

ZB# 94-47

Frank Lippolis

46-2-40

#94-47- Lippolis, Frank

area 46-2-40.

Prelim,

November 14, 1994.

Need copy of:

- (1) Deed 4
- (2) Title Report
- (3) Photos 4 here
- (4) Fees ① 50.00
② 300.00.

Minutes Sentinon
11/17/94

Letters out 11/19/94,

Public Hearing:

December 12, 1994

Area balance

Granted

Refund \$198.00
due. Apr. 5th

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

GENERAL RECEIPT

Dec. 12

14:45
1994

Received of Frank + maruann Lippolis \$ 50⁰⁰
fifty 00/100 DOLLARS

For ZBA #94-47

DISTRIBUTION

| FUND | CODE | AMOUNT |
|-----------------|------|--------------|
| <u>ck # 848</u> | | <u>50.00</u> |
| | | |
| | | |

By Dorothy H Hansen
sh

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564



| | |
|---------|-------|
| Ck# 848 | 50.00 |
| | |
| | |

Town Clerk

Title

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File

Calla 46-2-40.



1 -

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Lippolis, Frank

FILE # 94-47

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 paid
* * * * * CK # 848

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00 paid
12/12/94 # 849

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 4 pages - 11/14/94 \$ 18.00
2ND PRELIM. MEETING - PER PAGE \$ _____
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE 12/12/94 - 3 pages \$ 1350
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING - 11/14 HRS. 11/14/94 \$ 35.00
2ND PRELIM. _____ HRS. \$ _____
3RD PRELIM. _____ HRS. \$ _____
PUBLIC HEARING _____ HRS. 12/12/94 \$ 35.00
PUBLIC HEARING _____ HRS. (CONT'D) \$ _____
TOTAL HRS. _____ @ \$ _____ PER HR. \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

_____ \$ _____
TOTAL \$ 101.50

LESS ESCROW DEPOSIT . . . \$ 300.00
(ADDL. CHARGES DUE) . . . \$ _____
REFUND TO APPLICANT DUE . \$ 198.50 *refund due.*

file

-----x
In the Matter of the Application of

FRANK LIPPOLIS

DECISION GRANTING
AREA VARIANCES.

#94-47.
-----x

WHEREAS, FRANK LIPPOLIS, 2 Hobnail Court, New Windsor, New York 12553, has applied for a 3.4 ft. front yard variance to construct an addition to his residential dwelling located in an R-4 zone; and

WHEREAS, the applicants appeared by Frank Lappolis, the owner of the property and Eric Mason; and

WHEREAS, a public hearing was held on the 12th day of December, 1994; and

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

WHEREAS, there was no opposition to the application before the Board; and

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

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

2. The evidence presented by the applicant showed that:

(a) The property is a one-family house located in a neighborhood of one-family homes.

(b) The single variance sought is a front yard variance of approximately 22%.

(c) If this variance is granted, an addition will be placed on the existing one-family house but the appearance of this expanded one-family house will not be inconsistent with the neighborhood and it will not appear to be significantly closer to the roadway than are the other homes in the area.

(d) Attempts have been made to site the proposed addition so that no variances or lesser variances than those requested would be needed. The location and construction of this addition would require the least number and amount of variances of any of these proposals.

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

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment

to nearby properties.

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

3. The variance requested is substantial but is nevertheless warranted because the variance will allow an addition to an existing one-family house which will be consistent with the neighborhood and there will still be a substantial front yard remaining after construction of the addition.

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

5. The difficulty the applicant faces in conforming to the bulk regulations is self-created but should be granted because the variance will allow construction which will be consistent with the neighborhood and district and the permitted addition will benefit the other properties in the neighborhood as well as itself by making it more valuable.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance are granted, outweigh 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 area variance are the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk 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 3.4 ft. front yard variance to construct an addition to the residential dwelling located on the above parcel in an R-4 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

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

Dated: February 27, 1995.

(ZBA DISK#12-022295.ZBA)


Chairman

Date12/19/94....., 19.....

TOWN OF NEW WINDSOR

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

TO Frances Rdk 147 Syracuse Dr DR.
New Windsor NY 12553

| DATE | | CLAIMED | ALLOWED |
|----------|--------------------------|---------------|---------|
| 12/12/94 | Zoning Board Meeting | 75.00 | |
| | Misc - 1 | | |
| | Denhoff - 3 | | |
| | Lovano - 4 | | |
| | Bowe - 8 | | |
| | Freed - 5 | | |
| | DiMitto - 16 | | |
| | Lippalis - 3 13.50. | | |
| | <u>40pp</u> | <u>180.00</u> | |
| | | 255.00 | |
| | | | |
| | | | |
| | | | |
| | | | |

LIPPOLIS, FRANK

MR. NUGENT: Request for 3.4 ft. front yard variance to construct addition to residence at 2 Hobnail Court in R-4 zone.

Mr. Eric Mason appeared before the board for this proposal along with Mr. Frank Lippolis.

MR. MASON: I believe all the information we gave to you last time seeing that I don't believe this gentleman here is here for us, I believe you have all the information, unfortunately I didn't bring anything with me because I thought that we submitted everything last time.

MR. NUGENT: Well, we have everything.

MR. MASON: All the letters were sent out, I believe ~~there's something there from Patty, and there was no~~ complaints that I know of, nobody's torched the place yet so nobody's too mad. I think the neighborhood mainly is happy that the improvements are going to be done.

MR. KRIEGER: If I may, Mr. Chairman, this is a one-family house in this neighborhood of one family homes, they are all one family homes?

MR. MASON: Right.

MR. KRIEGER: How much, this question is addressed to the building inspector, how much front yard is required here?

MR. BABCOCK: The requirements are 15.4 feet based on the existing dwelling.

MR. KRIEGER: So he is looking for a variance of?

MR. KANE: 3.4.

MR. KRIEGER: Whatever that ratio would be.

MR. BABCOCK: His existing dwelling right now is 15.4

feet off the property line. He'd like to encroach 3.4 feet more and only be 12 feet from the property line so he is asking for variance of 3.4 four feet.

MR. MASON: In addition to that, I'd just like to say one more thing is that the front yard, the variance that we're going for is actually with the right-of-way that comes down through there is much larger, okay, it's not going to appear that we're that close to the street.

MR. LIPPOLIS: There's another 10 or 12 feet from the curb to the property line.

MR. NUGENT: That is a cul-de-sac anyway.

MR. MASON: Yes.

MR. TORLEY: So you are going to be building through the winter on this one?

MR. MASON: We hope to be. We have been getting lucky but it's getting cold out.

MR. LIPPOLIS: We might be running short.

MR. TORLEY: My recollection it's going to be a real asset to the community.

MR. MASON: Definitely.

MR. KRIEGER: It's my recollection in the preliminary this is addressed to the applicant, correct me if I am wrong, but as I recall, you said that there were a number of attempts to site this addition on the property and this was the best that you could come up with after some trimming.

MR. MASON: Correct, there was quite a few tries made in relocating or making smaller, making larger certain areas and this seemed to work out the best.

MR. KRIEGER: Okay.

MR. NUGENT: Any questions?

December 12, 1994

40

MR. KANE: Mr. Chairman, I move that we grant Mr. Lippolis his requested variance for 3.4 foot front yard varaince in an R-4 zone at 2 Hobnail Court.

MR. TORLEY: I'll second it.

ROLL CALL

| | |
|--------------|-----|
| MR. LANGANKE | AYE |
| MR. TORLEY | AYE |
| MR. KANE | AYE |
| MR. NUGENT | AYE |

MR. KANE: I move we adjourn the meeting.

MR. LANGANKE: Second it.

ROLL CALL

| | |
|--------------|-----|
| MR. LANGANKE | AYE |
| MR. TORLEY | AYE |
| MR. KANE | AYE |
| MR. NUGENT | AYE |

Respectfully Submitted By:

Frances Roth
12/20/94
Frances Roth
Stenographer

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINTED TYPE BLACK INK ONLY

Francis G. Lippolis AKA
Frank G. Lippolis
10
Francis G. (AKA) Frank G.
Marianne A. Lippolis

SECTION 46 BLOCK 2 LOT 4 (2)

RECORD AND RETURN TO:
(Name and Address)

Francis G. Lippolis
2 Hobnail Court
New Windsor, NY 12553

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 52635 DATE 1-31-94 AFFIDAVIT FILED 18

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

- DI20 Blooming Grove
- CI72 Chester
- CO24 Cornwall
- CI20 Crawford
- DI20 Decatur
- GO30 Goshen
- GI32 Greenville
- HA34 Hamptonburgh
- HI30 Highlands
- MK38 Madaket
- ME40 Monticue
- NY17 Monticue**
- MI44 Mount Hope
- N140 Newburgh (1)
- NW48 New Windsor
- TU50 Tuxedo
- WL52 Walkkill
- WK04 Warwick
- WA58 Wawayanda
- WO50 Woodbury
- MI00 Middletown
- NC11 Newburgh
- PJ13 Port Jervis
- 9999 Hold

SERIAL NO. _____
 Mortgage Amount \$ _____
 Exempt Yes _____ No _____
 3-0 Cooking Units Yes _____ No _____
 Received Tax on above Mortgage _____
 Uninc \$ _____
 MTA \$ _____
 Spec. Add. \$ _____
 TOTAL \$ _____

CHECK CASH CHECK
 MORTGAGE TAX \$ _____
 TRANSFER TAX \$ EXEMPT
 ED. FUND \$ 0.00
 RECORD. FEE \$ 17
 REPORT FORMS \$ 30
 CERT. COPIES \$ _____

MARION S. MURPHY
Orange County Clerk

by: _____
 ORANGE COUNTY CLERK'S OFFICE B.S.
 Recorded on FEB 28 1994
 at 2:20 O'Clock A M.
 by Librarian 3877 denda
 of page _____ and examined.
John F. Macchi
 COUNTY CLERK

Metropolis
 RECEIVED
 EXEMPT
 REAL ESTATE
 FEB 28 1994
 TRANSFER TAX
 ORANGE COUNTY

SIBEP 3997 PAGE 1

ORG 02/28/94 07:00:01 9782 47.00
 ***** EDUCATION FUND: 5.00 *****
 DEED CONTROL NO: 52625 .J0.
 ***** SERIAL NUMBER: 004937 *****

SCHEDULE "A"

BEGINNING at a point of intersection formed by the northerly line of Hobnail Court, and the westerly line of Huerthstone Way, as shown on a certain map entitled "Forge Hill Estates" Section A as filed in the Office of the Clerk of Orange County on July 31, 1958, as filed map no. 1754, and running thence:

- (1) North $74^{\circ} 59' 10''$ West 156.05 feet, along the said line of Hobnail Court, to a point, thence;
- (2) Northwestwardly on a curve to the left, having a radius of 50.00 feet, for an arc distance of 31.75 feet, and bearing a chord of North $31^{\circ} 12' 30''$ West 31.22 feet, along the same, to a point, thence;
- (3) North $4^{\circ} 45' 10''$ East 52.50 feet, along lot no. 7, of the said filed map no. 1754, to an iron pipe, thence;
- (4) North $84^{\circ} 28' 30''$ East 136.54 feet, along the southerly line of lot no. 9, to an iron pipe, thence;
- (5) Southerly on a curve to the right, having a radius of 466.13 feet, for an arc distance of 109.22 feet, and bearing a chord of South $21^{\circ} 28' 30''$ East 109.00 feet, along the westerly line of Huerthstone Way, to the point or place of beginning.

BEING the same premises conveyed to Frank G. Lippolla a/k/a Francis G. Lippolla and Sandra Leslie Devine by Robert A. Striano and Carol M. Striano by deed dated June 17, 1947 and recorded in the Orange County Clerk's Office on September 10, 1947 in Liber 1161 of Deeds at Page 230; said Sandra Leslie Devine a/k/a Sandra Leslie Lippolla having died on August 1, 1939 residing in Yorktown Heights, Westchester County, State of New York.

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 line 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.

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:


FRANCIS G. LIPPOLIS a/k/a
FRANK O. LIPPOLIS

LINA3997 PAGE

4

STATE OF NEW YORK, COUNTY OF ORANGE

On the 20th day of January 19 94, before me personally came

Francis G. Lippolis a/k/a Frank G. Lippolis

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

Anna J. ...
NOTARY PUBLIC

ANNA J. ... #4948218
Notary Public, State of New York
Qualified in Orange County
Commission Expires March 8, 1995

STATE OF NEW YORK, COUNTY OF

On the day of 19 before me personally came

in 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

On the day of 19 before me personally came

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

STATE OF NEW YORK, COUNTY OF

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.

Margain and Sale Deed
With COVENANT AGAINST GRANTOR'S ACTS

Title No.

SECTION 48
BLOCK 2
LOT 40
COUNTY OR TOWN New Windsor

TO

RETURN BY MAIL TO:

FRANKIS G. LIPPOLIS
2 HORNAIL COURT
NEW WINDSOR NY 12553
Zip No.

Return this space for use of Recording Office.

11113997 PAGE 5

Prelim
Nov. 14, 1994.

7:30 pm

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 11-4-94 Francis G.

APPLICANT: FRANK + MARIANNA LIPOPOLIS
2 HOBNAIL CT
NEW WINDSOR

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: 11-4-94

FOR (BUILDING PERMIT): To Build ADDITION

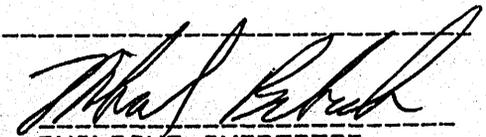
LOCATED AT: _____

ZONE: R4

DESCRIPTION OF EXISTING SITE: SECTION 46 BLOCK 2 LOT 40

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

- 1. EXISTING FRONT YARD SET BACK IS 15.4 FT
- 2. WITH NEW ADDITION SET BACK WILL BE 12 FT
- 3. _____
- 4. _____
- 5. _____


BUILDING INSPECTOR

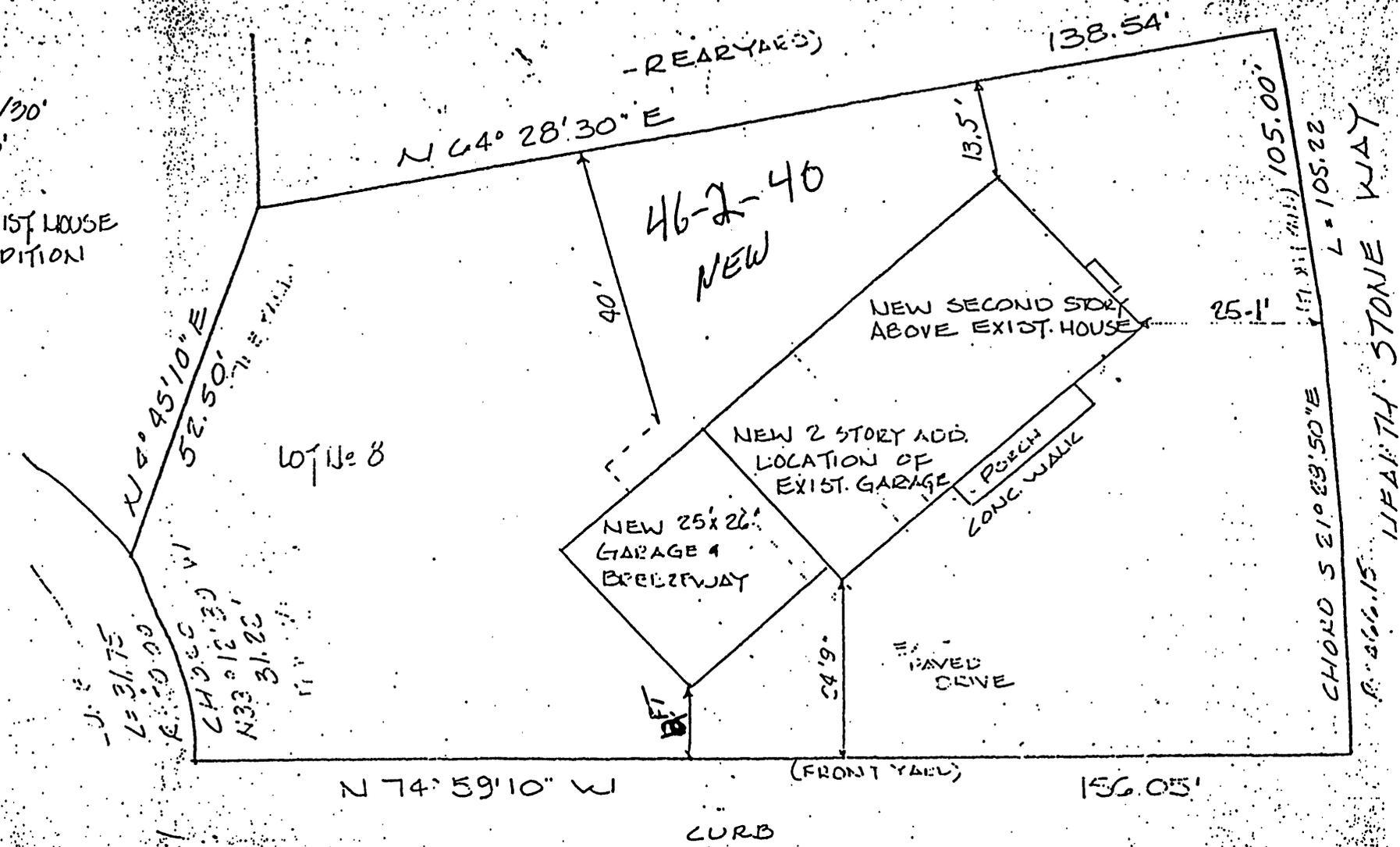
| REQUIREMENTS | PROPOSED OR AVAILABLE | VARIANCE REQUEST |
|-------------------------------|-----------------------|------------------|
| ZONE: <u>R4</u> USE _____ | _____ | _____ |
| MIN. LOT AREA _____ | _____ | _____ |
| MIN. LOT WIDTH _____ | _____ | _____ |
| REQ'D FRONT YD <u>15.4 FT</u> | <u>12 FT</u> | <u>3.4 FT</u> |
| 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.

4
 30' NT 35'
 IDE 15/30'
 EAR 40'

LEGEND
 ===== EXIST. HOUSE
 ===== ADDITION



RESIDENCE OF
 FRANK & MARIAN LIPPOLIS
 2 HOB NAIL COURT, NEW WINDSOR

TAKEN FROM SURVEY MAP OF
 RONALD A. WASHBURN
 DATED MAY 7, 1987
 SCALE: 1" = 20'

46-2-40

Washburn Associates
48-52 Route 9W
New Windsor, N.Y.

561-4171

"Certifications Indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law."

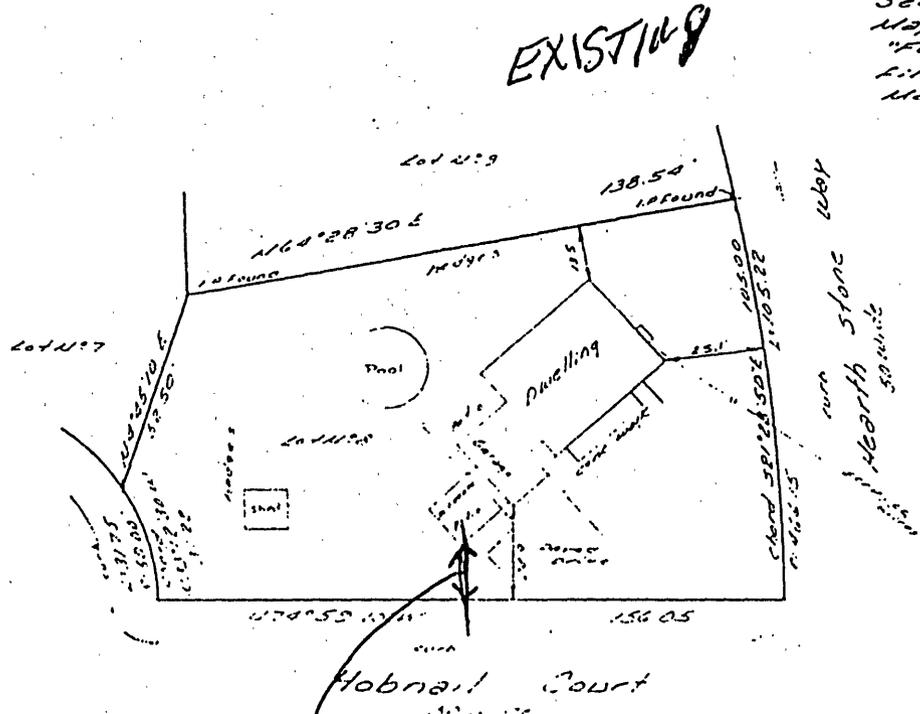
"Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies."



Francis G. Lippolis
Sandra Devine
First Western Mortgage Corp.
its successors and assigns.
Commonwealth Land Title
Insurance Company.
Cert. to be true and correct
as shown hereon.

Wendy A. Wishek
L.S. No. 48368

Town of New Windsor Tax Map
Section 46 Block 2 Lot 40
Map Reference:
"Forge Hill Estates" Sect. A.
Filed July 31, 1958
Map No. 1754



EXISTING SET BACK PER
WASHBURN ASSOCIATES ON 11-4-94
IS 15.4 FT
(MB)

| | | |
|--------------------------------------|--------------|------------------------|
| Survey Map For | | |
| Francis G. Lippolis Sandra Devine | | |
| SCALE: 1"=30' | APPROVED BY: | DRAWN BY |
| DATE: Nov 7, 1987 | | REVISED |
| Town of New Windsor Orange Co., N.Y. | | |
| | | DRAWING NUMBER 3951 |

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

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 FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH 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 & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises FRANK MARY ANN LIPPOLIS

Address 2 Hobnail Ct Phone 562 3225

Name of Architect

Address Phone

Name of Contractor Mel. Gae

Address 589 Little Dr Phone

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

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

(Name and title of corporate officer)

1. On what street is property located? On the..... side of..... HOBNAIL CT
and..... CORNOR.....feet from the intersection of..... (N.S.E. or W.) R4..... HEARTH STONE WAY
2. Zone or use district in which premises are situated..... Is property a flood zone? Yes..... No X
3. Tax Map description of property: Section..... 46..... Block..... 2..... Lot..... 4
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy..... b. Intended use and occupancy.....
5. Nature of work (check which applicable): New Building..... Addition..... X..... Alteration..... Repair.....
Removal..... Demolition..... Other.....
6. Size of lot: Front Rear..... Depth..... Front Yard..... Rear Yard..... Side Yard.....
Is this a corner lot?.....
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
Number of bedrooms..... Baths..... Toilets.....
Heating Plant: Gas..... Oil..... Electric/Hot Air..... Hot Water.....
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
10. Estimated cost..... Fee.....
(to be paid on this application)
11. School District.....

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

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

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

Frank Lippolis

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#94-47.

-----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 November 18, 1994, I compared the 54 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
18th day of November, 1994.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1995

LIPPOLIS, FRANK

MR. NUGENT: Request for 3.4 ft. front yard variance for construction of addition at 2 Hobnail Court in R-4 zone.

Eric Mason appeared before the board for this proposal.

MR. MASON: Eric Mason, representing Mr. and Mrs. Lippolis, I'm happy to say that I did bring color photos for you guys.

MR. MASON: Basically, what we're looking at is Frank and Mary Ann designed a house that they want to live in and we brought it to the town to get a building permit and we found that we needed a variance for the property and I brought some maps for us to take a look. I believe we're trying to get approximately down to a 12 foot variance. We need about three foot on the property line and I just want to point out if you look at the map and take notice of where the curb is in comparison to where the property line is, we're not looking to build this right on the street. It's set back I believe it's about 25 feet to existing now maybe a little bit better than that, 28 feet that is the curb and that is the street.

MR. BABCOCK: The shaded area is the existing house right now.

MR. NUGENT: This is a corner lot?

MR. BABCOCK: Right and the shaded area is actually attached to the house, it almost shows that it is the survey shows that white between it so that it's not attached but that is like.

MR. LIPPOLIS: It is attached, there's a breezeway.

MR. BABCOCK: Just for clarification, looks like that little square is not attached.

MR. KRIEGER: Did I represent you when you bought this house?

MR. LIPPOLIS: Yes.

MR. KRIEGER: So the board is aware, I represented Mr. Lippolis at the time that he bought this original dwelling. I don't represent him in connection with this application but I did at that time represent him so I don't believe that the law requires me to, anything for me to disqualify myself from but I ask the board to take that into consideration, if it should desire at any time other advice based on that, it should be so guided.

MR. LANGANKE: I don't think it has any bearing.

MR. NUGENT: As long as he has no affiliation with it right now, it's fine.

MR. KRIEGER: Something comes up, I just wanted you to know.

MR. LANGANKE: It's a matter of record.

MR. MASON: This is basically what we're planning on putting there. I don't know if you know the house or know the area, but this design is going to go really well in the neighborhood.

MR. LANGANKE: Are you taking this one down or--

MR. MASON: No, the existing garage and porch area would be coming down and then the new garage.

MR. LIPPOLIS: Main house is staying.

MR. TORLEY: Are you adding another floor to it?

MR. MASON: Yes, they are starting their family out, Mary Ann is going to be having twins in June so the expansion for the house is definitely needed and they really love the neighborhood and they'd really like to build this house.

MR. KANE: We need a three foot front yard?

MR. BABCOCK: Yes they are existing 15.4 feet off the

property line and they are proposing to be 12 foot 7, I rounded that off to 12 foot.

MR. KANE: What's needed, 15?

MR. BABCOCK: So they need a variance of 3.4 feet.

MR. TORLEY: What about the back side?

MR. BABCOCK: It's an existing house.

MR. KANE: It's existing so it doesn't concern us.

MR. MASON: Everything else I believe meets all the requirements needed, except for the front area of the house. And again, I'd just like to point out that there's, you know, this is not going to be built right on the street. There's plenty of yard room in the front there.

MR. TORLEY: Mike, if this were a totally new structure, would there be any other variances required?

MR. BABCOCK: Well, again if you have an existing setback and you maintain them, there's no problem, as long as you get the permit before you tear it down. So if they come in and get a permit to rebuild this house in the same location it is now, then tear down the house and put a new one up, they wouldn't need any variances. But basically that is what they are doing and they don't want to tear down the screen porch because then they need more of a variance if they did. They are trying to get the permit before they do.

MR. KRIEGER: Also, if they didn't get the permission they'd be absent a screen porch.

MR. BABCOCK: The garage is set back 3 foot from the house, there's a jog and they pushed the garage back 3 foot as it is to make the jog so that they can get farther away and lined the garage up with the back side of the house. So basically, that is as far as you can go or else you're going to have some roof line because now you have two story with one story with a jog going back.

MR. LANGANKE: Looks like a nice project.

MR. TORLEY: Nice addition to the neighborhood.

MS. BARNHART: I'm short on applications, I'll give one to Myra so she can give it to you.

MR. KRIEGER: And if they have either their deed or title policy, just bring it back.

MR. KANE: I'll make a motion that we set up Mr. Lippolis for his requested variance at 2 Hobnail Court.

MR. LANGANKE: Second it.

ROLL CALL

| | |
|--------------|-----|
| MR. KANE | AYE |
| MR. LANGANKE | AYE |
| MR. TORLEY | AYE |
| MR. NUGENT | AYE |

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

94-47

Date: 11/14/94

I. Applicant Information:

- (a) LIPPOLIS, FRANK and MARIANN, 2 Hobnail Court, New Windsor, NY x
(Name, address and phone of Applicant) (Owner)
- (b) -
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) Mel-Car Construction, 589 Little Britain Rd., New Windsor, NY
(Name, address and phone of contractor/~~engineer/architect~~)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) R-4 2 Hobnail Court, New Windsor, N.Y. 46-2-40 105 x 187 ft. +
(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? No
- (d) When was property purchased by present owner? 05/87
- (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? -
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a
- _____
- _____
- _____

IV. Use Variance. n/a

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

n/a

(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.

(c) ^{n/a} Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

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

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

V. Area variance:

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

| <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|---------------------------------|------------------------------|-------------------------|
| Min. Lot Area _____ | _____ | _____ |
| Min. Lot Width _____ | _____ | _____ |
| Reqd. Front Yd. <u>15.4 ft.</u> | <u>12 ft.</u> | <u>3.4 ft.</u> |
| 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:

Applicants are the parents of a child and they are expecting twins at the beginning of the year. It is essential that they construct the sought after addition and, therefore, are seeking a 3.4 ft. front yard variance to accomplish this. (1) The character of the neighborhood is established and applicant has no desire to vary this. Therefore, there will be no detriment to the health, safety or welfare of

(continued on Page 3A)

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

VI. Sign Variance: n/a

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

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

n/a

(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.

n/a

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

VII. Interpretation. n/a

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

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

VIII. Additional comments:

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

the neighborhood as it exists now; (2) The benefit sought by applicant cannot be achieved by any other method feasible for applicant to pursue other than the variance process since there is no available frontage for applicant to obtain; (3) Applicant feels that the variance requested is not substantial in relation to the regulations established by the town; (4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district since the neighborhood is zoned for single-family residences; (5) The difficulty is not a self-created one since the applicant is now applying for a building permit in order to construct the addition.

For the reasons stated above, applicant feels that the Zoning Board of Appeals should grant the requested front yard variance.

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.)
Construction of the addition will be in conformance with the residential dwelling and will upgrade the appearance of the structure.

IX. Attachments required:

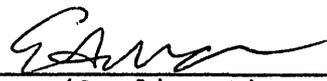
- x Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- x Copy of tax map showing adjacent properties.
- n/a Copy of contract of sale, lease or franchise agreement.
- x Copy of deed and title policy.
- x Copy(ies) of site plan or survey showing the size and location of the lot, the location of 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.
- n/a Copy(ies) of sign(s) with dimensions and location.
- x Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- x Photographs of existing premises from several angles.

X. Affidavit.

Date: November 16, 1994

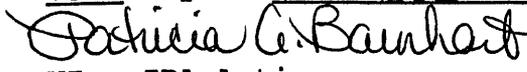
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

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.



(Applicant)

Sworn to before me this
16th day of November, 1994.



PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1995.

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.

(ZBA DISK#7-080991.AP)

Pls. publish immediately. Send bill to applicant at below address.

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. 47

Request of FRANK LIPPOLIS and MARIANN LIPPOLIS

for a VARIANCE of the Zoning Local Law to permit:

construction of an addition to the residential dwelling with insufficient front yard;

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

for property situated as follows:

2 Hobnail Court, New Windsor, New York 12553

known as tax lot Section 46 Block 2 Lot 40.

SAID HEARING will take place on the 12th day of December, 1994, at New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT

Chairman

By: Patricia A. Barnhart, Secy.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

59

November 16, 1994

Francis G. & Mariann Lippolis
2 Hobnail Court
New Windsor, NY 12553

Re: Tax Map Parcel #46-2-40

Dear Mr. & Mrs. Lippolis:

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 \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's office.

Sincerely,

Leslie Cook

Leslie Cook
Sole Assessor

LC/co

Attachments

cc: ~~Eat Barnhart~~

Edge, John C. & Carolyn E.
9 Horseshoe Bend
New Windsor, NY 12553

Scalli, Thomas A. & Peggy
7 Horseshoe Bend
New Windsor, NY 12553

Baldwin, John C. & Barbara B.
5 Horseshoe Bend
New Windsor, NY 12553

Benson, Richard E. & Florence D.
3 Horseshoe Bend
New Windsor, NY 12553

Gilman, Gloria B
1 Horseshoe Bend
New Windsor, NY 12553

O'Donnell, Gerald J. & Ann
7 Spring Rock Road
New Windsor, NY 12553

Castaneda, Jose G. & Berta M.
& Crenshaw, Theodore M.
51 Matthews Lane
Washingtonville, NY 10992

Marsden, Theodore F. & Peggy Jo
15 Hearthstone Way
New Windsor, NY 12553

Lucera, Dominick & Lorraine
13 Hearthstone Way
New Windsor, NY 12553

Cerchiara, Vincent R. &
Patti Elings Cerchiara
11 Hearthstone Way
New Windsor, NY 12553

Krizek, Kenneth E. & Helene V.
7 Rock Cut Road
Newburgh, NY 12550

Provenzano, Anthony & Donna
4 Hobnail Court
New Windsor, NY 12553

Abato, Michele &
Zaharek, Maria
RR#1
8 Greenshire Way
Walden, NY 12586

Carbone, Robert &
Greene, Donna
3 Hobnail Court
New Windsor, NY 12553

Heitler, Edward & Ruth C.
1 Hobnail Court
New Windsor, NY 12553

Hartmann, Wilbur J. & Liliane
3 Hearthstone Way
New Windsor, NY 12553

Muslim, Arif & Nazeen
418 Blooming Grove Turnpike
New Windsor, NY 12553

Kahrs, Edward & Helen
RD 1 Mineral Springs Road
Highland Mills, NY 10930

Mazzurco, Salvatore &
Marchese, Franco &
Lamberti, Joseph
436 Blooming Grove Turnpike
New Windsor, NY 12553

Smith, Brian A. & Renee A.
19 St. Anne Drive
New Windsor, NY 12553

Ceriello, Geraldine P.
17 St. Anne Drive
New Windsor, NY 12553

Wotton, Gerald R. & Joyce M.
15 St. Anne Drive
New Windsor, NY 12553

Young, Russell & Nancy E.
13 St. Anne Drive
New Windsor, NY 12553

Lundgren, Gary T. & Eileen A.
11 St. Anne Drive
New Windsor, NY 12553

Specht, Robert J.
9 St. Anne Drive
New Windsor, NY 12553

Littier, Stephen T. Jr.
7 St. Anne Drive
New Windsor, NY 12553

Wicklaine, William & Vera
5 St Anne Drive
New Windsor, NY 12553

Wright, James C. & Doralies
3 St. Anne Drive
New Windsor, NY 12553

Inkeles, Brian
1 St. Anne Drive
New Windsor, NY 12553

Brady, Robert J. & Alice E.
402-404 Blooming Grove Turnpike
New Windsor, NY 12553

Panella, Grace
PO Box 573
Vails Gate, NY 12584

Kennon, Robert H. & Richard
66 Drum Hill Road
Wilton, CT 06897

Dineen, Linda A.
4 Hearthstone Way
New Windsor, NY 12553

Murphy, Robert F. & Andrea J.
6 Hearthstone Way
New Windsor, NY 12553

Coughlan, John & Yvonne
8 Hearthstone Way
New Windsor, NY 12553

Schwartz, Anita
10 Hearthstone Way
New Windsor, NY 12553

Sanders, Richard & Margaret
12 Hearthstone Way
New Windsor, NY 12553

Vance, Robert G. & Lynn M.
14 Hearthstone Way
New Windsor, NY 12553

Browne, Jack
16 Hearthstone Way
New Windsor, NY 12553

Pointer, Samuel F. & Pearl M.
18 Hearthstone Way
New Windsor, NY 12553

LeRoy, Dane W. &
Coleman, Judy L.
2 Spring Rock Road
New Windsor, NY 12553

Ferrino, Rose
4 Spring Rock Road
New Windsor, NY 12553

Warmers Construction Corporation
17 Tenbroeck Lane
Newburgh, NY 12550

Pizzonia, Rudolph I & Mary Ann
& Anthony F. & Henry V.
RR 1, Box 686
Horton Road
Westtown, NY 10998

Kril, Miro P. & Jo Ann Poquette
2 St. Anne Drive
New Windsor, NY 12553

Horan, Kevin M. & Lisa M.
4 St. Anne Drive
New Windsor, NY 12553

Frost, John R.
6 St. Anne Drive
New Windsor, NY 12553

Bowles, Albert C. & Nancy
8 St. Anne Drive
New Windsor, NY 12553

Grogan, Michael D. & Benevenuta
10 St. Anne Drive
New Windsor, NY 12553

Reyes, Andres & Carlotta & Sixto
2 Judd Circle
New Windsor, NY 12553

Brennan, Theresa P.
12 St. Anne Drive
New Windsor, NY 12553

Sycamore Associates
PO Box 4292
New Windsor, NY 12553

EPG Realty Corp
13 Garden Drive
Monticello, NY 12701

VSH Realty Inc. V0732
777 Dedham St.
Canton, MA 02021

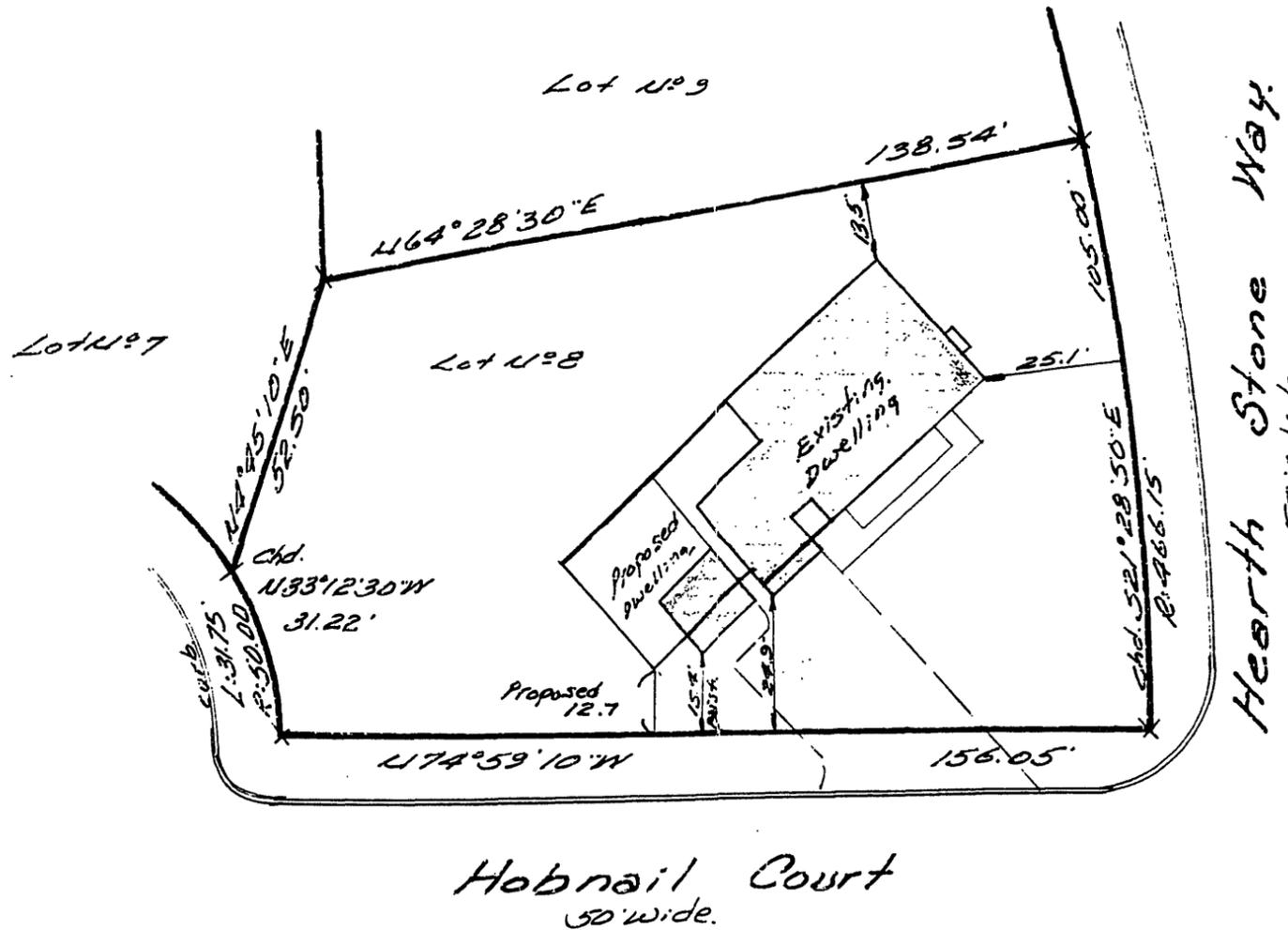
Washburn Associates
 44-52 Route 9W
 New Windsor, N.Y. 12553

Town of New Windsor Tax Map
 Section 46 Block
 Map Reference:
 "Forge Hill Estates" Sect A
 Filed July 31, 1958
 Map No 1754

"Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."

"Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies."

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law."



Certified true and correct as shown hereon.

Ronald A. Washburn
 Lic. No 48368

Wood fence which is to be removed is not shown hereon.

SURVEY MAP FOR

Frank G. Lippolis
Mariann Lippolis

| | | |
|--------------------------------------|--------------|------------------------|
| SCALE: 1"=30' | APPROVED BY: | DRAWN BY |
| DATE: Oct. 20, 1994 | | REVISED |
| Town of New Windsor Orange Co., N.Y. | | |
| | | DRAWING NUMBER 3951 |