

ZB# 02-11

Strategic Real Estate

52-1-104

Prelim.

February 25, 2002
Scot Aps. on 2/24/02

Public Hearing:

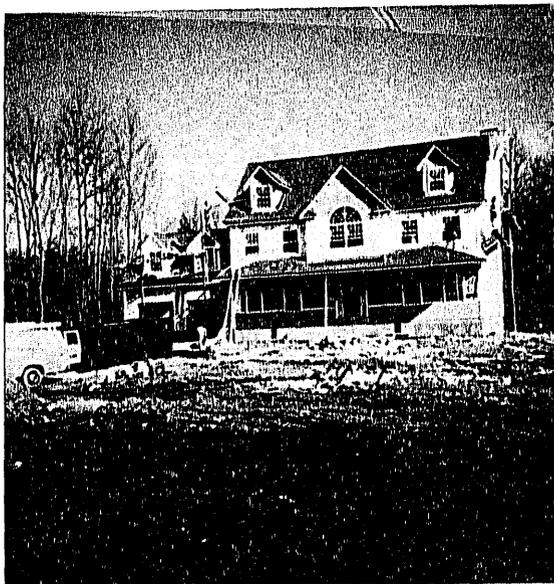
Mar. 25, 2002

Granted

Refund: \$207.00

#02-11- Strategic Real Estate (Van
Resnick)

Area 52-1-104.



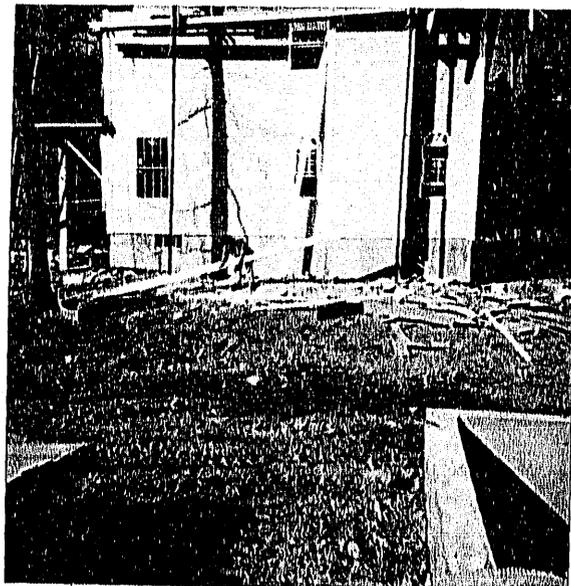
FRONT OF HOUSE ON TOLMAN ROAD



RIGHT PROPERTY LINE + DISTANCE
BETWEEN FOUNDATIONS LOTS 2+3



RIGHT PROPERTY LINE (PROBLEM SIDE)
+ DISTANCE BETWEEN FOUNDATIONS LOTS
2+3.



FRONT CORNER LOT 3 FOUNDATION



FRONT OF HOUSE ON TOLEMAN ROAD



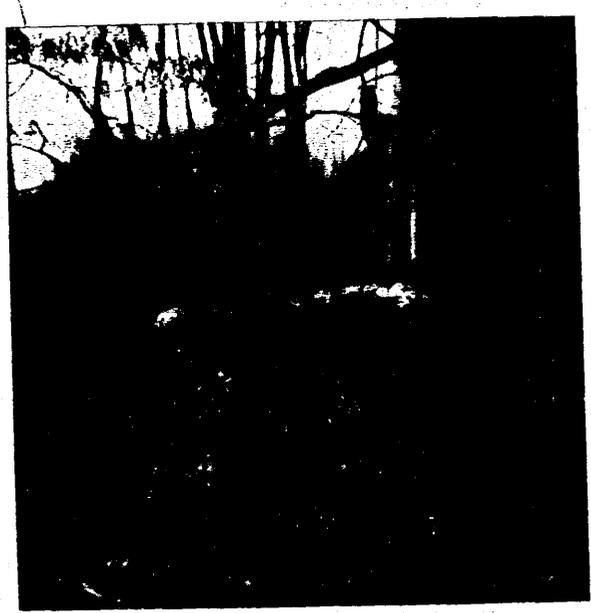
RIGHT PROPERTY LINE + DISTANCE
BETWEEN FOUNDATIONS LOTS 2+3.



RIGHT PROPERTY LINE (PROBLEM SIDE)
+ DISTANCE BETWEEN FOUNDATIONS LOTS
2+3.



FRONT CORNER LOT 3 FOUNDATION



RIGHT PROPERTY LINE FROM BACK
OF HOUSE



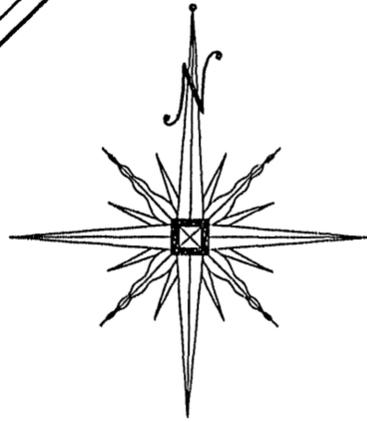
☿ LOTS 1+2 DRIVEWAY



☿ LOT 3 DRIVEWAY



BUILDING BOX STAKE NOT PROBLEM SIDE



BULK REQUIREMENTS
ZONE R-1 (RURAL RESIDENTIAL)
 (USE GROUP 5 - ONE-FAMILY DWELLINGS)

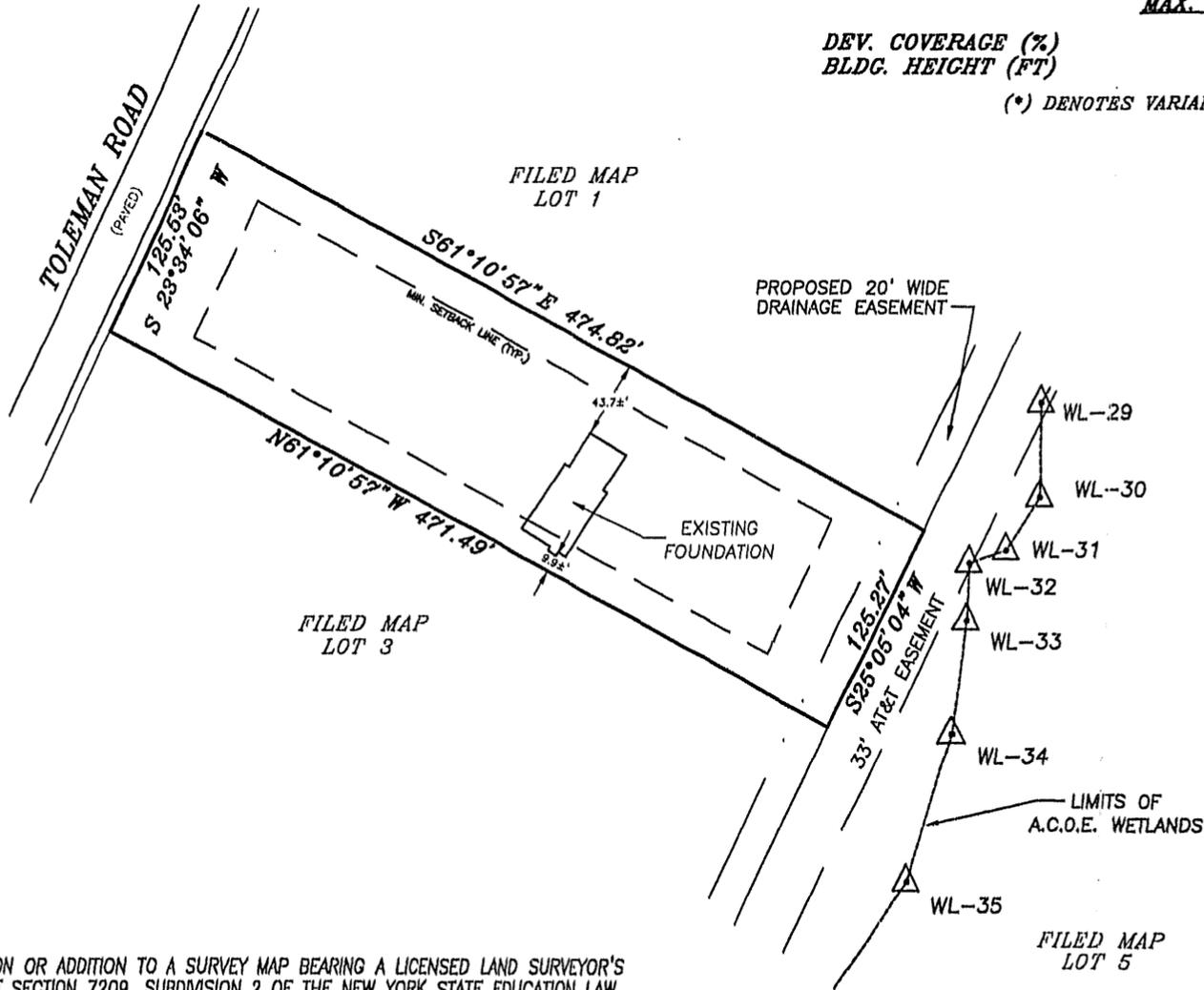
	<u>MIN. REQUIRED</u>	<u>PROVIDED</u>
LOT AREA (SF)	43,560	58,953
LOT WIDTH (FT.)	125	125
FRONT YARD (FT)	45	260.9
REAR YARD (FT.)	50	173.5
SIDE YARD (FT.)	20	9.9 (*)
BOTH SIDE YARDS (FT.)	40	53.6
STREET FRONTAGE (FT.)	70	125
LIVABLE FLOOR AREA (SQ.FT.)	1,200	1,500

	<u>MAX. PERMITTED</u>	
DEV. COVERAGE (%)	10	<10
BLDG. HEIGHT (FT)	35	<35

(*) DENOTES VARIANCE REQUIRED

AREA = 1.36± ACRES

FILED MAP LOT NO. 2



NOTES:

1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.
2. 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.
3. CERTIFICATION 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 CERTIFICATION 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.
4. UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS, IF ANY, ARE NOT SHOWN OR CERTIFIED HEREON.
5. REFERENCES; A MAP ENTITLED "LANDS OF VANLEEJWEN, FINAL PLAN" AS PREPARED BY PIETRZAK & PFAU ENGINEERING & SURVEYING, PLLC.
6. SUBJECT TO AN UP TO DATE AND ACCURATE TITLE REPORT.
7. SUBJECT TO ANY EASEMENTS AND AGREEMENTS, IF ANY.

I HEREBY CERTIFY TO THE PARTIES OF INTEREST LISTED BELOW THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY COMPLETED ON NOVEMBER 29, 2001;

STRATEGIC REAL ESTATE, LLC.
 STEWART TITLE INSURANCE CO.
 LIBERTY SAVINGS BANK

DATE	DESCRIPTION	INITIALS
02/15/02	ORIGINAL PREPARATION DATE	SPD
REVISIONS		
MAP CHECK DATE: 00/00/00	INITIALED BY: --	

PIETRZAK & PFAU
ENGINEERING & SURVEYING, PLLC
 51 GREENWICH AVENUE, SUITE A
 GOSHEN, NEW YORK 10924
 (845) 294-0608

JOSEPH J. PFAU P.E. LICENSE NO. 068945
 MICHAEL F. CREEGAN P.L.S. LICENSE NO. 050323
 VINCENT A. PIETRZAK P.E., P.L.S.
 P.E. LICENSE NO. 076936
 P.L.S. LICENSE NO. 050075

SIGNATURE DATE 2-15-02

STRATEGIC REAL ESTATE, LLC.
 TOWN OF NEW WINDSOR
 ORANGE COUNTY, NEW YORK

PROJECT TITLE

SURVEY MAP

P/O SECTION 52 BLOCK 1 LOT 15.36

DRAWING TITLE

UNAUTHORIZED ALTERATION OR ADDITION TO A PLAN BEARING A LICENSED LAND SURVEYOR'S OR PROFESSIONAL ENGINEER'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2 OF THE N.Y. STATE EDUCATION LAW.		
O.C.H.D. SHEET NO N/A OF #	D.E.C. SHEET NO N/A OF #	DRAWING NUMBER N/A OF #
SCALE 1"=100'	CAD REFERENCE 21137-2ZBA	PROJECT NUMBER 21137.03

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Strategic Real Estate LLC

FILE# 02-11

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

paid ck #

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*paid ck #
0733 on 3/8/02*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE <i>2/25 2</i>	\$ <u>9.00</u>
2ND PRELIMINARY- PER PAGE <i>3/25/02 3</i>	\$ <u>13.50</u>
3RD PRELIMINARY- PER PAGE.....	\$ <u> </u>
PUBLIC HEARING - PER PAGE.....	\$ <u> </u>
PUBLIC HEARING (CONT'D) PER PAGE.....	\$ <u> </u>
TOTAL.....	\$ <u>22.50</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: <i>2/25</i>	\$ <u>35.00</u>
2ND PRELIM. <i>3/25/02</i>	\$ <u>35.00</u>
3RD PRELIM.	\$ <u> </u>
PUBLIC HEARING.....	\$ <u> </u>
PUBLIC HEARING (CONT'D).....	\$ <u> </u>
TOTAL.....	\$ <u>70.00</u>

MISC. CHARGES:

.....	\$ <u> </u>
TOTAL.....	\$ <u>92.50</u>

LESS ESCROW DEPOSIT.....	\$ <u>300.00</u>
(ADDL. CHARGES DUE).....	\$ <u> </u>
REFUND DUE TO APPLICANT..	\$ <u>207.50</u>

STRATEGIC REAL ESTATE LLC
580 TOLEMAN ROAD
ROCK TAVERN, NY 12575

THE WARWICK SAVINGS BANK
50-7133/2219-4

0734

PAY TO THE
ORDER OF

TOWN OF NEW BRITAIN

[Signature]

38.02

\$ 50.00

DOLLARS

MEMO:

2BA #02-11

[Signature]

⑈000734⑈ ⑆226971332⑆ 062 1000934⑈

SECURITY FEATURES: MICRO PRINT TOP & BOTTOM BORDERS - COLORED PATTERN - ARTIFICIAL WATERMARK ON REVERSE SIDE - MISSING FEATURE INDICATES A COPY

STRATEGIC REAL ESTATE LLC
500 TOLEMAN ROAD
ROCK TAVERN, NY 12575

THE WARWICK SAVINGS BANK
50-7133/2219-4

0733

PAY TO THE
ORDER OF

Town of New Windsor
the full amt

3-8-02

\$300.00

DOLLARS

MEMO:

20A # 02-11



⑈000733⑈ ⑆221971332⑆ 062 1000934⑈

SECURITY FEATURES MICRO PRINT TOP & BOTTOM EDGES - COLORED PATTERN - ARTIFICIAL WATERMARK ON REVERSE SIDE - MISSING FEATURE INDICATES A COPY

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

STRATEGIC REAL ESTATE LLC

MEMORANDUM
OF DECISION
GRANTING
VARIANCE

#02-11.
-----X

WHEREAS, STRATEGIC REAL ESTATE LLC, 580 Toleman Road, Rock Tavern, New York 12575, has made application before the Zoning Board of Appeals for 10.1 ft. side yard variance for an existing single-family residence at 508 Toleman Road, in an R-1 zone; and

WHEREAS, a public hearing was held on the 25th day of March, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Mark Siemer from Pietrzak & Pfau Engineering and Surveying, LLC and Gerald Sabini of Design Group for this Application; and

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

WHEREAS, no one spoke in opposition to the Application, however a letter of support was received and filed from an adjacent neighbor; 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 residential property located in a neighborhood of residential properties.

(b) The property consists of new construction for which the foundation was installed incorrectly.

(c) The construction complies with all local requirements so far as it has been completed at the time of this application.

(d) The encroachment would not be on the top of any or over any well or septic system, water or sewer easement.

(e) The foundation will not cause ponding or collection of water, or change any water drainage from the property.

(f) The construction is located 150 feet or more from the roadway.

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 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 that can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations, but nevertheless is warranted.

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

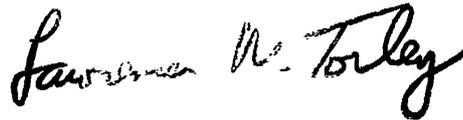
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for 10.1 ft. side yard variance for an existing single-family residence at 508 Toleman Road in an R-1 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: June 10, 2002.



Chairman

Date 4/23/02

TOWN OF NEW WINDSOR

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

TO Franco's Bath DR.
108 W. Dairy Lane
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
3/25/02	Zurong Beard 11/14	75 00	
	Misc 21		
	Blythe - 7		
	Roberts - 3		
	Kelly - 3		
	Mittelman - 3		
	Dean - 4		
	Caldwell - 3		
	Strategic Real Estate - 3 13.50		
	Summit on Hudson - 4	139 50	
	21		
		214 50	

STRATEGIC REAL ESTATE

Mr. Mark Siemer and Mr. Jerry Sabini appeared before the board for this proposal.

MR. TORLEY: Request for 10.1 ft. side yard variance for an existing single-family residence at 508 Toleman Road in an R-1 zone. Is there anyone in the audience who wishes to speak on this matter? Let the record show there is none. Sir?

MR. SIEMER: Good evening, my name is Mark Siemer from Pietrzak and Pfau. Today we're just asking for a side variance, side yard variance of 10.1 feet for a 58,953 square foot lot. The trouble came not to the fault of the owner, we actually have, there's an existing foundation, I'm sure you got the pictures that were taken, the existing foundation to the lot that the trouble side is on the two foundations are 44 feet apart so with 20 foot side yards, we do have the 40 feet between the two foundation so we're just asking for the variance on the side yard tonight.

MR. REIS: Foundation's in, you can't move it?

MR. SIEMER: Yes.

MR. SABINI: What happened was these guys staked it out, we dug the hole, they made the hole too big, that's what happened, when they put the foundation in, I didn't catch it until the house was framed and sided because I didn't call them for a foundation until sometime later, that's when it came, it was a complete accident the way the hole was dug. That's what happened, it was an accident and I guess they thought the mason and the excavator working hand in hand they thought they had enough room, when they came out to locate it, that's when we found the problem.

MR. REIS: Mike, has the building inspector's office been out there?

MR. BABCOCK: Yes, we have been doing all the inspections throughout the whole process.

MR. MC DONALD: No problems?

MR. BABCOCK: No, no problems.

MR. KRIEGER: Meets all the other legal requirements?

MR. BABCOCK: Yes, so far, they're not completed with the house yet but--

MR. KRIEGER: As far as location?

MR. BABCOCK: Yes.

MR. TORLEY: And the actual spacing between the two foundations would meet the code were the lines, the lot line a little different, there's an adequate spacing between the two foundations?

MR. BABCOCK: Yes.

MR. SIEMER: Yes.

MR. TORLEY: And this encroachment on the side yard is not going to be over any water or sewer easements, driveways, et cetera?

MR. SIEMER: No.

MR. TORLEY: Well and septic?

MR. SABINI: Well's in the front, septic's in the rear.

MR. TORLEY: This will not cause any undue water ponding or change in drainage?

MR. SABINI: No, no, not at all.

MR. TORLEY: And you're quite a ways back from the road. How far back is the house from the road?

MR. SABINI: Approximately, 150 feet.

MR. TORLEY: Looks further than that.

MR. SIEMER: Closer to 200.

MR. TORLEY: I see there's a drainage easement in the back or proposed.

MR. SIEMER: That's in--oh, the proposed drainage easement is for, there are curtain drains around the septic systems in the back and they all end up connecting together and running in one pipe along that easement and outlet, go through a stream down in this end of the property.

MR. REIS: I just want to disclose that the original owner of this property I had dealings with, I'm not profiting by this in any way, shape or form, my comments and my vote will be very objective.

MR. TORLEY: Thank you.

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: I make a motion that we approve Strategic Real Estate's request for their variance of a 10.1 side yard at 508 Toleman Road.

MR. MC DONALD: Second it.

ROLL CALL

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

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

Prelim.
Feb. 25, 2002.
#02-11

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 2/13/02

APPLICANT: Strategic Real Estate LLC
580 Toleman Road
Rock Tavern, NY 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/15/02

FOR : Strategic Real Estate

LOCATED AT: 508 Toleman Road

ZONE: R-1 Sec/Blk/ Lot: 52-1-104

DESCRIPTION OF EXISTING SITE: Single family dwelling

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-12 Use/Bulk table R-1 zone, required side yard of 20ft, existing side yard is 9.9ft. A variance of 10.1ft is required.

COPY

Louis J. Kryshear
BUILDING INSPECTOR

PERMITTED Single family

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE: Single family

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: 20ft

9.9ft

10.1ft

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

BUILDING PERMIT

The Town of New Windsor Building Department, County of Orange, State Of New York
hereby issues permit for project as described herein:

Permit Number:

PA2001-1226

Tax Parcel ID:

52-1-15.226

Issue Date:

January 15, 2002

Permit Issued To: **Owner**

Permit Fee:

\$1,007.60

Permit Application Reference **PA2001-1226**

Type Of Permit: **RESIDENTIAL**

ONE FAMILY DWELLIN

Permit Applicant:

Street Address of Property:

TOLEMAN RD

STRATEGIC REAL ESTATE

Property Owner's Name:

**CLARK LESTER A &
VANLEEUEWEN HENRY P**

Property Owner's Address:

**400 BAMAR DRIVE
STONY POINT NY 10980**

Occupant's Name:

Occupancy Classification: **A1**

Description Of Work: **ONE FAMILY DWELLING - LOT #2**

*Address: 508 Toleman Rd.
SBL# - 52-1-104*

FILE COPY

I am familiar with the Zoning/Building Ordinance(s) and the New York State Uniform Fire Prevention and Building Code requirements related to this permit and do hereby agree to abide by them. The information stated above is correct and accurate.

Signature of Applicant

A permit, under which no work has commenced within six (6) months after issuance, shall expire by limitation. Furthermore, a permit that no Certificate of Occupancy or Certificate of Compliance has been issued within eighteen (18) months after issuance shall expire by limitation. Under either circumstance a new building permit shall be secured before work can begin or be completed.

It is the responsibility of the Owner/Occupant and/or Contractor to comply with all applicable ordinances. Notification requests for inspection must be made at least 24 hours in advance to the number shown below. Voice mail requests for inspections will not be scheduled. **YOU MUST HAVE YOUR BUILDING PERMIT NUMBER AVAILABLE** when calling for any inspections or inquiries

You must call for the following phases

1/23/02 FOOTING BUILDING DEP *OK KIC*
2-6-02 FOOTING DRAINS BUILDING DEP *OK Jim*
FRAMING BUILDING DEP
ROUGH ELECTRIC UNDERWRITE
C.O. OR C.C. BUILDING DEP 845-563-4618

1/30/02 FOUNDATION BUILDING DEP *OK RR*
SLAB *(Have ok)* BUILDING DEP
ROUGH PLUMBING BUILDING DEP
INSULATION BUILDING DEP

Signature of Building Inspector

VALID UNTIL

7/15/03

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: PA 2001-1226

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises STRATEGIC Real estate LLC

Address 580 Tokwan Road Phone # 914-403-6879 cell

Mailing Address Rock Tavern NY 12575 Fax # 497-8243

Name of Architect Design Group

Address Central Valley NY Phone 928-2288

Name of Contractor Strategic Real estate LLC

Address 580 Toliman Road Rocktown Phone 914 403-6879

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

If applicant is a corporation, signature of duly authorized officer Gerald Sabini
(Name and title of corporate officer)

1. On what street is property located? On the Toliman Road side of Toliman Road
(N,S,E or W)
and 207 feet from the intersection of 1/4 mile

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

3. Tax Map Description: Section 52 Block 1 Lot 15-226 Lot 2

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy VACANT LAND b. Intended use and occupancy Single home

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

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front 130 Rear _____ Depth 462 Height _____ No. of stories 2

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms 4 Baths 3 Toilets _____ Heating Plant: Gas _____ Oil
Electric/Hot Air _____ Hot Water yes If Garage, number of cars 2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50 ch. part of #553
std 12/12/01

PAID
205760 pk#610

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

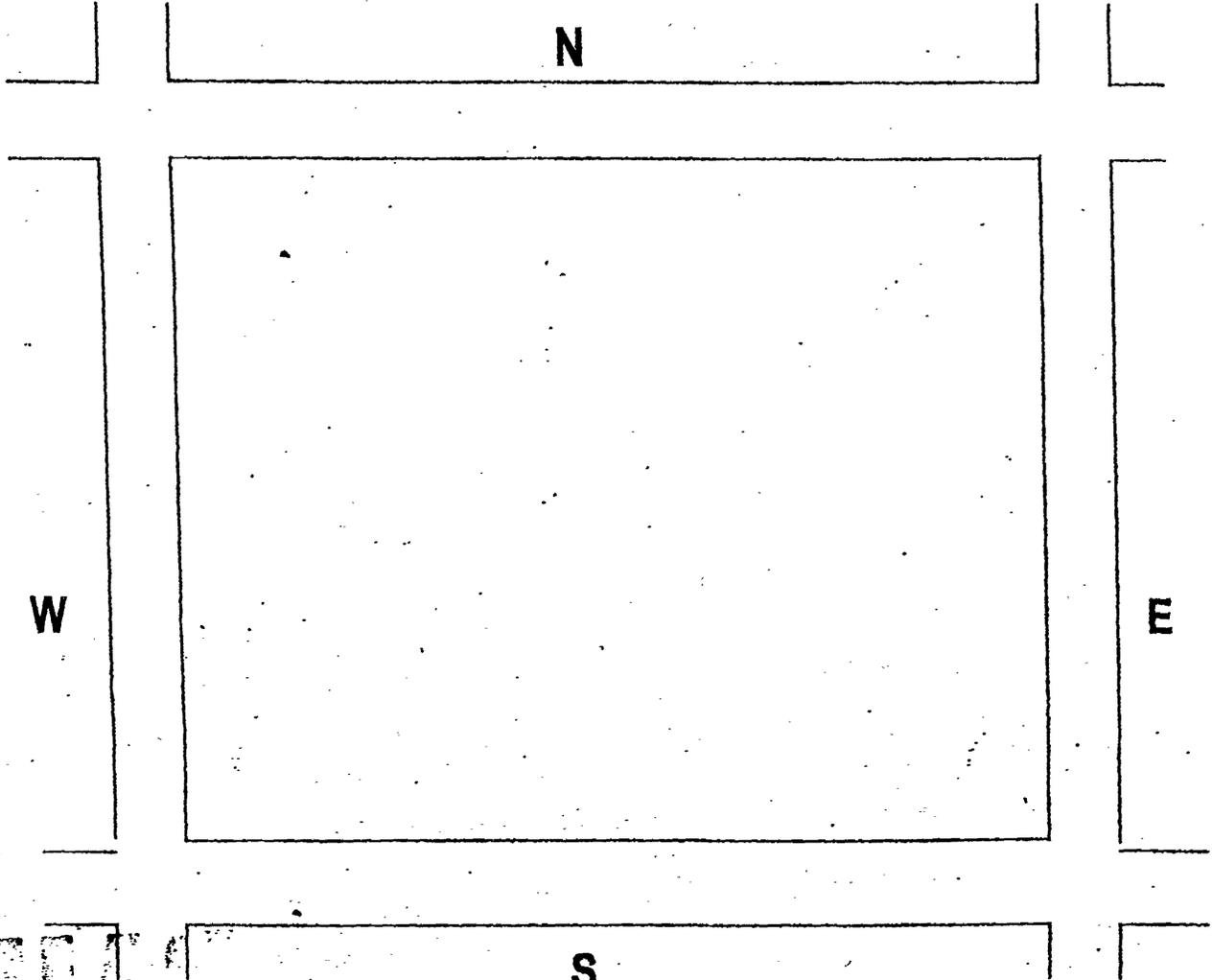
(Signature of Applicant)

580 Derrin Rd Rockett, NY

(Address of Applicant)

PLOT PLAN

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



CHICAGO



Town of New Windsor

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

Assessors Office

March 5, 2002

Strategic Real Estate
580 Toleman Road
Rock Tavern, NY 12575

13

Re: 52-1-104

Dear Mr. Sabini:

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 \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

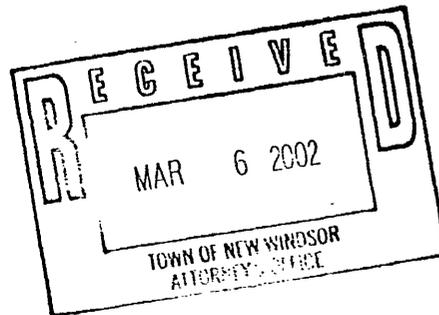
Sincerely,

L. Cook (signature)

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA



52-1-14

Joseph & Allison Laquidara
520 Toleman Road
Rock Tavern, NY 12575

52-1-80

Raymond & Katherine Browne
461 Toleman Road
Rock Tavern, NY 12575

52-1-15.222

Joseph & Frances Spatafora
P.O. Box 193
Salisbury Mills, NY 12577

29-1-26.11

Rock Tavern Village LP
614 Little Britain Road
New Windsor, NY 12553

52-1-15.223

Joseph Jablonski
Theresa Cheevers
467 Toleman Road
Rock Tavern, NY 12575

29-1-63

Ronald & Deborah Eaton
530 Toleman Road
Rock Tavern, NY 12575

52-1-55

Michael & Sondra Marino
479 Toleman Road
Rock Tavern, NY 12575

52-1-56

Robert & Susan Kane
485 Toleman Road
Rock Tavern, NY 12575

52-1-57

Thomas & Alison Grosso
491 Toleman Road
Rock Tavern, NY 12575

52-1-58.1

Lonnie Richardson
Lawrence Inex
521 Toleman Road
Rock Tavern, NY 12575

52-1-58.2

Gerald & Debra Lorraine
515 Toleman Road
Rock Tavern, NY 12575

52-1-58.3 & 52-1-58.4

Patricia Naf
C/o Elaine Dominquez
229 Conklingtown Road
Goshen, NY 10924

52-1-58.5

Steven & Maria Nicholas
497 Toleman Road
Rock Tavern, NY 12575

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

**RECEIPT
#245-2002**

03/08/2002

Z.BA[#] 02-11

Strategic Real Estate LLC

**Received \$ 50.00 for Zoning Board Fees on 03/08/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

**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. 02-11

Request of Strategic Real Estate, LLC

for a VARIANCE of the Zoning Local Law to Permit:

A 9.9' side yard for a 58,953 s.f. lot from a

20' min. side yard requirement.

being a VARIANCE of Section 48-9 - Table of Use/Bulk Regs. Col. F

for property situated as follows:

Fronting Toleman Road, 2000± feet south from the intersection of Toleman Road & NYS Highway NO. 207

known and designated as tax map Section p/o 52, Blk. 1 Lot 15.36

PUBLIC HEARING will take place on the 25th day of March, 2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

02-11
Date: 2/8/02

I. Applicant Information:

- (a) Strategic Real Estate, LLC - 580 Toleman Road, Rock Tavern, NY 12575
(Name, address and phone of Applicant) (Owner)
- (b) N/A
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Pietrzak & Pfau Engineering & Surveying, PLLC 262 Greewich Avenue, Goshen, NY 10924
(Name, address and phone of contractor/engineer/architect/surveyor) (845) 294-0606

II. Application type:

- Use Variance Sign Variance
 Area Variance Interpretation

III. Property Information:

- (a) R-1 Toleman Road 52-1-15.36 1.36± acres
(Zone) (Address of Property in Question) (S-B-L) (Lot size) P/O
- (b) What other zones lie within 500 feet? NONE
- (c) Is pending sale or lease subject to ZBA approval of this Application? No
- (d) When was property purchased by present owner? 12/01
- (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/Fire Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? NO

IV. Use Variance. N/A

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

(Describe proposal) _____

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

N/A

✓ V. Area Variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use/Bulk Regs. Regs., Col. F.

Requirements	Proposed or Available	Variance Request
Min. Lot Area	58,953	
Min. Lot Width	125	
Reqd. Front Yd.	260.9	
Reqd. Side Yd. <u>20 ft.</u>	9.9	10.1
Reqd. Rear Yd.	173.5	
Reqd. Street Frontage*	125	
Max. Bldg. Hgt.	35	
Min. Floor Area*	1500	
Dev. Coverage*	10	
Floor Area Ratio**	N/A	
Parking Area		

* Residential Districts only

** Non-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:

SEE ATTACHED SHEET

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Supplementary Sign Regulations

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

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

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

VII. Interpretation. N/A

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

(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 in maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Construction will be in general conformance to approved

subdivision plans. Approved well, septic & driveway location will remain the same. There is only a slight shift to the house location.

V. Area Variance

b) There will be no undesirable change to the character of the neighborhood or to nearby properties. The benefit sought by the applicant cannot be achieved by some other method, as there is an existing foundation on the lot. The area variance is not substantial; a 20 foot yard set back is required, and a 9.9 foot setback is provided. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The difficulty was not self-created, but was created by the contractor.

Date 3/4/02

TOWN OF NEW WINDSOR

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

TO
 Expense Reimbursement
 for the City of
 Newburgh, N.Y. 12550
 DR.

DATE		CLAIMED	ALLOWED
3/25/02	Zoning Board Mtg	75 00	
	Misc - 3		
	Hardy - 1		
	Caldwell - 3		
	Summit-on-Hudson - 3		
	Strategic Real Estate - 2		
	Foley - 4		
	Curtain - 4		
	DiLocco - 3		
	Searing - 9		
	Hong - 4	175 50	
	Delaney - 3	250 00	
	39		

STRATEGIC REAL ESTATE

MR. TORLEY: Request for ten foot one inch side yard variance for construction of a single family residence at 508 Toleman Road in an R-1 zone.

Mr. Mark Siemer appeared before the board for this proposal.

MR. SIEMER: For the record, my name is Mark Siemer, S-I-E-M-E-R here on behalf of Strategic Real Estate asking for a 9.9 foot side yard variance on a 1.368 acre parcel and we're here to ask to set a public hearing.

MR. TORLEY: It was missurveyed when you put the foundation in?

MR. SIEMER: It was actually an error by the mason.

MR. BABCOCK: Just so maybe we can clear those numbers right now, according to the survey, it's 9.9 off the line, right?

MR. SIEMER: Right.

MR. BABCOCK: That would mean that you need a 10 foot 1 variance because of the 20 foot setback, just so the numbers are correct for the record.

MR. KANE: I have it correct on the denial.

MR. TORLEY: This was an error not of the owner?

MR. SIEMER: Right.

MR. TORLEY: So therefore, the responsibility for making it right now is also not the owners?

MR. DAVIS: Correct.

MR. TORLEY: Gentlemen, any questions?

MR. REIS: Foundation is there?

MR. SIEMER: Yes.

MR. BABCOCK: It's a brand new foundation.

MR. KANE: Quite a cost to take it down and move the foundation into the correct area?

MR. SIEMER: Right.

MR. TORLEY: These are the kinds of things we'll be asking you at the public hearing.

MR. SIEMER: Okay.

MR. KANE: If you can, just for the public hearing, bring a couple of pictures of the area for the record.

MR. TORLEY: Actually where the lots are staked out.

MR. SIEMER: Right. okay.

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: I make a motion that we set up Strategic Real Estate for the requested variance of 10.1 feet for the side yard.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE