

ZB# 00-39

William Marulanda

43-1-70

Pellin.

Aug. 14, 2000.

No Action Required

#00-39-Marulanda, Wm.
43-1-70

MARULANDA, WILLIAM

Mr. William Marulanda and Ms. Rivera appeared before the Board for this proposal.

MR. TORLEY: Request for interpretation of single-family use which appears to be two family at 26 Spring Rock Road in an R-4 zone.

MR. MARULANDA: First of all, sorry for the attire.

MR. TORLEY: There's nothing wrong with a uniform.

MR. MARULANDA: We are requesting a variance for a single-family home --

MR. TORLEY: A variance or are you --

MR. MARULANDA: Well, actually, I was under the impression -- I spoke to the engineer, he said that it was a two family home. I guess we're arguing that it's not what we're planning on using it for. It's going to be a single-home, single-family use. We took the liberty of mailing out requests to 50 of our neighbors telling what the plans and intentions of what we would be building. Twenty-two of those came back. Of those 22, 19 were approved, two were saying whatever you guys decided they would go with, and one of them didn't say either or so I assume that they didn't care.

MR. KANE: Why did the engineer determine that it was a two-family home?

MR. MARULANDA: Because the addition is going to have a second kitchen. And even though I'm not planning on dividing the house in any way -- I'm planning on buying the home for my parents, and my mother is very sick, so I'm going to keep her with us. Because her and I are in the process of getting married and it will be easier --

MR. KANE: No locking entranceways between that?

MR. MARULANDA: No, sir.

MR. KANE: One gas meter, one electric meter coming into the home?

MR. MARULANDA: I stated all of that to our neighbors. I said one meter, one single address, no A or B. The

house will remain open to all areas because medically. The house will appear on the outside to similar additions to our neighbors homes. As a matter of fact, we have a neighbor five doors down the Luongos, they've already added a second kitchen for the same purpose and they were accepted. As a matter of fact, the addition is being completed as we speak.

MR. KANE: Was it the building department that said because of the second kitchen that it was going to be considered a second home?

MR. BABCOCK: I think it's a combination of the whole thing. I think the unit that he's talking about is Mr. Luongo?

MR. MARULANDA: Yes.

MR. BABCOCK: He was in front of the board for the same type interpretation. Basically, it was for his mother.

MR. MARULANDA: The only reason I want to bring that up is because you kind of set precedence already by doing that.

MR. TORLEY: There's no precedence, per se, at the zoning board. Each property is considered unique.

MR. MARULANDA: I've got a drawing of the proposed addition and a copy of the survey on the home.

MR. KANE: Michael, other than the kitchen and the addition, everything else fits into the requirements for that neighborhood?

MR. BABCOCK: Yes. As far as the setbacks you mean? Yes.

MR. TORLEY: So the only question is whether or not it's being set up as a two-family. The applicants have stated it's not. It's for their mother. We have one electric, one gas, open floor plan essentially. It's just for the convenience for and elderly parent.

MR. MARULANDA: We're only going to come in the front door. We're only going to be using the same single door.

MR. McDONALD: When are you planning on finishing the garage?

MR. MARULANDA: No, actually, the garage is already finished. When they bought the house it was already finished.

MR. McDONALD: So in other words, you're coming out in front of the garage?

MR. MARULANDA: No, the back.

MR. REIS: So no part of the exterior of the home is going to be altered in any way?

MR. MARULANDA: Well, the addition will be on the exterior toward the back yard.

MR. TORLEY: But that still, we have no problem with rear yard, Mike?

MR. BABCOCK: No.

MR. TORLEY: Just want to make sure you don't have to do this again.

MS. RIVERA: As we said, we sent a letter to all of our neighbors. But they didn't send back the letter, they wrote me they didn't care one way or the other. Well, we did a 50 --

MS. BARNHART: They're ahead of themselves. They do not have to notify the neighbors unless a public hearing is scheduled.

MR. TORLEY: They're just here --

MR. KANE: Here for an interpretation.

MR. BABCOCK: Mr. Chairman, I don't have a survey. I don't think we got to that step.

MR. TORLEY: They have a survey here, Mike.

MR. BABCOCK: Okay.

MS. RIVERA: We also have the contract of sale for the home as well.

MR. BABCOCK: Yeah, Mr. Chairman, they have some 60 feet to their rear yard and some 18 feet to the side yard which is in compliance.

MR. TORLEY: I think the record and the applicant's statements indicate to me that this is a single-family home and being maintained as such.

MR. KANE: My feelings too.

MR. TORLEY: Do we have a motion on that?

MR. REIS: Is that required?

MR. KRIEGER: Unless there's a consensus of the board, unless any member of the board wants to either --

MR. REIS: -- uncomfortable.

MR. KRIEGER: -- is uncomfortable with it.

MR. McDONALD: I'm comfortable with it.

MR. KANE: I think our interpretation is that it would be a single-family home.

MS. BARNHART: We can't do an interpretation.

MR. KRIEGER: Do you understand what that means? Once you've declared it's a single-family home, you can't turn around and rent part of the home.

MR. MARULANDA: That's not our intention at all.

MR. KRIEGER: As long as you understand. I understand what you're saying. As long as you understand that you're locked in here.

MR. MARULANDA: Yes, sir.

MR. KRIEGER: I know that's not your present intention, but you should remember that that's for all time.

MR. TORLEY: Your future intentions too.

MR. MARULANDA: Right.

MR. TORLEY: In that case, you're finished. Mike, that's our feeling on the matter.

MR. REIS: That's all you need, Michael?

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MR. BABCOCK: Yes.

MR. TORLEY: Mike, you're doing the right thing by doing this. Thank you. You're set.

MR. KANE: See Michael in his department in the morning.

cc: Wm. Marulande

ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. JULY AND AUGUST: ONE MEETING PER MONTH ONLY.

PROCEDURE FOR A PUBLIC HEARING

Preparations for a public hearing are relatively simple IF YOU READ AND FOLLOW THIS PROCEDURE:

Step 1 - Order a variance list from the Assessor's Office. A deposit of \$25.00 payable to TNW must be paid in advance for this list. This list is necessary for the mailing of notices to all property owners within 500 feet of your property. The total fee for this list is based on the number of names and addresses on your list.

Step 2-While awaiting the preparation of the list, fill out the Application and Public Notice of Hearing (leave date blank) which you received at the preliminary meeting before ZBA.

Step 3 - When the list is completed, the Assessor's office will call you. Using the list, address an envelope for each, add your return address and a first-class stamp and hold. These will be used to forward the hearing notices to all of the adjacent property owners.

Step 4 - Call Pat at 563-4630 and MAKE AN APPOINTMENT to come in with your completed paperwork. At this time also bring with you a copy of your deed or contract of sale, title report (if you have one), photos, completed applications, public hearing notice, addressed/stamped envelopes, and fees payable to the Town of New Windsor. A HEARING DATE WILL NOT BE SCHEDULED UNLESS ALL OF THE PAPERWORK IS COMPLETED AND RETURNED WITH THE FEES TO THE SECRETARY.

Step 5 - The Public Notice of Hearing must be published in the local paper one time, ten days prior to the hearing date. Secretary will make arrangements for the publication of the notice. Applicant is responsible for the payment of publication. Secretary will fill in the date of public hearing on notice when all paperwork is received.

Step 6 - Once the Secretary has had an opportunity to review the hearing notice, she will add the hearing date and you may then insert the completed public hearing notice in each of the prepared envelopes, seal each envelope and bring back to Pat in the order in which they appear on the list. She will then compare the envelopes with the list, if it checks out, she will prepare an Affidavit of Mailing and mail the envelopes out. Notices must be postmarked at least 10 days before the hearing date.

Step 6 - Prepare two separate checks both payable to the Town of New Windsor, one in the amount of \$50.00 (residential) or \$150.00 (commercial) which is the variance application fee, and a second check in the sum of \$300.00 (residential) or \$500.00 (commercial). The second sum will be held in escrow pending the deduction of fee for stenographic services and attorney's fee for the handling of your file.

APPLICANT'S CHECK LIST:

1. Applications (3 copies);
2. Public notice of hearing;
3. Envelopes with names/addresses of adjacent property owners, stamped and ready for notice to be inserted;
4. Fees;
5. Copy of deed or contract of sale, title report, photographs of site.

IMPORTANT NOTE: If your application is approved by the ZBA, you have one (1) year from the date of approval within which to pursue your building plans. A variance becomes null and void after this period. If you are not planning to build within this time frame, you must apply to the ZBA before this date expires to seek an extension of this variance.

**PATRICIA A. CORSETTI, SECRETARY
ZONING BOARD OF APPEALS
Town Hall - 555 Union Avenue
New Windsor, N. Y. 12553
(845)563-4630 - FAX (845)563-4693**

July 6, 2000

WILLIAM L MARULANDA
26 Spring Rock Rd.
New Windsor N.Y. 12553
(914) 569-8189

Dear zoning board, I am a resident and homeowner at above address and I am currently considering adding a new addition to my home. The home I now live in is a bi-level and only one family resides in it. The addition that I am considering is roughly twenty feet by thirty feet and would lay to the rear of the house. A copy of survey with the proposed addition is attached. The addition would include a hallway ending in a rest room and from the hallway there would be access to the outside, a kitchen, and dinning room.

This floor of the addition would be level with the lower floor of the house. Above the proposed addition would be a deck running the full length and contour of the addition. This floor of the addition would be level with the upper floor of the house and there would be access here into the existing dinning room. The addition will not be divided from the rest of the house nor will there be any separation or dividing of the house in any way. Only the single family currently residing here will use the house.

I would greatly appreciate it if you would consider my application for a building permit. I would also appreciate any suggestions, as this is my first time taking on such a project. Also, I'm not sure if this pertains but my neighbors to both sides and rear already have similar additions with similar dimensions, however, I don't think their additions include a kitchen.

Thank you kindly for your attention, if you have any question please call me at above phone number before two PM or you can call me at work. The phone number there is (914) 563 2426 after two thirty PM.

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

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

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

DATE: July 10, 2000

APPLICANT: William & Maria Marulanda
26 Spring Rock Road
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Addition With 2nd Kitchen 1st Floor

LOCATED AT: 26 Spring Rock Road

ZONE: R-4

DESCRIPTION OF EXISTING SITE: [SEC/BLK/LOT] 43-1-70

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-9 Use Bulk Table R-4 Zone

1. Addition of Kitchen, Bathroom and Dining room on the first floor constitutes a 2nd dwelling unit. Two Family Dwellings are not permitted.

Louis J. Kuycha
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: Single Family Two Family Two Family Dwelling

MIN. LOT AREA:

MIN LOT WIDTH:

REQ=D. FRONT YD:

REQ=D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ=D REAR YD:

REQ=D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

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

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.

RECEIVED
JUL 07 2000

BUILDING DEPARTMENT

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 #: 633-2000

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 William, SANDRA & MARIA MARULANDA

Address 26 Spring Rock Rd New Windsor Ny 12553 Phone (914) 569-8189

Mailing Address _____

Name of Architect NONE AS OF YET

Address _____ Phone _____

Name of Contractor _____

Address _____

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

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 43 Block 1 Lot 70

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

6. Is this a corner lot? _____

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 **PAID** cash

Low
Send to zoning board

PAID
Receipt # 1159

7 1 5 1 2 0 0 0
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 Lisl & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 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 in duplicate 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.

William J. [Signature]
(Signature of Applicant)

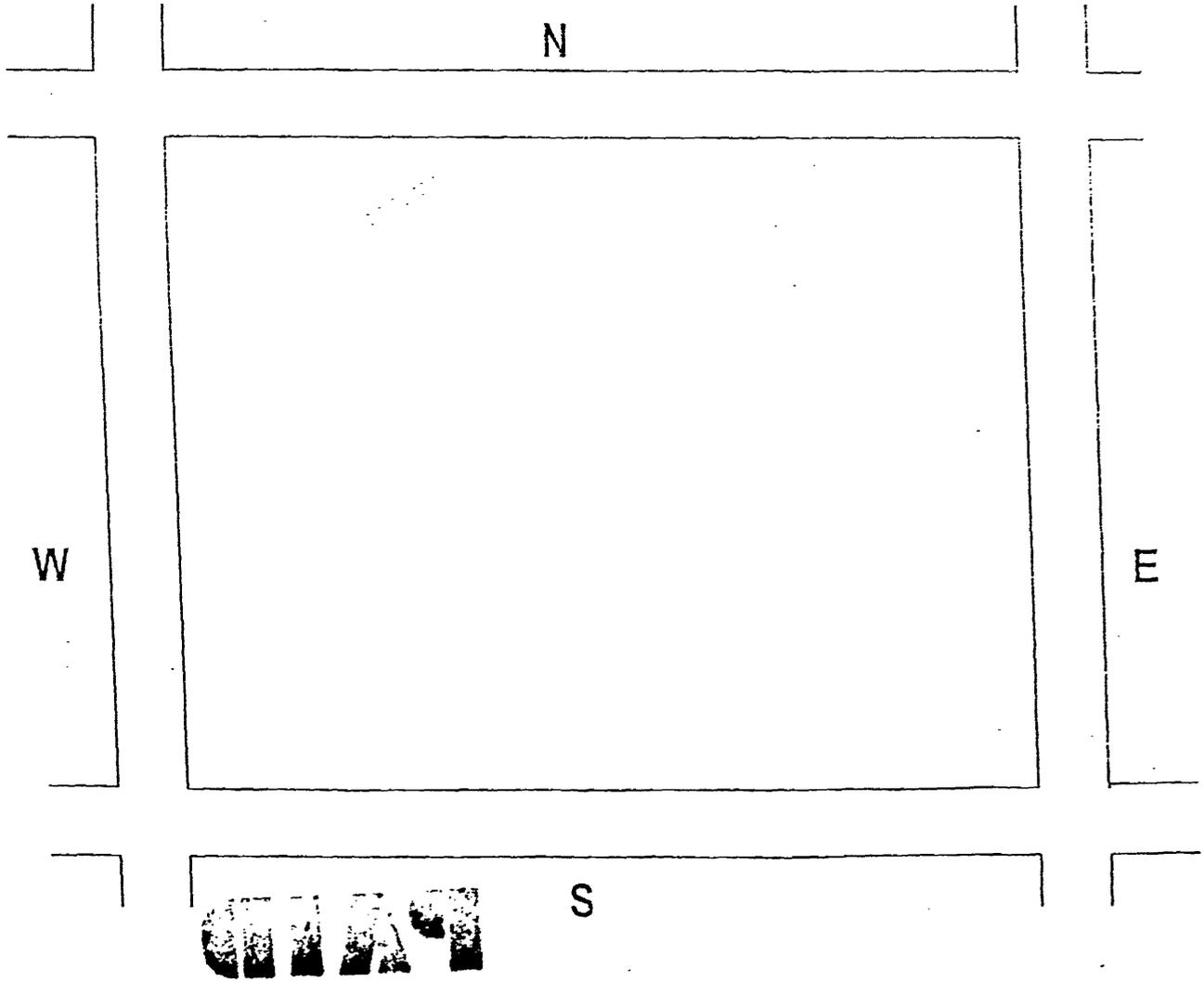
26 SPRING ROCK RD NEW WINDSOR NY 12553
(Address of Applicant)

(Owner's Signature)

(Owner's Address)

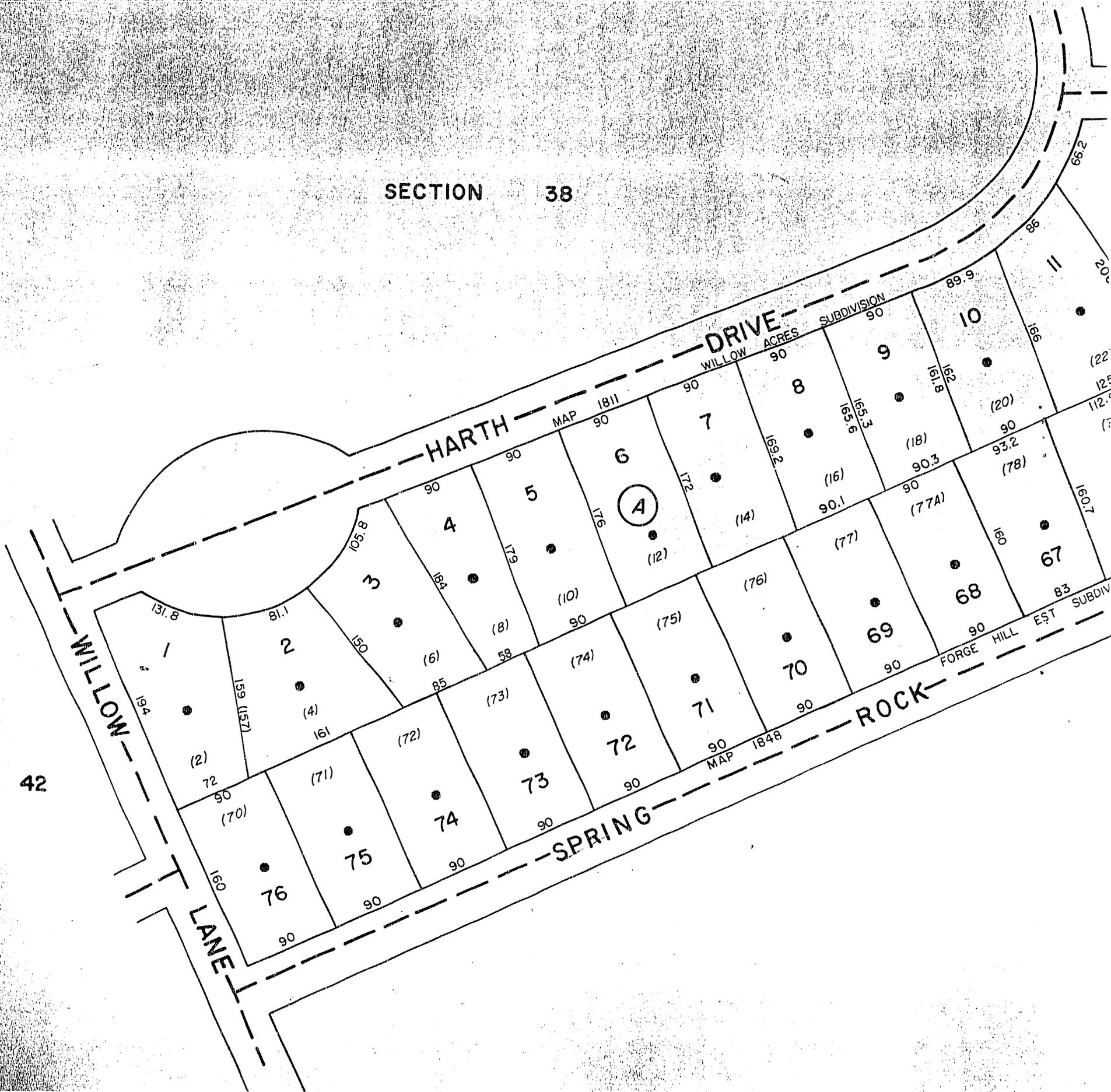
PLOT PLAN

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



N 535,000
E 579,000

SECTION 38



DRIVE

WILLOW ACRES

SUBDIVISION

HARTH

MAP 1811

WILLOW

LANE

SPRING

ROCK

FORGE HILL EST SUBDIV

MAP 1848

42

N



UNIT ENROLLMENT & ADDRESS

DENISAR JOANNE S
 26 SPRING ROCK RD, NEW WINDSOR, NY
 Roig Jose R. Jr. & Josephine
 27 Spring Rock Road
 Colonial Mortgagee Corp

33	48	00	43	1	70.00
DISTRICT		SECTION		BLOCK	LOT
ACCOUNT NUMBER				GRID COORDINATE	
210 R				01 of 01	
CLASS CODE		ZONING		CARD NUMBER	
				ROUTING NUMBER	

Sec. of Housing & Urban Dev.
 26 Federal Plaza

26 SPRING ROCK RD
 PROPERTY ADDRESS

DATE	TYPE	SALE PRICE	SOURCE	VALIDITY
MO.	YR.	1 LAND 2 L & B	1 BUYER 2 SELLER	3 FEE 4 AGENT
9	81	1 X	1 2 X 4	X 2
10	83	1 X	1 2 3 4	1 X
12	83	1 X	1 2 X 4	1 X

Cramsie William J & Debra A
 SPINOZZA STEVEN & SHARON 1/90 (\$128900)
 MARULANDA WILLIAM & MARIA & SANDRA
 (4/93 - \$129000. Valid)

190/83 244/84 380/84 156/85

LAND COMPUTATIONS

0 NONE	N	ACTUAL FRONTAGE	EFFECTIVE FRONTAGE	EFFECTIVE DEPTH	UNIT PRICE	DEPTH FACTOR	ACTUAL PRICE	INFLUENCE FACTOR	LAND VALUE
LOTS	(1) L	90.00	90	160	90	114			
1 REGULAR LOT	L								
2 MINUS LOT	L								
3 APARTMENT SITE	L								
SQ. FT.	S			SQ. FT.					
1 PRIMARY SITE	S			SQ. FT.					
2 SECONDARY SITE	S			SQ. FT.					
3 UNDEVELOPED	S			SQ. FT.					
4 RESIDUAL	S			SQ. FT.					
ACRES	A			ACRES					
1 PRIMARY SITE	A			ACRES					
2 SECONDARY SITE	A			ACRES					
3 UNDEVELOPED	A			ACRES					
4 RESIDUAL	A			ACRES					
5 TILLABLE	A			ACRES					
6 PASTURE	A			ACRES					
7 WOODLAND	A			ACRES					
8 WASTELAND	A			ACRES					
9 HOMESITE	A			ACRES					
0 TOTAL	A			ACRES					
GROSS	G								
1 IRREGULAR LOT									
2 SITE VALUE									
3 RESIDUAL									
4 HOMESITE									
0 MINUS R.O.W.									
# 01 NUMBER OF LAND ENTRIES					TOTAL VALUE LAND 9300				
					TOTAL VALUE BUILDINGS 26200				
					TOTAL VALUE LAND & BLDGS. 36200				

PROPERTY CLASSIFICATION CODE	ASSESSMENT RECORD
6/84 51500 V	LAND 9300
	BLDGS. 2900
	TOTAL 36200
	SCAR 616 LAND 9300
	BLDGS. 29000
	TOTAL 36200
	19 LAND
	BLDGS.
	TOTAL
	19 LAND
	BLDGS.
	TOTAL

RESIDENTIAL-200
 210-1 Family Year Round
 220-2 Family Year Round
 230-3 Family Year Round
 240-Rural Residence
 W/Acreage
 250-Estate
 260-Seasonal
 270-Mobile Home
 UNUSED VACANT LAND-300
 310-Residential
 320-Rural
 330-Commercial
 340-Industrial
 350-Urban Renewal

Manufacturing & Processing
 720-Mining and Quarrying
 730-Wells
 PUBLIC SYCS-800
 WILD AND FORESTED-900
 910-Private Other Than 920
 920-Private Hunting/Fishing
 930-State Owned
 940-County Owned

*See Detailed Listing for Divisions & Subdivisions

BUILDING PERMIT RECORD				
DATE	TYPE	AMOUNT	NUMBER	
MO.	YR.		1 DEMOL.	2 ADDN.
4	93	(6000) Cond.		
4	93	Cost 107 for		

(P) GENERAL PROPERTY FACTORS

NEIGHBORHOOD I. D.
 09

TOPOGRAPHY RATING
 1 GOOD 2 FAIR 3 POOR 4 VERY POOR

STREET OR ROAD
 1 PAVED 2 UNPAVED 3 PROPOSED

SIDEWALK
 1 YES 2 NO

ALLEY
 1 YES 2 NO

UTILITIES
 ALL WATER SEWER ELECTRICITY GAS
 0 NONE 1 PUBLIC 2 PRIVATE

(R) RESIDENTIAL PROPERTY FACTORS

NEIGHBORHOOD FACTORS

LOT FACTORS

LANDSCAPING RATING
 1 EXCELLENT 2 GOOD 3 FAIR 4 POOR 5 NONE

DRIVEWAY
 1 IMPROVED 2 UNIMPROVED 3 NONE

FRONTING TRAFFIC
 1 LIGHT 2 MEDIUM 3 HEAVY 4 NONE

COMPARISON TO NEIGHBORING PROPERTIES
 LOT 1 IMPROVEMENTS 1
 1 TYPICAL 2 POORER 3 BETTER 4 NONE

MEMORANDA

Feedback 12/18/80
 CORRECTIONS MADE
 ONICS sheet
 2-4-91 Conversion Made
 INT. Nursery - Business
 Heating N/S
 2/27/94

Site elevation 1 Below street ORANGE COUNTY, NEW YORK @ Level 3 Above street