

**ZB# 02-09**

**Karen Coplan**

**44-1-36**

Coplan, Karen

#02-09

area: 44-1-36

Preliminary

March 11, 2002  
(need copy of survey)

Public Hearing:

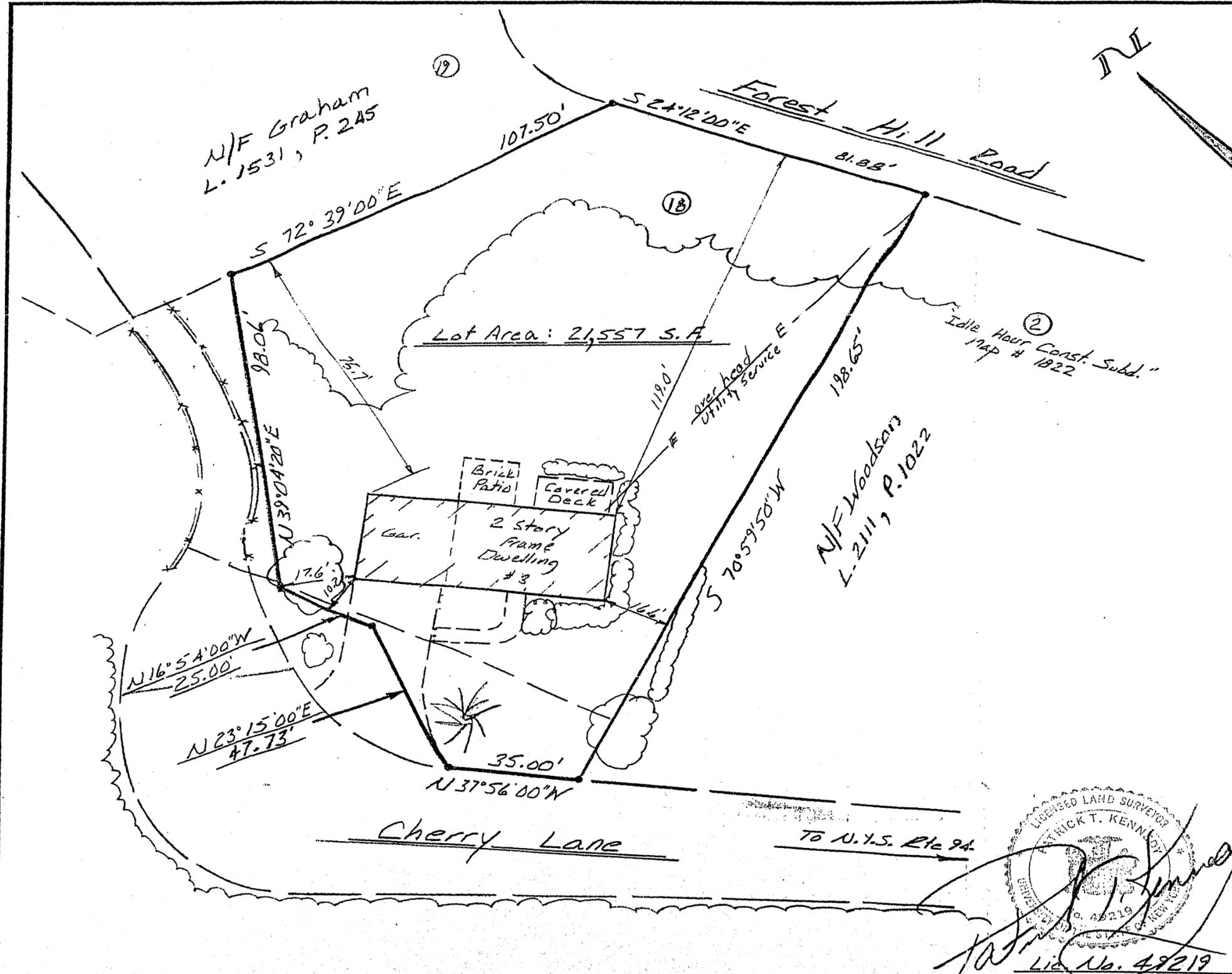
May 13, 2002

Approved

Refund \$203.00





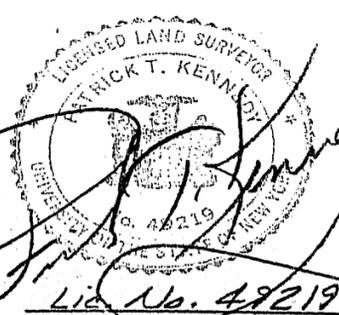


Tax Map Data:  
 Section : 44  
 Block : 1  
 Lot : 36

Map Reference:  
 "Forest Hills of New Windsor"  
 dated: August 2, 1954  
 filed: November 12, 1954  
 Map # 1592  
 Lot # 18

To Joel Coplan and Karen S. Coplan  
 certified to be a correct and accurate survey.  
 Aug. 27, 1985

- Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2 of the N.Y. State Education Law.
- Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies.
- Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owner.
- Underground improvements or encroachments, if any, are not shown hereon.



Patrick T. Kennedy, L.S.  
 647 Little Britain Rd - New Windsor - New York 12550

SCALE: 1" = 30'	APPROVED BY:	DRAWN BY
DATE: Aug. 27, 1985		REVISED
Survey of Lands of Joel Coplan & Karen S. Coplan		DRAWING NUMBER
Town of New Windsor		

Drance Print

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Coplan

FILE# 02-09

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE     

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

*paid ck 204.  
# 205  
4/26/02.*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 3/1/02-4 ..... \$ 18.00  
2ND PRELIMINARY- PER PAGE ..... \$       
3RD PRELIMINARY- PER PAGE ..... \$       
PUBLIC HEARING - PER PAGE 5/13/02 ..... \$ 9.00  
PUBLIC HEARING (CONT'D) PER PAGE ..... \$       
TOTAL ..... \$ 27.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 3/1/02 ..... \$ 35.00  
2ND PRELIM. .... \$       
3RD PRELIM. .... \$       
PUBLIC HEARING... 5/12/02 ..... \$ 35.00  
PUBLIC HEARING (CONT'D) ..... \$       
TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$       
TOTAL ..... \$ 97.00

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL. CHARGES DUE) ..... \$       
REFUND DUE TO APPLICANT .. \$ 203.00



JOEL COPLAN  
KAREN COPLAN  
18 CHERIE LANE  
NEW WINDSOR, NY 12553

Date 4/26/02 29-7003/2213  
469

Pay to the Order of Town of New Windsor \$ 300.00  
Three hundred & ~~no~~ <sup>00</sup> ~~no~~ <sup>00</sup> Dollars

CHARTER ONE BANK  
Valley Gate Branch

For #2BA 02-09 Karen Coplan

⑆ 221370030⑆ ⑆ 4690691003⑆ 0205

CLAREMONT SAFETY BLUE INK

JOEL COPLAN  
KAREN COPLAN  
18 CHERIE LANE  
NEW WINDSOR, NY 12553

Date 4/26/02 29-7003/2213  
469

Pay to the Order of Town of New Windsor \$ 50.00  
Fifty & ~~no~~ <sup>00</sup> ~~no~~ <sup>00</sup> Dollars

CHARTER ONE BANK  
Valley Gate Branch

For 2BA # 02-09 Karen Coplan

⑆ 221370030⑆ ⑆ 4690691003⑆ 0204

CLAREMONT SAFETY BLUE INK

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

**KAREN COPLAN**

MEMORANDUM  
OF DECISION  
GRANTING  
VARIANCE

#02-09.  
-----X

**WHEREAS, KAREN COPLAN**, 18 Cherie Lane, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 23.8 ft. front yard variance for an existing single-family dwelling with attached garage at the above location, in an R-4 zone; and

**WHEREAS**, a public hearing was held on the 13th day of May, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared by Joel Coplan, Applicant's husband for this Application; and

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

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

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

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

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

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood of residential properties.

(b) The property is situated so that it has, legally, three front yards although visually it appears to have a front yard and two side yards.

(c) The garage for which the variance is sought does not appear visually to project closer to the roadway than the main structure and only projects to the roadway because of the unique location and shape of the lot.

(d) The garage does not impair the vision of motorists on the adjacent traveled roadway.

(e) The garage does not affect the drainage of water, or cause any ponding or collection of water.

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

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

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

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

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

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

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

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

**NOW, THEREFORE, BE IT**

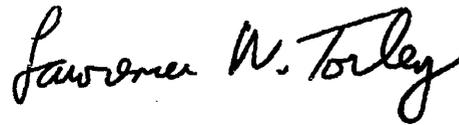
**RESOLVED,** that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 24.8 ft. front yard variance for an existing single-family dwelling with attached garage, at the above address, in an R-4 zone, as

sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

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

Dated: August 12, 2002.

A handwritten signature in black ink, reading "Lawrence W. Torley". The signature is written in a cursive style with a large initial 'L' and 'T'.

---

Chairman

Date 5/29/02

**TOWN OF NEW WINDSOR**

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

9.00

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

DATE		CLAIMED	ALLOWED
<del>5/13/02</del>	Zoning Board Mtg	75 00	
	Misc. - 2		
	North Plank Development - 6		
	Colandrea - 3		
	Corbett - 1		
	Denhoff - 5		
	Salomoff - 5		
	House of Apache - 5		
	Dreyer - 2		
	Smith - 4		
	Roberts - 3	184 50	
	Trapp - 3		
	Coplan - 2	259 50	

*Lawrence W. Torley*

COPLAN, KAREN

Mr. Joel Coplan appeared before the board for this proposal.

MR. TORLEY: Request for 24.8 ft. front yard variance for existing single family dwelling with attached garage at 18 Cherie Lane in R-4 zone.

MR. COPLAN: I'm here to ask the board to approve our request for a variance on the garage that was done in 1980 and at that time, it did meet setback requirements and I plead guilty to not being aware of the fact that upon completion I had to go forward and get Certificate of Occupancy and so I find myself in a situation now where I no longer meet setback requirements and I'm requesting a variance of I believe 24.8 feet front yard.

MR. KANE: Any complaints formally or informally about the garage?

MR. COPLAN: No, sir.

MR. KANE: Did you create any water hazards or runoffs in the creation of it?

MR. COPLAN: Not at all.

MR. TORLEY: Again, this is a property with three front yards?

MR. BABCOCK: At least.

MR. TORLEY: This falls under a uniquely shaped lot.

MR. RIVERA: How many letters were sent out?

MS. CORSETTI: Twenty-five and no response.

MR. TORLEY: Anyone in the audience who wishes to speak on this matter? Let the record show there is none.

MR. KANE: The garage itself doesn't stick forward, the garage, when it was built, but the garage itself isn't

in front of the house?

MR. COPLAN: No.

MR. KANE: One corner because of the unique shape of the lot?

MR. COPLAN: Correct.

MR. TORLEY: Though the garage impinges on the front yard, do you not feel or is there any evidence that it causes sight line problems for drivers on Cherie Lane?

MR. COPLAN: No.

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: I make a motion that we approve the Coplan's requested variance at their property at 18 Cherie Lane.

MR. MC DONALD: Second it.

ROLL CALL

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

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: 2/19/02

APPLICANT: Karen Coplan  
18 Cherie Lane  
New Windsor, NY 12553

**COPY**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 2/13/02

FOR : Karen Coplan

LOCATED AT: 18 Cherie Lane

ZONE: R-4      Sec/Blk/ Lot: 44-1-36

DESCRIPTION OF EXISTING SITE: Single family dwelling w/attached garage

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-12 Use/Bulk table R-4 zone. 35ft front yard required, existing setback is 10.2ft, a variance of 24.8ft is required.

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD: 35ft

10.2ft

24.8ft

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

FOR OFFICE USE ONLY:  
Building Permit #: PA 2002-0103

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

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

Owner of Premises KAREN COPLAN

Address 18 CHERIE LANE Phone # 845 561-5091

Mailing Address NEW WINDSOR, NY 12553 Fax # \_\_\_\_\_

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

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

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N,S,E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

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

3. Tax Map Description: Section 44 Block 1 Lot 36

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_

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

Renewal  
of BP#  
1766  
for an  
attached  
garage.

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

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

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

10. Estimated cost \_\_\_\_\_

Fee \$50.00  
part of ch# 148  
dat - 2/13/02

**PAID**

\_\_\_\_\_  
date

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

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

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

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

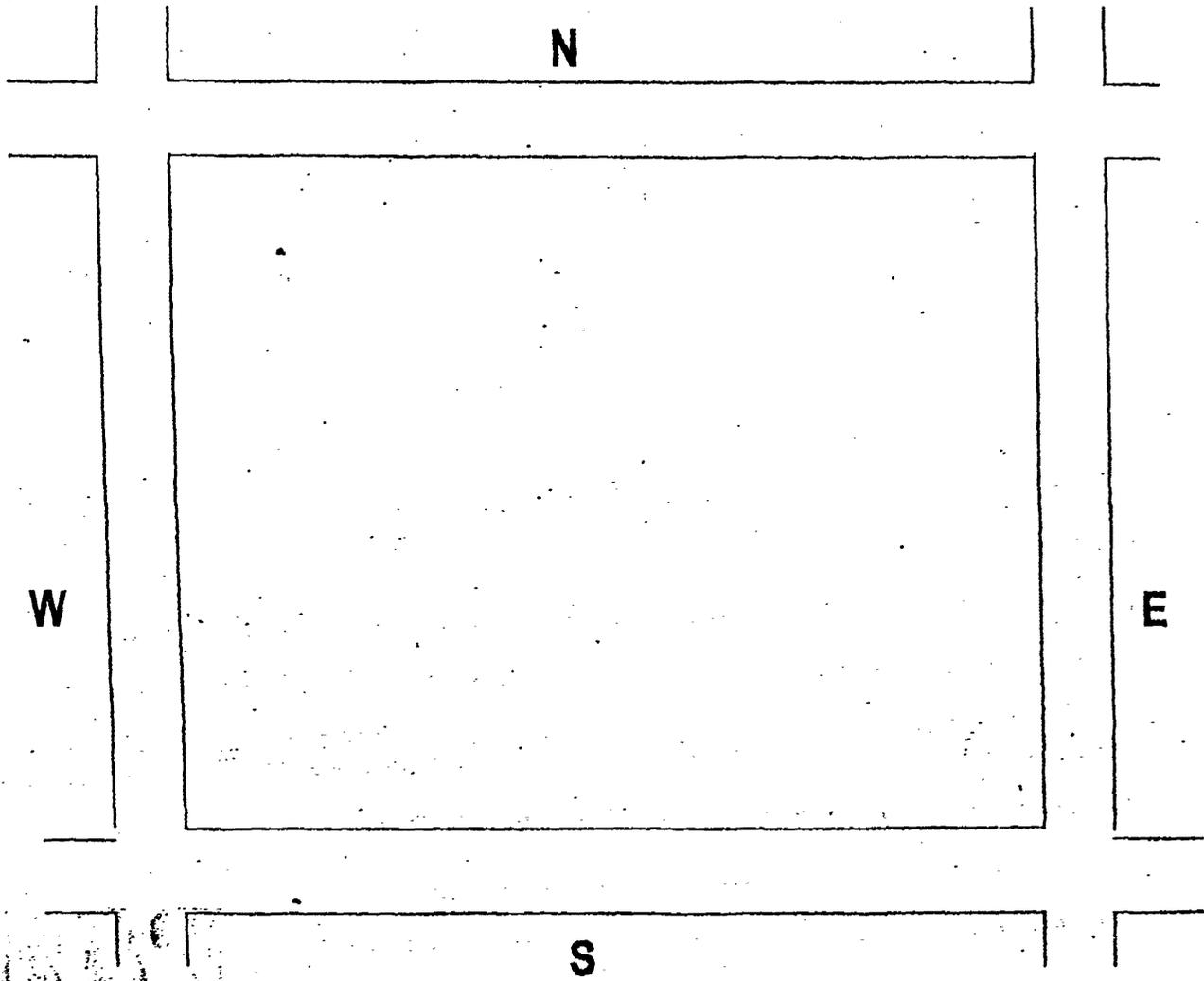
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein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

John Cogle  
(Signature of Applicant)

18 CHERIE LANE, NEW WINDSOR, NY  
(Address of Applicant)

**PLOT PLAN**

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







# Town of New Windsor

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

## Assessors Office

March 20, 2002

Joel & Karen Coplan  
18 Cherie Lane  
New Windsor, NY 12553

Re: 44-1-36

25

Dear Mr. & Mrs. Coplan:

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 \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

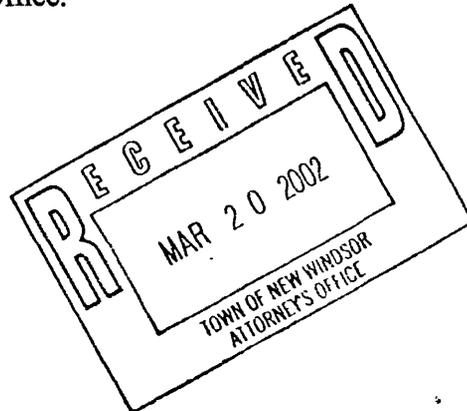
Sincerely,

Leslie Cook  
Sole Assessor

LC/srr

Attachments

CC: Pat Coresti, ZBA



40-2-8 & 44-1-14 ✓  
Foxwood Associates  
C/O Anthony Costa  
1200 Stony Brook Court  
Newburgh, NY 12550

44-1-31 ✓  
James & Maria Massi ✓  
41 Forest Hill Road  
New Windsor, NY 12553

44-2-4 ✓  
Richard & Carol Skinner ✓  
40 Forest Hill Road  
New Windsor, NY 12553

44-1-15 ✓  
Richard Gayton ✓  
20 Cherie Lane  
New Windsor, NY 12553

44-1-33 ✓  
Douglas & Dorian Remine ✓  
47 Forest Hill Road  
New Windsor, NY 12553

44-2-5 ✓  
Mark Pacione ✓  
48 Forest Hill Road  
New Windsor, NY 12553

44-1-16 ✓  
John & Elaine Graham ✓  
65 Forest Hill Road  
New Windsor, NY 12553

44-1-34 ✓  
Gerald & Renee Protter ✓  
14 Cherie Lane  
New Windsor, NY 12553

44-2-6 ✓  
Carolyn Koppel ✓  
54 Forest Hill Road  
New Windsor, NY 12553

44-1-17 ✓  
Stephen & Bernadette Sager ✓  
67 Forest Hill Road  
New Windsor, NY 12553

44-1-35 ✓  
Patrick & Muriel Woodson ✓  
16 Cherie Lane  
New Windsor, NY 12553

47-1-8 ✓  
Jean Dayton & Joan Volpe & ✓  
Lucille Honkus  
262 Frozen Ridge Road  
Marlboro, NY 12542

44-1-18 ✓  
Peter & Margaret Terrasi ✓  
73 Forest Hill Road  
New Windsor, NY 12553

44-1-37.1 ✓  
Oakwood Terrace Housing Corp. ✓  
C/O Kathleen Duchan Pres.  
207 Lake Drive  
Newburgh, NY 12550

47-1-24 ✓  
Livingstone & Susan Kuo ✓  
102 Shaker Court North  
New Windsor, NY 12553

44-1-19 ✓  
Albert & Rona Finkel ✓  
79 Forest Hill Road  
New Windsor, NY 12553

44-1-38.1 ✓  
Adelino Guerra & John O'Connor ✓  
PO Box 4728  
New Windsor, NY 12553

44-1-20 ✓  
Carlos Estela & Samuel Inzerra IV ✓  
20 Forest Hill Road  
New Windsor, NY 12553

44-1-39 ✓  
Oakwood Mall, Inc. ✓  
C/O Victor Meisels  
4 Fillmore Court # 301  
Monroe, NY 10950

44-1-21 ✓  
William & Margaret Orosz ✓  
87 Forest Hill Road  
New Windsor, NY 12553

44-2-1 ✓  
Peter & Jean Harrison ✓  
60 Forest Hill Road  
New Windsor, NY 12553

44-1-28 ✓  
Ramon Jr. & Edith Matta ✓  
29 Forest Hill Road  
New Windsor, NY 12553

44-2-2 ✓  
John Jr. & Agnes Bolton ✓  
14 Forest Hill Road  
New Windsor, NY 12553

44-1-30.1 & 44-1-30.3 & 44-1-30.4 ✓  
Bank One, NA ✓  
3815 South West Temple  
Salt Lake City, Utah 84165

44-2-3 ✓  
Stephen & Robin Grove ✓  
78 Forest Hill Road  
New Windsor, NY 12553

0000

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

**RECEIPT**  
**#381-2002**

04/26/2002

Coplan, Joel & Karen #02-09

Received \$ 50.00 for Zoning Board Fees on 04/26/2002. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

*Pls. 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. 9

Request of KAREN COPLAN

for a VARIANCE of the Zoning Local Law to Permit:

existing single-family residence w/ attached garage has  
insufficient front yard;

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

for property situated as follows:

18 Cherie Lane, New Windsor, N.Y.

known and designated as tax map Section 44, Blk. 1 Lot 36

**PUBLIC HEARING** will take place on the 13<sup>th</sup> day of May,  
2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York beginning at 7:30 o'clock P.M.

Lawrence Torley  
Chairman

By: Patricia A. Corsetti, Secy.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 02-09.

Date: 4/26/02

I.  Applicant Information:

- (a) KAREN COPLAN 18 CHERIE LANE NEW WINDSOR, NY  
(Name, address and phone of Applicant) (Owner) 12553
- (b) 561-5091  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance  Sign Variance
- Area Variance  Interpretation

III.  Property Information:

- (a) R-4 18 CHERIE LANE 44-1-36 21,557 sq ft  
(Zone) (Address) (S B L) (Lot size) ±
- (b) What other zones lie within 500 ft.? none.
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO.
- (d) When was property purchased by present owner? 1973.
- (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 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 ft</u>	<u>10.2 ft</u>	<u>24.8 ft</u>
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____%	_____%	_____%
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only  
\*\* No-residential districts only

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

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

*I believe my request for a variance should be granted because it does not have an impact upon my neighbors or my neighborhood. The added garage originally met setback requirements as stated in the original building permit. However I was not aware that the building permit had to be converted to a certificate of occupancy*

(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

VIII:

Unfortunately for me, I did not know what a certificate of occupancy was at that time, as one was not required when we purchased our home in 1973.

At this time, I have no other option available to me but to seek this variance



RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

# Deed.

ORANGE  
COUNTY

0 4 0 6 2 0

REAL ESTATE  
TRANSFER TAX  
STATE OF  
NEW YORK  
41.80

Dept. of  
Taxation  
& Finance  
JUL 23 1973  
PA. 11951

★ ★ ★ ★ ★

LIBER 1949 PG 651

ROBERT J. GORDON  
and  
MARY I. GORDON

TO

JOEL COPLAN  
and  
KAREN COPLAN

Dated, July 20th, 1973

Orange County Clerk's Office, s.s.  
Recorded on the 23rd day  
of July 19 73 at 12:06  
o'clock P.M. in Liber 1949  
649 at page 649  
and Examined.

*C. N. Winters*

R&R:  
EARLE H. HOUGHTALING, JR.  
Walden, New York 12586

XXXXXX HOTTX DRAXXX  
XXXXXX XXXXXXXX  
XXXXXX XXXXXXXX

4180  
4-

# This Indenture,

Made the <sup>20<sup>th</sup></sup> day of July, nineteen hundred and seventy-three

Between ROBERT J. GORDON and MARY I. GORDON, husband and wife, both residing on Cherie Lane (no #), Town of New Windsor, Orange County, New York

S. <sup>parties of the first part, and</sup>  
JOEL COPLAN and KAREN/COPLAN, husband and wife, both residing at 159 Knox Village, Town of New Windsor, Orange County, New York

<sup>parties of the second part:</sup>

Witnesseth, that the parties of the first part, in consideration of TEN AND NO/100 (\$10.00) ----- Dollars, lawful money of the United States, and other good and valuable consideration paid by the parties of the second part, do hereby grant and release unto the parties of the second part, their distributees and assigns forever,

All that lot, piece or parcel of land situate, lying and being in the Town of New Windsor, Orange County, New York, and being a portion of Lot 18 on a map of Forest Hills of New Windsor, made by Neal Sherwood, C.E., which map is dated August 2, 1954 and which map was filed with the Orange County Clerk's Office on November 11, 1954, more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Forest Hills Road, which said point is the southeasterly corner of Lot 19 and running thence along the westerly side of Forest Hills Road South 24° 12' East 81.88 feet to a point; thence turning and running through Lot 18 of the said map South 70° 59' 50" West 198.65 feet to a point in the easterly line of a proposed road known as Cherie Lane; thence running along the said proposed road for the next three courses as follows: (1) North 37° 56' West 35.0 feet; (2) North 23° 15' East 47.73 feet; (3) North 16° 54' West 25 feet; thence through Lot 18 North 39° 04' 20" East 98.06 feet to a point in the southerly line of Lot 19 on said map; and thence South 72° 39' East 107.50 feet to the point or place of beginning; being a portion of Lot 18 on said map of Forest Hills on a portion of the lands conveyed by Jacob Rechtschaffer to Idle Hour Construction Corp. by deed dated the 19th day of June, 1959 and recorded on the 23rd day of July, 1959 in Liber 1512 of Deeds at page 230.

Together with a right of way in common with Idle Hour Construction Corporation and others given the same through and over the aforesaid proposed road known as Cherie Lane for ingress and egress to and from the above described road and New York State Route 94 which said right of way shall be extinguished and terminated upon the acceptance of the dedication of the said road by the Town of New Windsor.

SUBJECT to grants of record to public utilities.

SUBJECT to such state of facts as an accurate survey and personal inspection of said premises may reveal and subject to building and zoning ordinances and regulations of the Town of New Windsor.

BEING the same premises conveyed by deed to Robert J. Gordon and Mary I. Gordon on December 30, 1963 and recorded in the Orange County Clerk's Office on January 2, 1964 in Liber 1654 cp 1091.

SUBJECT to a perpetual easement and right of way in favor of the Town of New Windsor, Sewer District No. 9 as described in Liber 53 Lis Pendens page 83.

LIBER 1949 PG 649

Together with the appurtenances and all the estate and rights of the part ies of the first part in and to the said premises.

To have and to hold the premises herein granted unto the parties of the second part, as tenants by the entirety. their distributees and assigns forever.

And the said grantors covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever

And The grantor<sup>s</sup>, in compliance with Section 13 of the Lien Law, covenant as follows: That they 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 that they 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.

In Witness Whereof, the part ies of the first part ha ve hereunto set their hand and seal On the day and year first above written

In the Presence of:

*[Handwritten signature]*

*Robert J. Gordon* L.S.  
ROBERT J. GORDON  
*Mary I. Gordon* L.S.  
MARY I. GORDON

State of New York, County of ORANGE ss.:

On the 20<sup>th</sup> day of July, nineteen hundred and seventy-three before me personally came ROBERT J. GORDON and MARY I. GORDON, to me known to be the individuals described in, and who executed, the foregoing instrument, and acknowledged that they executed the same.

EARLE H. HOUGHTALING JR.  
Notary Public, State of New York  
Residing in County of Orange  
Commission Expires March 30, 1971

*Earle H. Houghtaling Jr.*  
Notary Public

Date ..... 3/13/12 .....

**TOWN OF NEW WINDSOR**

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

TO ..... Frances Roth  
100 W. Harry Lane  
NEW WINDSOR, N.Y. 12550 ..... DR.

DATE		CLAIMED	ALLOWED
3/11/12	Zoning Board Mtg	75.00	
	Misc. 3		
	Mt. Airy Estates - 2		
	Coplan - 4      18.00		
	Patterson - 3		
	Braun - 3		
	Cipriani/Gatt - 4		
	Dicigrata - 9		
	Dean - 1		
	Fidanza - 7		
	36	1102.00	
		<u>      </u>	
		237.00	

COPLAN, KAREN

Mr. Joel Coplan appeared before the board for this proposal.

MR. TORLEY: Request for 24.8 ft. front yard variance for existing structure with attached garage at 18 Cherie Lane in an R-4 zone.

MR. COPLAN: My name is Joel Copland, Karen's husband. Back in the late 70's, we took out a building permit to put in a garage and I wasn't astute enough at the time to realize that I have to apply for a C.O. on that permit within a certain amount of time. Now we're looking to get a C.O. for our home and with the zoning changes I'm applying for a variance of 24.8 feet. At that time I did meet setback requirements but with the change in the zoning, I understand I no longer meet that requirement.

MR. KANE: What brings you in at this point, refinance?

MR. COPLAN: No, it's just we wanted to have a, get a C.O. for the house cause we knew that it would be something that we'd need down the road.

MR. TORLEY: Let me tell you why we have these preliminary meetings, for everybody in the audience as well, by state law, all of our decisions have to be made at a public hearing. We have these preliminary meetings so you can get some idea of the questions we're going to be asking you at a public hearing and vice versa, so nobody is surprised so we don't want anybody to be sandbagged.

MR. KANE: There's a lot of towns where it's a one shot deal, if you come in, if you're prepared, fine, if you're not, too bad. So we set it up so there's a preliminary, we can request information from whomever and pictures, whatever we need to make an intelligent decision.

MR. COPLAN: We have some photographs.

MR. KANE: Yo'ure sure on the measurement on the 24.8

it's going to be enough?

MR. BABCOCK: Yeah, there's a certified survey in the file that was submitted.

MR. KANE: Just want to make sure with your 24.8 that you're not off a little bit. And if you go to refinance or something and they re-measure it and you're off .1, you're back here again.

MR. KANE: You said that the attached garage has been up since about the late 70's so it's been up 20 odd years?

MR. COPLAN: Yes.

MR. KANE: Any complaints formally or formally about the garage?

MR. COPLAN: No.

MR. KANE: Similar to other garages?

MR. COPLAN: Yes.

MR. KANE: Creating any water hazards or runoffs?

MR. COPLAN: No. Actually, Cherie Lane is a small street with four homes, we're the third, there's, the only thing in front is Cherie Lane and on the other side is woods going into the creek.

MR. KANE: Standard questions so that you should be prepared for what you're going to run into.

MR. TORLEY: He has two front yards?

MR. BABCOCK: If you look at the map, Mr. Chairman, it's quite difficult, actually, Forest Hill, yes, excuse me, I'm sorry, I thought you meant as far as the road that went around Cherie Road that kind of ends there and becomes a driveway.

MR. TORLEY: But it fronts on two roads?

MR. BABCOCK: Forest Hill and on Cherie.

MR. TORLEY: Which is the front yard he's encroaching on?

MR. BABCOCK: Cherie Lane.

MR. KRIEGER: Which way does the house face?

MR. BABCOCK: Cherie Lane. Do you see the survey, Mr. Chairman?

MR. TORLEY: No, I don't have one.

MR. BABCOCK: See what they assumed is the lot line in 1979, they followed the curve.

MR. COPLAN: When I had a survey, I realized that the lot line was right in the middle of that second driveway.

MR. BABCOCK: Yes.

MR. TORLEY: When you come in for a public hearing, appreciate some photographs.

MR. COPLAN: Save these for the public hearing?

MR. KRIEGER: Yes, and bring a copy of the survey.

MR. TORLEY: The other thing I'm going to tell you and all the audience members too, you'll be sending out notifications to all your neighbors that you're going to have a public hearing for these requests, it's a good idea to talk to your neighbors because it's a legalese on the notice that goes out and so they can make sure that you're not putting a toxic waste dump, just a garage, it helps a lot, so talk to your neighbors about what you're doing.

MR. COPLAN: Do I learn whom I have to contact?

MR. TORLEY: There's a, we have instructions for you.

MR. KANE: Accept a motion?

March 11, 2002

8

MR. TORLEY: Yes.

MR. KANE: Move we set up Karen Coplan for a public hearing on requested variance at 18 Cherie Lane.

MR. REIS: Second it.

ROLL CALL

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