledge which would prohibit it from maintaining structures that are now there.

MR. LINEDY: I am not aware of any such covenants or restrictions.

MR. TORLEY: Gentlemen? If not, I'll open it up to the public. Anyone wish to speak?

MR. REISS: Michael Reiss, broker that is involved with the sale. As counsel mentioned, the building is not a tremendous building but it serves its purpose. It's been there for such a long period. If it wasn't there, it might cause a void, people would look for it and wind up having an accident.

MR. LUCIA: I haven't heard that one before. That is unique on public health and safety.

MR. REISS: I strongly suggest that you let it be the way it is and thanks for recognizing me.

MR. TORLEY: If there's no one else, I'll close the public hearing and turn it back over to the members of the board.

MR. DICKOVER: If I may seek your indulgence Mr. Babcock is aware of our situation. The purchasers of this property are awaiting the results of your determination this evening before proceeding to a closing. Their lender has told them that they can't close unless they have some indication favorable indication from your board and we have tentatively based on what I hope will be a favorable outcome tentatively scheduled a closing for Thursday afternoon this week. If there's any way to have your board vote on this issue this evening, it would be greatly appreciative so that we can carry that message to the lender's attorney.

MR. TORLEY: If they would be satisfied merely with

May 10, 1993

44

the--

MR. BABCOCK: We'll take care of it.

MR. TORLEY: To get a formal decision written will take sometime.

MR. DICKOVER: I understand that if a letter could be from building department, I think they'll accept that.

MR. TANNER: Make a motion we grant the variance.

MR. HOGAN: Second it.

ROLL CALL

MR. HOGAN	AYE
MR. TANNER	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE

MR. TORLEY: Would you call the secretary and see what we can arrange for such a letter?

MR. BABCOCK: We'll take care of that.

MR. BABCOCK: I've made a note to my secretary to do a new letter, we'll do that sometime tomorrow, late tomorrow afternoon. We'll have it ready for you.

MR. DICKOVER: Thank you.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914)563-4630

Date: July 12, 1993
FAX: 914/563-4693

RE: ZONING BOARD OF APPEALS - APPLICATION # 93-11

Dear ZBA Applicant:

After computation of the consulting fees that were posted with your application before the Zoning Board of Appeals, the Board found that there are additional fees due and owing in the amount of \$ 38.00. (A copy of the computation list is attached).

In order to obtain a copy of your formal decision, this amount will have to be paid immediately.

Please forward a check in the above amount and I will be happy to furnish an executed copy of the formal decision.

Very truly yours,

PATRICIA A. BARNHART, Secretary
Zoning Board of Appeals

Paid
ck # 1349 -
8/12/93 (PAB)

/pab

Attachment

(ZBA DISK#7-031292.FEE)

Robbie Dickover

986-1700

294-7940

ZBA file
in Pauline's
at Hank Christensen's Office

#93-11

Robt. Collins - Jackson Ave

144 open bldg. permit for garage - was const. in '71

10/5/71

distance from hse to gar 60

closing
Friday

4/9

2nd gar. const. April '73 (appl)

minor alt/repair

→ located 25-30' back from rd.

Cost of const. \$500 i.o. no Co + permit req'd.

7/8/93 appl -

front set back - closer than house

R-1

48-14-(4)

Pike Babcock

Robt Collins - Jackson Ave

144 open bldg. permit for garage - was const. in '71

10/5/71 distance from hse to gar ~~60~~

Closing Friday 4/9

2nd gen. const. April '73 (appl)

minor alt/repair

→ located 25-30' back from rd.

Cost of const ~~\$~~ 500 s. no co + permit req'd.

7/8/93 appl -

front set back - closer than house

R-1

48-14-(4)

Mike Babcock

Mike

'73 appl premises

built in 60's, remodeled in '73

Mike willing to for get this one.

The 1971 shed needs the variance

April 26 1st mtg w ZBA

If notice sent out + paperwork done May 10 P.H.

Date 5/8/93....., 19.....

TOWN OF NEW WINDSOR

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

TO Roberta O'Rourke North Drury Lane DR.
Newburgh New York 12550

DATE		CLAIMED	ALLOWED
4/26/93	Zoning Board Meeting	75 00	
	Misc 2		
	Collins - 8 - 36.00.		
	Parsino - 6 - 27.00		
	Peters - 5 - 22.50.		
	Forge Hill - 4 - 18.00		
	<u>25</u>	<u>112 50</u>	
		187 50	

APRIL 26, 1993

2

ROBERT COLLINS - PRELIMINARY MEETING

MR. NUGENT: First preliminary meeting is Robert Collins request for a variance to allow a garage to project closer to road than principal building contrary to Section 48-14A.4 of the Supplementary Yard Regulations at property located on Jackson Avenue in an R-1 zone. Mr. Collins?

MR. DICKOVER: Good evening, gentlemen. My name is Robert Dickover. I'm Mr. Collins attorney. My address is P.O. Box 131, Main Street, Warwick, New York. Phone, 986-1700. Mr. Chairman, we have submitted an application for a variance to the town ordinance which requires that accessory buildings be placed no closer to the street than the principal structure of the premises. The long and short of it, you have in front of you that survey of the property which is the only survey that's been done. It's a dated survey. It's a number of years old but it does show the location of the structures in question. You'll note from that that there are two garages lying along the driveway accessing the house. The circumstances are kind of unique in that the garages have been there since at least 1973. One of them, frankly we're not exactly sure which one, was built prior to the enactment of your zoning ordinance. The town tax assessor's records indicate that at the time the house was constructed in 1960 that a detached garage was also constructed. At that particular time apparently there was no plot plan required or at least if it was it's not in the town records any longer. So we're not sure which garage it was that was constructed. But as it appears from the small map you have it's clear that it was constructed closer to the road than the house was because both of those garages have that particular idiosyncrasy. After that particular time your ordinance, I believe, was enacted in 1966. There was an application for construction of a garage submitted to the building department and that remains an open building permit. Circumstances to my client, Mr. Collins, didn't become apparent to us until we were in contract to sell this property. I have submitted a copy of the front page of that contract and the signature pages being the pertinent parts of it to evidence that. The purchasers had a municipal search done with the building department and

the building inspector wrote about the open building permit for this garage. That's what brings us here before you today. We have a couple of pictures of the premises, if anyone would like to see them.

MR. NUGENT: Show them to us.

MR. TORLEY: One of these garages was built before zoning?

MR. DICKOVER: Correct.

MR. TORLEY: We don't know which one.

MR. DICKOVER: We really don't know. There are some circumstances that indicates the one by the street is the legal one and yet to be honest with you we really don't know for sure which was which.

MR. BABCOCK: In 1971, October 5, 1971 there was a building permit issued for one of these garages by Howard Collett.

MR. DICKOVER: Right.

MR. BABCOCK: In that building permit application the plot plan is not filled out so of course you can't tell which garage that might be. So, one garage is built in 1960 which would not have needed a building permit or CO. One garage is built in 1971 with a building permit. Now, he came in, Mr. Collins came in and we found that he had no CO. So we had to clear this up and get a CO, that's when we realized that it was in the front yard. We denied a CO based on you're not allowed to have an accessory structure in the front yard.

MR. TORLEY: If the preexisting, rezoning garage is the one closest to the road, would the one that was between it and the house need any variance, since it's behind it.

MR. BABCOCK: In my opinion, yes, just because you have one in the front yard doesn't allow you to have two. I think Dan should probably answer that.

MR. NUGENT: The other one shows that to be on the

front.

MR. LUCIA: The other issue is the one that sits back is not forward of the building lot line but because of the funny angle of the road and the funny placement of the house, I'm not sure exactly how you would define the building line there.

MR. TORLEY: Curved.

MR. DICKOVER: It's a curved street in front of this house.

MR. COLLINS: The one next to the house is in line with the house.

MR. LUCIA: If you look at the house on the plot I think it's difficult to define where your front building line is given the layout of everything. It's an open issue. Obviously you need to be here for at least one of them, you might as well resolve the whole thing since you are here.

MR. DICKOVER: If I might, I also have, Mr. Collins did discuss this with his neighbors and had them sign a statement indicating that they were familiar with the two structures and they have no objection to any of the buildings on the property as they now exist. This bears the signature of a number of the neighbors who are on the notice or would be on the notice for public mailings. If I could hand that up at this point. I don't know if you want to take these now or at the public hearing. But that has also been done.

MR. BABCOCK: I think to answer your question in my opinion if you had a setback where there was a fifteen foot setback or a ten foot setback then it could continue that ten or fifteen foot setback. In this case it says project closer to the street and that what the principal building fronts. I think that's where the problem is.

MR. TORLEY: The way the house sits it's hard to say where that line would be.

MR. BABCOCK: In my opinion you draw a line 70.5 feet from the road at the arc of the road. That would put

APRIL 26, 1993

5

the first garage and second garage within that front yard.

MR. LUCIA: That's correct, that is phrased in terms of setback. It's closer than the building itself. The nearest point to the building would set the minimum distance.

MR. LANGANKE: Who built these garages?

MR. DICKOVER: Do you know for sure who put these garages up?

MR. COLLINS: There were at least two previous owners before.

MR. DICKOVER: Before your parents.

MR. COLLINS: Right.

MR. DICKOVER: There is another Robert Collins that is not Mr. Collins in front of you, that was Robert's father who now is long in years living in the state of Florida and quite frankly memory doesn't service as well as we might hope to to answer these kinds of questions.

MR. LUCIA: He did not himself erect the garage, is that correct?

MR. COLLINS: Obviously he is involved in one, in the '71 permit.

MR. LUCIA: Not the prior one.

MR. COLLINS: No.

MR. DICKOVER: Just to throw another piece of information at you there was in 1973, April of that year, an application for a minor alteration or repair which was filled out by Evelyn Collins, that's Mrs. Collins, your stepmother, to do a storage shed for a boat. She tells us that that application was for the building out by the street, the garage out by the street. She tells us when this application was made that was all that was required of them. That information indicates to us that the building out by

the street was the pre-existing building because, well it could go either way. If that's all that was required and that's all the building inspector required at the time this was signed by Mr. Collett, also, that would indicate that the building back by the house was the one that pre-existed. That's one argument. The other one would be if this was the building that had the open building permit, it would seem to me Mr. Collett would not have issued or signed an application for minor alteration if there was open building permit for that structure. It seems to me he would have closed it at that point.

MR. BABCOCK: If you built a building in '71 it would be very unlikely that you altered it in '73. You would probably alter the one that was there in 1960 than '73. But there is no clear evidence which one it is.

MR. TORLEY: You would need a variance for one of the buildings in any case.

MR. BABCOCK: One. We feel it's the one that projects closest to the street, that's what our feelings are by going through this record.

MR. TORLEY: That would be the maximum.

MR. BABCOCK: The other we are not concerned with. It was built in 1960 and it can be there. This one here we feel it was built in '71 and should have met the ordinance '71.

MR. HOGAN: Are the dimensions of the garages the same?

MR. DICKOVER: The same.

MR. TORLEY: Would there be any difficulty granting the variance for both of them just to make sure we are not going to have any trouble?

MR. NUGENT: That would be my question. If they are both really projecting closer to the front of building why don't we give him the variance for both of them.

MR. LUCIA: I certainly have no problem with that.

APRIL 26, 1993

7

MR. NUGENT: Then he would be covered.

MR. LUCIA: Then we can recite one pre-existing. We can grant a variance to cover both.

MR. DICKOVER: That will make it easier on the next buyer or the next seller when he becomes a seller. Hopefully they won't have to come back for this question again.

MR. TORLEY: No extra fees.

MR. BABCOCK: Would you like me to modify the denial and say two garages, that's all I can do.

MR. NUGENT: Not being able to determine which one was the preexisting, we can do both.

MR. BABCOCK: That's fine.

MR. DICKOVER: I guess from Mr. Collins' standpoint we would appreciate it if you would do that. If he modifies the denial and the variance isn't granted we kind of have taken another step backwards which I hope won't happen with this board.

MR. LUCIA: Actually it doesn't really increase your burden because the board, understanding one of them, it's unknown which one is pre-existing. So I don't think your burden before the board increases any. It's simply making it easier mechanically to present it.

MR. DICKOVER: I understand.

MR. NUGENT: May we keep the pictures?

MR. DICKOVER: Yes, by all means. We would submit them as exhibits in the public hearing and ask that you mark them. Anymore information that you feel you need from us?

MR. NUGENT: You'll get more in a minute. Are there any other questions by the board members?

MR. LANGANKE: I have none.

APRIL 26, 1993

8

MR. NUGENT: I will accept a motion.

MR. HOGAN: So moved.

MR. TANNER: Second.

MR. NUGENT: Roll call.

MR. TORLEY: Aye.

MR. NUGENT: Aye.

MR. TANNER: Aye.

MR. HOGAN: Aye.

MR. LANGANKE: Aye.

MR. NUGENT: Motion to schedule a public hearing.

MR. LUCIA: Just a couple of questions to make sure we've covered everything. I assume that both garages are more than ten feet from any lot line?

MR. COLLINS: Yes.

MR. LUCIA: Because we don't show offsets on the survey.

MR. COLLINS: Yes.

MR. DICKOVER: Yes, they would be.

MR. LUCIA: You would need a variance for a different section if they are ten feet or less than at the time. I assume the natural slope within 25 feet of the street line does not exceed ten percent.

MR. DICKOVER: Within 25 feet of the street line of these premises, yes. It's flat there.

MR. BABCOCK: It's flat.

MR. LUCIA: Thank you for bringing the copy of the deed and title policies. Do we need any additional photographs, are we satisfied?

MR. NUGENT: No, they are fine.

MR. LUCIA: Thank you also for the short form EAF.

APRIL 26, 1993

9

This board normally does not use that on routine area variance applications unless you tell me that you anticipate some environmental impact.

MR. DICKOVER: I submitted that just if you did want you it you would have a complete submission.

MR. LUCIA: Similarly, I assume you are not anticipating any controversy over environmental issues?

MR. DICKOVER: No, we are not.

MR. LUCIA: I will give you a copy of Section 267-b of the town law. I just marked with an arrow in the margin the subparagraph 3 (b) which deals with area variances. When you come back if you would just be prepared to speak to the five specific issues on that, I would appreciate it. I understand your applications are already completed. You will need to submit two checks both payable to the Town of New Windsor. One for a \$50 application fee and one for \$250 for town consultant review fees and town disbursements the board has in handling your application. I guess once those come back we can schedule you for public hearing if your application is already in.

MR. DICKOVER: The checks will be submitted. We will have them here in the morning.

MR. LUCIA: Okay. Thank you.

4

MR. DICKOVER: We would ask you to put us on for the May 10th meeting if you have room for the agenda.

MS. BARNHART: I already sent the notice to the Sentinel. You might want to revise that existing garages to project near --

MR. LUCIA: Just to make it plural.

MS. BARNHART: That's the only change I suggest we make on it, everything the same.

MR. DICKOVER: Revise legal notice to.

5/10/93 Public Hearing: Collins, Robt. # 93-11

Michael Reis
No Objection
Mesa N. Carrigla

Prelim.
April 26, 1993.

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

93-11

DATE: April 12, 1993

APPLICANT: Robert Collins
RD-2 JACKSON AVE.
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: April 8, 1993
FOR (BUILDING PERMIT): # 144 issued Oct. 3, 1971

LOCATED AT: RD-2 JACKSON AVE.
ZONE: R-1

DESCRIPTION OF EXISTING SITE: SECTION 37 BLOCK 1 LOT 34.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. FRONT SETBACKS FOR TWO
2. GARAGE PROJECTS CLOSER TO ROAD THAN HOUSE
- 3.
- 4.
- 5.

NEED VARIANCE FOR BOTH GARAGES MB 4-26-93
Richard [Signature]
BUILDING INSPECTOR

REQUIREMENTS	48-14A(4)	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-1	USE 48-14(4)		

DATE: April 16, 1993
 APPLICANT: Robert Collins
RD-2 Jackson Ave.
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: April 8, 1993
 FOR (BUILDING PERMIT): # 144 ISSUED Oct. 3, 1971
 LOCATED AT: RD-2 Jackson Ave.
 ZONE: R-1

DESCRIPTION OF EXISTING SITE: SECTION 57 BLOCK 1 LOT 34.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. FRONT SETBACKS FOR TWO
2. GARAGE PROJECTS CLOSER TO ROAD THAN HOUSE
3. _____
4. _____
5. _____

NEED VARIANCE FOR BOTH GARAGES MB 4-26-93
Michael Butcher
 BUILDING INSPECTOR

REQUIREMENTS	48-14A(4)	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: <u>R-1</u> USE <u>48-14(4)</u>			
MIN. LOT AREA			
MIN. LOT WIDTH			
REQ'D FRONT YD			
REQ'D SIDE YD			
REQ'D TOTAL SIDE YD			
REQ'D REAR YD.			
REQ'D FRONTAGE			
MAX. BLDG. HT.			
FLOOR AREA RATIO			
MIN. LIVABLE AREA			
DEV. COVERAGE			

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT 914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

1700
286

57-1-34.1

No. ~~270~~
144

OCT 5, 1971

BUILDING PERMIT

FEE: 10

A permit is hereby given by the Zoning Officer of the Town of New Windsor, Orange County, N. Y., for building as described:

Owner's Name COLLINS, ROBERT

Address RD - JACKSON AVE

Architect's Name

Address

Builder's Name OWNER

Address

Location of Building JACKSON AVE

Material FRAME Number of Stories Number of Families

Dimensions of Building 12x22 Dimensions of Lot

Use of Building GARAGE

Number of Toilets Number of Baths

Heating Plant

I am familiar with the Zoning Ordinance of the Town of New Windsor.

Remarks:

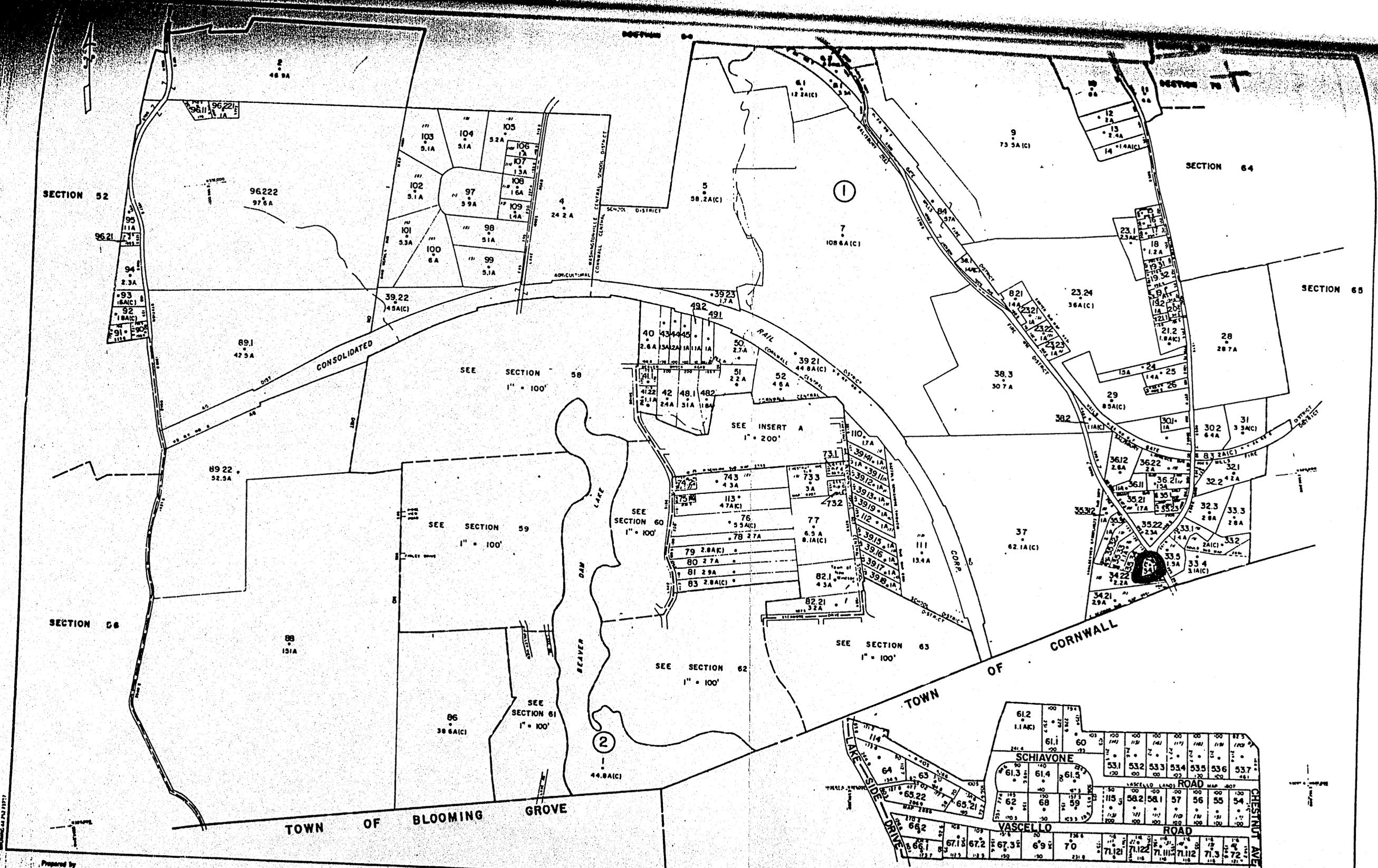
Signature of Applicant Mr. Robert Collins

Approximate Cost \$..... 750.-

- Action of —
- Planning Board
- Highway
- Water
- Sewer
- Zoning Board of Appeals.....

Howard R. Sweet
Zoning Officer

A permit under which no work is commenced within 6 months after issuance shall expire by limitation and a new permit shall be secured before work is started.



Prepared by
 ORANGE CO. TAX MAP DEPT.
 MAIN ST., ROSSDALE, N. Y. 10946
 1989

STATE OF NEW YORK
 LEGEND

INSERT A
 1" = 200'

REF - 5/10/93.

I being a neighbor of Bob Collins
on Jackson Ave. would like the Town
of New Windsor To know that I have
no objection To any of the buildings
on his property as they have exist

SIGNATURE	PRINT	ADDRESS	DATE
Linda Flynn	LINDA FLYNN	805 SAERSON AVE New Windsor NY	4/10/93
Zaida Claudio	ZAIDA CLAUDIO	Rd #2 JACKSON AVE NW NY	4-10-93
Mildred C. Rich	Mildred C. Rich	Box 79 So. Jackson Ave	4/10/93
Elizabeth M. Panico	ELIZABETH M. PANICO	Box 78 S. Jackson Ave	4/10/93
W. E. LARSON	Betty J. Larson		
B. Gamm	BETTY J LARSON	77 Jackson Ave So.	4/10/93

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

93-11

Date: 4/16/93

I. Applicant Information:

- (a) ROBERT H. COLLINS 455 GROVE RD. PINE BUSH, N.Y. 12566 361-5653
(Name, address and phone of Applicant) (Owner)
- (b) RYAN WELSH 41 WILLOW A. CORNWALL, N.Y.
(Name, address and phone of purchaser or lessee)
- (c) ROBERT J. DICKOVER 31 MAIN ST PO BOX 100 WARWICK, N.Y.
(Name, address and phone of attorney)
- (d) NONE 10990 986-1700
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
 Area Variance Interpretation

III. Property Information:

- (a) R-1 JACKSON AVE (R.D.#2) 57-1-341 251'x281'
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES
- (d) When was property purchased by present owner? 6/14/81 12/20/77
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- _____

IV. Use Variance.

- (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.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
§ 48-14 A. (4)

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	<i>TO ALLOW GARAGE TO PROTECT NEARER THE STREET THAN THE PRINCIPAL RESIDENCE</i>
Reqd. Side Yd. _____	_____	
Reqd. Rear Yd. _____	_____	
Reqd. Street Frontage* _____	_____	
Max. Bldg. Hgt. _____	_____	
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* 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:

GARAGE CONSTRUCTED IN 1971 BY PREVIOUS OWNERS.

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

VI. Sign Variance:

(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.

(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 upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

NO CHANGE IS PROPOSED TO THE PREMISES; CONDITION HAS EXISTED SINCE 1971.

IX. Attachments required:

- Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- Copy of tax map showing adjacent properties.

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

X. Affidavit.

Date: 4/16/93

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

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

[Signature]

 (Applicant)

Sworn to before me this
16 day of April, 1993.

[Signature]
 ROBERT J. DICKOVER
 Notary Public, State of New York
 Qualified in Orange County
 Term Expires: March 89, 19
 No. 4759052 10/21/94

XI. ZBA Action:

- (a) Public Hearing date: _____.
- (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.

PUBLIC NOTICE OF HEARING BEFORE
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. 11

Request of Robert H. Collins

for a VARIANCE of
the regulations of the Zoning Local Law to
permit an existing garage to project nearer
the street than the principal residence.

being a VARIANCE of

Section 48-14A. (4)

for property situated as follows:

Box 80, Jackson Avenue, New Windsor,

Orange County, New York

SAID HEARING will take place on the 10th day of
May, 1993, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

Chairman

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>ROBERT H. COLLINS</i>		2. PROJECT NAME <i>SET BACK VARIANCE</i>	
3. PROJECT LOCATION: Municipality <i>RD#2 BX 80 JACKSON A.</i> County <i>NEW HAVEN, ORANGE</i> <i>12587</i>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>ON JACKSON A. AT CORNER OF BETHLEHEM</i>			
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <i>SETBACK VARIANCE FOR GARAGE TO BE CLOSER TO STREET THAN PRINCIPAL BUILDING (RESIDENCE)</i>			
7. AMOUNT OF LAND AFFECTED: Initially <i>.9±</i> acres Ultimately <i>.9±</i> 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>VARIANCE IS REQUESTED</i>			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <i>SINGLE FAMILY RESIDENCES</i>			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval			
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>ROBERT H. COLLINS</i>		Date: <i>4/16/93</i>	
Signature: <i>[Signature]</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 _____

**TICOR TITLE GUARANTEE COMPANY
SCHEDULE A**

Title No.: 9693-90135

Effective Date: MARCH 5, 1993

Owner's Policy to be issued:

ALTA 4-6-90 Owner's Policy

\$131,500.00

Proposed Insured:

RYAN WELSH

Leasehold Policy to be issued:

ALTA 4-6-90 Leasehold Policy

\$ _____

Proposed Insured:

Loan Policy to be issued:

ALTA 4-6-90 Loan Policy

\$ TBD

Proposed Insured:

BANK OF NEW YORK MORTGAGE COMPANY

Borrower:

RYAN WELSH

Loan Policy to be issued:

ALTA 4-6-90 Loan Policy

\$ _____

Proposed Insured:

Borrower:

The estate or interest in the land described or referred to in this certificate and covered herein is:

FEE SIMPLE

Title to said estate or interest in said land at the effective date hereof is vested in:

ROBERT HENRY COLLINS, JR.

**Title acquired under deed dated 6/14/81 recorded 9/15/81 in Liber 2203 cp 880
made by Robert Henry Collins, Jr. and Denise W. Collins.**

The land referred to in this certificate is described as follows:

-SEE ATTACHED-

TICOR TITLE GUARANTEE COMPANY

SCHEDULE A DESCRIPTION

Title No.: 9693-90135

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follow:

BEGINNING at a point in the westerly line of Jackson Avenue, said point in the division line between lands now or formerly of Seidman on the south and the herein described parcel on the north and running thence north 79-24-44 west 267.85 feet along the aforesaid land of Seidman to a point; thence north 54-29-35 east 55.52 feet along lands now or formerly of Leghorn to a point; thence north 56-43-18 west 10.21 feet along the same to a point; thence north 44-54-10 west 231.47 feet along the same to a point; thence south 24-27-00 east 78.62 feet along the aforesaid westerly line of Jackson Avenue to a point; thence south 18-00-00 east 36.61 feet along same to a point; thence south 8-26-45 east 104.30 feet along the same to a point; thence south 5-35-51 east 41.65 feet along the same to the point or place of beginning.

TICOR TITLE GUARANTEE COMPANY

TAX SEARCH

Title No.: 9693-90135

Taxes, assessments, water rates and sewer charges which are liens on real property

RETURNS

1. The unpaid taxes, water rates, assessments and other matters relating to taxes which are liens at the date of this certificate are set forth below.

If the tax lots above mentioned cover more or less than the premises under examination, this fact will be noted herein.

In such case, the interested parties should take the necessary steps to make the tax map conform to the description to be insured.

1993 TOWN OF NEW WINDSOR STATE, COUNTY AND TOWN TAX ROLL
SECTION 57 BLOCK 1 LOT 34.1

ASSESSED TO: COLLINS, ROBERT
LAND VALUE: \$9,200.00
FULL VALUE: \$31,200.00

1993 STATE, COUNTY AND TOWN TAX - \$911.83 OPEN + PENALTY

1992-1993 SCHOOL TAX - \$1,552.55 PAID 9/30/92

VILLAGE -

SEWER

WATER -

CORNWALL CENTRAL SCHOOL DISTRICT

Recent payment of any open items returned on this tax search may not yet be reflected on the public records. Therefore, please request the seller or borrower to have the receipted bills available at the closing.

FOR INFORMATION ONLY, we set forth the assessed valuation for the tax period covered by the taxes herein shown. Consideration should be given to the fact that the assessed valuation may have changed, or may change, for the next succeeding tax period, due to the causes such as completion of improvements or other reasons.

UNLESS there is a final reading or an up to date receipt presented at closing, Policy will except all water, sewer and garbage charges.

Our policy does not insure against taxes, water rates, assessments and other matters relating to taxes which have not become a lien up to the date of the policy or installments due after the date of the policy. Neither our tax search nor our policy covers any part of streets on which the premises to be insured abut. For information only, we set forth the assessed valuation for the current year.

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 14th day of June, nineteen hundred and eighty-one, **BETWEEN**

ROBERT HENRY COLLINS, JR., residing at (no number) Jackson Avenue, New Windsor, New York and DENISE W. COLLINS, residing at (% David Pedley) 3810 Fifth Avenue, St. Petersburg, Florida

party of the first part, and

ROBERT HENRY COLLINS, JR., residing at (no number) Jackson Avenue, New Windsor, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----

TEN and 00/100----- dollars,

lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at a stake set in the center line of a stone wall in the most northerly corner of the lands of Celia Seidman on the westerly side of Jackson Avenue near its intersection with another road leading northerly to Route 207; thence along a stone wall on the westerly side of Jackson Avenue the following two courses and distances: (1) south 24-27-00 east 67.93 feet to a stake set in the center line of a stone wall and (2) south 18-00-00 east 36.61 feet to a stake set in the center line of stone wall; thence south 72-22-00 west 208.51 feet to a stake set in a corner of walls thence along a stone wall marking the westerly line of the lands of said Celia Seidman, north 44-54-10 east 225.64 feet to the point or place of beginning.

ALSO, ALL THAT certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at an iron pipe set at intersection of stone walls at the most westerly corner of land of James Shaw. Previously acquired, and as recited in book number 1776 at page 255;

THENCE along the southerly boundary of lands of James Shaw south 72-22 west 208.51 feet to the westerly edge of road known as Jackson Avenue.

THENCE along the westerly edge of Jackson Avenue south 8-24 east 104.54

NEW WINDSOR, New York and DENISE W. COLLINS, residing at (% David Pedley) 3810 Fifth Avenue, St. Petersburg, Florida

party of the first part, and

ROBERT HENRY COLLINS, JR., residing at (no number) Jackson Avenue, New Windsor, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----

TEN and 00/100----- dollars,

lawful money of the United States, and other good and valuable consideration paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at a stake set in the center line of a stone wall in the most northerly corner of the lands of Celia Seidman on the westerly side of Jackson Avenue near its intersection with another road leading northerly to Route 207; thence along a stone wall on the westerly side of Jackson Avenue the following two courses and distances: (1) south 24-27-00 east 67.93 feet to a stake set in the center line of a stone wall and (2) south 18-00-00 east 36.61 feet to a stake set in the center line of stone wall; thence south 72-22-00 west 208.51 feet to a stake set in a corner of walls thence along a stone wall marking the westerly line of the lands of said Celia Seidman, north 44-54-10 east 225.64 feet to the point or place of beginning.

ALSO, ALL THAT certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at an iron pipe set at intersection of stone walls at the most westerly corner of land of James Shaw. Previously acquired, and as recited in book number 1776 at page 255;

THENCE along the southerly boundary of lands of James Shaw south 72-22 west 208.51 feet to the westerly edge of road known as Jackson Avenue.

THENCE along the westerly edge of Jackson Avenue south 8-24 east 104.54 feet to an iron set; Thence through the lands of Cecilia Seidman north 79-24-44 west 217.74 feet to the point of beginning, containing 0.24697 acres of land. Said land is and is intended to be contiguous to and rund along the southerly line of lands consisting of a quarter acre lot now in the name of James Shaw as recited in book 1776 page 255.

BEING the same premises conveyed in a deed from James Shaw and Irene Shaw, his wife, to Robert H. Collins and Evelyn B. Collins, His wife, dated January 15, 1970 and recorded in the Orange County Clerk's Office on January 16, 1970 in Liber 1838 at page 1070.

ALSO, ALL THAT piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange, State of New York, bounded and described as follows:

BEGINNING at an iron pipe set in a stone wall on the most westerly corner of lands described in Liber 1838 page 1070 and running thence; south 79-24-44 east 217.74 feet along the lands of Robert H. Collins to an iron pipe set on the westerly side of Jackson Avenue and running thence along the westerly side of Jackson Avenue south 5-35-51 East 41.65 feet to an iron pipe; thence through the lands of Celia Seidman north 79-24-44 west 267.85 feet to an iron set in a stone wall; thence along the stone wall north 54-29-35 East 55.52 feet to the point of beginning. Containing 9.713 sq. ft. of land, be the same more or less.

BEING the same premises conveyed in a deed from Celia Seidman to Robert H. Collins and Evelyn Collins, husband and wife, dated February 1, 1972 and recorded in the Orange County Clerk's office on February 7, 1972 in liber 1898 at page 154.

ALSO ALL THAT certain lot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, and more particularly bounded and described as follows:

BEGINNING at a point which said point is an iron pipe set at the junction of two stone walls being the most southerly point of lands of N/F William F. Leghorn (reputed owner); thence proceeding from said point of beginning north 58-40-55 west 10.21 feet to a point; thence north 42-56-33 east 225.98 feet through the lands of Leghorn to a point on the westerly boundary of Jackson Avenue, a town road, thence proceeding along said town road south 21-50-01 east 11.05 feet to a point in a stone wall; thence along said stone wall south 42-56-33 west 219.22 feet to the point or place of beginning containing 0.05 acre more or less.

BEING the same premises conveyed in a deed from William F. Leghorn to Robert H. Collins and Evelyn B. Collins, his wife, dated June 21, 1971 and recorded in the Orange County Clerk's office on July 6, 1971 in Liber 1877 at page 772.

ALSO BEING the same premises described in a survey prepared by Ronald N. Washburn, L.S., dated November 29, 1977 and described as follows:

BEGINNING at a point in the westerly line of Jackson Avenue, said point being in the division line between lands now or formerly of Seidman on the south and the herein described parcel on the north and running thence north 79-24-44 west 267.85 feet along the aforesaid land of Seidman to a point; thence north 54-29-35 east 55.52 feet along lands now or formerly of Leghorn to a point; thence north 56-43-18 west 10.21 feet along the same to a point; thence north 44-54-10 west 231.47 feet along the same to a point; thence south 24-27-00 east 78/62 feet along the aforesaid westerly line of Jackson Avenue to a point; thence south 18-00-00 east 36.61 feet along same to a point; thence south 8-26-45 east 104.30 feet along the same to a point; thence south 5-35-51 east 41.65 feet along the same to the point or place of beginning.

ALL BEING the same premises conveyed by Robert H. Collins and Evelyn B. Collins, his wife by deed dated December 12, 1977 to Robert Henry Collins and Denise W. Collins and duly recorded in the Orange County Clerk's office on December 20, 1977 in Liber 2087 of Deeds at Page 789.

an iron pipe set on the westerly side of Jackson Avenue and running thence along the westerly side of Jackson Avenue south 5-35-51 East 41.65 feet to an iron pipe; thence through the lands of Celia Seidman north 79-24-44 west 267.85 feet to an iron set in a stone wall; thence along the stone wall north 54-29-35 East 55.52 feet to the point of beginning. Containing 9.713 sq. ft. of land, be the same more or less.

BEING the same premises conveyed in a deed from Celia Seidman to Robert H. Collins and Evelyn Collins, husband and wife, dated February 1, 1972 and recorded in the Orange County Clerk's office on February 7, 1972 in liber 1898 at page 154.

ALSO ALL THAT certain lot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, and more particularly bounded and described as follows:

BEGINNING at a point which said point is an iron pipe set at the junction of two stone walls being the most southerly point of lands of N/F William F. Leghorn (reputed owner); thence proceeding from said point of beginning north 58-40-55 west 10.21 feet to a point; thence north 42-56-33 east 225.98 feet through the lands of Leghorn to a point on the westerly boundary of Jackson Avenue, a town road, thence proceeding along said town road south 21-50-01 east 11.05 feet to a point in a stone wall; thence along said stone wall south 42-56-33 west 219.22 feet to the point or place of beginning containing 0.05 acre more or less.

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ALL BEING the same premises conveyed by Robert H. Collins and Evelyn B. Collins, his wife by deed dated December 12, 1977 to Robert Henry Collins and Denise W. Collins and duly recorded in the Orange County Clerk's office on December 20, 1977 in Liber 2087 of Deeds at Page 789.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

RECORDED IN THE
OFFICE OF THE CLERK OF THE
SUPERIOR COURT OF THE DISTRICT OF
COLUMBIA

WITNESSETH THAT THE
FORESAID DEED WAS
FILED FOR RECORD IN THE
OFFICE OF THE CLERK OF THE
SUPERIOR COURT OF THE DISTRICT OF
COLUMBIA

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

Robert Henry Collins
ROBERT HENRY COLLINS

successors and assigns of the party of the second part forever.

BOOKED BY DA
FILED BY DA
RECORDED BY DA
INDEXED BY DA

H. H. H. H. H. H.

W. W. W. W. W. W.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

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The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

Robert H. Collins Jr.
ROBERT HENRY COLLINS JR.

Denise W. Collins
DENISE W. COLLINS

affidavit for return on return

STATE OF FLORIDA COUNTY OF PINELLAS ss:

On the 14th day of June 1981, before me personally came

Denise W. Collins

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

Notary Seal: Notary Public, State of Florida at Large, Commission Expires Sept. 11 1983, Bonded thru General Ins. Underwriters.

Handwritten signature: William J. Reynolds

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF Orange ss:

On the 11th day of September 1981, before me personally came

ROBERT HENRY COLLINS, JR.

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

Handwritten signature: Angela M. Mazzarella

Notary Seal: ANGELA M. MAZZARELLA, Notary Public, State of New York, Qualified in Orange County S3, Commission Expires March 30, 19-

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

ROBERT HENRY COLLINS and DENISE W. COLLINS

TO

ROBERT HENRY COLLINS, JR.

SECTION BLOCK LOT COUNTY OR TOWN

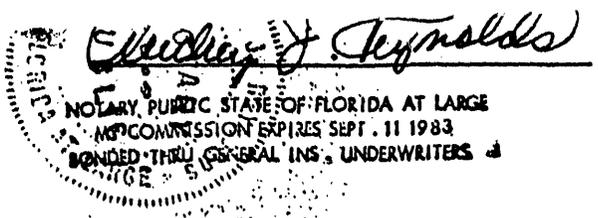
Handwritten: 13-1-1-1

RETURN BY MAIL TO:

FINKELSTEIN, MAURIELLO, KAPLAN AND LEVINE, ESQS. 436 Robinson Avenue Newburgh, NY Zip No. 12550 ATT: Michael O. Gittelsohn

Handwritten: Rep. Am.

Recording Office. 30/30/10. Handwritten: 30/30/10. Handwritten: 30/30/10.



Angela M. Mazzarella
ANGELA M. MAZZARELLA
Notary Public, State of New York
Qualified in Orange County 53
Commission Expires March 30, 19--

STATE OF NEW YORK, COUNTY OF ss:

On the _____ day of _____ 19____, before me personally came _____ to me known, who, being by me duly sworn, did depose and say that he resides at No. _____;

that he is the _____ of _____;

_____ the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ss:

On the _____ day of _____ 19____, before me personally came _____ the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. _____;

that he knows _____;

_____ to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. _____

ROBERT HENRY COLLINS and DENISE W. COLLINS

TO

ROBERT HENRY COLLINS, JR.

SECTION
BLOCK
LOT
COUNTY OR TOWN

F 13-1

RETURN BY MAIL TO:

FINKELSTEIN, MAURIELLO,
KAPLAN AND LEVINE, ESQS.
436 Robinson Avenue
Newburgh, NY Zip No. 12550
ATT: Michael O. Gittelsohn

Rep. Jan

Reserve this space for use of Recording Office.

RECEIVED
REAL ESTATE
SEP 15 1981
TRANSFER TAX
ORANGE COUNTY N.Y.

LIBER 2203 PG 883

Orange County Clerk's Office, s.s.
Recorded on the 15th day
of Sept 1981 at 11:30
o'clock A.M. in Liber 2203
Deeds at page 880
and Examined.
Murion J. Murphy
Clerk

CONTRACT OF SALE

WARNING: NO REPRESENTATION IS MADE THAT THIS FORM OF CONTRACT FOR THE SALE AND PURCHASE OF REAL ESTATE COMPLIES WITH SECTION 5-702 OF THE GENERAL OBLIGATIONS LAW ("PLAIN ENGLISH").

CONSULT YOUR LAWYER BEFORE SIGNING IT

NOTE: FIRE AND CASUALTY LOSSES: This contract form does not provide for what happens in the event of fire or casualty loss before the title closing. Unless different provision is made in this contract, Section 5-1311 of the General Obligations Law will apply. One part of that law makes a purchaser responsible for fire and casualty loss upon taking of title to or possession of the premises.

**CONTRACT OF SALE, made as of the 27th day of February, 1993.
BETWEEN**

SELLER: ROBERT HENRY COLLINS, JR.

Address: residing at 455 Grove Road, Pine Bush, NY 12566

hereinafter called "SELLER", who agrees to sell, and

PURCHASER: RYAN WELSH

Address: 41 Willow Avenue, Cornwall, New York 12518

hereinafter called "PURCHASER", who agrees to buy the following described premises:

PREMISES:

The property, including all buildings and improvements thereon (the "PREMISES") (more fully described on a separate page marked "Exhibit "A") and also known as:

Street Address: Box 80, Jackson Avenue, New Windsor, New York

Tax Map Designation: Town of New Windsor Section 57 Block 1 Lot 34.1

Together with SELLER'S interest, if any, in streets and unpaid awards as set forth in Paragraph 9.

PERSONAL PROPERTY:

The sale also includes all fixtures and articles of personal property attached to or used in connection with the PREMISES, SELLER states that they are paid for and owned by SELLER free and clear of any lien or encumbrance. They include plumbing, heating, lighting and cooking fixtures, bathroom and kitchen cabinets, existing screens, existing front storm door, shrubbery, clothes dryer, range, refrigerator, existing plates in door hardware, mail box and wall to wall carpeting. All in an "as is" condition, except as otherwise provided in the Rider to this contract.

Also included: Microwave and water softner

(Excluded from this sale are : Furniture and household furnishings unless specifically set forth herein.)

ENTIRE AGREEMENT:

21. All prior understandings and agreements between SELLER and PURCHASER are merged in this contract. It completely expresses their full agreement. It has been entered into after full investigation, neither party relying upon any statements made by anyone else that is not set forth in this contract.

CHANGES MUST BE IN WRITING:

22. This contract may not be changed or cancelled except in writing. The contract shall also apply to and bind the distributees, heirs, executors, administrators, successors and assigns of the respective parties. Each of the parties hereby authorize their attorneys to agreed in writing to any changes in dates and time periods provided for in this contract.

SINGULAR ALSO MEANS PLURAL:

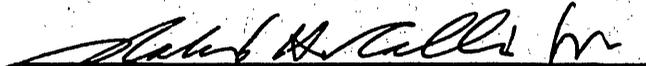
23. Any singular word or term herein shall also be read as in the plural whenever the sense of this contract may require it.

RIDER PROVISIONS:

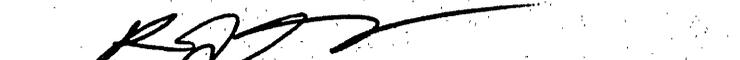
24. Paragraphs #25 et seq. contained on Rider are attached and made a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the year and date first above set forth.

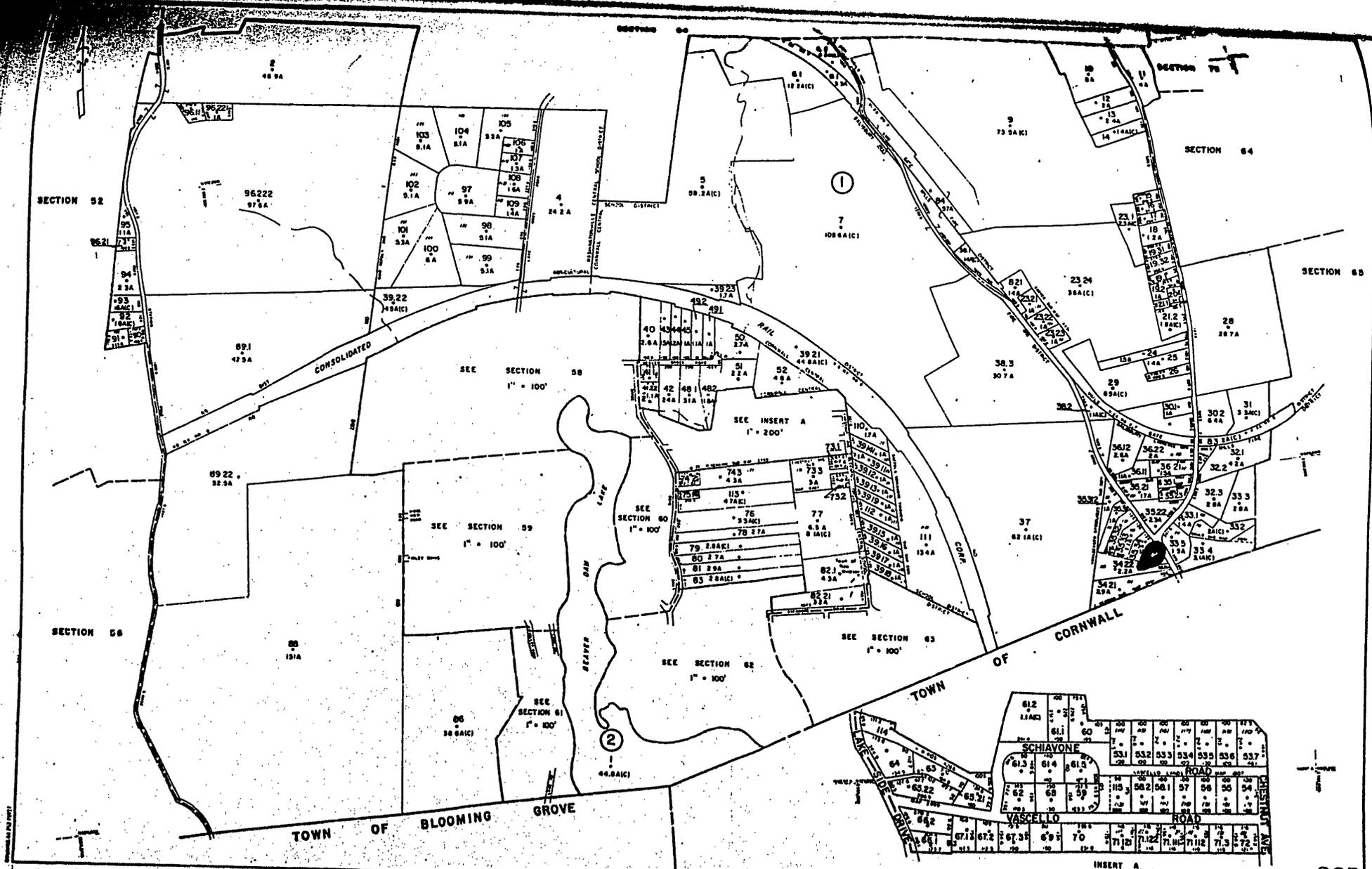
IN PRESENCE OF:


ROBERT HENRY COLLINS, JR., SELLER


RYAN WELSH, BUYER


ROBERT J. DICKOVER, ESQ., ESCROW AGENT

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Prepared by
 ORANGE CO. TAX MAP DEPT.

LEGEND

ORANGE COUNTY

INSERT A
 1" = 200'

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANG COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: April 12, 1993
APPLICANT: Robert Collins
RD-2 Jackson Ave.
New Windsor N.Y. 12553
PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: April 8, 1993
FOR (BUILDING PERMIT): # 144 issued Oct. 3, 1971
LOCATED AT: RD-2 Jackson Ave.
ZONE: R-1

DESCRIPTION OF EXISTING SITE: SECTION 57 BLOCK 1 LOT 24.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. FRONT SETBACKS
2. DRIVE PILETS CLOSER TO ROAD THAN HOUSE
3. _____
4. _____
5. _____

[Signature]
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: <u>R-1</u> USE <u>48-14(4)</u>	_____	_____
MIN. LOT AREA	_____	_____
MIN. LOT WIDTH	_____	_____
REQ'D FRONT YD	_____	_____
REQ'D SIDE YD	_____	_____
REQ'D TOTAL SIDE YD	_____	_____
REQ'D REAR YD	_____	_____
REQ'D FRONTAGE	_____	_____
MAX. BLDG. HT.	_____	_____
FLOOR AREA RATIO	_____	_____
MIN. LIVABLE AREA	_____	_____
DEV. COVERAGE	_____	_____

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

the words "same as" are followed by a series of group symbols, the use group and their respective bulk regulations shall be construed as applying to equivalent uses in the district wherein referred.

ARTICLE V
Supplementary Regulations

§ 48-14. Supplementary yard regulations.

A. Accessory buildings.

- (1) An accessory building may be located in any required side or rear yard, provided that:
 - (a) Such building shall not exceed fifteen (15) feet in height or the maximum height of the principal building, whichever is less. [Amended 4-20-88 by L.L. No. 3 — 1988]
 - (b) Such building shall be set back ten (10) feet from any lot line.
 - (c) All such buildings, in the aggregate, shall not occupy more than ten percent (10%) of the area of the required rear or side yard.
- (2) Accessory buildings constructed at the same time may be located in pairs or groups in the required rear or side yard along the common side lot line or rear lot line of contiguous lots.
- (3) An accessory building on that portion of a lot not included in any required yard shall not exceed the height of the principal building. [Amended 4-20-88 by L.L. No. 3 — 1988]
- (4) No accessory building shall project nearer to the street on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the Planning Board may authorize the erection of such garages under the following conditions:

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

-----x
In the Matter of Application for Variance of

Robert Collins,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#93-11.

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

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

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

On April 29, 1993, I compared the 17 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
29th day of April, 1993.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1993



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

April 21, 1993

Robert H. Collins
80 Jackson Avenue
New Windsor, New York 12553

Re: Tax Map Parcel: 57-1-34.1

Dear Mr. Collins:

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

The charge for this service is \$35.00, minus your deposit of \$25.00. Please remit the balance of \$10.00 to the Town Clerks's office.

Sincerely,

LESLIE COOK
Sole Assessor

LC/cp
Attachments

~~cc: Pat Barnhart~~

Schaffer, Susan
RD 2 Box 355 Bethlehem Rd.
New Windsor, NY 12553

Gould, William S. & Cheryl
Box 354 RD 2 Bethlehem Rd.
New Windsor, NY 12553

Gould, Paul M. & William S. & John W. & Robert O.
RD 2 Box 140
Newburgh, NY 12550

Bethlehem Art Gallery, Inc.
RD 2 Jackson Ave.
New Windsor, NY 12553

Claudio, Emilio Jr. & Zaida M.
RD 2 Jackson Ave.
New Windsor, NY 12553

Campbell, Thomas S. & Marlene A.
Bethlehem Rd.
New Windsor, NY 12553

Potter, Joel E. & Carol
P.O. Box 4161
New Windsor, NY 12553

Carson, Waldemar E. & Betty Jane
RD 2 Jackson Ave.
New Windsor, NY 12553

Grant, John F. & Louisa C.
Box 353 RD 2 Bethlehem Rd.
New Windsor, NY 12553

Hunter, John A. & Patti Ann
RD 2 Jackson Ave.
New Windsor, NY 12553

Lulves, James F. & Mary Alice
RD 2 Jackson Ave. Box 72
New Windsor, NY 12553

Evangelista, Frank M. & Lucille M.
75 Jackson Ave.
New Windsor, NY 12553

Panico, Elizabeth M. & Frank
RD 2 Jackson Ave.
New Windsor, NY 12553

Rieb, Walter A. & Mildred C.
RD 2 Jackson Ave.
New Windsor, NY 12553

Fischer, William P. & Yvonne Anspach
3 Plymouth Rock Ave.
Washingtonville, NY 10992

Flynn, Terrance K. & Linda
80B RD2 Jackson Ave.
New Windsor, NY 12553

Schaffner, Richard & Anita
RD 2 Box 70 Jackson Ave.
New Windsor, NY 12553