

ZB# 98-27

Carlos Domingues

58-2-9

#98-27-Dominiques, Carlos
Area

58-2-9.

Palem.

July 13, 1998. Photos
notice to Paul have here
sent to ~~the~~

Public Hearing:
~~forwarded to P.~~

August 10, 1998

Over

Variance
Approved.

Refund: 194.00

RECEIPT 065462

DATE Aug 3 1998

RECEIVED FROM C. D. & Sons Construction Corp

Address

Fifty 04/11

DOLLARS \$ 50.00

FOR

ZBA # 98-27

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	1489
AMOUNT PAID		CHECK	50.00
BALANCE DUE		MONEY ORDER	

Town Clerk

BY Dorothy N Hansen



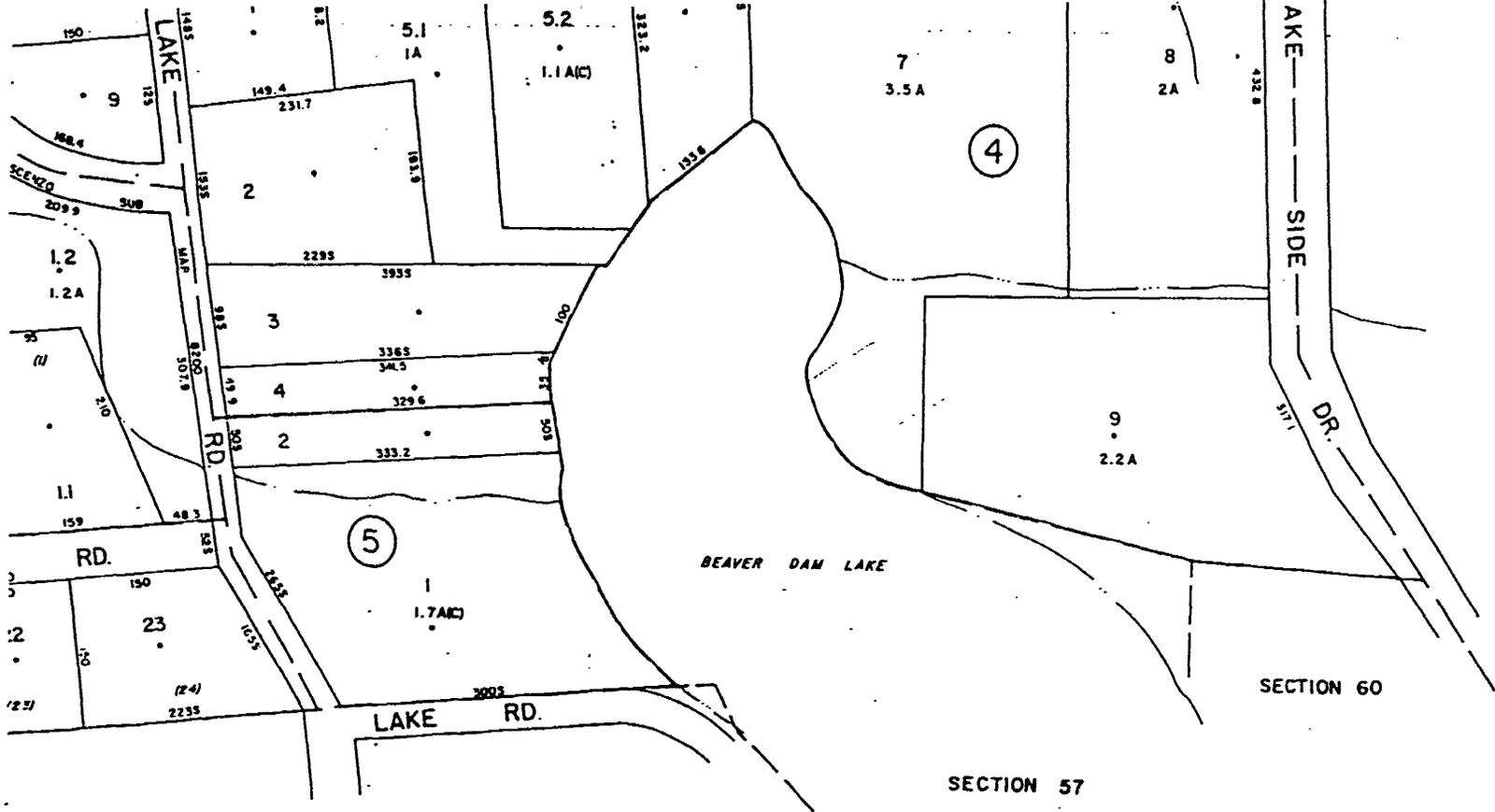


Home
Century 21
axum Realty
782-7900





58-2-4.



SECTION 59

SECTION 57

SECTION 60

ORANGE COUNTY-NEW YORK

TOWN OF NEW WINDSOR

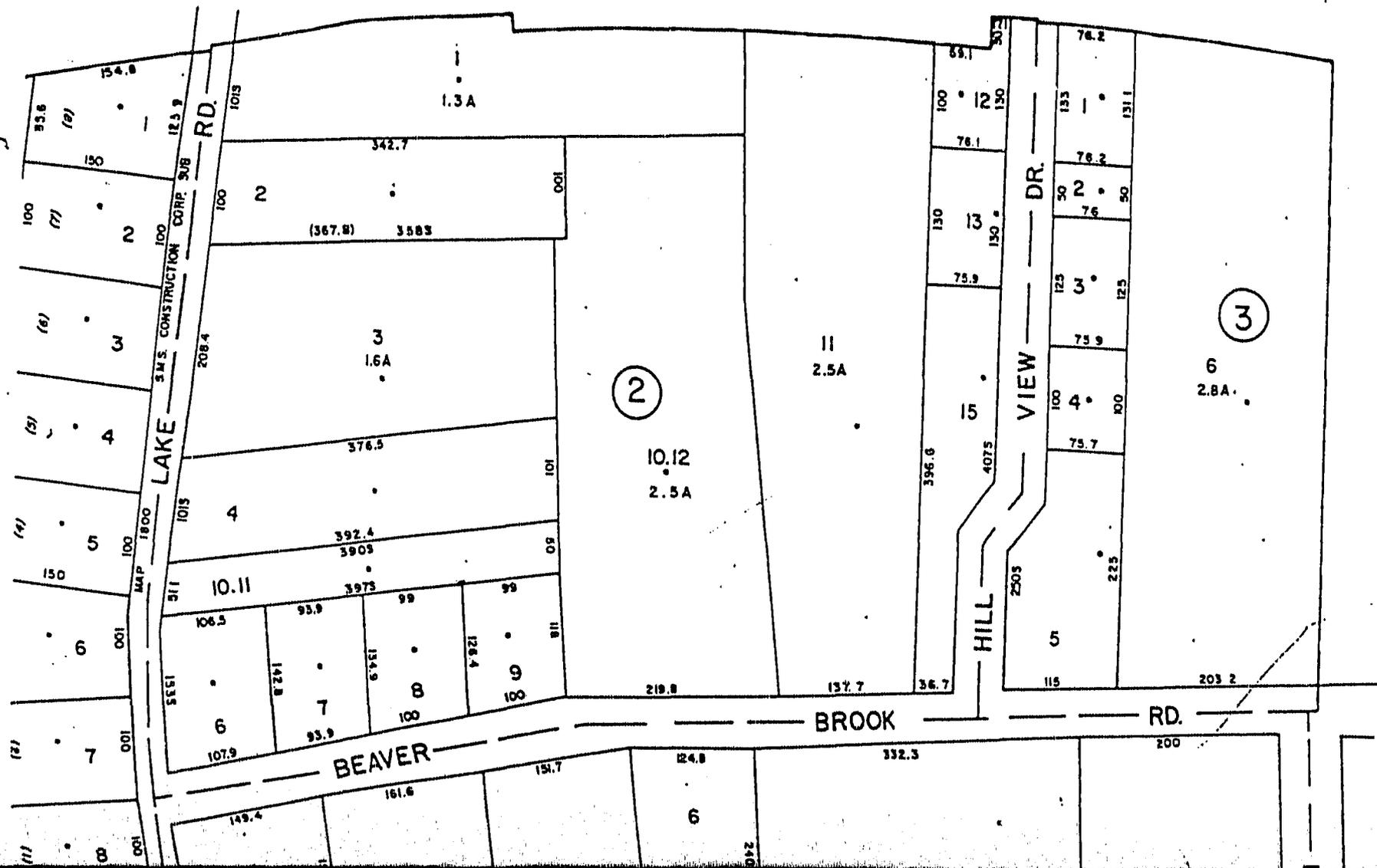
FILED PLAN BLOCK NO	② ①
FILED PLAN LOT NO	9 2.2A
STATE HIGHWAYS	NY STATE MAP NO. 11
COUNTY HIGHWAYS	COUNTY MAP NO. 11
TOWN ROADS	TOWN MAP NO. 11

Photo No: 8-498,499 Date of Map: 9-24-67
 Date of Photo: 3-1-65 Date of Revision: 3-1-93
 Scale: 1" = 100'

Section No. 58

ALL WASHINGTONVILLE SCHOOL DISTRICT MAPS
 ALL SALISBURY MILLS FIRE DEPARTMENT MAPS
 ALL NEW WINDSOR TOWN MAPS
 ALL NEW WINDSOR TOWN DEPT. MAPS
 ALL NEW WINDSOR TOWN DEPT. MAPS
 ALL NEW WINDSOR TOWN DEPT. MAPS

SECTION 57



SECTION 57

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Dominquez, Carlos

FILE# 98-27

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA

USE

APPLICATION FOR VARIANCE FEE \$ 50.00 pd.
ck # 1489

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00 paid
ck # 1489
7/31/98.

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 7/13/98: 5 \$ 22.50
2ND PRELIMINARY- PER PAGE 8/10/98: 3 \$ 13.50
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 36.00.

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: ... 7/13/98 \$ 35.00
2ND PRELIM. 8/10/98 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 70.00.

MISC. CHARGES:

..... \$ _____
TOTAL \$ 106.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT. \$ 194.00.

C.D. & SONS CONSTRUCTION CORP.

JOINT ACCOUNT
46 CANDLESTICK HILL RD.
NEWBURGH, NY 12550

EXPLANATION	AMOUNT

29-1/213

1489

PAY AMOUNT OF

fifty dollars 000/100

DOLLARS

CHECK AMOUNT

DATE	TO THE ORDER OF	EXPLANATION	CHECK NUMBER
7-30-98	TOWN New WINDSOR	Variance Beaver Brook	1489

\$ 50.00

ZBA #98-27

 NEWBURGH, NEW YORK 12550

Charles Cunningham

⑆001489⑆ ⑆021300019⑆ 938 8706456⑆

C.D. & SONS CONSTRUCTION CORP.

JOINT ACCOUNT
46 CANDLESTICK HILL RD.
NEWBURGH, NY 12550

EXPLANATION	AMOUNT

29-1/213

1488

PAY AMOUNT OF

Three hundred 000/100

DOLLARS

CHECK AMOUNT

DATE	TO THE ORDER OF	EXPLANATION	CHECK NUMBER
7-30-98	TOWN OF NEW WINDSOR	Variance Beaver Brook Rd.	1488

\$ 300.00

ZBA #98-27

 NEWBURGH, NEW YORK 12550

Charles Cunningham

⑆001488⑆ ⑆021300019⑆ 938 8706456⑆

In the Matter of the Application of

CARLOS DOMINGUES

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#98-27.

WHEREAS, CARLOS DOMINGUES, residing at 350 Candlestick Hill Road, Newburgh, New York, N. Y. 12550, has made application before the Zoning Board of Appeals for 9.722 sq. ft. lot area variance to construct a single-family residence on Beaver Brook Road in an R-4 zone; and

WHEREAS, a public hearing was held on the 10th day of August, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

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

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

WHEREAS, no one spoke in favor or in opposition to the Application; and

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

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

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

2. The evidence presented by the Applicant showed that:

(a) The property is a one-family home located in a neighborhood containing one-family homes in an R-4 zone.

(b) Applicant proposes to construct a single-family residence.

(c) The Applicant intends to remove a trailer which is on the premises.

(d) The lot is serviced by Town sewer and a well.

(e) The municipal water service stops just short of this property. Had the property been served by municipal water service, no variance would have been necessary.

(f) The proposed residence will be consistent with those already in the neighborhood.

(g) Some existing houses are on smaller lots.

(h) Construction on the property will not create any runoff, ponding or collection of water.

(i) Construction of this house will not create any safety hazards.

(j) Without an area variance nothing could be constructed on the lot rendering it substantially useless.

(k) The requested variance is the minimum necessary for the Applicant to build a home consistent with those in the neighborhood.

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

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

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

3. The variance requested is substantial in relation to the Town regulations (approximately 25%) but nevertheless is warranted for the reasons listed above.

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

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

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

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

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

variance.

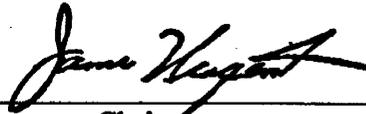
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 9.722 sq. ft. lot area variance to construct a single-family residence on Beaver Brook Road 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: October 26, 1998.



Chairman

Date 8/11/98, 19.....

TOWN OF NEW WINDSOR

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

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

DATE		CLAIMED	ALLOWED
8/11/98	Zoning Board Mtg	75.00	
	Misc - 3		
	N.W. Partners - 4		
	Kroll + Jasal - 8		
	Hline-Insulsuch - 5		
	Vanleeuwen - 13		
	Moshhil, Inc - 10		
	Petro Mid Valley Oil - 4		
	Henault - 3		
	Domingues - 3 *13.50	238.50	
	53		
		313.50	

DOMINGUES, CARLOS

MR. NUGENT: Request for 9,722 square foot lot area to construct single-family residence on Beaver Brook Road in R-4 zone.

MR. KRIEGER: Let the record reflect there's no one physically in the audience.

MR. DOMINGUES: I'm here to request a variance of 9,722 feet to put a one-family house, a single family house on a lot which is 1,068, came from a trailer to go to a house like this.

MR. NUGENT: There was a trailer on the property?

MR. DOMINGUES: Yes, there is sewer on the property and there's a well on the property because the trailer has been removed and I'm planning to install this 44 foot house.

MR. KANE: Town sewer?

MR. DOMINGUES: Yes, sewer on the lot.

MR. BABCOCK: Yes, town sewer.

MR. TORLEY: If it had town water, this would have fallen under the non-conforming Beaver Dam.

MR. BABCOCK: Yes, he would have been building by now. The water line just stopped short of this property.

MR. TORLEY: For the purpose of allowing the substandard lots pre-existing for a long period of time and it was considered when you put in water and sewer, particularly sewer, there'd be no adverse environmental impact on the neighbors or the lake so they are permitted to be very tight lots, you're here because by happenstance the water line doesn't quite reach your property but the sewer line does.

MR. DOMINGUES: That is correct.

MR. KANE: The house is similar to other houses on the

neighborhood?

MR. DOMINGUES: It is the surrounding houses, some are better but--

MR. KRIEGER: Surrounding houses, are they on the same size lots, bigger, smaller?

MR. BABCOCK: They differ, there are some the same size, some much smaller, much smaller.

MR. KANE: In building this, you won't create any runoffs, any water, standing water?

MR. DOMINGUES: No.

MR. KANE: Any safety hazards?

MR. DOMINGUES: No.

MS. BARNHART: I do have to say that they did send out 30 addressed envelopes with the notice on July 31 and no one's here.

MR. KRIEGER: Without such a variance as he's requested, he couldn't build anything on the lot, is that correct?

MR. BABCOCK: That's correct.

MR. KANE: So, this is the minimum that he needs to build a home.

MR. BABCOCK: Yes.

MR. NUGENT: I'll accept a motion.

MS. OWEN: I move that we grant Mr. Domingues his lot area variance.

MR. KANE: Second the motion.

ROLL CALL

August 10, 1998

51

MS. OWEN
MR. KANE
MR. TORLEY
MR. NUGENT

AYE
AYE
AYE
AYE

DOMINGUES, CARLOS

Mr. Carlos Domingues appeared before the board for this proposal.

MR. NUGENT: Request for 10,108 sq. ft. lot area variance to construct single-family residence on Beaver Brook Road in an R-4 zone. Okay. Explain to the board what you want to do.

MR. DOMINGUES: 12,068 square feet and being I need 21,790, so I request 9,722, a variance for that. And this is what I'm going to build there.

MR. NUGENT: That's what on there now is a trailer?

MR. BABCOCK: It's been removed.

MR. DOMINGUES: It was a trailer but the trailer has been removed so I want to build a one-family house.

MR. BABCOCK: Mr. Chairman, just so I could clear this up possibly a little bit. When Mr. Domingues came to my office and talked with people in my office about buying this lot, it was understood at that time by Mr. Domingues and also by my office that this lot had Beaver Dam Lake water. So it was considered to be central water and central sewer. So for it could be a nonconforming lot and it would be buildable. Based on all our conversations, that's why he purchased the lot to build it. Then subsequently, the guy that sold him the lot talked to me and I found out through him in conversation it doesn't, it just ends down the road. So this property is on a well so it doesn't qualify for the nonconforming lot.

MR. NUGENT: But it does have septic?

MR. BABCOCK: Its got septic --

MR. NUGENT: I mean it does have sewer?

MR. BABCOCK: Its got sewer and its got a well. So the difference is it's going to be serviced by a well Beaver Dam Lake water.

MR. TORLEY: But the key is it's got sewer.

MR. BABCOCK: That's correct. If the water line, which they won't expand the water lines because there's not

enough water now for the water lines that are there, but if they could expand it up the street, he wouldn't need a variance. But they won't do that because they're having problems with that now.

MR. REIS: There's no potential hazard with neighboring residences with septic over there?

MR. BABCOCK: No, it's all sewer there, Mike.

MR. NUGENT: They just need water.

MR. TORLEY: Hey, Mike, 9?

MR. BABCOCK: Excuse me?

MR. TORLEY: We're trying to figure out which one.

MS. BARNHART: 58-2-9.

MR. BABCOCK: Yeah, 9. Yeah, 6, 7 and 8 have single-family houses on them already.

MR. TORLEY: They used to put a marker on the tax lot to mark the lot.

MR. BABCOCK: What happens, I think they do and what happens, when they make the copy the highlighter doesn't come out.

MR. TORLEY: Use a read highlighter.

MR. BABCOCK: Yeah.

MS. BARNHART: Mr. Domingues is this one on here.

MR. BABCOCK: Number 9.

MS. BARNHART: On Lake Road? There's no section two on here.

MR. TORLEY: Is it on Beaver Brook?

MR. BABCOCK: It's on Beaver Brook.

MS. BARNHART: Well, we don't need this, this is like the other side of the page.

MR. BABCOCK: Yeah that's what it is.

MR. REIS: Carlos, how big a home are you anticipating?

MR. DOMINGUES: It's 44 x 26.

MR. REIS: Bi-level?

MR. DOMINGUES: One-family.

MR. REIS: Bi-level?

MR. DOMINGUES: Bi-level, which shows looking there in the front.

MR. TORLEY: And, again, Mike, if the water lines had been extended, which is unfortunate, this would not need any variances at all?

MR. BABCOCK: No.

MR. TORLEY: It would fit.

MR. BABCOCK: Yeah, he meets all of the set backs and the nonconforming lot with water and sewer is only 5,000 square feet which is developed for these particular lots. It just so happens that the water line stops short of his property. He has 11,000 square foot lot, a little over 11,000 so it's twice the size of the nonconforming lot.

MR. NUGENT: I'll accept a motion if there's no further questions.

MR. REIS: I make a motion that we recommend Mr. Domingues to the planning board for it's requested variance.

MS. OWEN: I second.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. REIS: Public hearing.

MS. BARNHART: It's a motion to schedule a public hearing.

July 13, 1998

31

MR. KRIEGER: If when you come you would address yourself to the criteria set forth on that sheet, that would be helpful since those are the criteria that the state has determined that the zoning board must use in making its decision.

MR. DOMINGUES: Thank you.

MS. BARNHART: Mr. Domingues, I will send that piece of paper out to you in the mail. I'm sorry, I just had to take it out of one file and give it to somebody else because I didn't know you were showing up tonight. Okay, thank you.

MR. DOMINGUES: Thank you. Good night.

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

In the Matter of the Application for Variance of

Carlos Dominguez
Applicant.

#98-27

**AFFIDAVIT OF
SERVICE BY
MAIL**

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, Windsor, N. Y. 12553.

That on 7/31/98, I compared the 30 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then 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
31st day of July, 1998.

Deborah Green
Notary Public

**DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1999**



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

July 31, 1998

30

Carlos Domingues
350 Candlestick Road
Newburgh, NY 12553

Re: 58-2-9

Dear Mr. Domingues:

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

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

Please remit the balance of \$30.00 to the Town Clerks Office.

Sincerely,

Leslie Cook /cmo

LESLIE COOK
Sole Assessor

/cmo

Attachments

~~CONFIDENTIAL~~

Frances Johnson
291 Lake Rd
Salisbury, NY 12577

Michael & Joy Morgese
12 Mecca Dr
New Windsor, NY 12553

Robert & Grace Roe
9 Beaver Brook Rd
New Windsor, NY 12553

Joseph & Amy Ryan
219 Lake Rd
New Windsor, NY 12553

Mark Lavinski
8 Mecca Dr
New Windsor, NY 12553

Allen Deyo
21 Beaver Brook Rd
New Windsor, NY 12553

Dederick Jr. & Susan Kieck
283 Lake Rd
Salisbury Mills, NY 12577

Leonard & Frances Duckworth
20 Mecca Dr
Salisbury Mills, NY 12577

Christopher & Valerie Davey
27 Beaver Brook Rd
New Windsor, NY 12553

Paul & Mary Ann Messina
279 Lake Rd
Salisbury Mills, NY 12577

James & Katherine Kelly
302 Lake Rd
Salisbury Mills, NY 12577

Mark Carey
436 Beaver Brook Rd
New Windsor, NY 12553

Michael & Catherine Peraino
275 Lake Rd
Salisbury Mills, NY 12577

Brian & Karen McDonald
298 Lake Rd.
Salisbury Mills, NY 12577

Mark & Maxine Goulet
19 Hill View Dr
New Windsor, NY 12553

Richard & Anne Marie Shorey
271 Lake Rd
Salisbury Mills, NY 12577

Frank Diaz
290 Lake Rd
Salisbury Mills, NY 12577

Michael & Donna Marie Cacamis
9 Hill View Dr
New Windsor, NY 12553

Michael & Tracy McGuinness
267 Lake Rd
Salisbury Mills, NY 12577

Partick Monroe Etal
294 Lake Rd
Salisbury Mills, NY 12577

Gerald & Maureen McHugh
35 Beaver Brook Rd
New Windsor, NY 12553

Kathleen & Lawrence Rossini
319 Hickory Ave
New Windsor, NY 12553

Timothy O'Leary
286 Lake Rd
Salisbury Mills, NY 12577

Anthony & Susan Hilinski
2 Beaver Brook Rd
New Windsor, NY 12553

Lisa & Michael Hall
2 Mecca Dr
New Windsor, NY 12553

Joseph & Roxana Pantano
1 Beaver Brook Rd
New Windsor, NY 12553

Joseph & Christine Cirello
268 Lake Rd
New Windsor, NY 12553

Warwick Savings Bank
C/o Frances Gorish
18 Oakland Ave
Warwick, NY 10990

Tommy & Ethel Kingery
5 Beaver Brook Rd
New Windsor, NY 12553

William & Rory Marcus
262 Lake Rd
Salisbury Mills, NY 12553

Beaver Dam Lake Protection
& Rehabilitation District
c/o Dept. of Public Works
Route 17K
Goshen, NY 10924

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

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

DATE: June 19, 1998

**APPLICANT: Carlos Domingues
350 Candlestick Hill Road
Newburgh, New York 12550**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: June 19, 1998

FOR : New one family house.

LOCATED AT: Beaver Brook Road

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 58-2-9

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed one family house does not meet minimum lot size for sewer only.**


BUILDING INSPECTOR

PERMITTED 21,790 Square feet

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 9-C

MIN. LOT AREA:

12,068 Square feet

9,722 Square feet

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

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

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

THIS INDENTURE, made the 15 day of May, nineteen hundred and ninety-seven
BETWEEN ADELINO GUERRA, PO Box 4728, New Windsor NY 12553

party of the first part, and CARLOS DOMINGUES, 46 Candlestick Hill Road, Newburgh,
New York 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other 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, Orange County, New York

AS PER DESCRIPTION ON SCHEDULE A ATTACHED HERETO

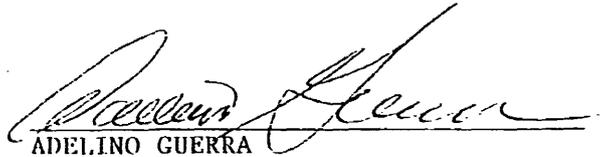
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises;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

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 encumbered 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:


ADELINO GUERRA

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the 15 day of May 19 97, before me personally came ADELINO GUERRA

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



Notary Public

MICHELLE ANDERSON
Notary Public, State of New York
Qualified in Orange County
Registration # 02AN4972943
Commission Expires October 9, 1998

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 _____

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

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.

SECTION

BLOCK

LOT

COUNTY OR TOWN

TO

RETURN BY MAIL TO:

Zip No.

Reserve this space for use of Recording Office.

SCHEDULE A

ALL that parcel of land in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at the northeast corner of lands heretofore conveyed to William L. Greeney and Adele T. Greeney by James Handrahan and William H. Handrahan, by deed dated Dec. 22, 1956 and recorded in the Orange County Clerk's Office December 26, 1956 in Liber 1411 of deeds at page 550, and running thence

1. Along the easterly line of said lands, south 16 degrees 20 ½ minutes west, 118 feet to the southeasterly corner of said lands formerly of Greeney, which point is on the northerly side of Beaver Brook Road;
2. Along said northerly side of Beaver Brook Road, north 82 degrees 44 ½ minutes west 100 feet to a point;
3. North 16 degrees 20 ½ seconds east, parallel with first described course, 126.45 feet, more or less, to a point on the northerly boundary of said Greeney lands;
4. Along said northerly boundary, south 77 degrees 54 ½ minutes east, 99.02 feet, more or less, to the point of beginning.

Also an undivided interest in common with the parties of the first part or their predecessors and their heirs and assigns in and to that parcel of land fronting on Beaver Dam Lake, more particularly bounded and described as follows:

Beginning at a point on the easterly shore of Beaver Dam Lake, the said point of beginning is at the easterly end of a course described as south 75 degrees 15 minutes east 522 feet in the boundary line description in the deed of conveyance given to William J. Cruthers and Charles Boos by Anna Johnson; running thence

- (1) in a northeasterly direction for a distance of 100 feet along the easterly shore of said lake to an iron pipe driven in the ground;
- (2) South 65 degrees 44 minutes east 214.23 feet over and through land now or formerly of said Cruthers and Boos to an iron pipe driven in the ground;
- (3) South 18 degrees 22 minutes east 33 feet along the westerly line of a right of way 50 feet in width, within the bounds of which the said Cruthers and Boos have had a road constructed, which is now a public highway known and designated as Lakeside Drive;
- (4) South 12 degrees 30 minutes east 68 feet along the westerly line of said road to a point;
- (5) North 65 degrees 44 minutes west 270 feet, more or less, over and through land now or formerly of the said Cruthers and Boss, to the point of beginning.

BEING AND INTENDED to be the same premises conveyed by deed dated November 1, 1996 Joseph M. Mecca as Executor of the Estate of Marion E. Mecca to Adelino Guerra recorded in the Orange County Clerks Office on November 15, 1996 in liber 4483 cp 139.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

98-27.

Date: 2/28/98.

I. ✓ Applicant Information:

- (a) CARLOS DOMINGUES 350 CANDLESTICK HILL RD. 565/406
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. ✓ Property Information:

- (a) R4 Beaver Brook Rd. 58-2-2 11,682 s.f. ±
(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? 5/15/97.
- (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: 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) _____
- _____

(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) 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 yes.

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 48-1a, Table of Use/Bulk Regs., Col. C.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>21,790</u>	<u>12,068</u>	<u>9722</u>
Min. Lot Width <u>100'</u>		
Reqd. Front Yd. <u>35'</u>		
Reqd. Side Yd. <u>15'</u>	<u>28'</u>	
Reqd. Rear Yd. <u>40'</u>	<u>50'</u>	
Reqd. Street Frontage*	<u>100'</u>	
Max. Bldg. Hgt. <u>20'</u>		
Min. Floor Area* <u>1144 S.F.</u>		
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____		
Parking Area _____	<u>2 DRIVEWAY</u>	

* Residential Districts only
** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

Because it is an improvement for the area. There used to be a mobile home there, and I am going to build a one family house.

(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 _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign ..	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

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

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

VII. Interpretation: N/A

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

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

✓ VIII. Additional comments:

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

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

(c) Restrictions or conditions: _____

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

(ZBA DISK#7-080991.AP)

Pls. publish immediately. Send bill to Applicant @ 350 Candlestick Hill Rd.
Newburgh, N.Y. 12550

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

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

Appeal No. 27

Request of Carlos Domingues

for a VARIANCE of the Zoning Local Law to Permit:

Construction of single-family residence
w/ insufficient lot area;

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

for property situated as follows:

Beaver Brook Rd., New Windsor, N.Y.

known and designated as tax map Section 58, Blk. 2, Lot 9.

SAID HEARING will take place on the 10th day of August, 1998, at the 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.