

ZB# 01-55

Jose Santos

89-4-5

Pellin.

October 27, 2001.

Public Hearing:

Nov. 24, 2001.

Interp.

One - Jan. Home.

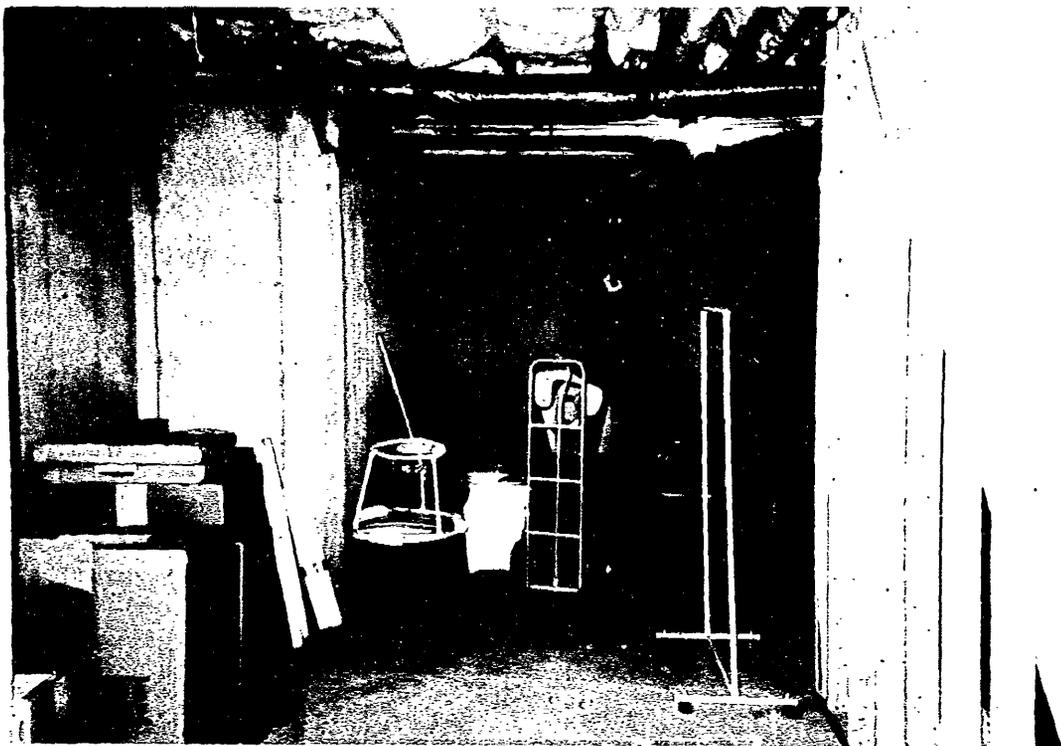
Refund \$ 176.⁰⁰

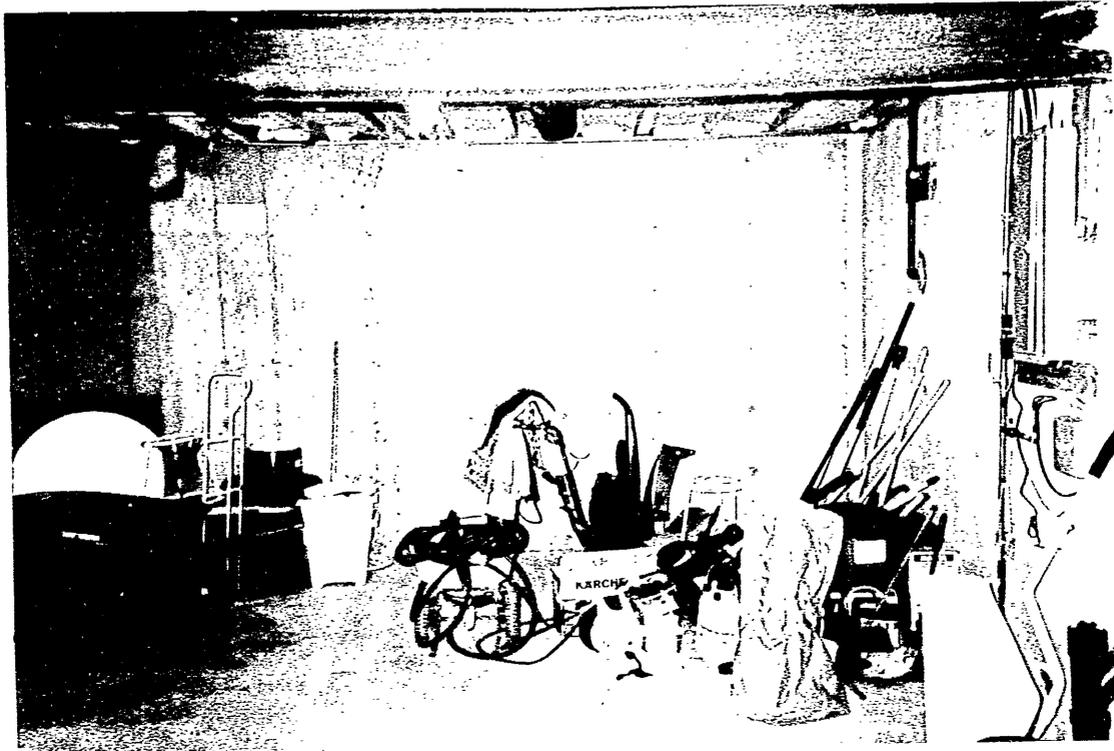
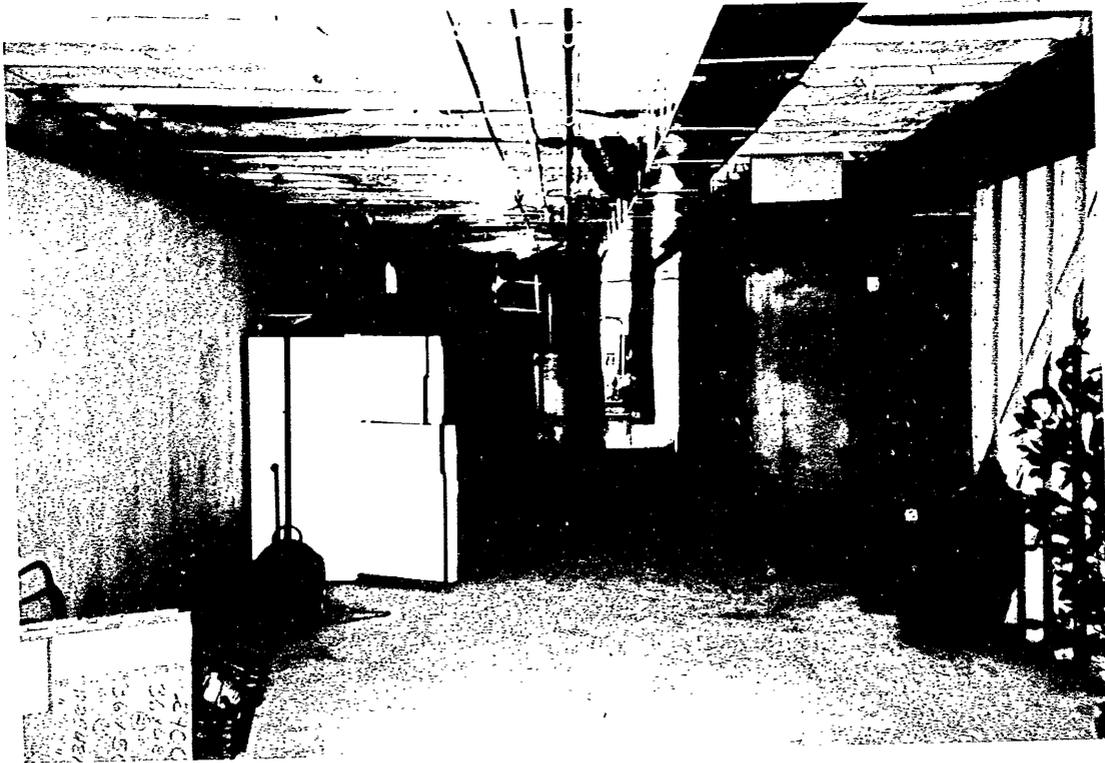
#01-55 Santos, Jose

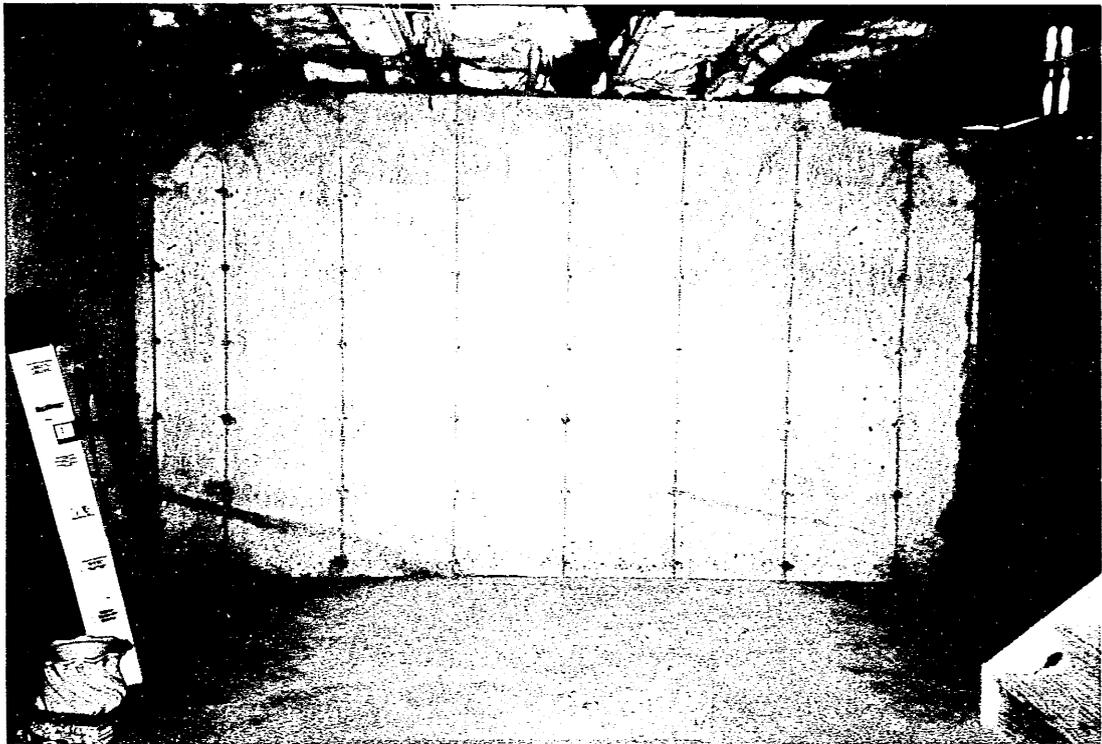
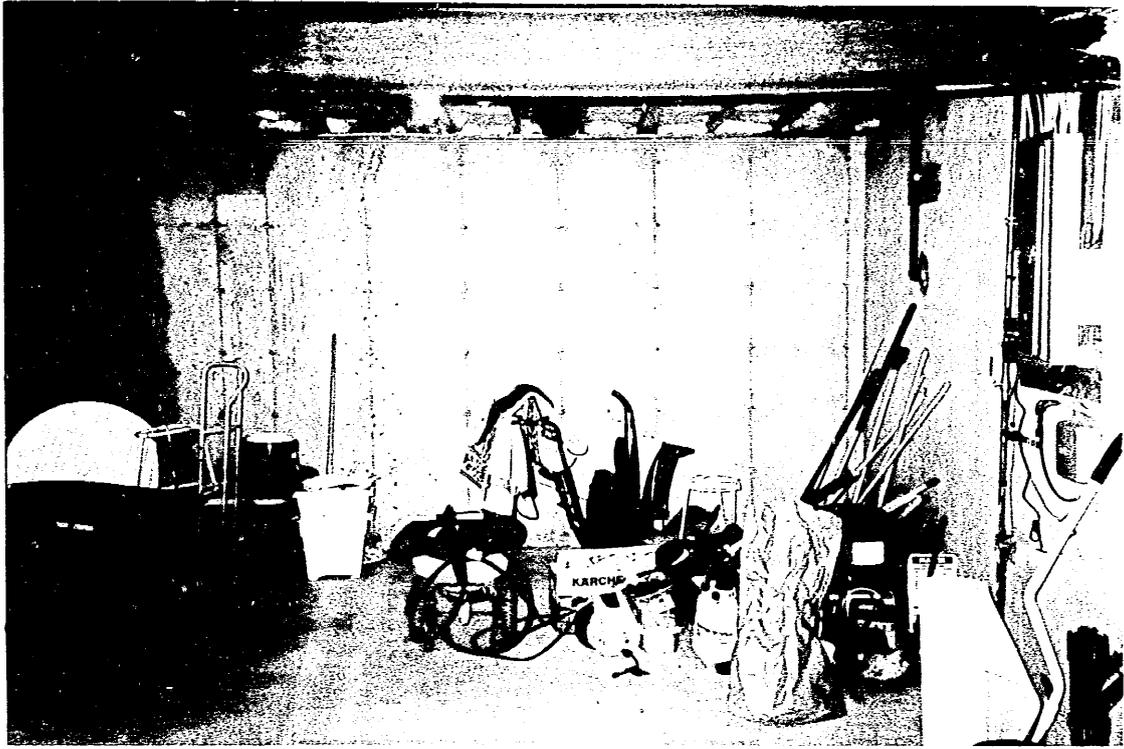
Area

89-4-5.

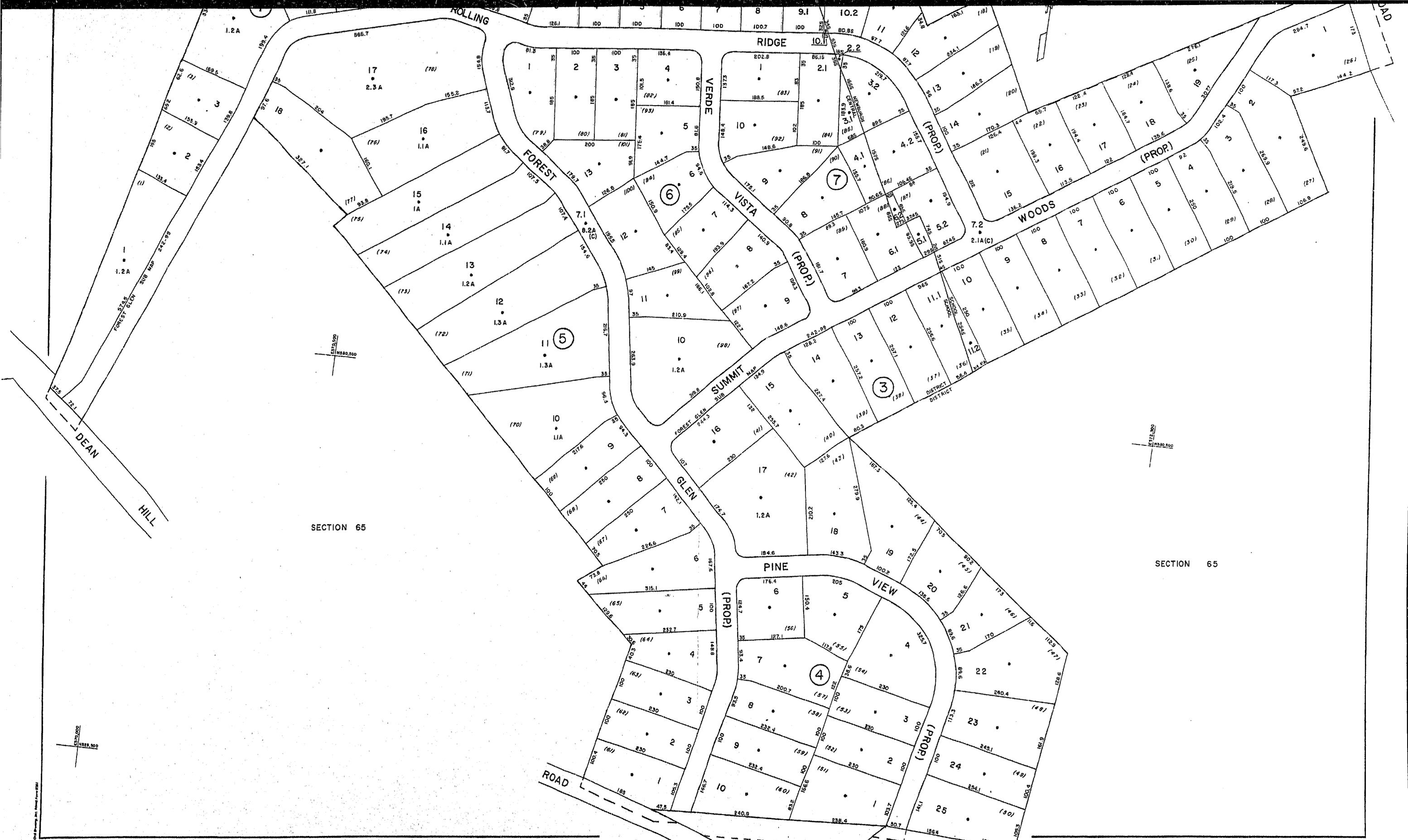








Area 89-4-5.



SECTION 65

SECTION 65

LEGEND	
STATE OR COUNTY LINE	FILED PLAN LOT LINE
CITY TOWN OR VILLAGE	SEWAGE LINE
BLOCK & SECTION LIMIT	MATCH LINE
SPECIAL DISTRICT LINE	STREAMS
PROPERTY LINE	GRID COORDINATE CENTROID
TAX MAP BLOCK NO.	TAX MAP PARCEL NO.
AREA (Acres) (11.1A, Calculated) (11.6A)	DIMENSIONS (Feet) (Solid) (Dashed)
FILED PLAN BLOCK NO.	FILED PLAN LOT NO.
STATE HIGHWAYS N.Y. STATE HWY. NO. 17	COUNTY HIGHWAYS COUNTY HWY. NO. 4
TOWN ROADS TOWN NO. 1	

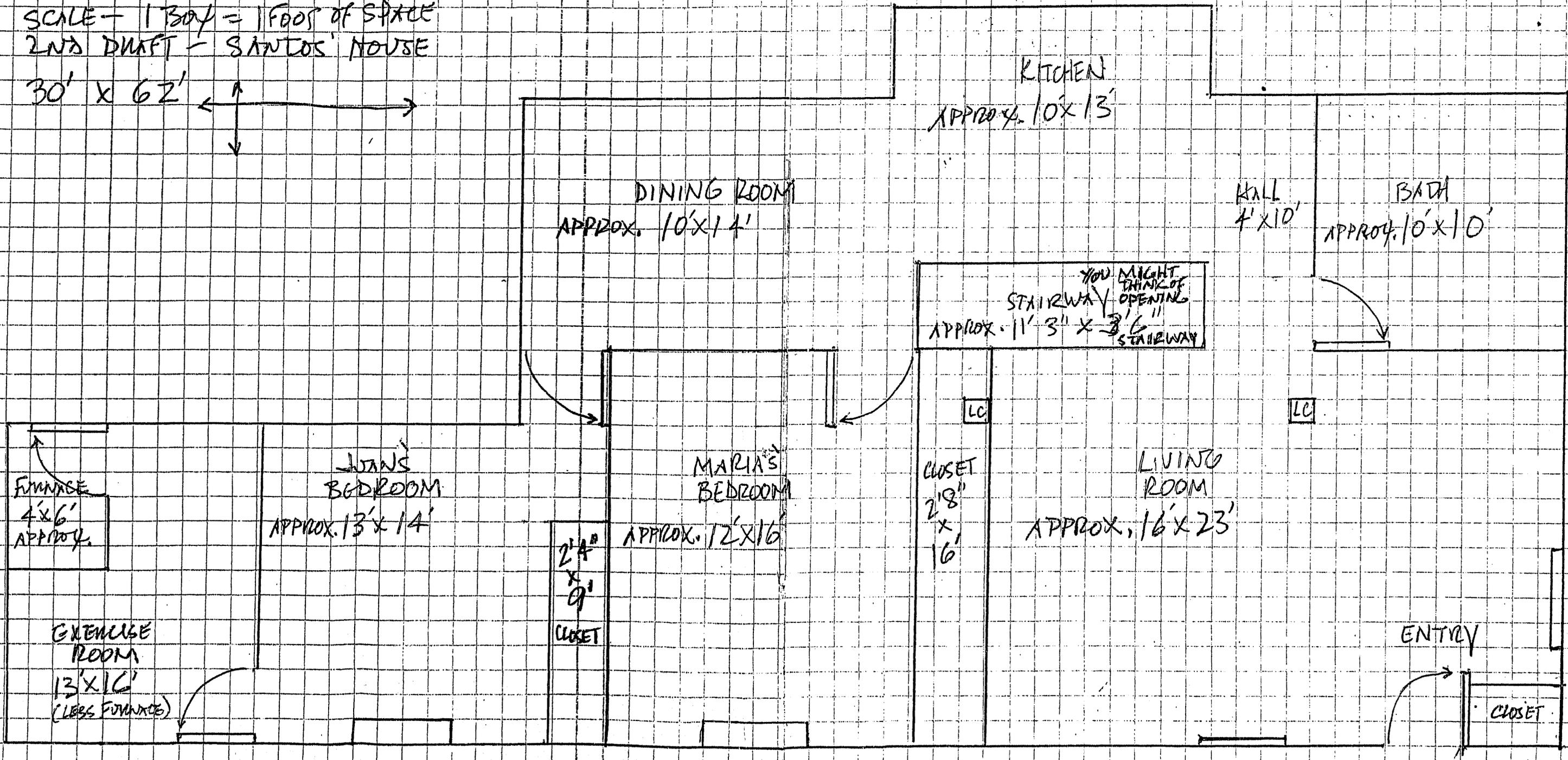
ORANGE COUNTY-NEW YORK
 Photo No. 15-45, 7-539
 Date of Photo: 3-1-65
 Date of Map: 11-16-99
 Date of Revision: 3-1-01
 Scale: 1" = 100'

TOWN OF NEW WINDSOR
 Section No. 89

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

SCALE - 1 Box = 1 Foot of Space
2ND DRAFT - SANTOS' HOUSE

30' x 62' ← →



KITCHEN
APPROX. 10' x 13'

DINING ROOM
APPROX. 10' x 14'

HALL
4' x 10'

BATH
APPROX. 10' x 10'

STAIRWAY
APPROX. 11' 3" x 3' 6"
YOU MIGHT THINK OF OPENING STAIRWAY

FURNACE
4' x 6'
APPROX.

JUAN'S
BEDROOM
APPROX. 13' x 14'

MARIA'S
BEDROOM
APPROX. 12' x 16'

CLOSET
2' 8" x 16'

LIVING ROOM
APPROX. 16' x 23'

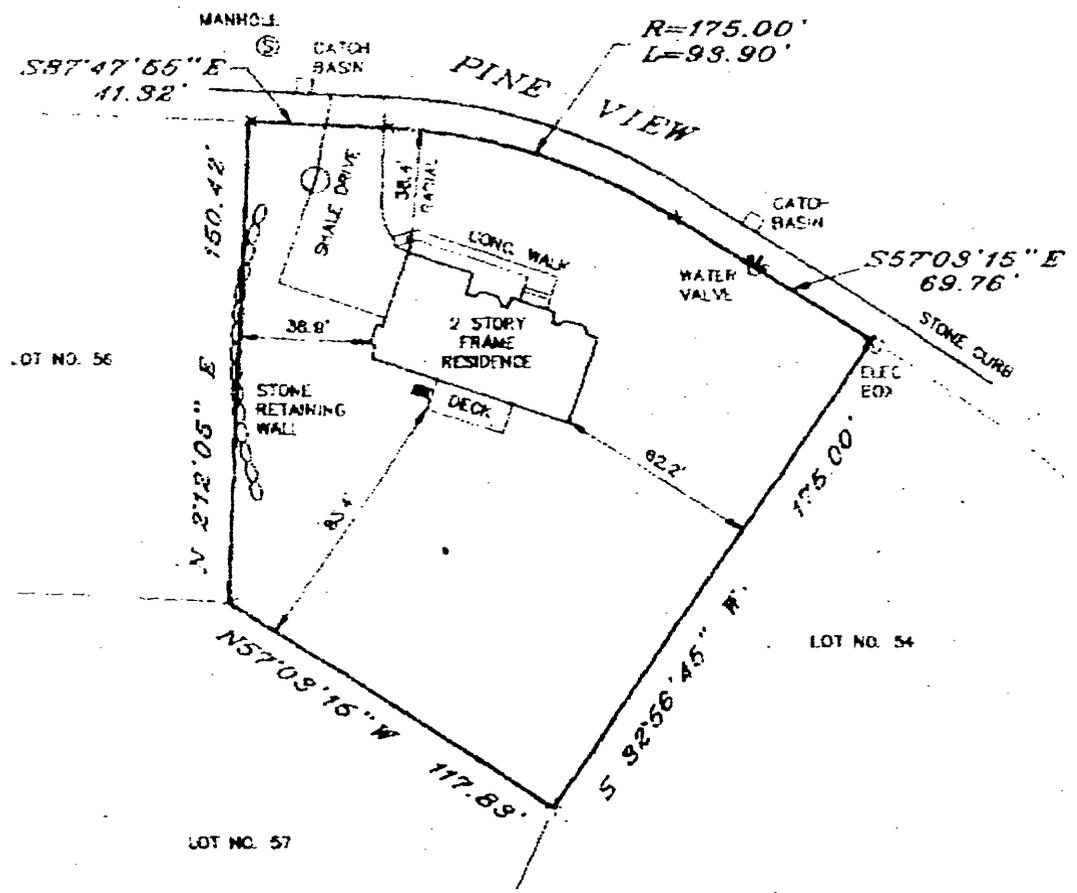
CLOSET
2' 4" x 9'

EXERCISE ROOM
13' x 16'
(LESS FURNACE)

ENTRY
CLOSET

F.M. NO. 242-99

Parcel Area
27,147 S.F.
0.62 Ac.



GENERAL NOTES

1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.
2. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, MARKED WITH AN ORIGINAL LAND SURVEYOR'S INKED SEAL, SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
3. CERTIFICATION SHALL RUN ONLY TO THE PERSONS FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF, TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON AND IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS

SPECIAL NOTES

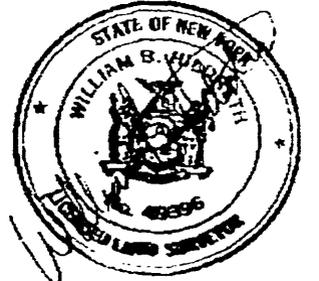
1. BEING LOT NO. 55 AS SHOWN ON A MAP ENTITLED "MAJOR SUBDIVISION FOR SHANNON ACRES TO BE KNOWN AS FOREST GLEN", SAID MAP HAVING BEEN FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON 1 NOVEMBER 1999 AS MAP NO. 242-99. TAX MAP DESIGNATION: SECTION 89 BLOCK 4 LOT 5.
2. OFFSETS SHOWN ARE AT RIGHT ANGLES TO THE PROPERTY LINES UNLESS OTHERWISE NOTED.
3. NO CERTIFICATION IS MADE FOR ITEMS NOT VISIBLE AT GROUND SURFACE AT THE TIME OF SURVEY
4. THIS PLAN WAS PREPARED PRIOR TO THE RECEIPT OF A TITLE REPORT OR ABSTRACT OF TITLE AND IS THEREFORE SUBJECT TO EASEMENTS AND OTHER GRANTS NOT VISIBLE, IF ANY.

FRAN
T.T. # GR 21 - 7151

CERTIFICATION

I hereby certify that this plan resulted from an actual field survey of the indicated premises completed on 27 July 2001 performed in accordance with the code of practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc., and is, to the best of my knowledge and belief, correct.

CERTIFIED TO: Jose S. Santos
Vanessa Santos
Applied Building Development of New York NWT/C
Applied Building Development of New York, Inc.
Windsor Karney Development, Inc.
American Home Mortgage,
Its successors and/or assigns
Fidelity National Title Insurance Company



Grevas & Hildreth LAND SURVEYORS P.C.
427 SOUTH PLANK ROAD UNIT 3, NEWBURGH, N.Y. 12550
TEL: (914) 396-0830

SURVEY FOR:
JOSE S. SANTOS & VANESSA SANTOS
TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK

REVISIONS:	ACAD-FESS
DATE	DESCRIPTION

Drawn: WBN
Checked:
Scale: 1"=30'
Date: 28 July 2001
Job No: 01-057

BOUNDARY/LOCATION SURVEY

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Santos, Jose

FILE# 01-55

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA

USE

APPLICATION FOR VARIANCE FEE \$ 50.00 paid
* * * * * CE # 2205
ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00 4/02/06
#2204

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 10/22/01...4... \$ 18.00
2ND PRELIMINARY- PER PAGE \$ _____
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE 11/24/01...8... \$ 36.00
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 54.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 10/22/01 \$ 35.00
2ND PRELIM. \$ _____
3RD PRELIM. \$ _____
PUBLIC HEARING 11/24/01 \$ 35.00
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 124.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT .. \$ 176.00

JOSE SANTOS
VANESSA SANTOS
1009 PINEVIEW
NEW WINDSOR, NY 12553

Date Nov 2, 2001

2204
55-150/212
5310

Pay to the Order of Town of New Windsor \$ 300.00
Three Hundred 00/100 Dollars

HUDSON UNITED BANK

Central Valley Office
200 Route 22
Central Valley, N.Y. 12517

For Living Application

[Signature]

⑆026207503⑆

7210062649#2204

GUARDING SAFETY BLUE WEB

©Chitic American

JOSE SANTOS
VANESSA SANTOS
1008 PINEVIEW
NEW WINDSOR, NY 12553

2205

Date Nov 2, 2001

66-150/212
5310

Pay to the
Order of

Jose Santos \$50.00
Fifty Dollars / 100 Dollars

HUDSON UNITED BANK

Central Valley Office
200 Route 22
Central Valley, N.Y. 12017

For

Saving Application

Jose Santos

⑆021201503⑆

7210062649 2205

©Chick-A-Print

GUARDING SAFETY BLUE INK

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

**RECEIPT
#1041-2001**

11/02/2001

Santos, Jose & Vanessa #01-55

Received \$ 50.00 for Zoning Board Fees on 11/02/2001. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

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

JOSE SANTOS

MEMORANDUM OF
DECISION GRANTING
INTERPRETATION

#01-55.
-----X

WHEREAS, JOSE SANTOS, residing at 1009 Pine View, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for an interpretation as to a second kitchen creating a second dwelling that is not permitted in an R-3 zone; and

WHEREAS, a public hearing was held on the 26th day of November, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared on behalf of this Application; and

WHEREAS, there were 11 spectators appearing at the public hearing; and

WHEREAS, 5 spectators spoke in opposition to this Application; and

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

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

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
 - (a) The property is a single-family residence located in a neighborhood containing single-family residences.
 - (b) The property was constructed as a single-family residence and was intended by the Applicant to always be a single-family residence.
 - (c) The property contains a sliding-glass-door, second access to the premises.
 - (d) The Applicant seeks to make certain modifications so that a handicapped family member may reside there.
 - (e) There is no separate area that would be available in the future for rental.

- (f) The property is served by a single electric and/or gas meter and there are no separate utilities.
- (g) All persons who spoke "in opposition" were opposed to the premises becoming a legal two-family use, but were not opposed and expressed support for the Applicant being allowed to make any modifications necessary for the residence of a handicapped family member.

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 Applicant has not met the criteria for establishment of a two-family residence.
2. The residence is a one-family residence and performing the requested modifications to that one-family residence will not change its character or make it a two-family residence.
3. An interpretation is appropriate interpreting the proposed actions of the Applicant as being consistent with a one-family usage.

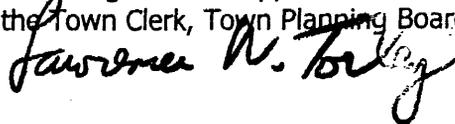
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor make an interpretation determining that the property known as 1009 Pine Street in the Town of New Windsor is a single-family residence and will remain as such, with a second kitchen in an R-3 zone.

BE IT FURTHER

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

Dated: February 25, 2002.



Chairman

ZONING BOARD MEETING 10/22/01

I would like to take this opportunity to thank the zoning board for allowing me the opportunity to bring forth my proposed application. Let me begin by saying that my wife and I simply want to “finish” the basement of our home to create a two-bedroom apartment with a kitchen for my disabled brother and elderly mother. Our goal is to foster an independent environment for my brother and mother while still being able to care for them. The interior of this proposed apartment would be completely handicapped accessible (ADA Approved Fixtures) to accommodate my brother’s needs. Additionally, all construction work to this proposed apartment would be interior work. My wife and I also realize that some municipalities are concerned with “quality of life” issues. Specifically, additional vehicles on driveways and public roadways. Let me assure this board that neither my brother nor my mother owns or has a license to operate a motor vehicle. Finally, I ask this board to consider the fact that our unfinished basement is large enough to create this apartment without “changing” the exterior of our home

**SUBMITTED BY
JOSE SANTOS
1009 PINEVIEW
NEW WINDSOR, NY 12553
567-3275**



EXTERIOR OF FRONT OF HOUSE

Date 10/2/01

TOWN OF NEW WINDSOR

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

TO Francis Roth DR.
168 N. Duury Lane
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
11/26/01	Zoning Board Mtg	75 00	
	Misc - 2		
	Manera - 2		
	Leonetti - 1	53 238 50	
	Applied Building - 1		
	Riccione - 2	313 50	
	Blythe - 1		
	Santas - 8		
	U & B Associates - 2		
	Contilia - 4		
	Baker - 3		
	Harris - 5		
	Misheel Realty - 13		
	Lucas - 6		
	Shreehan - 3		

SANTOS, JOSE

Mr. and Mrs. Jose Santos appeared before the board for this proposal.

MR. TORLEY: Request for 22,853 sq. ft. lot area variance for two family residence in R-3 zone at 1009 Pine View. Is there anyone in the audience wishing to speak on this matter? We'll be passing around a sign-up sheet. The purpose of this sign-up sheet is just so that we have your name and address properly for the record. I'm in receipt of two letters on this matter, one from a Margaret and Joseph Wolf, who are in opposition and the second from Applied Building Development of New York who are the developers of Forrest Glenn who are also in opposition of the request.

MR. SANTOS: Good evening. About a month ago, I presented a plan to the building inspector about finishing the basement in my home to make it handicapped accessible for my brother and mother. I was denied by the building inspector's office and they advised me to appeal to the zoning board, which brings me to today. I simply just want to finish the basement of my home. The builder of the development knew what my intentions were when I purchased that home. I'm not trying to create a rental unit. I just want to finish the basement for my mother and brother, quite simply, can't put it anymore simpler than that.

MRS. SANTOS: We did not ask for multi dwelling, we just wanted to finish. His brother has cerebral palsy and we want to be able to take care of them.

MR. KANE: Was there any intent in putting a separate electrical or gas meters in for that finished basement?

MR. SANTOS: No.

MR. TORLEY: Not separate entrances beyond what was required for handicapped.

MR. SANTOS: None that's required. Every house in that development has a slider access through the basement.

Mine happens to have a door cause my intent was at that time when I had the home constructed to make it a little more accessible to my brother.

MR. REIS: When you purchased the property, you expressed this desire to the builder?

MR. SANTOS: Not only did I express it, I purchased certain things in the basements anticipating that I was going to finish the basement to accommodate my mother and my brother. For instance, 9 foot ceilings, rough plumbing in the basement, like I said before, instead of having a slider that wasn't necessarily a purchase, just a change in the plan, I had put a 36 inch wide door to make it wheelchair accessible.

MRS. SANTOS: We also had first floor handicapped the bathroom for wheelchair so he can get in with a wheelchair. They knew our intention when we came in.

MR. SANTOS: I know nothing about single family dwellings or multiple family dwellings. I'm a simple man, I'm ignorant in this, I want to finish the basement. What the town wants to refer to it, I know nothing about that. I just came for the, with a plan to the inspector's office. I've said what do I need to get this approved. They denied me on the grounds I didn't have enough, I believe square footage of property. I've said fine, how can I get it then, what do I need to do? So they advised me I had to go to the zoning board.

MR. TORLEY: You would have had to have gone for zoning phrasing it as an interpretation. Right now, we're presented with it as an area variance rather than an interpretation and we--

MR. BABCOCK: No.

MR. TORLEY: We could rephrase it as an interpretation.

MR. BABCOCK: Yeah, it's the lesser of two, I think that's what's got a lot of people concerned because it says from a one family to two family, that's what we have to call it, unless you interpret it different.

MR. TORLEY: So the purpose of the applicant is again to make it for your immediate family members due to the physical impairments?

MR. SANTOS: Correct.

MR. TORLEY: And you would so stipulate that's not to be rented out, never going to be a two family in any way, other than taking care of your relatives?

MR. SANTOS: Absolutely.

MRS. SANTOS: Absolutely.

MR. TORLEY: At this point, given the circumstances, I'll now open it up to the public and please when you speak, please state your name.

MR. KRIEGER: If this interpretation were granted by the zoning board of appeals, there would be no change in the outside appearance, what we call the footprint of the building, there'd be no additions?

MR. SANTOS: No, none whatsoever, it's all interior work.

MR. KRIEGER: Okay, are there any interior, any locking or lockable doorways or passageways between one area and the, between this area downstairs?

MR. SANTOS: There's the door that leads down to the basement, there's a door.

MR. KRIEGER: It's a normal stairway as you would have if it were a basement, you'd have that same stairway?

MR. SANTOS: That's right, nothing structurally is going to change. I just want to fix the interior basically to different rooms.

MR. RIVERA: Are you going to have a ramp?

MR. SANTOS: Eventually, I don't like to speak for my brother, he's older than I, but what's happening my

brother is eventually going to have to be in a chair. Right now, I don't really need the ramp immediately but it will get to a point where I'm going to have to address that issue. Right now, I can widen the doors so it's a little accessible so when he does have to sit in a wheelchair, he will have access to enter and exit the premises.

MR. REIS: Before you call on the public, did you mention that you had a letter from the builder that was opposing the--

MR. TORLEY: Opposing use as a two-family dwelling. I'm not sure that the builder was--

MR. BABCOCK: Well, he's one of the gentleman here, remember he came up at the very beginning so I'm sure he'll speak.

MR. TORLEY: Now, at this point, I'll open up to the public. Please state your name again for the record when you speak.

MR. PHELPS: Hello again, I'm David Phelps. I'm with Applied Building Development. I do represent the builder and we're vehemently opposed to calling it a two family dwelling for obvious reasons, the value of the property, other homes in the subdivision. But being the person that built the home, I can affirm to the fact that we knew it was going to go on beforehand, we obviously have no objections whatsoever and being a husband and a father, I'm quite pleased at the fact that they want to take care of their family. I think it's terrific, we back them a hundred percent. The only thing we're opposed to is having the zoning changed.

MR. KANE: So you understand that's the way that the application went in, that's not what they're looking for.

MR. PHELPS: I understand that.

MR. KANE: Finish the basement and what we do in this town is we bring everybody in here to make sure

everybody's above board and as we did, you've probably heard earlier, we put everything on record that it is, there's no intent for a two-family house, it's family only and that's basically it, so it's a little misunderstanding.

MR. PHELPS: Absolutely, they have our best, we wish them the best. If there's anything we can do to make things easier in the process, they have our blessing. Just vehemently opposed to the zoning.

MR. TORLEY: If this interpretation is accepted as being a one-family house, that stays with the property. If the present owners decide to move, it doesn't change in the future it can't be all of a sudden be two family down the road an apartment.

MR. PHELPS: That's it.

MR. TORLEY: Any other members of the audience wish to speak on this matter?

MR. VISCO: Rich Visco, 1012 Pine View. I have no problem, just don't want it to be two family. As far as the ramp, I don't care if they do that, everything else, but definitely not two family.

MS. MARTINO: Paula Martino, 1010 Pine View. I'm actually one of the people that Dave was speaking in the 25 contracts that are presently and we're buying for a single family, not a two family and we're not opposed at all for his brother to move in, the mother to move in, but as far as it being single family residence, I want to know that these nice people when they move out in ten years what could be the recourse for the development when they sell the house and they don't realize that, they're told by somebody that now says I can rent it so what can we do as homeowners, what's going to be our recourse?

MR. KANE: It's listed as--

MS. MARTINO: Can we go back to the minutes? This is a single family dwelling. Now go to building department, say you need to get the people ousted out and we have a

right as homeowners to do that and the town has that right because it's now in the legal minutes to be able to do that?

MR. KANE: Yes, ma'am.

MR. TORLEY: Absolutely, this interpretation for the use of this building goes with the property, not the owners. So if they decide to move out in ten years or whatever, it still says one-family house, period.

MR. KANE: For somebody to change the use of that neighborhood, it's extremely hard, extremely hard, more than what they go through here, they would have to prove to us in dollars and cents that they cannot sell it.

MR. KRIEGER: Two family is permitted.

MR. TORLEY: In any case, the applicant said this is a one-family houses taking care of his family.

MR. PHELPS: He's terrific and I think we ought to support it.

MR. TORLEY: Just unfortunate the way the application went out.

MS. MARTINO: In defense of them, they didn't realize that that's the way it went out.

MR. KANE: We're going to change it to an interpretation.

MR. TORLEY: Interpretation that this is a one-family house, not two family.

MR. KRIEGER: It is and always has been and will continue to be a one-family house and it's not permitted, a two family use is not permitted.

MR. BABCOCK: Right, with all of this on the record.

MR. HENAGHAN: Denis Henaghan, 1004 Pine View. If the building inspector had to get involved, what kind of a

process would it be? This would be ten years down in the future, the home changes hands, we see his neighbors, there's an apartment, is there a quick action, is it dragged out, that type of thing?

MR. BABCOCK: It's up to the judge, give him a ticket, we give him a ticket.

MR. KRIEGER: Like any other law enforcement action, except that this is the specialized, you go to the building inspector, not the police department, it's the same deal, if there's evidence that you make the complaint, the building inspector investigates, if there's evidence that will support a prosecution, they file a violation notice and then it's up to the then owners of the property to come in and show that either A, they we're not violating or, B, if they were then to apply to this board for the appropriate variance. This doesn't, whatever action is taken here today doesn't do him any good, might as well never have been taken. It's irrelevant. And as a matter of fact, it is as the Chairman pointed out, it's really step one in the prosecution, it's a one family house in that they would be able to prove that from a standpoint of view of not only the building application but the application as future evidence of the fact that it was always and intended to be a one family home. So it would actually help the prosecution. How fast a prosecution takes depends on all kinds of influences that are impossible to even categorize, let alone anticipate at this point.

MR. TORLEY: It becomes the same situation if right now, again, hypothetically speaking, you saw your neighbor across the way, you thought he had two families living in there, you'd go to the building department and complain.

MS. MICILI: Nora Miceli, 1007 Pine View. I'm for them having their family members move in, just not a two family.

MR. TORLEY: Anyone else wish to speak? If not, I'll close the public hearing and open it back up to the members of the board.

MR. REIS: I make a motion that we make a positive interpretation that this property located at 1009 Pine View will remain and always remain a single family residence.

MR. MC DONALD: Second it.

ROLL CALL

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

11/26/01 Public Hearing: Santos, Jose #01-55

Name:	Address:
XV DENIS HENAGHAN	1004 PINE VIEW
Ron Atkins	1014 Pine View
XV Rich Pisco	1012 Pine View
XV Mara Miceli	1007 Pine View
Suguna Rajkumar	1004 Forest Glen
XV Paula Martino	1010 Pine View
Kay Weldon	1003 Summit Wood
Yvonne Heneghan	1004 Summit Woods
XV DAVID PHELPS	APPLIES BUSG DRW 1001 FOREST GLEN
Andrew Regenbaur	1031 Summit Woods
DAVID ZAGON	1002 VERDE VISTA DR.

X all
spoke

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

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

DATE: 9/11/01

APPLICANT: Jose Santos
1009 Pine View
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/10/01

FOR : 2nd Dwelling unit

LOCATED AT: 1009 Pine View

ZONE: R-3 Sec/Blk/ Lot: 89-4-5

DESCRIPTION OF EXISTING SITE: Single family – 1 dwelling unit

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-12 use/bulk table R-3, A-9

1. Two family dwelling requires 50,000sqft of lot area, property is 27,147sqft. A varaince of 22,853sqft is required.

COPY


BUILDING INSPECTOR

PERMITTED Two

PROPOSED:

VARIANCE
REQUEST:

ZONE: R-3 USE: Single Family Two Family

MIN LOT AREA: 50,000sqft 27,147sqft 22,853sqft

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

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

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 underslab 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 #: 2001-934

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

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

Owner of Premises JOSE SANTOS

Address 1009 Pineview New Windsor Phone # (845) 567-3275

Mailing Address SAME AS ABOVE Fax # (845) 567-3276

Name of Architect N/A

Address N/A Phone N/A

Name of Contractor

Address _____ Phone _____

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

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

1. On what street is property located? On the South side of Pineview
(N, S, E or W)
and Approx. 100 feet from the intersection of Forest Glen + Pineview

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

3. Tax Map Description: Section 89 Block 4 Lot 5

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy 2 story Residence b. Intended use and occupancy Finish Basement for Apartment for handicapped brother + elderly mother

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 30 x 62 Rear _____ Depth _____ Height _____ No. of stories 1

8. If dwelling, number of dwelling units: 2 Number of dwelling units on each floor _____

Number of bedrooms 2 Baths 1 Toilets 1 Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water If Garage, number of cars _____

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

10. Estimated cost \$20,000 Fee \$50.00

ck# 1938
dtd 9/10/01

PAID



NO.	(2)	(4)
	(13)	
	N.Y. STATE HWY. NO. 17	
	COUNTY HWY. NO. 4	

ORANGE COUNTY - NEW YORK

Photo No: 15-45, 7-539

Date of Photo: 3-1-65

Date of Map:

Date of Revision:

Pts. publish immediately. Send bill to Applicant.

**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. 55

Request of Jose Santos

for a VARIANCE of the Zoning Local Law to Permit:

Interpretation and/or lot area insufficient for
two-family residence in R-3 zone;

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

for property situated as follows:

1009 Pine View, New Windsor, N.Y. 12553.

known and designated as tax map Section 89, Blk. 4 Lot 5

PUBLIC HEARING will take place on the 26th day of November, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia C. Cosetti, Secy

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

01-58

Date: 10/29/01

I. ✓ Applicant Information:

- (a) Jose Santos 1009 Pineview 567-3275
(Name, address and phone of Applicant) (Owner)
- (b) SAME AS ABOVE
(Name, address and phone of purchaser or lessee)
- (c) N/A
(Name, address and phone of attorney)
- (d) Self
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. ✓ Property Information:

- (a) R-3 1009 Pineview 89-4-5 27147 sqft.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.?
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 8/15/01
- (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 Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- _____
- _____
- _____

IV. Use Variance. N/A

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

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

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

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

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 89, Table of 4 Regs., Col. 5.

Requirements	Proposed or Available	Variance Request
Min. Lot Area _____	<u>27,147 sqft</u>	<u>22,853 sqft</u>
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
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:

This basement apartment will have no adverse effect on the physical or environmental conditions in the neighborhood. It is for a disabled brother and elderly mother. No additional vehicles will be on any roadways. All work to be done is interior work.

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

VI. Sign Variance: N/A

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

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

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

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

VII. Interpretation. N/A

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

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

✓ VIII. Additional comments:

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

cc: ZBA

APPLIED BUILDING DEVELOPMENT OF NY, NWTIC

1001 Forest Glen, New Windsor, NY 12553 Tel:(845)567-6668 Fax:(845)567-7707

November 12, 2001

Mr. Lawrence Torley
Chairman
Zoning Board of Appeals
New Windsor Town Hall
555 Union Avenue
New Windsor, NY 12553

RE: Appeal # 55, Request of Jose Santos

89-4-5

Dear Mr. Chairman:

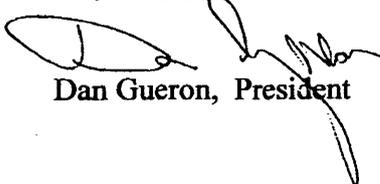
You have scheduled a public hearing for November 26, 2001 to discuss a request of the applicant to permit a two-family residence in a R-3 zone.

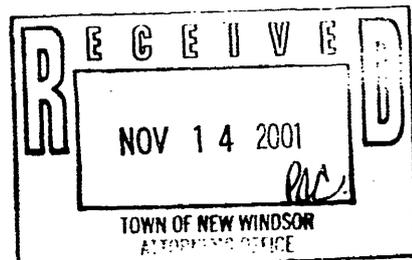
We, the builder, have committed to all 50 homebuyers in the 1st Phase of our project, Forest Glen at New Windsor, an upscale community. We declined all requests for two-family units, assuming that they will reduce the value of the community. We did not construct homes smaller than 2,100 sq. ft. and emphasized the high quality of the project.

An approval of this nature will hurt our future sales in the project, and will financially damage the 25 homeowners that have bought homes in our subdivision, but have not taken title yet and are unaware of the application.

We ask you to deny the above request.

Very truly yours,


Dan Gueron, President

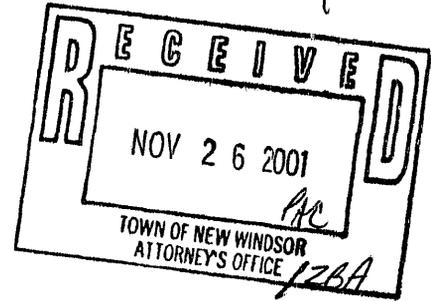


11-26-01 10:59am From-PHILIPS

T-087 P.01/01 F-835

Joseph L. Wolf, Jr.
Margaret L. Wolf
1010 Forest Glen
New Windsor, NY 12553
(845) 567-9298
Work: (212) 536-0592

RyF @ 11/26/01 ZBA meeting



November 26, 2001

BY FACSIMILE (845) 563-4692

Patricia A. Corsetti, Secretary
ZONING BOARD OF APPEALS
Town Hall - 555 Union Avenue
New Windsor, NY 12553

Re: Appeal No. 55; Request of Jose Santos
1009 Pine View, New Windsor, NY; Section 89, Blk. 4, Lot 5

Dear Ms. Corsetti:

As per your conversation with my wife, we are submitting this letter of objection to the referenced appeal. My work schedule does not allow me to be present in person at the hearing for this matter.

We recently purchased a new home and property abutting the property of the referenced appeal. Since we share a common property boundary line, we are an extremely interested party in this matter. We are also perplexed by such an application given the fact that the subject property contains a new single family home surrounded by a brand new sub-division of single-family homes.

It is our understanding from the Public Notice of Hearing on this matter that a request has been made by Mr. Santos for a two-family residence on a lot with insufficient area to meet the zoning requirements. Based on an inquiry by my wife at the Town Hall with respect to this matter, the property subject to the appeal is approximately 27,000 square feet in size and an R - 3 lot for a two family residence requires 80,000 square feet. Therefore, the lot is barely one-third the size of that required by the Local Zoning Law for a two-family residence.

As new members of the community, we can only assume that a great deal of time and effort went into the construction the Local Zoning Law. The lot size contained in the law is not arbitrary. It most likely reflects the need to preserve the quality of life one would expect in the Town. Therefore, the existing lot size is wholly inadequate to support the requested change. Based on this analysis alone, we object to the appeal and respectfully request that the variance be denied.

Thank you for your attention in this matter and if you should have any questions, please contact us at the above listed address or phone numbers.

Regards,

[Handwritten signature of Joseph L. Wolf, Jr.]
Joseph L. Wolf, Jr.

[Handwritten signature of Margaret L. Wolf]
Margaret L. Wolf

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

-----X

In the Matter of the Application for Variance of

Jose Santos

AFFIDAVIT OF
SERVICE
BY MAIL

#01-55.

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, 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.

That on the 2nd day of November, 2001, I compared the 20 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public



Town of New Windsor

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

Assessors Office

20

October 25, 2001

Jose Santos
1009 Pine View
New Windsor, NY 12553

Re: 89-4-5

Dear Mr. Santos:

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,

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA

65-1-13
Frederick D. & Rose Marie Werner
P.O. Box 156
Vails Gate, NY 12584 X

89-3-17
Louis & Jill DiLorenzo
1012 Forest Glen
New Windsor, NY 12553 X

65-1-15
Severino & Constance D'Agostino
106 Dean Hill Road
New Windsor, NY 12553 X

89-3-18
Peter & Carla Biolsi
1016 Pine View
New Windsor, NY 12553 X

65-1-45
Bertil Taube
95 Riley Road
New Windsor, NY 12553 X

89-3-19
Ronald Atkins
1014 Pine View
New Windsor, NY 12553 X

65-1-47
Windsor Heights, LLC
C/o Mid Hudson Park Mangement
157 West Main Street
Wappingers Falls, NY 12590 X

89-3-20
Richard & Irene Pisco Jr.
1012 Pine View
New Windsor, NY 12553 X

65-1-50.1
Witold & Marianna Rakowski
14 Dean Hill Road
New Windsor, NY 12553 X

89-3-22
Wilce & Annette Robles
1008 Pine View
New Windsor, NY 12553 X

67-1-1
William & Margaret McDonnell
P.O. Box 995
Waitsfield, VT 05673 X

89-3-24
Denis & Linda Henaghan
1004 Pine View
New Windsor, NY 12553 X

67-1-2.22
Floyd & Tamra Johnson
P.O. Box 662
Newburgh, NY 12550 X

89-3-25
Anthony & Tracy Vence
1002 Pine View
New Windsor, NY 12553 X

67-1-3
Alton & Alice Peterson
53 Riley Road
New Windsor, NY 12553 X

89-4-9
Rajkumar Muthukrishnan
1004 Forest Glen
New Windsor, NY 12553 X

(23 Parcels Total) Sec. 89 & 65-1-16.21
Applied Building Development of
New York NW TIC
1001 Forest Glen
New Windsor, NY 12553 X

89-5-9
Salvatore & Rosemary Gigante
1017 Forest Glen
New Windsor, NY 12553 X

89-3-13
John & Shelagh Ford
1025 Summit Woods
New Windsor, NY 12553 X

89-6-10
Christopher & Jaime Konarcki
1022 Summit Woods
New Windsor, NY 12553 X

Bargain & sale deed, with covenant against grantor's acts -Ind. or Corp.

THIS INDENTURE, made the ^{9th} day of *August*, two thousand one
BETWEEN

Applied Building Development of NY, NWTIC, a tenancy in common of Applied Building Development Inc. and Windsor Karney Development, Inc., having offices for the transaction of business at 1001 Forest Glen, New Windsor, New York 12553, party of the first part, and

Jose J Santos and Vanessa Santos, husband and wife, residing at 4 Stanford Drive, Highland Mills, New York 10930, party of the second part,

WITNESSETH, that the party of the first part, in consideration Ten and 00/100 (\$10.00) dollars, lawful money of the United States and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, being further bounded and described in Schedule A attached hereto and made a part hereof.

Together with an easement in common with others over the private roadways known as Forest Glenn, Summit Woods and Pine View to the nearest town highway access which easement will continue until the dedication of Forest Glenn, Summit Woods and Pine View as a town roads at which time the easement will expire.

Being a portion of the same premises conveyed in a certain deed dated 10/29/99 by Hudson Valley Development Group of New Windsor, LP to Applied Building Development of NY, NWTIC consisting of Applied Building Development of New York Inc. and Windsor Karney Development Inc. and recorded in the office of the Orange County Clerk in Liber 5177 of deeds at page 84 on 11/3/99.

This transaction is being made in the usual course of business actually conducted by the grantor corporation and does not constitute a sale, transfer, or alienation of all or substantially all of the assets of said corporation. This conveyance is authorized by the Board of Directors and no other consent is required.

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,

File #
Doc #

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

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

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

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

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

IN PRESENCE OF:

Applied Building Development of NY, NWTIC a tenancy in common of Applied Building Development of New York, Inc. and Windsor Karney Development Inc.

by: 
Dan Gueron, President of Applied Building Development of New York Inc. and Windsor Karney Development Inc.

STATE OF NEW YORK, COUNTY OF ORANGE):

On the 14th day of August, 2001, before me, the undersigned, a notary public in and for said state, personally appeared Dan Gueron, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted executed the instrument.



Notary Public

File #
Doc #

2

CATHY ROE
A Notary Public, State of New York
No. 4944336
Qualified in Orange County
Commission Expires November 21, 19 2002

**BARGAIN AND SALE
WITH COVENANT AGAINST GRANTOR'S ACTS**

Applied Building Development of NY, NWTIC

to

Jose J Santos and Vanessa Santos

**SECTION 89
BLOCK 4
LOT 5
COUNTY OR TOWN
Orange/New Windsor**

RETURN BY MAIL TO:

**File #
Doc #**

Re: Title 7151

& Grevas LAND SURVEYORS
Hildreth, P.C.

407 SOUTH PLANK ROAD UNIT 3, NEWBURGH, NEW YORK 12550
TEL: (845) 566-6650

LAND SURVEYS
SUBDIVISIONS

SITE PLANNING
LOCATION SURVEYS

23 July 2001

DESCRIPTION

for

Jose S. Santos and Vanessa Santos
Town of New Windsor, Orange county, New York

All that certain piece or parcel of land situate, lying and being in the Town of New Windsor, Orange County, New York, known as Lot No. 55 as shown on a map entitled "Major Subdivision for Shannon Acres to be known as Forest Glen", said map having been filed in the Orange County Clerk's Office on 1 November 1999 as Map No. 242-99, being more particularly described as follows:

BEGINNING at a point in the southerly line of Pine View, where said line is intersected by the division line between Lot No. 54 and Lot No. 55, running thence, the following courses:

1. Along said division line, S 32°56'45" W 175.00' to a point;
2. Along the division line between Lot No. 55 and Lot No. 57, N 57°03'15" W 117.83' to a point;
3. Along the division line between Lot No. 55 and Lot No. 56, N 2°12'05" E 150.42' to a point in the southerly line of Pine View;
4. Along said line, S 87°47'55" E 41.32' to a point;
5. Still along said line, on a curve to the right having a radius of 175.00' a distance of 93.90' to a point;
6. Still along said line, S 57°03'15" E 69.76' to the point or place of BEGINNING.

Containing 27,147 square feet or 0.62 acres of land more or less.

Date 12/26/01

TOWN OF NEW WINDSOR

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

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

DATE		CLAIMED	ALLOWED
12/26/01	Zoning Board Meeting	75 00	
	Misc. - 1		
	Searing - 5		
	Moisheer - 4		
	Santos - 4		
	Sheehan - 2		
	Lucas - 3		
	Weed - 6		
	Manera - 2		
	Scheuermann - 2		
	Di Micelli - 6		
	Bila/DC Trust - 3	<u>211 50</u>	
	Patzakis - 3	286 50	
	47		

SANTOS, JOSE

MR. TORLEY: Request for 22,853 sq. ft. lot area variance to allow two-family dwelling in R-3 zone at 1009 Pine View Avenue.

Mr. Jose Santos appeared before the board for this proposal.

MR. SANTOS: I have some pictures. I want to thank the board for the opportunity to present this proposal. My wife and I simply, I'm Jose Santos, I'm the owner of 1009 Pine View. My wife and I quite simply just want to finish the basement that we have in our home to create a two bedroom apartment for my disabled brother and my mother. When I applied for the permit, not knowing the zoning laws like most general homeowners, I was informed that I would have to go through the appeals process with the zoning board because the lot square footage was not enough I guess for two family zoning so I'm here today to request a variance. I have pictures there as you can see, the inside of the unfinished basement, basically, it's just going to be a two bedroom apartment. I had the rough plumbing, it's a new construction home, so I had the rough plumbing put in upon construction, and I just simply want to finish it.

MR. KANE: Mr. Santos, is there any plans in the future to use this apartment in a different way than you're expressing right now?

MR. SANTOS: Absolutely not, sir.

MR. KANE: Do you intend to have the water meter and electric meters all on one bill or do you intend to have them separate?

MR. SANTOS: All on one bill.

MR. TORLEY: Actually, the R-3 zone as I recall does not permit two family at all, Mike?

MR. BABCOCK: Yes.

MS. CORSETTI: He's going for an area, he's not going for use.

MR. KANE: He's not going for use but considering that but if it's all going to be on the one meter and used in that situation, if there's no lock, you have easy access to that apartment area?

MR. SANTOS: Yes.

MR. KANE: Then there's no reason really to go for an area variance on your property as long as everything would be for one, you would need an interpretation from us rather than an actual use variance cause that's a substantial variance, area variance, sorry. So instead of that as long as it's all going to be on one meter, one bill and used that way we'd consider that what they call mother-daughter type thing.

MR. TORLEY: Should you wish to do that, and again that's taking care of your parents, some of the older codes than our zoning codes, what we'd ask you to do if you went that route you'd be asking for an interpretation. This is in fact not a two family as defined for rental purposes, we'd ask you to stipulate in that interpretation when it went to a public hearing that that would be the case it would be binding on you and any further subsequent owners of the property.

MR. SANTOS: That's fine, that's no problem.

MR. KANE: Then Michael would be able to go over the plans with you with what we'd need to make sure that the access situations are correct for what we want.

MR. SANTOS: Okay, right.

MR. TORLEY: But I'll tell you now and everybody in the audience, by state law, all of our decisions have to be done at a public hearing. We hold this preliminary meeting just for this kind of thing, so both the applicant and the board knows the details of what's going on. So at the public hearing, neither one is surprised. But also there have been occasions where you can tell somebody that you really ought to re-think.

what you're doing so these meetings are for mainly for your benefit, so you have a better understanding of what we're going to require when you go to the public stage.

MR. KANE: This keeps it in the one family situation in that particular neighborhood.

MR. SANTOS: Doesn't change it to a two family?

MR. KANE: Not at all, you just have a second, like the old summer kitchens in the basement, as long as it's on one water and electric meter.

MR. TORLEY: Because I think this neighborhood does not look like it's a neighborhood of two-family houses.

MR. SANTOS: I don't think there are going to be many rental units right there.

MR. REIS: Has this alternative been discussed with the applicant, what we're suggesting now?

MR. BABCOCK: I don't know whether my office has. What we do know no matter when they start with the two kitchens, we send it here, two bedrooms.

MR. TORLEY: This way it becomes known and on the record what this is.

MR. SANTOS: As far as my end, what do I need to do? I know the process, I have the form, but in terms of meeting with the building inspector, do I need to do that now or later?

MR. KRIEGER: You just need to go through the process.

MR. KANE: Actually, just change your request to an interpretation instead of request for and/or a lot area variance.

MR. SANTOS: Okay.

MR. REIS: You're going to get a lot of resistance for a two family in that neighborhood.

MR. SANTOS: I have spoken to my neighbors, they're completely aware of it.

MR. TORLEY: If the board grants you the opportunity for a public hearing, you're not committed to it, but you have the right to it. You'll be sending out letters to your neighbors, so talk to them ahead of time so they don't think somebody's trying to stick in a two-family house.

MR. SANTOS: I have already spoken.

MR. KANE: The variance goes with the property, not just with you, your intent may be to use it that way, if you get the area variance, the next person that gets that house can make it into an income type apartment.

MR. SANTOS: I don't anticipate anything.

MR. TORLEY: If that's the case, you'd so stipulate at the hearing, it would be part of the record.

MR. SANTOS: That's fine.

MR. MC DONALD: I move we make a motion, we set Mr. Santos up for an interpretation on his request.

MR. KANE: Second it.

ROLL CALL

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