

ZB# 94-20

Nancy & Basilio Colon

71-1-62

Prelim.

June 13, 1994.

Ap's furnished

6/13/94. Motion to adjourn
prelim. meeting -
Do not schedule
public hearing!

See ZBA 6/13/94
minutes. Ap must
have another ~~prelim~~

Need copy of:

- ① Deed
- ② Title Report.
- ③ Fees: ① 50.00 ② 292.50
- ④ Photo of Plot

Notice to Sentinel
on 8/23/94

Letters out on -

Public Hearing:

Sept. 12, 1994.

Memo.
Variance
Granted.

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

GENERAL RECEIPT

Received of

Nancy Colon

Aug 24 ¹⁴²¹² 1994

\$ 50.⁰⁰

Defty and

00

DOLLARS

For

ZBA App. Dec 94-20 ¹⁰⁰

DISTRIBUTION

FUND	CODE	AMOUNT
<u>CR# 0111</u>		<u>50.00</u>

By

Dorothy Hanson

Town Clerk

Title

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



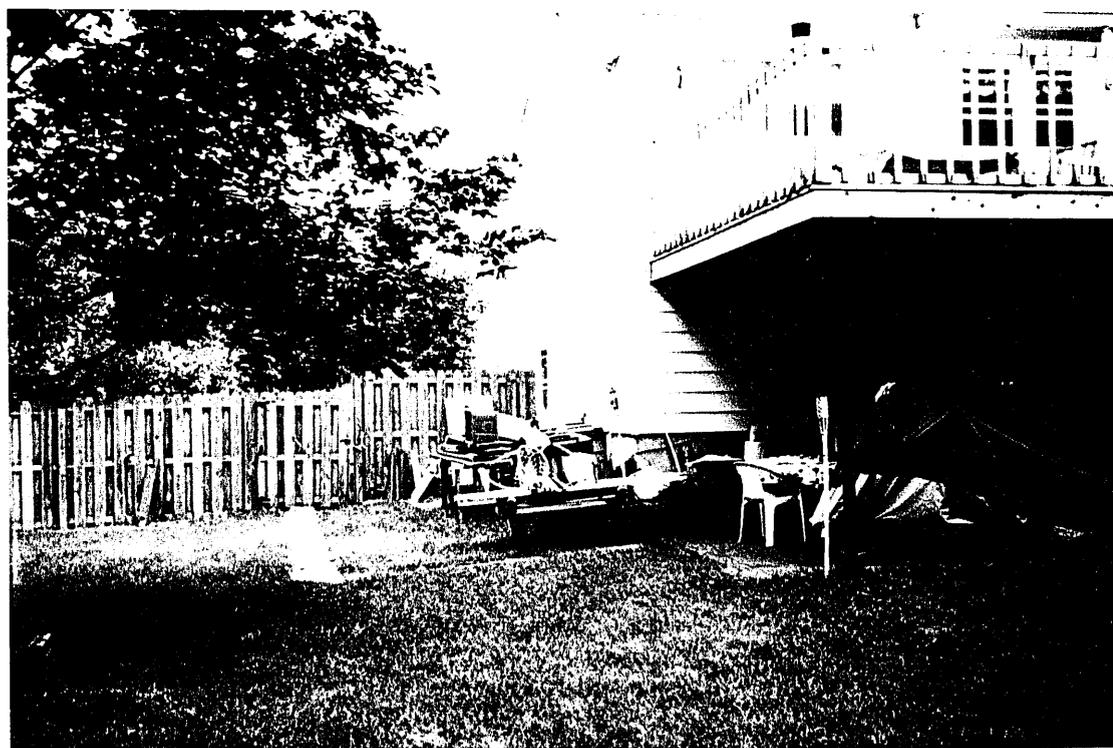
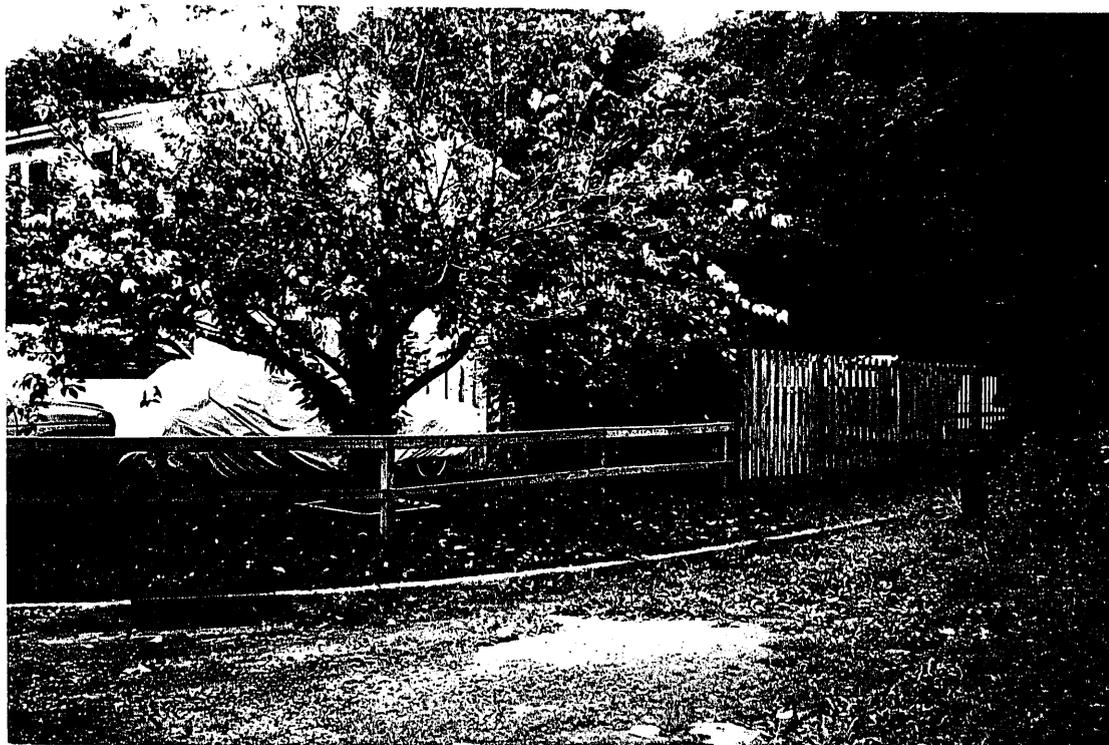
Seven

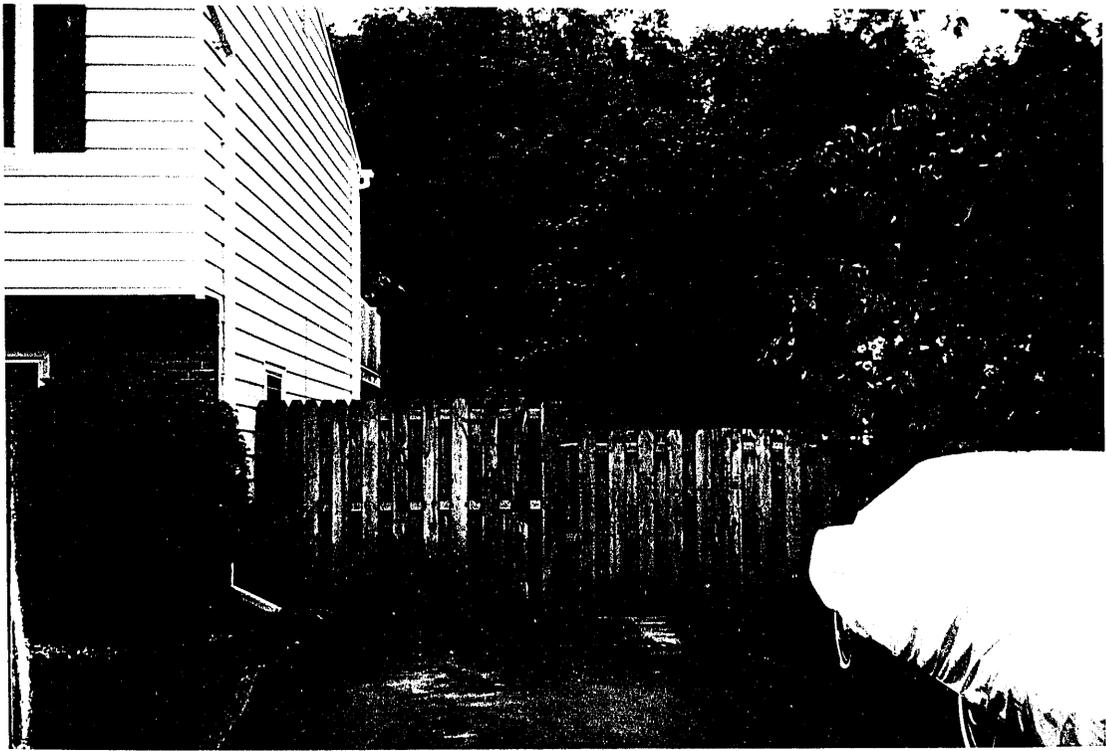
© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

Dawn Clark
Title



CO#202 Weissman, Steven





Down, Cass Hill, Maryland

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

NANCY COLON and BASILIO COLON,

DECISION GRANTING
AREA VARIANCE

#94-20.
-----X

WHEREAS, NANCY COLON and BASILIO COLON, residing at 259 Vails Gate Heights Drive, New Windsor, N. Y. 12553, have made application before the Zoning Board of Appeals for 31 ft. front yard variance to construct a one-car garage at the above location in an R-5 zone; and

WHEREAS, a public hearing was held on the 12th day of September, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared by Mrs. Nancy Colon; and

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

WHEREAS, no one spoke in 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 subject premises is a one-family home located in a neighborhood of one-family homes.

(b) The premises is located on a "corner lot" which technically has two front yards.

(c) Many homes in the neighborhood have attached one-car garages.

(d) There is no neighbor on the side where the proposed one-car garage will be erected if the variance is granted.

(e) There is no other location on the property where a one-car attached garage can be located.

(f) An 11.43% variance is sought.

(g) The proposed garage if erected will not project closer toward the road than does the existing house to which it will be attached.

(i) There are no indications that sight distance traffic or safety hazards exist or will exist if these variances are granted.

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

1. The requested variance will not produce an 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 requested variance is not substantial in relation to the town regulations.

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 a self-created hardship, but nevertheless should be allowed because it is consistent with the neighborhood and will enhance the value of applicant's property to the benefit of all other properties in the surrounding neighborhood.

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

7. It is the further finding of this Board that the requested area variance is 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.

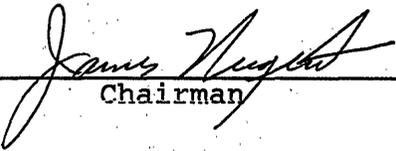
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 31 ft. front yard variance to applicant for construction of a one-car garage at 259 Vails Gate Heights Drive in an R-5 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 24, 1994.


Chairman

(ZBA DISK#12-100694.NC)

COLON, BASILIO

Mrs. Nancy Colon appeared before the board for this public hearing.

MR. NUGENT: Request for 31 ft. front yard variance to construct garage at 259 Vails Gate Heights Drive in R-5 zone.

MR. KRIEGER: Let the record reflect there's no one present in the audience area so presumably there's no one to speak.

MR. NUGENT: Just tell us what you want to do for the record.

MRS. COLON: We want to build a one car attached garage to our house. It's a corner house. There's no one on the side where the garage is going to be. Well, on the original tax map, it's a street but it's overgrown with grass and trees and whatever.

MS. BARNHART: Paper street.

MR. KANE: The other homes in your neighborhood all have at least a single car garage?

MRS. COLON: No, not all but many of them have attached one car garage.

MR. TORLEY: And the actual road frontage that we're talking about is actually a road that is only there on the map but not physically there?

MRS. COLON: That is correct.

MR. KRIEGER: Looking at, if I may, Mr. Building Inspector, looking at the map, is there any other place that the such a one car garage could be located on the property for which a variance of some kind wouldn't be needed?

MR. BABCOCK: Not and be attached, no.

MR. KRIEGER: How much front yard requirement is there?

MR. BABCOCK: It's a 35 foot front yard.

MR. KRIEGER: She wants to use 31 of 35 leaving her with 4 there?

MR. BABCOCK: That is correct.

MR. KRIEGER: Is there any indication that there would be any sight distance, traffic or safety hazard created by such a structure if it were allowed to be built?

MR. BABCOCK: Not to my knowledge, no.

MR. KANE: Since her house is on a corner property, that is considered two front yards?

MR. BABCOCK: That is correct.

MR. KANE: And the garage doesn't come out further than the existing house, the actual front of the house?

MR. BABCOCK: That is correct.

MR. KRIEGER: So, its visual appearance will not adversely affected.

MR. TORLEY: And if that paper street was in fact simply somebody else's side yard, the applicant wouldn't have to be here at all, correct?

MR. BABCOCK: No, that is not correct.

MR. TORLEY: I think it's clear from the lack of audience that there's no opposition from the neighbors. I move we grant Mrs. Colon's request for her front yard variance for the garage at 259 Vails Gate Heights.

MR. KANE: I second that motion.

ROLL CALL

MR. TORLEY	AYE
MR. LANGANKE	AYE
MR. KANE	AYE

September 12, 1994

38

MR. NUGENT AYE

MR. TORLEY: I move we adjourn the meeting.

MR. LANGANKE: Second it.

ROLL CALL

MR. TORLEY AYE

MR. LANGANKE AYE

MR. KANE AYE

MR. NUGENT AYE

Respectfully Submitted By:

Frances Roth
Frances Roth
Stenographer *9/22/94*

Received 7/12/94
 # 120A 6-13-94
 TABLE FOR NEW
 DISAPPROVAL

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MAY 17, 1994

APPLICANT: BASILIO COLON
 259 VAILS GATE HEIGHTS DRIVE
 NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: MAY 17, 1994
 FOR (BUILDING PERMIT): ATTACHED ^{ONE} ~~TWO~~ (2) CAR GARAGE. 16' WIDE
 LOCATED AT: 259 VAILS GATE HEIGHTS DRIVE

ZONE: R-5

DESCRIPTION OF EXISTING SITE: SECTION: 71, BLOCK: 1, LOT: 62
 ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. INSUFFICIENT FRONT YARD SET-BACK.

NOTE: THIS IS A CORNER LOT./ PAPER ROAD

Frank J. Jiri
 BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-5	USE 48-14-B-2	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD	35FT.	4 FT (circled) / 8 FT (circled)
REQ'D SIDE YD	15FT.	31 FT (circled) / 27 FT (circled)
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.	40FT.	

REVISED 7-11-94
 (MB)

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.

SECTION 65

SECTION 65

SECTION 65

SECTION 65

277

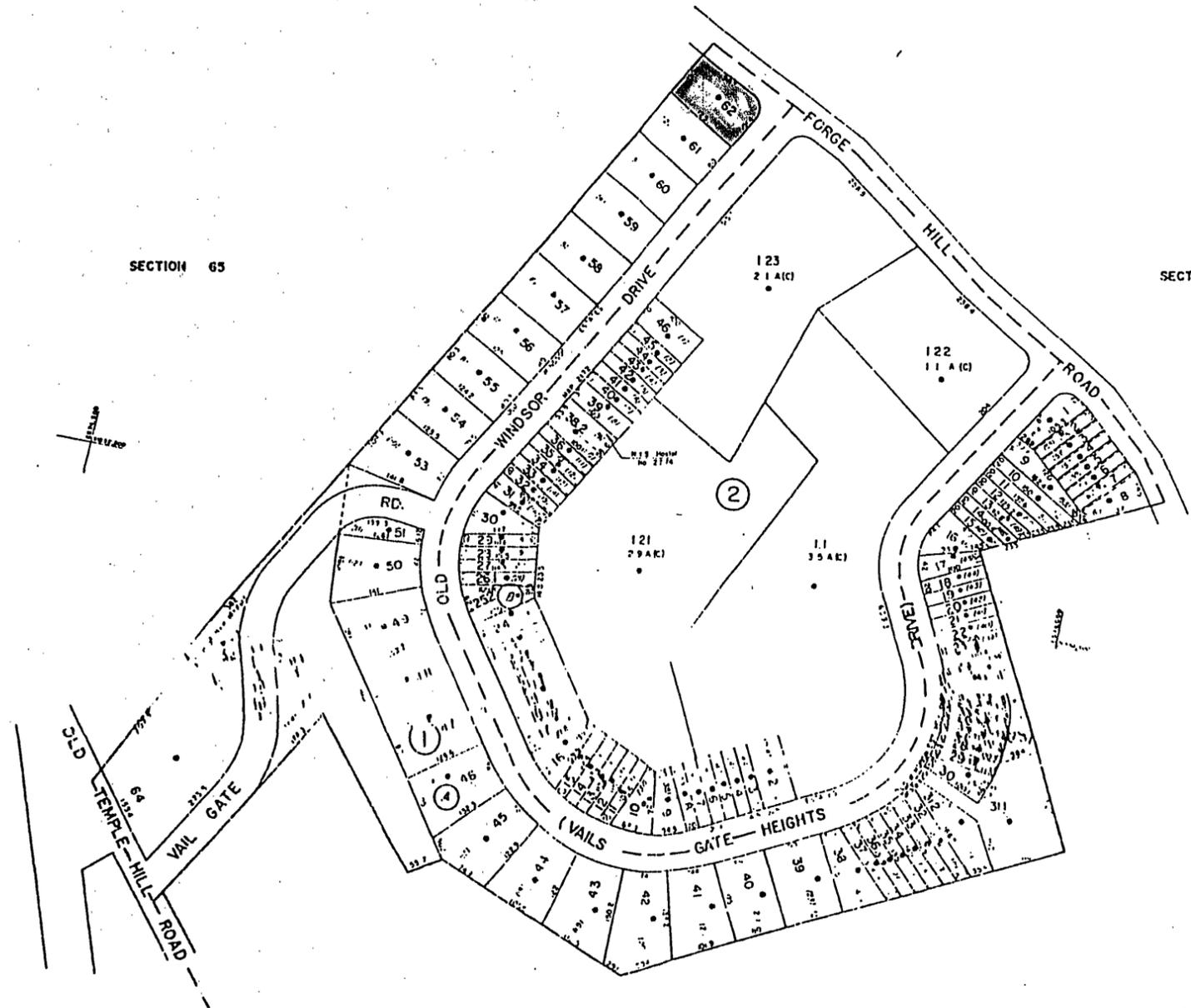
ALL NEWBURGH SCHOOL DISTRICT
ALL VAIL GATE FIRE DISTRICT

Prepared by
ORANGE CO. TAX MAP DEPT.
MAIN ST., GOSHEN, N. Y. 10924
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE CO. BOUNDARY	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	CASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
WATER & JAILING LIMIT	WATCH LINE	AREA	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS	COUNTY HIGHWAYS
PROPERTY LINE			TOWN PLOTS

ORANGE COUNTY-NEW YORK
Photo No. R-497,458,499
Date of Photo: 3-65
Date of Map: 3-72-65
Date of Revision: 1-1-91
Scale: 1" = 100'

TOWN OF NEW WINDSOR
Section No. 71



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

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

Basilio + Nancy Colon

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#94-20.

-----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 August 26, 1994, I compared the 220 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
26th day of August, 1994.

Deborah Green
Notary Public

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

(TA DOCDISK#7-030586.AOS)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

220

July 27, 1994

Mrs. Nancy Colon
259 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Re: Tax Map Parcel #71-1-62
Owners: Basilio & Nancy Colon

Dear Mrs. Colon:

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 \$235.00, minus your deposit of \$25.00.

Please remit the balance of \$210.00 to the Town Clerk's office.

Sincerely,

Leslie Cook / po
Leslie Cook
Sole Assessor

LC/po
Attachments (19)
cc: [REDACTED]

Montone, Stephen & Lucia A. X
203 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Canna, John A. & Linda J. X
211 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Burgos, Cynthia X
219 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Cincotta, Vincent & Josephine X
227 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Hommel, Kenneth R. & Mary C. X
235 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Francon, Richard F. & Frances X
243 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Velazquez, Optaciano, ETAL X
251 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Windsor Properties X
c/o Peck & Heller
Mortgage Acct.
2301 Lincoln Bldg.
60 E. 42nd St.
New York, NY 10165

State of New York
Office of Mental Retardation
& Development Disabilities X
c/o Maureen Lennon
Land Claims, 9th Floor
Alfred E. Smith Bldg.
Albany, NY 12236

Rotela, Merida Z. X
166 Vails Gate Hgts. Dr.
New Windsor, NY 12553

LaBarbera, Peter & Ada X
168 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Silka, Paul A. & Sherry A. X
170 Vails Gate Hgts. Dr. X
New Windsor, NY 12553

John, Kenneth M. & Mary Ann X
172 Vails Gate Hgts. Dr. X
New Windsor, NY 12553

LoFaro, John R. & Jeannine M. X
174 Vails Gate Hgts. Dr. X
New Windsor, NY 12553

Moyer, Jack & Catherine X
176 Vails Gate Hgts. Dr. X
New Windsor, NY 12553

Heinrich, James & Harry E. X
178 Vails Gate Hgts. Dr. X
New Windsor, NY 12553

Lee, Clarence D. & Edie M. X
182 Vails Gate Hgts. Dr. X
New Windsor, NY 12553

Exeter Building Corp. X
1001 Washington Green X
New Windsor, NY 12553

City School District of Newburgh X
Vails Gate Elementary School X
98 Grand St. X
Newburgh, NY 12550

Sperrey, Llewellyn A. & Mary B.
502 Union Ave.
New Windsor, NY 12553 X

Consolidated Rail Corp. X
Property Tax Dept. X
PO Box 8499
Philadelphia, PA 19101

Kumstar, Rose Bluckert X
c/o Wendell Harp X
PO Box 400
New Paltz, NY 12561

Exeter Building Corp. X
Emerald Management Corp. X
PO Box 268
Fishkill, NY 12524

Tuite, Stephen A. & Anne H. X
1007 Washington Green X
New Windsor, NY 12553

Garrison, Charles Jr. & Donna
1008 Washington Green
New Windsor, NY 12553 X

Healy, Michael V.
1003 Washington Green
New Windsor, NY 12553 X

Urban, John & Barbara
1004 Washington Green
New Windsor, NY 12553 X

Jones, Donald L. & Robert D. Sr. &
Moran, Constance
Georgian Court Apts.
2410 Oneido St.
Utica, NY 13501 X

Berrios, Felix
1010 Washington Green
New Windsor, NY 12553 X

Gay, Robert L. Jr.
1005 Washington Green
New Windsor, NY 12553 X

Smith, Sherman D.
1006 Washington Green
New Windsor, NY 12553 X

Smith, Richard
1011 Washington Green
New Windsor, NY 12553 X

Spinks, Tracy Fitzpatrick
1012 Washington Green
New Windsor, NY 12553 X

Murchison, John J. Jr.
1013 Washington Green
New Windsor, NY 12553 X

Blitzer, Jay M. & Joann M.
215 Little Neck Rd.
Great Neck, NY 11021 X

Flagler, Thomas F. II & Nicole
1019 Washington Green
New Windsor, NY 12553 X

Tse, Jack & Minga Ho X
5 Half Hollow Turn
Monroe, NY 10950

Ryder, Eileen & Jonathan X
1015 Washington Green
New Windsor, NY 12553

Micheline, John C. & X
Malifrando, Susan D.
29 Lockland Terrace
Suffern, NY 10901

Hines, Timothy & Susan X
1021 Washington Green
New Windsor, NY 12553

Alfano, Richard & X
Martini, Marlene
1022 Washington Green
New Windsor, NY 12553

Farina, Joseph R. & Elizabeth
1017 Washington Green X
New Windsor, NY 12553

Olivo, Alfredo
1018 Washington Green X
New Windsor, NY 12553

Radice, Anthony & Darlene X
1023 Washington Green
New Windsor, NY 12553

Giorgio, Louis & X
DeMaria, Louise
1024 Washington Green
New Windsor, NY 12553

Paliotta, Vincent J. & Ana X
1103 Washington Green
New Windsor, NY 12553

Paolino, Kevin J. & Karin J. X
1104 Washington Green
New Windsor, NY 12553

Hassett, Christopher &
Mendez, Deborah X
1109 Washington Green
New Windsor, NY 12553

Cunningham, William J. & Nellie M.
1110 Washington Green X
New Windsor, NY 12553

Cooper, Timothy A. & Irma X
1105 Washington Green
New Windsor, NY 12553

Trabucco, Gary J. X
273 Wall St.
Kingston, NY 12401

Kostrna, Cindy A. X
1111 Washington Green
New Windsor, NY 12553

Sorbello, Vincenzina & Vincent X
1112 Washington Green
New Windsor, NY 12553

Zummo, Louis M. &
Farrell, Kirby E. X
28 Victor Ave.
Haverstraw, NY 10927

Tuohy, Raymond J. & X
Peters, Diane M.
RDF #5, Sodom Rd.
Brewster, NY 10509

Bozzone, Louis X
c/o Commercial Offset
222 MacArthur Ave.
New Windsor, NY 12553

Palmer, Nancy Davitt X
c/o Nancy Davitt-McCormick
1718 Flamingo Dr.
Orlando, FL 32803

Wood, III Ray Ophus X
1115 Washington Green
New Windsor, NY 12553

Zumbo, John P. &
Grodnick, Karen S.
RD #4, Box 500, Shore Dr. X
New Windsor, NY 12553

Herbert, Bonnie X
1121 Washington Green
New Windsor, NY 12553

Ricci, Raymond & Joanne X
1122 Washington Green
New Windsor, NY 12553

Biglin, Muriel X
1117 Washington Green
New Windsor, NY 12553

DiGregorio, Sondra X
1118 Washington Green
New Windsor, NY 12553

Izer, Robert H. &
Skalski, Patricia A. X
1123 Washington Green
New Windsor, NY 12553

Ganzler, Joseph & Julia X
1124 Washington Green
New Windsor, NY 12553

Mataraza, Diane L. X
The Dupont East #913
1545 18th St., NW
Washington, DC 20036

Andrews, Kim M. X
1120 Washington Green
New Windsor, NY 12553

Smalec, Christine A. X
1125 Washington Green
New Windsor, NY 12553

Kahn, Philip J. & Paula M. X
1126 Washington Green
New Windsor, NY 12553

Wagner, Roy E. X
1127 Washington Green
New Windsor, NY 12553

Prandato, Peter & Gina X
1128 Washington Green
New Windsor, NY 12553

Greene, Carl W. X
1133 Washington Green
New Windsor, NY 12553

Gengo, John R. & Laurie X
1134 Washington Green
New Windsor, NY 12553

Kelly, James X
1129 Washington Green
New Windsor, NY 12553

Wendel, William C. Jr. X
1130 Washington Green
New Windsor, NY 12553

Donath, Eric & Mariel X
14 Magnolia Rd.
Scarsdale, NY 10583

Zanghi, John & Yolanda X
1136 Washington Green
New Windsor, NY 12553

DiLorenzo, Anthony J. X
8 Muskett Dr.
New Windsor, NY 12553

Biagiotti, Julie X
1132 Washington Green
New Windsor, NY 12553

Williams, Charles W. & Kristine E. X
1137 Washington Green
New Windsor, NY 12553

Sullivan, Lorraine X
1138 Washington Green
New Windsor, NY 12553

Smith, Leonard A. & Janet X
1139 Washington Green
New Windsor, NY 12553

Warren, Barbara X
1140 Washington Green
New Windsor, NY 12553

Chutorian, Leslie & X
Sandra & Tracy
151 Lowell St.
Palo Alto, CA 94301

Seneca, Carole X
2 Frozen Ridge Rd.
Newburgh, NY 12550

Louks, Gregory H. & Sharon S. X
1141 Washington Green
New Windsor, NY 12553

Laura, Karin X
1147 Washington Green
New Windsor, NY 12553

Kupferman, Arthur & April X
48 Lyncrest Ave.
New City, NY 10956

Vinett, Stephen & X
Shanahan, Anne M.
5 Summerville Rd.
Goshen, NY 10924

Sarcka, David & Elizabeth X
1144 Washington Green
New Windsor, NY 12553

Gaspar, Jr. Jose R. X
1149 Washington Green
New Windsor, NY 12553

Megyesi, Rosemarie & Donna X
1150 Washington Green
New Windsor, NY 12553

Stern, Woodrow & Rosemary X
1151 Washington Green,
New Windsor, NY 12553

Kissam, Michael & Helen F. X
1152 Washington Green
New Windsor, NY 12553

Huelbig, Greg & Christine X
1157 Washington Green
New Windsor, NY 12553

Clemen, Judith & X
Luppino, Deborah &
Demilt, Susan
574 Colonial Rd.
Rivervale, NJ 07675

Mirabal, Jose L. & Gloria X
1153 Washington Green
New Windsor, NY 12553

Palko, Sandra T. & X
McGrath, Kevin M.
1154 Washington Green
New Windsor, NY 12553

McKnight, Daniel S. & X
Certo, Michelle L.
1159 Washington Green
New Windsor, NY 12553

Cherry, William A. X
1160 Washington Green
New Windsor, NY 12553

Lincoln, Randall & Joann T. X
1155 Washington Green
New Windsor, NY 12553

Riguzzi, Rosanne X
1156 Washington Green
New Windsor, NY 12553

Bastone, Paul S. Jr. & X
Collins, Valerie M.
2 Emily Lane
Stony Point, NY 10980

Delvecchio, Dominick & Romelia B. X
1162 Washington Green
New Windsor, NY 12553

O'Keefe, Denis &
Grom, Brigitte X
1163 Washington Green
New Windsor, NY 12553

D'Aquino, Josephine &
Zimbardo, Madeline X
c/o Adeline & Peter Colucci
1164 Washington Green
New Windsor, NY 12553

Hyams, Richard & Lisa X
1169 Washington Green
New Windsor, NY 12553

Rodriguez, Joseph A. X
1170 Washington Green
New Windsor, NY 12553

Mollahan, John F. Jr. & Margaret A. X
1165 Washington Green
New Windsor, NY 12553

Siano, Michael J. X
1166 Washington Green
New Windsor, NY 12553

Miravalle, Jr. Robert J. X
HQ 5 USAREUR
CMR 5 420 5
BOX 5 1545
APO 5 AE 09063

Bloomer, Jr. William & X
Benjou, Gina M.
1172 Washington Green
New Windsor, NY 12553

Williams, Russell G. & X
Ciocca, Maria G.
666 Ackerman Ave.
Westwood, NJ 07675

Hoyt, Kevin R. X
1168 Washington Green
New Windsor, NY 12553

Keahon, Shawn M. X
1173 Washington Green
New Windsor, NY 12553

Baxter, Stuart D. X
1174 Washington Green
New Windsor, NY 12553

Thatcher, Kathleen Ann X
1025 Washington Green
New Windsor, NY 12553

Freigenberg, Sylvia X
1026 Washington Green
New Windsor, NY 12553

Fry, David X
PO Box 4556
New Windsor, NY 12553

Sliter, Dawn E. & X
Termini, William B.
1032 Washington Green
New Windsor, NY 12553

Evans, Robert A. & Lydia T. X
1027 Washington Green
New Windsor, NY 12553

Talbot, Matthew J. X
1028 Washington Green
New Windsor, NY 12553

Dudderar, Jody X
1033 Washington Green
New Windsor, NY 12553

Marotta, Michael & Florence X
1034 Washington Green
New Windsor, NY 12553

Reitman, Robert N. X
1029 Washington Green
New Windsor, NY 12553

Hack, Brian E. & Angelina X
1030 Washington Green
New Windsor, NY 12553

86
Bergamini, Margaret J. X
1035 Washington Green
New Windsor, NY 12553

Lissauer, Lawrence D. X
1036 Washington Green
New Windsor, NY 12553

Klugerman, Joseph & Virginia L. X
1037 Washington Green
New Windsor, NY 12553

Peterson, Alfred H. & Kathleen M. X
1038 Washington Green
New Windsor, NY 12553

Shea, Marian H. X
1043 Washington Green
New Windsor, NY 12553

Manzo, Jennie X
1044 Washington Green
New Windsor, NY 12553

Moller, Eric G. & Patricia L. X
1039 Washington Green
New Windsor, NY 12553

Craig, Joseph B. & Alice F. X
1040 Washington Green
New Windsor, NY 12553

Montgomery, William M. & Josephine S. X
1045 Washington Green
New Windsor, NY 12553

Halbreich, Ronald P. & X
Seckans, Articia
1046 Washington Green
New Windsor, NY 12553

Singh, Kapil Mohan & Sukhvinder Kaur
1041 Washington Green X
New Windsor, NY 12553

Tramm, John M. & X
Gettings, Sharon M.
1042 Washington Green
New Windsor, NY 12553

Kahn, Jason X
1047 Washington Green
New Windsor, NY 12553

Zadwydas, Allan & Lucille X
1048 Washington Green
New Windsor, NY 12553

Smith, Carol R. X
1049 Washington Green
New Windsor, NY 12553

Babcock, Clara R. X
1050 Washington Green
New Windsor, NY 12553

Fischer, Thomas J. & Joyce X
1055 Washington Green
New Windsor, NY 12553

Crossley, Donna L. X
1056 Washington Green
New Windsor, NY 12553

Moore, Laurie A. X
1051 Washington Green
New Windsor, NY 12553

Barcia, John B. & Ida X
1052 Washington Green
New Windsor, NY 12553

Shafer, Marlene R. X
1057 Washington Green
New Windsor, NY 12553

Modonna, Anthony & Marie X
1058 Washington Green
New Windsor, NY 12553

Bleimann, Gregor E. X
1053 Washington Green
New Windsor, NY 12553

Weiner, Linelle R. & Mitchell G. X
1054 Washington Green
New Windsor, NY 12553

Pileggi, Jr. Dominick A. &
Peloso, Melissa M. X
1059 Washington Green
New Windsor, NY 12553

Croctic, Sarah A. & Mary V. X
1060 Washington Green
New Windsor, NY 12553

Cappuccilli, Matthew & Rosa Maria X
1061 Washington Green
New Windsor, NY 12553

Allegra, Salvatore & Lisa Ann X
1062 Washington Green
New Windsor, NY 12553

Malley, Barbara X
1063 Washington Green
New Windsor, NY 12553

Emrich, Gordon & Joanne X
1064 Washington Green
New Windsor, NY 12553

Barnwell, Curtis & Collettera X
1069 Washington Green
New Windsor, NY 12553

Roberts, Ronald G. & Sheridan X
1070 Washington Green
New Windsor, NY 12553

O'Neill, William A. & Alene J. X
1071 Washington Green
New Windsor, NY 12553

Mantz, Michael Z. X
1072 Washington Green
New Windsor, NY 12553

Fairbrother, William V. & Irene M. X
1199 Washington Green
New Windsor, NY 12553

Pobega, Mario X
1200 Washington Green
New Windsor, NY 12553

Pezzello, Joseph &
Schultz, Alissa X
1201 Washington Green
New Windsor, NY 12553

Fodor, Kerri X
1202 Washington Green
New Windsor, NY 12553

Shikari, Zohair A. & Aziza A. X
1099 Washington Green
New Windsor, NY 12553

Freeman, John J. Jr. & Phyllis R. X
1100 Washington Green
New Windsor, NY 12553

Dumoulin, Susan D. X
1101 Washington Green
New Windsor, NY 12553

Sarff, Barbara Jean X
1102 Washington Green
New Windsor, NY 12553

Brunetto, Joseph E. & Robyn K. X
1175 Washington Green
New Windsor, NY 12553

Vanderoef, Raymond B. & Joyce B. X
1176 Washington Green
New Windsor, NY 12553

Robertson-Sasso, Linda X
1181 Washington Green
New Windsor, NY 12553

Schiller, Jonathan &
DeAnne Gleeson Schiller X
1182 Washington Green
New Windsor, NY 12553

Aulogia, Louis & Elaine X
1177 Washington Green
New Windsor, NY 12553

Astrab, Russell J. X
1178 Washington Green
New Windsor, NY 12553

Gonzalez, Leo X
1183 Washington Green
New Windsor, NY 12553

Grunfeld, Audrey
1184 Washington Green
New Windsor, NY 12553

Whitehead, Shawn
1179 Washington Green
New Windsor, NY 12553

Vargas, Eddie Jr. & Janna J.
1180 Washington Green
New Windsor, NY 12553

Cruz, Kelvin & Carmen I.
1185 Washington Green
New Windsor, NY 12553

McLaren, Michael J. &
Campo, Dina C.
1186 Washington Green
New Windsor, NY 12553

Reis, Mary M. & Lawrence
1187 Washington Green
New Windsor, NY 12553

Kearney, Mildred
1188 Washington Green
New Windsor, NY 12553

Napoli, Timothy &
Soderblom, Sharon A.
1193 Washington Green
New Windsor, NY 12553

Dunn, Gaylord J. & Dorothy G.
1194 Washington Green
New Windsor, NY 12553

Boyes, Rosemary A. & Stanley M.
1204 Washington Green
New Windsor, NY 12553

Davis, Jacqueline L. &
Iannucci, Philip Jr.
1190 Washington Green
New Windsor, NY 12553

Volpe, Nancy &
Ferina, Tillie
1195 Washington Green
New Windsor, NY 12553

George J. Hippeli Revocable Trust
c/o G. Hippeli & Carole Potter, Trustees
1196 Washington Green
New Windsor, NY 12553

Scollan, Maureen F.
1191 Washington Green
New Windsor, NY 12553

Linhares, Robert E. & Linda J.
1192 Washington Green
New Windsor, NY 12553

LaGasse, Dale J. &
Cross, Geraldine F.
1197 Washington Green
New Windsor, NY 12553

Valentine, William & Anna L.
1198 Washington Green
New Windsor, NY 12553

Higgins, Lillian T. & Francis A.
1079 Washington Green
New Windsor, NY 12553

Mellimo, Anthony E. Jr. & Michelle
1086 Washington Green
New Windsor, NY 12553

Altiera, Ella
1082 Washington Green
New Windsor, NY 12553

Traub, Helen S.
1077 Washington Green
New Windsor, NY 12553

Fernandez, Santiago & Maria
1078 Washington Green
New Windsor, NY 12553

Segre, Gary S. X
1073 Washington Green
New Windsor, NY 12553

Boyd, Glenn P. & Cynthia R. X
1074 Washington Green
New Windsor, NY 12553

Martin, Fred M. & Jean F. X
1075 Washington Green
New Windsor, NY 12553 200

Knipp, Michael &
Rabbitts, Cheryl X
1076 Washington Green
New Windsor, NY 12553

McCall, Richard R. & Virginia G.
1065 Washington Green
New Windsor, NY 12553 duplicate

McCall, Richard R. & Virginia G.
1066 Washington Green
New Windsor, NY 12553 X

DeLuccia, James J. & Eileen X
1067 Washington Green
New Windsor, NY 12553

Thompson, Charles & Arlene X
6 Spring Rock Rd.
New Windsor, NY 12553

Diks, Robert K. & Maureen E. X
1203 Washington Green
New Windsor, NY 12553

Boyes, Rosemary A. & Stanley M.
1204 Washington Green
New Windsor, NY 12553

Diamonti, Albert F. & Maria N.
1205 Washington Green
New Windsor, NY 12553 X

Evans, Dean &
O'Malley, Joseph D. X
1207 Washington Green
New Windsor, NY 12553

White, Arthur & Darlene
1208 Washington Green
New Windsor, NY 12553

Lopez, John E. & Mary Ann
1209 Washington Green
New Windsor, NY 12553

Cunnane, Sean P.
1119 E. 15th St.
Brooklyn, NY 11230

Warren, Glenn E.
1091 Washington Green
New Windsor, NY 12553

Pana-Sarmiento, Roberto P. & Remedios
1092 Washington Green
New Windsor, NY 12553

Jaworski, Margaret M. & Edmund J.
1093 Washington Green
New Windsor, NY 12553

Goldberg, Charles
1094 Washington Green
New Windsor, NY 12553

Ruggiero, Gaetna
1095 Washington Green
New Windsor, NY 12553

Morriss, Angela N.
1096 Washington Green
New Windsor, NY 12553

DeStefano, Donald &
Gargiulo, Anthony C.
1097 Washington Green
New Windsor, NY 11553

Federico, Samuel A. Sr. &
Caputo, Phyllis R.
1098 Washington Green
New Windsor, NY 12553

Pls. publish on Aug. 24th - 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. 20

Request of Basilio & Nancy Colon

for a VARIANCE of the Zoning Local Law to permit:

Construction of one-car garage w/ insufficient front yard;

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

for property situated as follows:

259 Vails Gate Heights Drive, New Windsor,
N.Y. 12553

known as tax lot Section 71 Block 1 Lot 62.

SAID HEARING will take place on the 12th day of Sept., 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.

^{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.

^{N/A.} (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____.

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>35</u>	<u>4ft</u>	<u>31ft.</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:

The proposed garage will not have an adverse effect on the physical or environmental conditions in the neighborhood. On the contrary, the garage will follow the same physical and architectural design as the house including siding. This will enhance the physical appearance of the full structure and the corner lot. The garage will be added protection for cars during winter as that curbe has caused us to (You may attach additional paperwork if more space is needed) have to replace

over

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	_____	_____	_____

(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)

STATE OF NEW YORK, COUNTY OF Orange

SS:

STATE OF NEW YORK, COUNTY OF

SS:

On the 24th day of May 19 84, before me personally came SHARON F. STARNES

On the day of 19, before me personally came LIBER 2287 PG 862

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

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

Betty Jule Gilbert
Notary Public

BETTY JULE GILBERT
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN DUTCHESS COUNTY
COMMISSION EXPIRES MARCH 30, 1986

STATE OF NEW YORK, COUNTY OF

SS:

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.

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 is the of

that he knows

, 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.

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.

12-4-84

Notary Public

BETTY JULE GILBERT
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN DUTCHESS COUNTY
COMMISSION EXPIRES MARCH 30, 1986

STATE OF NEW YORK, COUNTY OF

SS:

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

that he is the _____ of _____

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

STATE OF NEW YORK, COUNTY OF

SS:

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

that he knows _____

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

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. H 327168-0

SHARON F. STARNES,

TO

BASILIO COLON and
NANCY COLON, his wife.

SECTION 71

BLOCK 1

LOT 62

COUNTY OR TOWN *ORANGE*

272-14-2

RECORD AND

RETURN BY MAIL TO:

SCOTT & SCHECHTMAN, ESQS.
178 Grand Street
Newburgh, NY, 12550

Zip No.

Shirley Abbot

Reserve this space for use of Recording Office.

RECEIVED
\$ *272.00*
REAL ESTATE
JUN 8 1984
TRANSFER TAX
ORANGE
COUNTY *ok*

Orange County Clerk's Office, S.S.

Recorded on the _____ day

of *June 19 84* at *9:30*

o'clock *A.* M. in Liber *2057*

at page *800*

and Examined.

Miriam S. Murphy

6106

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.

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:


SHARON F. STARNES

LIBER 2287 PG 861

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

THIS INDENTURE, made the 24th day of May, nineteen hundred and eighty-four.

BETWEEN SHARON F. STARNES, residing at No. 259 Vails Gate Heights Drive,
Town of New Windsor, Orange County, New York, 12550,

272w

party of the first part, and

BASILIO COLON and NANCY COLON, his wife, both residing at
No. 219 McArthur Avenue, Town of New Windsor, Orange County, New York,
12550,

14w

party of the second part,

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

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

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

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

Sec 71
alt 1
lot 62

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being in the Town of New Windsor, County of Orange and State of New York,
known and designated as Lot No. 1 in Block A, on a certain map entitled, "Old
Windsor Estates, Town of New Windsor, Orange County, N.Y.", dated April 20, 1965,
made by Henry Horowitz, and filed in the Office of the Clerk of Orange County
on December 3, 1965, in Book 4 of Maps at Page 40, as Map No. 2172.

TOGETHER with an easement for street purposes over the street shown
on said map to the nearest public highway.

RESERVING expressly the fee title to the street lying in front of the
above described lot for the sole purpose that the said street will be conveyed
to the Town of New Windsor, Orange County, New York and dedicated as a public
highway.

SUBJECT to a drainage easement 10 feet in width affecting the rear
of the above described premises.

SUBJECT to easements, agreements, covenants and restrictions of
record, if any.

SUBJECT to any state of facts an accurate survey of the premises
would show.

BEING the same premises as described in that certain deed dated
July 28th, 1983 made by Frederic M. Huff and Josephine L. Huff, his wife,
to Sharon F. Starnes, the grantor herein, and recorded in the Orange County
Clerk's Office on July 28th, 1983 in Liber 2257 of Deeds at Page 960.

COLON, NANCY- SECOND PRELIMINARY

MR. NUGENT: Request for 31 ft. front yard set back to construct an attached one-car garage at 259 Vails Gate Heights Drive in an R-5 zone.

Mr. and Mrs. Colon appeared before the board for this proposal.

MRS. COLON: This is the second time here so I agree with you, you don't have to do this twice. We have decided on a smaller, you suggested a smaller garage and so we're going to go for the 16 foot instead of the 24 foot. That is pretty much it. Everything else is pretty much the same. Everything else is the same except we had an architect made 8 copies, all right, I already handed them in. Also survey map we had done because there wasn't one done on our house. We had an architect do a sketch for us. So everything else is the same, just that it's a little smaller.

MR. NUGENT: Garage is actually going to come right on the side of the building.

MRS. COLON: Yes, attached.

MR. NUGENT: So you will be able to walk into your rear yard.

MRS. COLON: Yes, yes.

MR. NUGENT: Actual property line is only 20 foot 8?

MR. KANE: What's over here right now?

MRS. COLON: Nothing, just woods.

MR. KANE: This is intended to be a road they stopped right here, this is the end of the pavement.

MRS. COLON: It's all woods and there's cement things so the cars can't go over it.

MRS. BARNHART: Mr. Chairman, Mr. and Mrs. Colon border, happen to reside within 500 feet of Washington

Green which makes it very difficult. They got their list already there's 220 names and addresses on this list so I called Andy Krieger to find out if there was any kind of ruling. I know the last ruling we got was an opinion by our previous attorney and you want to tell the board members what you said?

MR. KRIEGER: It's my feeling that the requirement is that they notify property owners within 500 feet. That doesn't mean that if you touch the condo, you have to instantly notify everything in the condo, only those property owners within the 500 feet. Because they are considered separate, each of them are considered separate property owners. But because they are property owners, you can't simply notify the board of managers cause they don't own those properties. You would have to notify the board of managers, if there's any common area within 500 feet, even though there may be common area outside but it's my feeling that you have to notify property owners within 500 feet. I don't see any authority for making distinctions among property owners between those who owned detached single-family houses and those who own condos.

MR. TORLEY: Do our tax records so specify that that list would be accessible?

MR. KRIEGER: It would be accessible cause each condo has a separate deed and has to be assigned a separate section. Block and lot number. So unfortunately, because the physical construction, it can produce a lot of names but as I say, I don't see how you can simply distinguish and I don't see where the law allows you to have two classes of notices.

MR. LANGANKE: Can't you put a notification in the paper?

MRS. BARNHART: It is in the paper.

MR. KRIEGER: Both notify in the paper and mail notification. In the paper is no problem because that is one notification and that one--

MR. LANGANKE: Does it have to be certified?

August 8, 1994

6

MR. TORLEY: No but there are 220, those 220 names reflect everybody in the condo.

MRS. BARNHART: Everybody.

MR. NUGENT: What you're saying is that they are not all 500 feet?

MR. KRIEGER: It was my understanding that it could be distinguished as to those who are within 500 feet. In other words, the fact that they happen to be property owners within a certain condo is no more relevant than if they were property owners within a certain subdivision. The law requires notification within 500 feet and it was my understanding that for the reasons that I gave you that the tax assessor could distinguish those that were within 500 feet, I don't know that to be the case. I just was told that was the case. And I believe that to be true.

MR. NUGENT: So what you're saying is that they could possibly not have to send out 220?

MR. KRIEGER: Well--

MR. NUGENT: Could it be considerably less?

MR. KRIEGER: Could be, I don't know what that list encompasses. I mean that number is not one that I generated or have any input in.

MR. LANGANKE: Somebody has to be responsible for giving the correct names as to who has to be notified.

MR. KRIEGER: But it's the 500 foot circle that is the determining factor, not the fact that they are--

MRS. BARNHART: This is the list of the whole unit, all of them, plus all the other property owners.

MR. TORLEY: I would, my feeling has been for a long time that when you have such a circumstance of a condo or apartment house or something co-op next to you that it should be sufficient notice that you may notify the

management group.

MR. KRIEGER: No, I have argument about what should be the case and I'm not personally very enthusiastic about what I have found to be the case but if that is the case, that is it, I don't see any.

MR. TORLEY: Do you have the citation for that, I don't look at that very often.

MR. KRIEGER: It's not within our code, it's a question of--

MRS. BARNHART: It's in the procedures.

MR. KRIEGER: It's a question in which state law overrides.

MR. NUGENT: I for one we have gone around on this for many, many years, I for one are not objecting to them going only to the ones that are within 500 feet, not going to everyone in the whole condo.

MR. LANGANKE: I think we all agree with that but what Andy is saying is that the list as submitted includes all those names. Now, who is going to say which names are within 500 feet and for us who to say that they don't have to do that could jeopardize the findings of the legality of the whole decision.

MR. KRIEGER: It leaves an opening that somebody challenging it would very likely be successful on that, that procedural item alone. So it would create an Achilles heel, if you would.

MR. TORLEY: If the property that was next to them say happened to be a corporately-owned piece of property, by your statement that they should notify every owner, they should have to notify every stockholder.

MR. KRIEGER: No, each stockholder does not own part of the property. A corporation is considered a separate person in the eyes of the law so if you have a property owned by for example by the XYZ Corporation which has for the purposes of illustration, let me say, is 20

shareholders. Those 20 shareholders do not own 1/20 of the property. Those 20 shareholders own 1/20 of the corporation. It's the corporation that owns the property so there'd only be one notification. That is to the record property owner which in my hypothesis is the XYZ Corporation. Where condos become a problem is that each unit is separately owned. It has a separate section, block and lot. It receives a separate tax bill and that makes it different from the, if it were an apartment complex, for instance, then you would only, even though it was a huge apartment complex, you'd only have to make one notification because there'd only be one owner.

MR. TORLEY: Unless it's a co-op.

MR. KRIEGER: Even if it were a co-op probably make only one notification because owners in a co-op don't own real property. They own shares of stock. So a co-op is much more like the corporation example which I just gave. Condos work differently because there's no separate ownership.

MR. TORLEY: What you're saying they have to go back to the assessor and have the assessor so specify which of the buildings is within 500 feet.

MR. LANGANKE: Who verifies the mailing of the list?

MSS. BARNHART: I do.

MR. TORLEY: Based on the assessor's list.

MRS. BARNHART: I have to check every envelope against the list and make out an Affidavit of Mailing.

MR. KRIEGER: If the list is wrong then it creates a weakness but it's a weakness procedurally.

MR. LANGANKE: I don't think there's anything we can do.

MR. KRIEGER: I don't see any way we can safeguard against it.

August 8, 1994

9

MR. TORLEY: This is not in our Town Code, this is in the State Law.

MR. KRIEGER: Matter of State Law, yes, and to the extent that our Town Code is inconsistent with the State Law, it's the State Law which would control.

MR. LANGANKE: Just consider part of your building cause if you take shortcuts, you're just jeopardizing the whole procedure, you're going through it maybe for nothing so it's the law.

MRS. COLON: It's unfortunate we had to have the survey done it's \$500 and the survey plus the fees that are here, we're going to do \$1500 without putting a shovel in the ground yet.

MR. KRIEGER: If they gave them all the names in the condo, they gave them too many probably because it's my understanding that the 500 foot line in this case goes through the condo.

MRS. BARNHART: This is the procedure they were used to because of the previous board attorney that was his ruling he said that everyone in the condo unit had to be notified.

MR. KRIEGER: Well, I don't see, quite frankly, I don't see where the law would permit a distinction, as I said between condo owners and single property owners and that works both ways. Condo owner by virtue of the fact that they own a condo is not entitled to less notice nor are they entitled to more notice which would be notice of beyond 500 feet.

MR. NUGENT: Also getting hit with Vails Gate Heights Drive because they are an adjoining piece of property too.

MR. LANGANKE: Can't they request from the assessor a list of names within 500 feet to the best of their ability explaining the problem?

MR. NUGENT: We don't know that they didn't do that.

MR. KRIEGER: The answer to your question, if it's addressed to me, the answer to your question is I don't know. I was told that that could be done, I don't know that for a fact.

MR. LANGANKE: I would ask the people is this what you did or did you give me the names of everybody?

MRS. COLON: Everybody she told me it was everything cause she says it touches one of the condos or part of the Washington Green condos so therefore, you're going to have to notify everybody.

MR. LANGANKE: Well, that is wrong.

MRS. COLON: They are not all connected. There are streets between them.

MR. LANGANKE: So what our lawyer is saying it's within 500 feet so I would be before mailing that list, go to the assessor and ask her what was done.

MRS. COLON: Okay.

MR. KRIEGER: Yes, I'm sure that the list will be larger than normal but it may reduce that level.

MR. TORLEY: Andy, it might help if you think we should make that as a motion here as our interpretation or is a letter from you sufficient?

MR. KRIEGER: Well, I don't think, no, I think letter is sufficient, if that is what the tax assessor needs, I will be happy to do that. Just like the Town Code can't override the State Law nor can any motion made by a local Zoning Board effect this requirement because it's a legal requirement that is imposed.

MR. KANE: We are not affecting, we're defining.

MR. TORLEY: Asking for our opinion.

MR. KRIEGER: I don't think there's anything wrong with making such, well, in terms of an opinion, do you want an opinion from the tax assessor?

MR. TORLEY: No.

MR. KRIEGER: Or do you want to simply tell the tax assessor?

MR. LANGANKE: Right because the tax assessor is going by a different version and what we're determining now is different from what they had done in the past so they have to be notified of that probably with a letter.

MR. KRIEGER: If that is what the tax assessor needs, then I'll be happy to provide that.

MRS. BARNHART: Okay.

MR. KRIEGER: I don't see where you hurt anything by a motion but I don't think that it will add anything.

MR. TORLEY: If it is necessary, we'll do it.

MR. KANE: Go back to the tax assessor, let her know what happened here and if she needs a letter from Andy to verify that, it will be produced.

MR. KRIEGER: I'll prepare a letter to the tax assessor regardless so that they don't get caught up in the, has this phone call been made to this person, just write the letter.

MRS. BARNHART: Put it in writing.

MR. TORLEY: I move we set Mrs. Colon up for her public hearing request for 31 foot front yard setback variance to construct one car garage at 259 Vails Gate Drive.

MR. KANE: Second that motion.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

COLON, BASILIO

MR. NUGENT: Request for 27 ft. front yard variance to construct two-car garage attached to residence on corner lot at 259 Vails Gate Heights Drive in R-5 zone.

Mrs. Basilio appeared before the board for this proposal.

MRS. BASILIO: I had a map survey done so the variance would have to be for 24.27 feet.

MR. NUGENT: You have to see Mike cause he's got to change the numbers, the number changer.

MRS. BASILIO: Originally, you said I needed 27 foot variance but actually it's 34.2 feet because after we had the map done, according to our map, survey map, and although it's the side of our house, it's because it's corner.

MR. NUGENT: Let them have one there.

MR. BABCOCK: Ma'am, you're going to go within a foot of that property line.

MRS. BASILIO: I believe so, according to the map. Now our fence is not there though our fence is according to us the fence is about eight feet beyond where the garage will go.

MR. BABCOCK: Your fence is actually on Town property.

MRS. BASILIO: Right, it is. This is not actually a road, this is that corner where it goes back to the railroad tracks, Continental Manor.

MR. BABCOCK: For looking at this application, it is a road, considered a road and that is the requirements that you have to go by. Do you see that survey, Mr. Chairman?

MR. NUGENT: Yeah.

MR. BABCOCK: If she's asking for--

MR. NUGENT: Dotted line is the proposed garage?

MR. BABCOCK: No, there's no location of the proposed garage on there.

MRS. BASILIO: It would be, it goes this way, so it would be here.

MR. BABCOCK: They are attached to the house 20 feet over.

MR. BABCOCK: They are asking to be eight inches off the property line.

MRS. BASILIO: This is 22.8, it would be 27 feet.

MR. BABCOCK: You're asking to put a 20 foot garage up?

MRS. BASILIO: Yes.

MR. NUGENT: What's on the other side of this, this is Forge Hill Road?

MRS. BASILIO: Yeah, this is like wetlands and then there's a railroad track behind the property. There's no houses right from Washington Green is over here, I can't put it on the other side, I don't have enough room at all and the house, there are houses all the way down the street. I can't put it here either.

MR. NUGENT: How big is the garage?

MRS. BASILIO: 20 by 24.

MR. BABCOCK: Was there originally a garage underneath this house or this house never had a garage?

MRS. BASILIO: No, it's never had a garage.

MR. NUGENT: You see where they are going to put it?

MR. KANE: Yeah, right on the side where the concrete walk is.

June 13, 1994

12

MR. NUGENT: Yes.

MRS. BASILIO: Right directly beyond where the driveway is.

MR. NUGENT: Stockade fence is not on your property?

MRS. BASILIO: No, it is not.

MR. NUGENT: That is in the right-of-way?

MR. BABCOCK: That is correct.

MR. HOGAN: It's in the street?

MR. BABCOCK: It's inside the curb line, if you see the concrete curb.

MRS. BASILIO: It's about four feet in from the curb line.

MR. KANE: The 34 foot is needed because that is that corner piece?

MR. BABCOCK: It's a 35 foot requirement because it's a front yard.

MR. KANE: So this would be considered front yard?

MR. BABCOCK: They only have 20 feet now so when they put a 20 foot addition, they'd have eight inches left to that property line.

MR. BABCOCK: That is why I haven't changed the numbers yet till the board wishes.

MR. KANE: There's nothing over here, right, if I remember?

MRS. BASILIO: There's nothing by the railroad tracks, here, I'm sorry, here's Washington Green condos.

MR. NUGENT: You can put it right in the back right up against the railroad tracks, couldn't she?

June 13, 1994

13

MR. BABCOCK: Yes.

MRS. BASILIO: This is over.

MR. NUGENT: We don't have eight foot available, we have eight inches available.

MR. BABCOCK: Yes, we had went by a tax map and I think we scaled it off there now she's come in with her survey, she just recently got that.

MRS. BASILIO: I had to get a map survey done because we didn't have one.

MR. KANE: Width of the garage would be 20 foot?

MR. BABCOCK: Yes.

MR. NUGENT: No matter what garage you build is going to need a variance.

MR. BABCOCK: That is correct, no matter what, one car, two car, whatever because her house is only 20 feet from the property line, requirement today is 35.

MR. NUGENT: Building awful close.

MRS. BASILIO: My lot isn't big enough to fit the requirements of today.

MR. BABCOCK: That is correct, they are so different from when the house was built.

MR. NUGENT: Nothing can be built on the right side either where she wants the garage, nothing will ever be built there?

MR. BABCOCK: Have to be careful, they put an overhang on the garage, they'll be hanging over the Town line.

MR. NUGENT: You won't consider one car?

MRS. BASILIO: Well, we'd prefer two-car garage.

MR. NUGENT: That puts you eight inches from the line,

June 13, 1994

14

that is really close.

MRS. BASILIO: As you said at this point, our fence is eight feet beyond that. We have been there for almost ten years and that fence was put there the same spot where the other fence was when we moved in. That is not a real road, it's not being used as a road, it's not being utilized as a road and as a matter of fact, there are two stakes so cars can't get in there, that was put in by the Town.

MR. NUGENT: This is the proposed road over in back of Washington Green?

MR. BABCOCK: Yeah, they were going to turn it into a road at one time but right over into by Continental Manor but it didn't work out.

MR. NUGENT: So it is really nothing then.

MR. BABCOCK: Yeah, ma'am, you're going to have to be careful because these plans do call for a 12 inch overhang on the roof.

MRS. BASILIO: Those are not, we, at that point, we didn't have the correct plans.

MR. BABCOCK: Well, as far as the setbacks, if you build a garage or a house, the overhangs do not count and the soffits do not count as part of the setback but in this case, overhanging the curb or the property line, I don't know so we'd have to just make sure.

MRS. BASILIO: If we need to get an architect to make the plans that would meet your requirements then we'd do so.

MR. BABCOCK: You're going to need better plans than this.

MRS. BASILIO: Those are not the correct ones there and I thought I had them in here and I didn't, I brought the brochure, I thought my husband had put them in here.

MR. BABCOCK: I just wanted to check to see if that was the case.

MR. NUGENT: What's the feelings of the board? I have a little bit of a problem being eight inches off the property line, I know she's entitled to fair use of her property.

MR. KANE: I think it's a tough one, very close to the line.

MR. LANGANKE: It's not as if that side of the house is being used or there's neighbors there or you know.

MR. NUGENT: And the road's not even in, it's only proposed, only paper road.

MR. LANGANKE: It would be different if there were neighbors there and it was a high activity side of the house, but it's not.

MR. NUGENT: And I don't want you to take into consideration the fence because two rights don't make a wrong, I mean two wrongs don't make a right, no matter what.

MR. HOGAN: I'm not sure, I'm a little, I know the road is not in use right now but God knows what the future brings and we're going to have a garage that is eight inches off the side of the road. Perhaps if somebody makes a mistake putting it up.

MR. NUGENT: It's actually further down the side of the road, it's six, seven, plus I don't know what's on the other side to the curb.

MR. HOGAN: Understood but we're talking about a 50 foot road that is Town specs.

MR. NUGENT: How far is the fence from the curb, do you know?

MRS. BASILIO: About four feet.

MR. NUGENT: More?

MRS. BASILIO: Yes, about four feet beyond the fence.

MR. NUGENT: Almost 11 foot.

MR. BABCOCK: Ten to eleven feet from the curb would be the end of the house there.

MR. NUGENT: I have a little problem, it might come back to bite us some day.

MR. HOGAN: That is the problem. It's real easy to look at this and say we all know the area, it's not used right now problem. What happens in the future?

MRS. BASILIO: It is about ten or eleven feet, it would be ten or eleven feet beyond the garage still although it is town property to the curb.

MR. KANE: It's subject to them doing whatever they feel they need to do. If they ever have to dig it up or whatever, it would be a tough situation. I don't know, my own feeling is I would take a look at if they wanted to take a look at a one-car garage, I think this is very, very tight. If you go to the property line, they always have the right to come in if they've got to dig up the road, they are going to do it. And if your garage, if it's off a little bit, that is your problem. They are just going to go right through it so that is a very tight space to work.

MR. NUGENT: Buiding two-car one in back of the other.

MRS. BASILIO: Make it deeper.

MR. NUGENT: Yeah, make it long, you have got plenty of room in the back.

MR. NOGAN: Actually in the back you have got--

MR. NUGENT: Go right up against the railroad.

MR. HOGAN: If you want to put--

MR. BABCOCK: If you detach the garage, ma'am, where it

says, see that where it says area of proposed garage the writing if she put a two-car detached garage right there, she still has a setback problem from the front yard, you know, it still projects closer to the street and then bring your driveway in off the paper road to the garage.

MRS. BASILIO: That road's not even, we'd have to put in a driveway and everything in there.

MR. BABCOCK: Yeah, right, well I'm just saying what could be done.

MR. NUGENT: You can make it longer, put the thing back there.

MR. BABCOCK: Right where it says area of proposed attached garage.

MR. KANE: That would be too close.

MR. NUGENT: If they extend road through there I mean it would be terrible.

MR. KANE: I think it's too tight.

MR. NUGENT: Do you want to go back and talk this over? We'll just postpone it for the time being. If you put it back in here, then you could move it away from the property line, if you put it back in this area.

MRS. BASILIO: Then it will be close to the--

MR. NUGENT: It will be behind it.

MRS. BASILIO: All my lawn and everything.

MS. BARNHART: Be happy you won't have to mow it.

MRS. BASILIO: It would still need the variance sideways.

MR. NUGENT: But if you could give the board more footage between the property line and the side of your garage than eight inches, I think you might be able to

sell it. But if you try to put that in so close, eight inches--

MR. KANE: Really to the property line, ma'am, we're looking at your interest too. I live in a development where they are coming in and putting sewer lines through and eight inches is awfully close.

MR. BABCOCK: Mr. chairman, we also don't know but I don't believe there is, but they have a right to put utilities, that is where the utilities would normally go between the curb and the property.

MR. KANE: That is what I am thinking of.

MR. NUGENT: What you could do, I'm not telling you what to do, I'm just making a suggestion, is make a larger than one-car garage. In other words, make it one and a half, just to give yourself some footage away from the property line and God forbid they put anything down in here.

MR. KANE: You would have no recourse, that is the Town's right.

MRS. BASILIO: Yeah, I think maybe we'll probably go with a smaller garage then, it just looks better.

MR. NUGENT: Give you some storage and room for one car.

MR. KRIEGER: Maybe one and a half, one car plus storage.

MR. NUGENT: That is what we just said. What we'll do for you tonight, we'll postpone this hearing and when you get the information that we asked on whatever you want to do, you come back and bring it to Mike and he will write you up a new denial and then when we do another preliminary meeting and then we'll go from there. I should ask for a postponement?

MR. KRIEGER: Motion to adjourn the hearing. Motion to table.

June 13, 1994

19

MR. KANE: Motion to table this Preliminary Hearing to a future date.

MR. BABCOCK: Tell me how far you're going to be.

MR. LANGANKE: Second it.

ROLL CALL

MR. KANE	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. NUGENT	AYE

