

PB# 93-23

Greg & Ramona Agresti

60-1-4

PB # 93-23 Agresti, Gregory & Ramona
Lakeside Dr. (Zimmerman)

Approved

4/4/95

TOWN OF NEW WINDSOR **GENERAL RECEIPT** 13465
 555 Union Avenue
 New Windsor, NY 12550

Received of Agreste Plumbing & Heating July 16 19 93
Fifty and 00/100 \$ 50.00
 DOLLARS

For Planning Board Application Fee #93-23

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CP # 359</u>		<u>50.00</u>

By Pauline G. Townsend
Town Clerk
 Title

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TOWN OF NEW WINDSOR **GENERAL RECEIPT** 13466
 555 Union Avenue
 New Windsor, NY 12550

Received of Pauline G. Townsend July 16 19 93
Two Hundred and 00/100 \$ 200.00
 DOLLARS

For Planning Board Escrow #93-23 Agreste Plumbing and Heating

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CP # 360</u>		<u>\$200.00</u>

By Ausan Zappala
Deputy Comptroller
 Title

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Planning Board
 Town Hall
 555 Union Ave.
 New Windsor, N.Y. 12553

NO. 93-23

March 31, 1995

RECEIVED FROM Agreste Plumbing & Heating
Six Hundred Fifty-Eight 00/100 DOLLARS
addition to Escrow to cover Professional fees

Account Total \$ 658.00

Amount Paid \$ 658.00 CP # 360

Balance Due \$ -0- Final March Inv to the P.B.

Julia: 4/4/95

Map Number 80-95

City []

Town []

Village []

93-23

Section 600 Block 1 Lot 4

New Windsor

Title: Agresti, Gregory

J " Pimenta

Dated: June 17, 1993 Filed May 17, 1995

Approved by Henry Van Leeuwen

on Apr 4, 1995

Record Owner Same

(1 Sheet)

JOAN A. MACCHI
Orange County Clerk

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 93- 23

FOR WORK DONE PRIOR TO: 04/04/95

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	-----DOLLARS-----		
										EXP.	BILLED	BALANCE
93-23	55923	07/14/93	TIME	MJE	WS	AGRESTI	70.00	0.40	28.00			
93-23	56321	07/21/93	TIME	MCK	CL	A/REVIEW COMMENTS	25.00	0.50	12.50			
									40.50			
93-23	62174	12/06/93				BILL INV. 93-669						-40.50
												-40.50
93-23	63984	01/19/94	TIME	MJE	WS	AGRESTI L/L	70.00	0.40	28.00			
93-23	64014	01/26/94	TIME	MJE	MC	AGRESTI	70.00	0.30	21.00			
93-23	66044	03/02/94	TIME	MJE	WS	AGRESTI	70.00	0.40	28.00			
93-23	67637	04/27/94	TIME	MJE	NM	AGRESTI SUB DISAPP	70.00	0.10	7.00			
									124.50			
93-23	68009	04/30/94				BILL 94-265 5/16/94						-84.00
												-124.50
93-23	74770	08/17/94	TIME	MJE	WS	AGRESTI	70.00	0.40	28.00			
93-23	74007	08/23/94	TIME	MCK	CL	A/RVW COMMENTS	25.00	0.50	12.50			
93-23	74777	08/23/94	TIME	MJE	MC	AGRESTI	70.00	0.40	28.00			
93-23	74790	08/24/94	TIME	MJE	MC	AGRESTI	70.00	0.10	7.00			
									200.00			
93-23	74822	08/31/94				BILL 94-474 9/14/94						-75.50
												-200.00
93-23	77697	10/25/94	TIME	MJE	MC	AGRESTI	70.00	0.50	35.00			
93-23	77503	10/26/94	TIME	MCK	CL	A/RVW COMMENT	25.00	0.30	7.50			
93-23	77708	10/31/94	TIME	MJE	MC	AGRESTI RVW W/ENG	70.00	0.30	21.00			
93-23	77823	11/02/94	TIME	MJE	FI	AGRESTI	70.00	1.00	70.00			
93-23	77826	11/02/94	TIME	MJE	WS	AGRESTI-DISC	70.00	0.40	28.00			
93-23	77767	11/03/94	TIME	MCK	CL	A/MEMO	25.00	0.50	12.50			
93-23	78215	11/08/94	TIME	MJE	MC	AGRESTI	70.00	0.40	28.00			
93-23	77868	11/09/94	TIME	MJE	NM	AGRESTI > ZBA	70.00	0.10	7.00			
93-23	78218	11/09/94	TIME	MJE	MC	AGRESTI	70.00	0.10	7.00			
93-23	78394	11/09/94	TIME	MCK	CL	A/RVW COMMENTS	25.00	0.50	12.50			
									428.50			
93-23	79486	11/30/94				BILL 94-655 12/13/94						-228.50
												-428.50
93-23	80145	12/07/94	TIME	MJE	WS	AGRESTI-ZBA	70.00	0.40	28.00			

AS OF: 04/04/95

PAGE: 2

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 93- 23

FOR WORK DONE PRIOR TO: 04/04/95

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	-----DOLLARS-----				
								TIME	EXP.	BILLED	BALANCE	
93-23	80257	12/12/94	TIME	MJE	MC AGRESTI ZBA	70.00	0.70	49.00				

								505.50				
93-23	81137	12/31/94			BILL 95-117 1/10/95 PD						-77.00	

											-505.50	
93-23	84685	02/15/95	TIME	MJE	MC AGRESTI	70.00	0.40	28.00				
93-23	85200	02/23/95	TIME	MJE	MC AGRESTI	70.00	0.20	14.00				
93-23	85966	03/08/95	TIME	MCK	CL A/RVM COMMENTS	25.00	0.50	12.50				
93-23	86038	03/08/95	TIME	MJE	MC AGRESTI SUR	70.00	0.20	14.00				
								=====	=====	=====	=====	
					TASK TOTAL			574.00		0.00	-505.50	68.50
								=====	=====	=====	=====	
					GRAND TOTAL			574.00		0.00	-505.50	68.50

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/04/95

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 93-23

NAME: AGRESTI, GREGORY & RAMONA LOT LINE CHANGE
APPLICANT: AGRESTI, GREGORY & RAMONA

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
07/15/93	LOT LINE CHG. ESCROW	PAID		200.00	
07/21/93	P.B. ATTY. FEE	CHG	35.00		
07/21/93	P.B. MINUTES	CHG	18.00		
10/26/94	P.B. ATTY. FEE	CHG	35.00		
10/26/94	P.B. MINUTES	CHG	76.50		
11/09/94	P.B. ATTY. FEE	CHG	35.00		
11/09/94	P.B. MINUTES	CHG	27.00		
03/08/95	P.B. ATTY. FEE	CHG	35.00		
03/08/95	P.B. MINUTES	CHG	22.50		
03/22/95	P.B. ENGINEER FEE	CHG	574.00		
03/31/95	REC. CK. #984	PAID		658.00	
		TOTAL:	858.00	858.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/05/95

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 93-23

NAME: AGRESTI, GREGORY & RAMONA LOT LINE CHANGE
APPLICANT: AGRESTI, GREGORY & RAMONA

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
04/04/95	PLANS STAMPED	APPROVED
03/08/95	P.B. APPEARANCE	LA:ND WVE PH APPROVE
11/09/94	P.B. APPEARANCE	REFER TO Z.B.A.
10/26/94	P.B. APPEARANCE . RELOCATE DRIVEWAY ON PLAN AND RETURN	REVISE & RETURN
08/24/94	P.B. SCHEDULED APPEARANCE	CANCELLED BY APPLIC.
08/17/94	WORK SESSION APPEARANCE	RETURN TO PL. BRD.
03/02/94	WORK SESSION APPEARANCE	REVISE & RESUBMIT
01/19/94	WORK SESSION APPEARANCE . SUBMIT PLAN TO HWY. SUPT. - WHEN APPROVED	NEED HWY. APPROVAL REVISE & SUBMIT
08/25/93	P.B. APPEARANCE(DISCUSSION)	SEE REVIEW SHEET
07/21/93	P.B. APPEARANCE . M. MURPHY TO SEND DEEDS FOR FILE -PUT ON NEXT AGENDA	SITE VISIT 8/9/93 8/11/93
07/14/93	WORK SESSION APPEARANCE	REVISE & SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/05/95

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 93-23

NAME: AGRESTI, GREGORY & RAMONA LOT LINE CHANGE
APPLICANT: AGRESTI, GREGORY & RAMONA

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
03/31/95	L.L. CHG. APPROVAL	CHG	100.00		
03/31/95	REC. CK. #983	PAID		100.00	
		TOTAL:	100.00	100.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/05/95

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 93-23

NAME: AGRESTI, GREGORY & RAMONA LOT LINE CHANGE
APPLICANT: AGRESTI, GREGORY & RAMONA

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	07/16/93	MUNICIPAL HIGHWAY	11/04/94	SUPERSEDED BY REV2
ORIG	07/16/93	MUNICIPAL WATER	11/04/94	SUPERSEDED BY REV2
ORIG	07/16/93	MUNICIPAL SEWER	07/27/93	APPROVED
ORIG	07/16/93	MUNICIPAL SANITARY	11/04/94	SUPERSEDED BY REV2
ORIG	07/16/93	MUNICIPAL FIRE	07/20/93	APPROVED
ORIG	07/16/93	PLANNING BOARD ENGINEER	11/04/94	SUPERSEDED BY REV2
REV1	01/19/94	MUNICIPAL HIGHWAY	01/24/94	APPROVED
REV2	11/04/94	MUNICIPAL HIGHWAY	11/14/94	APPROVED
REV2	11/04/94	MUNICIPAL WATER	11/09/94	NO TOWN WATER
REV2	11/04/94	MUNICIPAL SEWER	03/01/95	SUPERSEDED BY REV3
REV2	11/04/94	MUNICIPAL FIRE	11/10/94	APPROVED
REV2	11/04/94		03/01/95	SUPERSEDED BY REV3
REV2	11/04/94		03/01/95	SUPERSEDED BY REV3
REV3	03/01/95	MUNICIPAL HIGHWAY	/ /	
REV3	03/01/95	MUNICIPAL WATER	/ /	
REV3	03/01/95	MUNICIPAL SEWER	/ /	
REV3	03/01/95	MUNICIPAL FIRE	/ /	
REV3	03/01/95		/ /	
REV3	03/01/95		/ /	

LOT LINE CHANGE FEES - TOWN OF NEW WINDSOR

APPLICATION (INCL. LOT LINE CHANGE):

LOT LINE CHANGE APPLICATION FEE \$ 50.00

ESCROW (\$150.00 - \$400.00) \$ 200.00

Pd 7/15/93

APPROVAL FEES: (LOT LINE CHANGE)

PRE-PRELIMINARY PLAT APPROVAL.....\$ 25.00

PRELIMINARY PLAT APPROVAL..... 25.00

FINAL APPROVAL..... 50.00

① Pd

TOTAL APPROVAL FEES L.L.CHG.....\$100.00

THE FOLLOWING CHARGES ARE TO BE DEDUCTED FROM ESCROW:

PLANNING BOARD ENGINEER FEES:\$ 574.00

PLANNING BOARD ATTORNEY FEES:\$ 140.00

MINUTES OF MEETINGS\$ 144.00

OTHER\$ -

TOTAL TO BE DEDUCTED FROM ESCROW: \$ 858.00

Less: Escrow

\$ 200.00

658.00 Due

②

Pd

Mail itemized bill

RESULTS OF P.B. MEETING

DATE: March 8, 1995

PROJECT NAME: Agresti L.L. Chg. PROJECT NUMBER 93-23

LEAD AGENCY:

* NEGATIVE DEC:

M) L S) Y VOTE: A 5 N 0

* M) L S) Y VOTE: A 5 N 0

CARRIED: YES _____ NO _____

* CARRIED: YES: NO _____

PUBLIC HEARING: M) L S) D VOTE: A 4 N 1

WAIVED: YES NO _____

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES _____ NO _____

APPROVAL:

1 abstain

M) L S) D VOTE: A 3 N 1 APPROVED:

M) S) VOTE: A N APPR. CONDITIONALLY: _____

NEED NEW PLANS: YES _____ NO _____

DISCUSSION/APPROVAL CONDITIONS: _____

March 8, 1995

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AGRESTI LOT LINE CHANGE (93-23) LAKESIDE DRIVE

Mr. and Mrs. Greg Agresti appeared before the board for this proposal.

MR. PETRO: You have been to the Zoning Board?

MRS. AGRESTI: Yes.

MR. PETRO: And you have acquired the necessary variances that were needed?

MRS. AGRESTI: Yes, we have.

MR. PETRO: They are on the map, Mark, they are on the map.

MR. EDSALL: I'll check that now. I think I just got a copy of the latest one.

MR. VAN LEEUWEN: I know they went to the Zoning Board.

MR. DUBALDI: Two variances.

MR. PETRO: Just to bring us up to date, we had, the Zoning Board had determined that this was two building lots and you were before the board just to get our input on the best location of a house and how to utilize the lot, is that correct?

MRS. AGRESTI: Yes.

MR. PETRO: And there was some grading problems with the road and I think we have gone passed that at this point and I guess you gave us a couple different layouts. The board reviewed them, picked one. You have applied that layout according to the board's wish?

MRS. AGRESTI: Yes.

MR. LANDER: Mr. Chairman, I'd like to make a motion that the New Windsor Planning Board be declared lead agency.

MR. VAN LEEUWEN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the minor subdivision in the form of a lot line change. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. STENT	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE
MR. LANDER	AYE
MR. VAN LEEUWEN	AYE

MR. LANDER: We have the public hearing, Mr. Chairman, Mr. Babcock, can you tell us how many people attended the public hearing at the Zoning Board? Do you know that or whether there was anybody there?

MR. KRIEGER: I wrote the decision, my recollection is no one.

MR. LANDER: Make a motion that we waive the public hearing.

MR. DUBALDI: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the Agresti Minor Subdivision under its discretion. Any further discussion from the board members? If not, roll call.

MR. VAN LEEUWEN: I'll say it before and I'll say it again, I'll not vote on this.

MR. DUBALDI: Because of the driveway.

MR. VAN LEEUWEN: It's just not a good, it's a flag lot to begin with, it's just not a good idea, it's steep.

MR. LANDER: There was two there.

MR. VAN LEEUWEN: I'm only saying my viewpoint.

MR. PETRO: Other than Mr. VanLeeuwen's statement, any further discussion on waiving the public hearing? If not, roll call.

ROLL CALL

MR. STENT	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE
MR. LANDER	AYE
MR. VAN LEEUWEN	NO

MR. PETRO: Again, I just want to go over that one more time and I'm doing this somewhat for Ed because he's not familiar with it. Again, this was an existing or so deemed by the Zoning Board that it is an existing building lot and they were here to get an idea from the board and they gave us a couple different layouts and this is the one that we had picked from the two. They had some as Mr. VanLeeuwen mentioned there was some grading problems with the driveway up front which were corrected. There was a manhole, too, that was in the way, has that been taken care of?

MRS. AGRESTI: It's not in the way, he's moved the driveway over.

MR. PETRO: Mark, you see no other further problems with any of the grading problems, no outstanding problems?

MR. EDSALL: No, obviously, it's not ideal but they have maximized bringing it into the guidelines of the Planning Board.

MR. PETRO: We have highway approval.

MR. DUBALDI: I just have one question. There's a proposed retaining wall about two parking spaces in the front, do you know how high the wall is going to be?

MR. EDSALL: There's one identically positioned at the lot next door and I think that one is about six or five foot high.

MR. DUBALDI: What's it going to be made out of?

MRS. AGRESTI: Railroad ties.

MR. EDSALL: There's one just to the left of the property, I believe.

MR. BABCOCK: There's several along that strip of road.

MR. PETRO: For bad weather parking lot.

MR. BABCOCK: Yes.

MR. PETRO: We have highway approval on 11/14/94 and fire approval on 11/10/94.

MR. LANDER: Make a motion declare negative dec.

MR. VAN LEEUWEN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec on the Agresti Minor Subdivision. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. STENT	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE
MR. LANDER	AYE
MR. VAN LEEUWEN	AYE

MR. PETRO: Okay, just keep it moving along, I think we have reviewed this a number of times and unless any of the members have anything new to add to this. Can we have a motion?

MR. LANDER: Motion to approve, Mr. Chairman.

MR. DUBALDI: Second it.

MR. PETRO: Motion to approve and seconded by the New Windsor Planning Board to approve Agresti Minor

March 8, 1995

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Subdivision on Lakeside Drive. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. STENT	ABSTAIN
MR. DUBALDI	AYE
MR. PETRO	AYE
MR. LANDER	AYE
MR. VAN LEEUWEN	NO



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

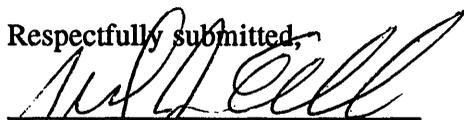
- Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: AGRESTI MINOR SUBDIVISION
(IN FORM OF LOT LINE CHANGE)
PROJECT LOCATION: LAKESIDE DRIVE
SECTION 60-BLOCK 1-LOT 4
PROJECT NUMBER: 93-23
DATE: 8 MARCH 1995
DESCRIPTION: THE APPLICATION INVOLVES A PROPOSED LOT LINE
CHANGE BETWEEN TWO (2) PARCELS ALONG LAKESIDE
DRIVE AT BEAVER DAM LAKE.

1. It is my understanding that the Applicant has received all necessary variances from the Zoning Board of Appeals. A record of same should be on file with the Planning Board before any final action is taken.
2. I had requested that two (2) minor corrections be made to the plan before same is submitted for final stamp of approval. As long as these corrections have been made to the submitted plan, I am aware of no reason why the Planning Board could not approve this application, once the procedural items listed below have been completed.
3. The Planning Board may wish to assume the position of **Lead Agency** under the SEQRA process.
4. The Planning Board should determine if a **Public Hearing** will be necessary for this **minor subdivision**, or if same can be waived per Paragraph 4.B of the Subdivision Regulations.
5. The Planning Board may wish to make a **determination** regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk
A:AGRESTI3.mk

ZONING BOARD OF APPEALS
REORGANIZATIONAL MEETING
January 23, 1995

REVISED AGENDA:

7:30 P.M. - ROLL CALL

Motion to accept minutes of the 1/9/95 meeting as written if available.

PRELIMINARY MEETING:

SET UP FOR P/H
(1) CICCARELLI/DURSO - Request for two-family residence in single family R-4 zone at 101 Glendale Drive. Use not permitted. (25-5-2).

SET UP FOR P/H
(2) BOHR, GERALD - Request for 5 ft. side yard variance for existing shed at 100 Creamery Drive in CL-1 zone. (80-2-5).

MRS VANDERHORN WILL MOVE SHED
(3) VANDERHORN, CORNELIUS - Request for 1 ft. 8 1/2 in. side yard variance for existing shed at 334 Riley Road in an R-3 zone. (36-1-21).

SET UP FOR P/H
(4) NOVOTNY, WILLIAM - Request for a variation of Section 48-14C(c)(1) for 6 ft. fence which projects closer to road than principal residence at 23 Guernsey Drive in CL-1 zone. (78-11-1).

PUBLIC HEARING:

APPROVED
(5) AGRETI, RAMONA/GREGORY - Request for area variances: Lot #1-7,945 s.f. lot area, 30 ft. lot width, 9 ft. side yard and 20 ft. street frontage; Lot #2-3 ft. lot width and 10 ft. street frontage to construct single-family residence on unimproved lot on Lakeside Drive in an R-4 zone. (60-1-4).

FORMAL DECISIONS: (1) FAIRBANKS 70-1-28
(2) INAGANTI 68-3-2
(3) CONKLIN/IDC SOIL RECLAMATION

9-1-98

PAT - 563-4630 (O)
562-7107 (H)

APPROVED

GEORGE QATANI

507-9268

PUBLIC HEARING:

AGRESTI, ROMANA/GREGORY

MR. NUGENT: Request for area variances: Lot #1-7,945 s.f. lot area, 30 ft. lot width, 9 ft. side yard and 20 ft. street frontage; Lot #2-3 ft. lot width and 10 ft. street frontage to construct single-family residence on unimproved lot on Lakeside Drive in an R-4 zone.
(60-1-4)

Mr. and Mrs. Gregory Agresti appeared before the board for this public hearing.

MRS. BARNHART: They published your notice twice, although I told them to publish it once, so if you get billed for two, I already called them, they are horrible.

MRS. AGRESTI: No, this is just one.

MR. NUGENT: Mike, I understand that we have an A and a B and we looked at the wrong one last week?

MR. BABCOCK: If the board understood last time there was alternate A and alternate B and the board had asked me which one was referred here from the Planning Board and I stated that it was alternate B and that was a mistake. As you may remember, we had to change some numbers on the denial because of that and then the next day, I talked to the applicant and we realized that we had talked about the wrong plan. So I changed the numbers back because it went to public hearing and we couldn't stop what had actually happened. It reduced the amount of variances by one and that is why alternate A is being used. It's the least amount of variances.

MR. NUGENT: What they were saying is the original numbers are the correct numbers?

MR. BABCOCK: That is correct.

MR. KRIEGER: And the numbers that appeared in the public notice?

MR. BABCOCK: There was no numbers there.

MR. KRIEGER: Numbers on the application are now the correct numbers, these numbers here are correct.

MR. BABCOCK: That is correct.

MR. TORLEY: Which map?

MR. BABCOCK: Alternate A.

MR. TORLEY: I'm a little confused on some of the numbers here, lot 2 is the one without the house on it now?

MRS. AGRESTI: Right.

MR. TORLEY: That is according to my figures requires ten foot street frontage?

MR. NUGENT: Yes.

MR. TORLEY: And how wide is that there?

MR. NUGENT: 50 foot you need 60.

MR. TORLEY: No, maybe I'm looking at the wrong property line.

MR. BABCOCK: The property width at the road for lot 2 is 18 feet. The Planning Board felt that the line should go straight and not follow the driveway.

MR. TORLEY: So they are required to have?

MR. BABCOCK: 60, so they need a variance of 32.

MR. TORLEY: So it is not ten foot but 32 feet for lot 2?

MR. BABCOCK: My paper says 32 so I am not sure what you're looking at, you might be looking at B.

MR. KANE: No, we're looking at lot number 2.

MRS. AGRESTI: 32 Feet.

MR. BABCOCK: Go straight and call this an easement, that is why it says alternate A easement. Now here's the numbers, there is where I changed it, required is 60, they have 18, they need 32. The other one has 73 so they don't need that so that eliminated that variance.

MR. NUGENT: They eliminated road frontage on lot one.

MR. BABCOCK: It's required 60, they have 18, they need 32, when it was alternate B, they also needed a road frontage variance.

MR. LANGANKE: 18 plus 32 that is 50.

MR. TORLEY: You say they need 60, then it's a 42 foot variance. If we granted them a 32 foot variance, they'd be in trouble.

MR. BABCOCK: Should be 42.

MRS. BARNHART: Street frontage, Mike, do you want to change this one again?

MR. BABCOCK: Thank you, Herb.

MR. LANGANKE: You're welcome.

MR. BABCOCK: As long as the numbers are right when we're done here, I think we'll be okay.

MR. TORLEY: So there's no lot frontage requirement on number one?

MR. BABCOCK: Number one has 73 feet.

MR. TORLEY: So what we're left with lot one is 7,945 square foot lot area and 30 foot lot width 9 foot side yard and that is it.

MRS. BARNHART: Lot number 2 is three foot lot width and 42 foot street frontage, is that right?

MR. BABCOCK: That is correct.

MR. TORLEY: Now, the reason you are requesting these variances it would be impractical to make the lots fit the zoning code?

MRS. AGRESTI: Right.

MR. TORLEY: And you feel you have projected the plan at the minimum requested variances?

MRS. AGRESTI: Yes, this meets more than town codes.

MR. BABCOCK: Alternative B they needed one more variance so they are going with alternate A.

MR. KANE: This conforms with the neighborhood as it is right now?

MRS. AGRESTI: Oh, sure.

MR. KRIEGER: What is going to be constructed on this additional lot, if it is approved, is a one-family house similar in size and appearance to the one-family houses that exist in the neighborhood?

MRS. AGRESTI: Right.

MR. TORLEY: This has sewer?

MRS. AGRESTI: Yes, we gave an easement to the town back here.

MR. BABCOCK: Yeah, runs right across the back of the property right at the lake.

MRS. BARNHART: 23.

MR. TORLEY: But lot number 2, even with the easement area deducted meets the area of lot size requirements?

MR. BABCOCK: Yes.

MR. NUGENT: I'll accept a motion.

January 23, 1995

43

MR. KANE: Mr. Chairman, I move that we grant Ramona and Greg Agresti their requested variances for lot one and lot two on Lakeside Drive.

MR. TORLEY: Second it.

ROLL CALL

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

AGRESTI, RAMONA

MR. NUGENT: Referred by Planning Board for area variances: Lot #1-7, 945 s.f. lot area, 30 ft. lot width and 9 ft. side yard; lot #2-3 ft. lot width and 42 ft. street frontage to construct single-family residence on unimproved lot on Lakeside Drive in R-4 zone.

Mr. and Mrs. Greg Agresti appeared before the board for this proposal.

MR. TORLEY: Are you planning to put the proposed house where it is shown on the sketch?

MRS. AGRESTI: Yes, this is what the Planning Board decided on.

MR. TORLEY: The trouble is the house being on two different pieces of property.

MR. BABCOCK: That is why they are doing a lot line change.

MR. BABCOCK: They had alternate A and B when they went to the Planning Board, alternate A involved an easement so that 2, lot 2, the driveway went over lot one so it involved an easement. The alternate B was a lot line change so that everybody owns their own property, all the driveways are on their own lots and the Planning Board felt that alternate B was better and that is the one that they should pursue.

MR. TORLEY: So, in essence, the lot line follows the driveway down towards this lot?

MR. BABCOCK: That is correct.

MR. NUGENT: There's sewer or water?

MRS. AGRESTI: There's sewer.

MR. KANE: Where is the 9 foot side yard variance?

MR. NUGENT: On the right side of the house on the

existing home.

MR. BABCOCK: It's supposed to be 15, they've got 6.

MRS. AGRESTI: It's missing 9.

MR. BABCOCK: That is an existing house, it's been there for--we're just trying, that is why they are here at the Zoning Board, pick it all up and get it all straightened out at one time.

MR. NUGENT: Let's go to lot 2, we need three foot lot width and 42 foot of street frontage, that is only cause they've got a driveway only, right?

MR. BABCOCK: That is correct.

MR. KANE: So lot 2, which is where the newer house is going doesn't really need a lot of variances.

MR. BABCOCK: No.

MR. KANE: And the older lot with the existing house you're just trying to get everything taken care of and so they own their own properties and it's clear cut without having an easement.

MR. KRIEGER: The only big variance with respect to lot 2 apparently is the street frontage which would be substantial.

MR. TORLEY: What's required?

MR. BABCOCK: It's required to be, 60 is required but I think that number is wrong because that was the alternate A plan. The 18 foot was when the driveway went straight in where the parking area used to be, Jimmy, where the parking lot the driveway went straight in and that aisleway, where the driveway was 18 foot wide, that is where that number came from. If you look at the map, well, the 33 feet is the driveway, if you look out on the road area, it's 50 foot.

MR. KRIEGER: Looks like ten foot.

MR. BABCOCK: See the 18 foot right in the parking area that is marked that is the old driveway measurement and and I think that is what Mark is seeing so actually really they need a ten foot variance.

MS. BARNHART: Ten foot street frontage.

MR. BABCOCK: So they are required to have 60, they are providing 50, so they need a variance of ten.

MR. KANE: Then the other one would need a front variance, would be the existing house.

MR. BABCOCK: See he has 74 for lot one and that changed.

MR. KANE: He will need 20.

MR. BABCOCK: Well, say 20 so he's providing 40 for lot one and he will need 20 for lot one.

MR. KANE: Instead of 30 feet 9.

MR. BABCOCK: Well, Mark is saying that he had 74 feet, he really only has 40.

MR. BABCOCK: So for lot 2 that they are creating where they want to build the house, they need three foot lot width and ten foot front, the rest of the variances are in lot one that is existing. Not much you really can do with that if you give lot one the requirements for street frontage you just take it away from lot 2 so if you give it to lot 2, you take it away from lot one, so what's the difference? The lot width is approximately 100 foot wide, you need 120, you can't get it, you need 20 for one and ten for the other.

MR. NUGENT: That still don't compute though, if you have 100 feet total width.

MR. BABCOCK: We have 90, 50 on one and 40 on another. The lot is approximately 100 foot wide straight across.

MR. LANGANKE: Have you been working on this since the last time we saw you?

MR. BABCOCK: Yes.

MS. BARNHART: They have been working on it for a long time.

MR. LANGANKE: I thought the presentation that they first made to the board was one of the best I've ever seen. I was just commenting to Mike they have really been doing their homework.

MR. TORLEY: Just for the record already no zoning requirements applicable to grades, et cetera.

MR. BABCOCK: Excuse me?

MR. TORLEY: Zoning requirements applicable to the grade and slope of the property.

MR. BABCOCK: Yeah, the driveway, there's a certain pitch for the driveway but they have proved that I'm not sure what that is.

MRS. AGRESTI: Yeah, it's on there.

MR. BABCOCK: There's a maximum slope of 15 percent, I think it is on the driveway and they are at 14 percent so they are going to have to regrade to get that 14 percent. The Planning Board felt that the driveway was steep but we've got other driveways that are that steep so that is why they've asked in Beaver Dam if you have ever been in this area, it's not unusual for these driveways to be like this. The next door neighbor's is exactly like that so the Planning Board asked for a parking area for two cars on the top in case of bad weather, they can still get off the road.

MR. KANE: I move that we set up Ramona Agresti for a public hearing for the proposed variance.

MR. KANE: I'll second it.

ROLL CALL

MR. TORLEY AYE

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

MR. KRIEGER: When you apply for an area variance, there are certain criteria which the Zoning Board must consider by law. I'm going to give you a sheet of those criteria. If you'd address yourself to them and identify them as you do in the public presentation, it would be helpful to the Zoning Board. Also, do you have, I'm trying to remember in all the stuff I've seen normally we require deeds and title policy to look at but to tell you the truth--

MS. BARNHART: It's already in the file.

MR. KRIEGER: In the variance applications made both before this board and the Planning Board, I've already reviewed the deed and title policy. So we don't need that again. We do need the 5 criteria addressed.

ZONNG BOARD OF APPEALS
Reorganizational Meeting
January 09, 1995

AGENDA:

7:30 P.M. - ROLL CALL

MOTION TO ACCEPT MINUTES OF 12/12/94 MEETING OF ZBA AS WRITTEN IF AVAILABLE. *APPROVED*

PRELIMINARY MEETING:

SET UP FOR P/H
(1) PERROTT, ANGELINA - Request for use variance to allow funeral parlor in R-4 zone under §48-24B(1)(b), non-conforming use discontinued for two (2) years, located at corner Cedar Ave. and Rt. 94. Also present: Anthony Cracolici. (23-1-52).

SET UP FOR P/H
(2) FRANCAN, FRANK - Request to convert single-family to two-family residence in PI zone located at 67 John Street. (14-1-13).

SET UP FOR P/H
(3) AGRESTITI, RAMONA - Referred by Planning Board for area variances: Lot #1-7,945 s.f. lot area, 30 ft. lot width and 9 ft. side yard; Lot #2-3 ft. lot width and 42 ft. street frontage to construct single-family residence on unimproved lot on Lakeside Drive in R-4 zone. (60-1-4).

THE BOARD SAID HE DID NOT NEED A VARIANCE
(4) BOWE, THOMAS - SECOND PRELIM. - Request for determination as to whether applicant requires 7 ft. side yard variance for existing shed at 5 Mark Street in R-4 zone. (43-2-12).

SET UP FOR P/H
(5) KANE, PATRICIA - Request for 2 ft. side yard variance for existing pool deck at 105 Shaker Court in R-4 zone. (80-8-20).

PUBLIC HEARING:

APPROVED
TYPE UP BP. AND SET UP FOR INSPECTION
(6) ZEEB, CYNTHIA - Request for 6 ft. side yard variance to allow existing 10 x 10 ft. carport at 46 River Road in PI zone. (9-1-85).

ELECTION OF OFFICERS FOR 1995: CHAIRMAN, VICE CHAIRMAN,
SECRETARY, RECORDING SECRETARY, ATTORNEY.

PAT - 563-4630 (O)
562-7107 (H)

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 93-23

DATE: 7 DEC 94

APPLICANT: GREGORY & RAMONA AGRESTI
59 LAKESIDE DRIVE
NEW WINDSOR N.Y. 12553

2 ZBA P/H
1-23-95
APPROVED

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 8 JULY 1993

FOR (SUBDIVISION - ~~STATE PLAN~~) _____

LOCATED AT LAKESIDE DRIVE

ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 60 BLOCK: 1 LOT: 4

ALTERNATE A

IS DISAPPROVED ON THE FOLLOWING GROUNDS: PROPOSED LOT

NO 1 - LDT AREA LOT WIDTH SIDE YARD ;

PROPOSED LOT 2 - LOT WIDTH & STREET FRONTAGE.


MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>R-4</u> USE <u>A-9</u>	LOT 1/LOT 2	
MIN. LOT AREA	<u>21 780</u>	<u>13835^{*2} / 24827</u> 7945 / —
MIN. LOT WIDTH	<u>100</u>	<u>70^{*1} / 97^{*1}</u> 30 / 3
REQ'D FRONT YD	<u>35</u>	<u>30^{*1} / 35</u> — / —
REQ'D SIDE YD.	<u>15</u>	<u>6^{*1} / 25</u> 9 / —
REQ'D TOTAL SIDE YD.	<u>30</u>	<u>30 / 55</u> — / —
REQ'D REAR YD.	<u>40</u>	<u>128 / 150</u> — / —
REQ'D FRONTAGE	<u>60</u>	<u>73+- / 18^{*2}</u> — / 42 FT
MAX. BLDG. HT.	<u>35</u>	<u>30 / 35</u> — / —
FLOOR AREA RATIO	<u>N/A</u>	—
MIN. LIVABLE AREA	<u>1000</u>	<u>1200 / 1000</u> —
DEV. COVERAGE	<u>20 %</u>	<u>11 / 19 %</u> — %
O/S PARKING SPACES	<u>N/A</u>	—

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
 (914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
 OF APPEALS. 1* PRE-EXISTING NON-CONFORMING (SAME OR BETTER PROPOSED)
 2* NON-CONFORMANCE BEING CREATED OR MADE WORSE
 CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

REGULAR IETMS:

AGRESTI LOT LINE CHANGE (93-23) LAKESIDE DRIVE

Gerald Zimmerman appeared before the board for this proposal.

MR. PETRO: Mark, are we looking for conceptual approval to send them to the Zoning Board again?

MR. EDSALL: That would be my suggestion.

MR. PETRO: Proceed, Mr. Zimmerman.

MR. ZIMMERMAN: Based on previous reviews the board had reservation about constructing the new driveway off of Lakeside Drive in its configuration that we had previously showed it, for the proposed new lot in the back lot number 2. So based on that concern, we met at the site with Mr. Edsall and discussed moving that location, moving that driveway location to make the grading easier across the front of the property. And basically, we presented two plans or two alternates to accomplish this on both of the plans, alternate A and alternate B, the driveway location that we show is in the exact same location on both plans. The only difference between the two plans is that on alternate A, we're subjecting the front, the driveway location as it comes in off of Lakeside Drive to an easement and with alternate B, we're making that shaded area which is shown on alternate B to be actually part of lot number 2. Basically, we felt that either alternative would be acceptable to the property owners, I think we would prefer to have it as an easement.

MR. PETRO: Well, it would be more of a, it would be a better lot line, the lot line on B I think it's very irregular to say the least.

MR. ZIMMERMAN: In doing this approach, by moving that driveway we've eliminated the retaining wall which was required along the southerly property line. So we've eliminated the retaining wall and we don't have to do any grading in the location of that sewer manhole.

MR. PETRO: Manhole would be left and you wouldn't need anything.

MR. ZIMMERMAN: That is correct.

MR. PETRO: To address that.

MR. ZIMMERMAN: So that was the reason for the changes.

MR. PETRO: Do you have a profile of the driveway for the slope?

MR. ZIMMERMAN: Yes. In doing this, we modified the profile by lengthening the driveway, we were able to reduce the grade to 14 percent.

MR. PETRO: From 15?

MR. ZIMMERMAN: Yes.

MR. PETRO: I remind the members that we're here to have a conceptual approval of this so we can send him to the Zoning Board for the necessary variances. So with that in mind, do any of the other members have any input on this?

MR. VAN LEEUWEN: Mr. Chairman, does this go to where the sewer manhole is?

MR. PETRO: The manhole what he just told us about by shifting the driveway to the north, they reduced the grade and also changing the location of the driveway the manhole is now going to be untouched.

MR. EDSALL: Jim, I still believe you're going to have quite a bit of fill around it. That is something that Gerry and I can work out. I know you have moved the contours but you still have a 4 foot fill, three foot off the property line which is not possible to accomplish without something either a retaining wall or even shifting the driveway over a little more. I'm not saying it makes the job unworkable, I think we can straighten it out. But I just--

MR. DUBALDI: How much of a dropoff?

MR. EDSALL: What I am saying there's several areas where you have 4 foot of fill, three foot off the property line, which is greater than a one-on-one slope unless you put a retaining wall in. That issue still has to be resolved. If you look at one of my review comments, I suggested that once the board either agrees or disagrees with the layout, that Gerry in traveling to the ZBA, consider shifting the driveway slightly over to the north so that they would not need any retaining walls and they'd have enough room to provide the grading.

MR. PETRO: Mark, if we're going to go with the alternate A which is an easement instead of the lot line, I don't see any problem shifting that driveway another foot or two foot so you would have one-on-one slope and you're doing it through the easement anyway, you get the easement that much further over.

MR. EDSALL: The portion I'm talking about shifting is the portion that you have gone into their own property, in other words, lot two's property and you're running parallel to the property line.

MR. ZIMMERMAN: But as the Chairman suggested, we could extend the easement further on to lot number one.

MR. EDSALL: Again, you may find that the Zoning Board may tell you that if they are going to grant you a lot area variance for lot one, they'd rather have you move the lot line two or three more feet. So again, that is something if the board believes that that is the right way for the layout to occur, let Gerry take that information to the Zoning Board and let them decide.

MR. PETRO: The lot line may be over another two foot or three foot or one foot so you can accomplish the one-on-one slope without a retaining wall and the rest would be--

MR. EDSALL: It would be nice to achieve a two on one if possible. In any case, that is a detail that if the board has an opinion, if you put it in the minutes, the ZBA would be aware of it when they reach their

decision.

MR. PETRO: We now have a full board, I think. Do you have anything else on this?

MR. VAN LEEUWEN: I don't care how you put the driveway or where you put it still it's a very, I don't like it, never have.

MR. SCHIEFER: I made the comment last time that we did another lot out here lot line change and we told the applicant do not do exactly what we're doing here, further subdivision.

MR. PETRO: Well, I don't believe that the applicant is doing a further subdivision. I think what's happened here they went to the Zoning Board for a definition of what was the property, original property and they were told that it is indeed two lots. So by Town Law and their right to build another home on that second lot, they have the right to build it. And what we need to do is interpret the best way to go about that and I think they have come here two or three times, come up with two or three different ideas so we're not doing a subdivision or creating another lot. The lot already exists and they do have a right to build a house on it.

MR. BABCOCK: Doing a lot line change.

MR. SCHIEFER: That is what I thought.

MR. PETRO: We're not creating a new lot. The lot already exists and the lot--

MR. SCHIEFER: Instead of two very long, narrow lots, you have got one fairly normal and one flag lot.

MR. PETRO: Correct. Remember they had the other alternative to put the house on the long lot, the driveway won't be changed and we decided that it would be better to have the house maybe in the center of the back lot instead of on the long skinny lot.

MR. SCHIEFER: I don't like it but it's better than it was.

MR. LANDER: I have no problem with it, I don't like the 14 percent slope on the driveway but it's not my driveway so.

MR. PETRO: And they did install the parking area at the top for inclement weather.

MR. EDSALL: Yes.

MR. LANDER: I guess it's half dozen of one, Mr. Chairman, they have a right to build a house there so I like alternate A myself.

MR. DUBALDI: Nothing to add, alternate A.

MR. SCHIEFER: Mr. Petro, the parking space on top is that the lot line that goes through the middle of it?

MR. PETRO: No. What they are going to do, well, that would be the lot line with alternate A because they are going to receive or go for an easement to follow the driveway line instead of making that driveway the lot line as suggested in alternate B.

MR. PETRO: So you'd also be getting an easement for the parking lot. I don't believe an easement would be hard to obtain being that the same people on both lots.

MR. EDSALL: Jim, just a comment as far as the variances that they would need with the lot line following the north side of the driveway or the driveway being via that area being created as an easement in either case the variances are the same because the area's subtracted out so they are going to be seeking the same variance so at that point, it becomes a question should they own the property they are driving over or should they have an easement and that is something that you should come up with an answer on what you prefer and the same degree of variance is required either way.

MR. PETRO: Carmen and Ron have told us that they prefer the easement and I'm in agreement with that. Mr. Schiefer also. Henry?

MR. SCHIEFER: I agree.

MR. VAN LEEUWEN: I have no comment, Mr. Chairman.

MR. PETRO: Okay, so what we're going to do is we can have a motion for approval.

MR. LANDER: So moved.

MR. DUBALDI: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Agresti lot line change on Lakeside Drive. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	NO
MR. DUBALDI	NO
MR. PETRO	NO
MR. VAN LEEUWEN	ABSTAIN
MR. SCHIEFER	NO

MR. PETRO: You can go to the Zoning Board and get the necessary variances and you have them on the map at some point in the future, we'll gladly put you back on the agenda at that time, thank you.



**McGOEY, HAUSER and EDSALL
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RICHARD D. McGOEY, P.E.
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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: AGRESTI LOT LINE CHANGE
PROJECT LOCATION: LAKESIDE DRIVE
 SECTION 60-BLOCK 1-LOT 4
PROJECT NUMBER: 93-23
DATE: 9 NOVEMBER 1994
DESCRIPTION: THE APPLICATION INVOLVES A PROPOSED LOT LINE CHANGE BETWEEN TWO (2) EXISTING PARCELS ALONG LAKESIDE DRIVE AT BEAVER DAM LAKE. THE APPLICATION WAS MOST RECENTLY REVIEWED AT THE 26 OCTOBER 1994 PLANNING BOARD MEETING.

1. As was discussed at the most recent meeting, this application involves two (2) existing lots. The Applicant is attempting to modify the lot lines to create two (2) more uniform and usable lots.
2. Pursuant to the Board's directive, on 2 November 1994 I visited the subject site. My observations are listed in my memorandum to the Planning Board Chairman dated 3 November 1994 (copy attached).

Resultant from the Planning Board's comments at the 26 October 1994 meeting, as well as my field review with the Applicant's Surveyor, a revised plan has been submitted which depicts a new driveway location, with adjoining parking spaces. This plan results in improved sight distance from the proposed driveway and, as well, provides for two (2) "bad weather" parking spaces immediately off Lakeside Drive.

Two (2) plans have been submitted, one reflecting an easement alternative, the other with a new lot line alternative. With either alternative, variances are necessary.

3. It is my recommendation that the Board review, with the Applicant, the two (2) alternatives. Following a planning review of the alternatives, it is my recommendation that the Board make a recommendation and refer this matter to the Zoning Board of appeals.

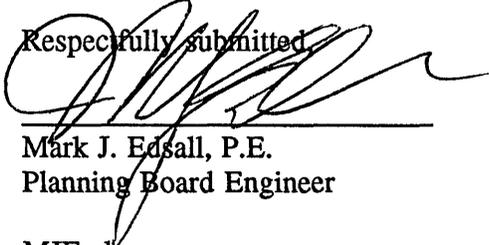
**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: AGRESTI LOT LINE CHANGE
PROJECT LOCATION: LAKESIDE DRIVE
SECTION 60-BLOCK 1-LOT 4
PROJECT NUMBER: 93-23
DATE: 9 NOVEMBER 1994

4. With regard to either alternative, grading is indicated for the proposed drive. In general, 4' of fill is indicated, based on the proposed contours. For the lower portion of the driveway, this fill is placed approximately 3' off the property line, which results in either an unacceptable side-slope condition, or the need for a short retaining wall. This issue should be discussed. If variances are being sought, perhaps the proposed driveway should be shifted in a northerly direction, thereby avoiding the need for the retaining wall or an off-property grading easement.

5. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:AGRESTI2.mk



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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3 November 1994

MEMORANDUM

TO: James Petro, Planning Board Chairman

FROM: Mark J. Edsall, P.E., Planning Board Engineer

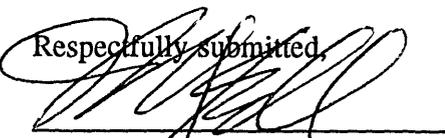
SUBJECT: AGRESTI LOT LINE CHANGE
NEW WINDSOR PLANNING BOARD NO. 93-23

As per the Board's direction, on the morning of 2 November 1994 I visited the subject site to review the grade conditions in connection with the location of the proposed roadway to serve the lot line change application. I met on the site with Mrs. Agresti and her Engineer/Surveyor, Jerry Zimmerman.

Based on my observations, I must concur with the suggestion by the Planning Board Members that the proposed driveway be shifted in a northerly direction toward the driveway of the existing residence. This relocation results in a lesser grade for the proposed driveway and, as well, increases the available sight distance from the proposed driveway.

We also discussed the need for a "bad weather" parking area off Lakeside Drive, to serve the proposed residence. The adjoining property to the south already includes an identical parking area, and it was suggested to the Applicant that they consider construction of a similar facility.

Depending upon whether the driveway line in front of the existing house is established as a property line or a right-of-way line, different variances may be necessary. Jerry Zimmerman indicated that he would modify the plans to show this line, then discuss, with the Planning Board, which approach is preferred.

Respectfully submitted,

Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk
A:11-3-E.mk

11/7/94

AGRESTI LOT LINE CHANGE (93-23) LAKESIDE ROAD

Robert DiNardo, Esq. appeared before the board for this proposal

MR. DINARDO: I don't think you have maps, do you?

MR. PETRO: Maps, you're going to have give us. Are these the exact maps that the engineer reviewed?

MR. DINARDO: Just an addition, just for illustration, it's exactly the same map but we have been to the Zoning Board of Appeals since.

MR. LANDER: Has Mark seen this?

MR. DINARDO: Exactly the same map. All I've done is highlight the map.

MR. PETRO: Bob, put one of your new maps with the red line, we'll compare it to what's different.

MR. DINARDO: Essentially, the existing lot lines, the existing lot lines have been, I've outlined the existing lot lines in red, you see them on your map they are dashed. All I've done is made them bolder. We have an interpretation from the ZBA that the two existing lot lines are indeed, the two existing lots are indeed two separate lots. So what's outlined in red is what exists now. There's a proposed house location in red, we are going to use the two existing lots.

MR. LANDER: Say that again.

MR. DINARDO: This red box indicates a house location on the left lot, existing lot. I don't know what number it is, the left lot and if we were to have to use utilize the two lots the way they are presently configured, that is a rough location of where that house would be located. Indeed, we propose it where you have it on the original map, more of a stacked kind of a situation. What would be required if we can effect a lot line change is to remove a portion of the existing house, we would unfortunately then not be able

to utilize the well that services that house, okay. We might be able to discontinue that service to that house and use it for what I will call the red house but we would have to remove a portion of the building and discontinue that well and establish a new well. Rather than, and all that would comply with the zoning. Rather, we think applying for a lot line change which if you ignore the red for the moment, shows the two lots, essentially a flag lot, we think that makes more sense.

MR. PETRO: Just interrupt you, how are we getting away from the minimum lot frontage which is 100 feet? All we have is driveway up on the road.

MR. DINARDO: You have the variances scheduled in the notes you would require, since we would be creating two reconfigured lots, we couldn't maintain or assert pre-existing status so we would need variances.

MR. PETRO: I am correct this is a little confusing, the flag lot that you are going to be creating, the only frontage on the road would be the width of the driveway.

MR. DINARDO: That is correct and the proposed width that lot is called lot number 2 in the table.

MR. PETRO: Why are you removing part of the house, if you are not even coming close?

MR. DINARDO: We wouldn't under that arrangement.

MR. PETRO: What you are showing us is two different arrangements?

MR. DINARDO: We're showing you what we'd be forced to do if we couldn't reconfigure the lots which wouldn't make sense for a variance. We could utilize it which would require a wasteful removal of the home and we think less attractive lots but it could be done.

MR. PETRO: We did a site visit on the lot at one time and another major issue I believe is the driveway itself, the slope of the driveway, there's no way we

can have that at 10 or 12 percent.

MR. DINARDO: I'd like Mrs. Agresti to talk to that. Mona, what's your understanding of that? I thought the engineer--

MRS. AGRESTI: The engineer is taking care of it. He's drawing up plans and the Highway Superintendent approved it and Myra has a copy.

MR. PETRO: What's the slope of the property on the plan.

MRS. AGRESTI: 15 percent grade which is what's allowed.

MR. VAN LEEUWEN: We've got it on the map.

MR. DINARDO: 15 percent right here.

MR. PETRO: What he did was transpose that on there, okay.

MR. DINARDO: What we have done is to try to give you a sense of the character of the area, is roughly located the homes in the location map in red, just the top indicates that it is kind of a stacked arrangement. Now you have some lots, some homes located roadside and some toward the back by the lake.

MR. PETRO: Mark, the 10 or 12 percent that the Planning Board normally uses for a slope on a driveway, is that New Windsor law or is it something that the Planning Board has leverage in?

MR. EDSALL: No, I believe the 10 to 12 percent is the private road limitation that is in the code. The driveway slope guideline which this board has adopted as a general policy is not in the text of the law. However, you have generally adopted I believe 14 percent as the maximum that you'd allow. One suggestion I would have if you are going to consider this type of a sloped driveway is to require that they provide by is easement or otherwise an ability for a parking spaces to be placed up at the top of this hill

cause come wintertime, they may not be able to get in and out of this driveway. And I know that is something that has been used by a number of municipalities but to require spaces at the top of the hill off the road that might be a way of mitigating.

MR. PETRO: That wouldn't work on one lot configuration because they don't own the property. You see the property at the top of the road, only going to be the width of the driveway.

MR. EDSALL: One of the possibilities would be to work out an easement arrangement or adjust the lot line slightly.

MR. DINARDO: A jog in the line. I would rather go with a jog in the line rather than a sharing arrangement. Can I ask you Mark generally where would that be located in relation to the existing home to the rear of it?

MR. PETRO: No, right up in front by the road.

MR. EDSALL: Cause you're virtually coming off of Lakeside Drive and breaking into a 15 percent slope so you'd want to have it near the top.

MR. DINARDO: I would think it might be, I think from our point of view, we'd rather widen the width of that lot at the road line rather than do it by way of easement. Mona and Greg, do you understand, any problem with that?

MRS. AGRESTI: No.

MR. EDSALL: I can tell you 15 percent is at maximum range of what this board has considered for driveways and if you do go to that high percentage, I would suggest you do that.

MR. DUBALDI: You said the Highway Superintendent gave approval?

MR. PETRO: We have approval for highway on 1/24/94.

MR. DINARDO: Do you think we can get that grade to less than 15 as you observed the conditions Mark?

MR. VAN LEEUWEN: It's going to be steeper if you make a plateau.

MR. EDSALL: Taking basically and put effectively a pulloff that matches even the slope of the driveway so you don't have to try to climb down you just pull off.

MR. DINARDO: Maintain the same grade but would be like an escape hatch.

MR. PETRO: You can have a little less of the grade.

MR. VAN LEEUWEN: What is going to happen to the house in red in the middle?

MR. DINARDO: It doesn't exist. That is where we would have to put a house if we were to use it the way the lots are configured. Now we don't want to build that, we want to build the house that is at the right angle called proposed house. I was hoping to make things clear and I think I just confused you with the red version but the red version would be what we'd have to do if we didn't get a lot change.

MR. PETRO: Proposed house on our map that we're looking at with the flag lot, with the long driveway, the red house is if we don't do a flag lot and just do another long lot, they'd have to remove part of the existing house and you'd have the other house in the center plus you'd have your frontage problem would be negated.

MR. DINARDO: That is true, the red version would exist now but I think it's correct but it's not right.

MR. PETRO: Which one do your clients want to do?

MR. DINARDO: The flag lot and I think if you kind of mentally erase the lines and kind of look at it as if you were in an airplane and lines didn't exist and just talk about the two house locations and utility of the property that way it starts to make more sense.

MR. PETRO: The board normally doesn't entertain flag lots at all.

MR. SCHIEFER: The last item we looked at, Morel lot line change, was out in the same area, the lots are three times as big that is exactly what they are doing here, would not be done, so we prevented the last applicant from doing what they are asking here.

MR. PETRO: I agree with you, except for one factor, I believe is in their favor, the lots, there's two lots here, they are not really creating this second lot, they want to utilize a second lot.

MR. DINARDO: Red lots exist now.

MR. PETRO: There's still another lot that they want to use so I feel that if there's indeed two lots that they should be able to use the second lot and I think we should determine--

MR. SCHIEFER: We can't stop them.

MR. PETRO: --how to use it in the best manner.

MR. VAN LEEUWEN: Bob, personally if you want to know the truth, I think this is poor planning. We have been out there, we've looked at the situation. We've looked at the driveway. I'll be honest with you, the way this thing is drawn, it's a 15 percent slope. I built a few houses in my time, that is more than 15 percent slope.

MR. DINARDO: Well, existing or proposed. Existing I agree but there are changes in the field to make it 15, am I right Greg?

MR. AGRESTI: That is correct.

MR. VAN LEEUWEN: You're only going to make it worse than it is now.

MR. DINARDO: The proposed grade and existing grade are different, obviously. Is it fill or cut?

MR. AGRESTI: Filled.

MR. EDSALL: If you look at the section, you can see that under the house location the first floor is basically being raised up, then they are effectively filling from that point all the way up to the road at one point it's a maximum of 5 plus or minus feet on the profile. So it is a fill to try to lessen that slope.

MR. DINARDO: Hank, my response would be that the red lots are worse.

MR. VAN LEEUWEN: You're making the problem worse.

MR. DINARDO: No, I think the red lots are worse than the blue lots.

MR. AGRESTI: Either way we're going to have the same driveway problem with either lot. I mean we're going to build a house so we're going to have that driveway no matter what we do. This way we're going to make it less of a slope. The other way, we're going to, you know, we have the lot already.

MR. DINARDO: Greg, in all honesty, even if you use the existing lots, you're going to have to do some filling because the town still has control over your driveway.

MR. AGRESTI: Either way we're going to have that driveway to our lot, it's not like we're eliminating any problem.

MR. VAN LEEUWEN: We have been out there twice, I can't go for this.

MR. DINARDO: What's your reaction to the red configuration? Does that make anymore sense to you?

MR. VAN LEEUWEN: No.

MR. DINARDO: We're trying to improve an existing condition.

MR. VAN LEEUWEN: You really can't improve it to be honest with you.

MR. DINARDO: Does the blue arrangement make it worse?

MR. VAN LEEUWEN: The original arrangement is bad enough. If you make a flag lot, myself, just what we did with the other one, where we said no further subdivision, I'm not in favor of flag lots.

MR. DINARDO: Functionally, I think you have a flag lot already, okay, forget these lot lines and just look at the house locations, I think you have that condition now.

MR. PETRO: Right now, there's two existing lots, is that correct?

MR. DINARDO: Yes.

MR. PETRO: There's two long narrow lots. You have an encroachment on the one lot with the porch. You have two tax bills deeded two separate lots.

MR. DINARDO: Yes.

MR. PETRO: I think--

MR. VAN LEEUWEN: It's combined at one time.

MR. AGRESTI: Subject to the Zoning Board of Appeals interpretation and they interpreted, they considered all those things that you mentioned.

MR. PETRO: We have the Zoning Board telling us that it is two lots, being it's two lots, Mr. Agresti wants to build another house. I tend to agree that yes, he can build a house somewhere in here and I think that we should go with the best scenario. He's willing to I think go through great--first of all, I don't like the lot either and I'm sure he'd like to have some pancake lot someplace but this is what he has.

MR. DINARDO: There may be other things he can do to improve it further.

MR. PETRO: We can get to that maybe when you get back

from the Zoning, he wants to take part of the existing house down to conform or he's not going to do that, he can let it stay and have the house centered in the back or he can put the red house on the lot completely. As far as the driveway goes, the extra one percent if the engineer is telling me they can make a 15 percent grade and in fact that happens, I don't have a problem with it. We have the highway superintendent saying that he doesn't have a problem with it.

MR. DINARDO: We'd widen the flag lot at the road so that we can have a pulloff area for two cars to park.

MR. EDSALL: Is this topo survey that shows here based on an actual survey of the property?

MR. AGRESTI: Yes.

MR. DINARDO: That is my understanding cause I don't know how he can do the grade.

MR. SCHIEFER: Mr. Fayó, the Highway Superintendent, approval is the opening on the road, he has nothing to about the slope of the driveway. He's not approving that, that is not his.

MR. PETRO: That is not the statement we just received.

MR. AGRESTI: They were out to look at it.

MR. SCHIEFER: What right does he have to approve the slope of the driveway.

MR. LANDER: He looks to make sure there's a negative slope off his road.

MR. SCHIEFER: We're talking about much deeper.

MR. PETRO: I'll read his letter. Mike Babcock met with the acting Highway Superintendent, Anthony Fayó, said he has no problem with the plan as shown or plan dated received 1/19/94.

MR. SCHIEFER: His part of it I understand but when you

get back to the lot, he's approving what happens right here, that is all he has authority to do. So don't, I'm not saying yes or no but I don't see where the Highway Superintendent can approve the slope of a lot way back in there. He has no authority to do that. So don't interpret that as he approved it, he didn't he approved this out here.

MR. PETRO: I stand corrected, it's a legitimate issue.

MR. DUBALDI: Mark, is there driveways in the area that are worse than 15 percent around there?

MR. DINARDO: There are homes that are set back considerably from the road, I don't know what the grades are like but there are--

MR. VAN LEEUWEN: There's a lot of problems in that whole Beaver Dam with driveways.

MR. SHAW: The driveway next door is steeper.

MR. LANDER: It's my opinion that we have two lots here already. He's going to build a house on either one of these, I mean either the red version or the blue version. I don't like flag lots anymore than anybody else here but I think the blue version would be better than the red.

MR. PETRO: I'm in agreement. I don't like a flag lot same as Mr. Van Leeuwen or Mr. Schiefer but you have to pick one or the other, unless you're saying you're not going to accept 15 percent, you want 14 percent, they'll have to come up with a different plan to do that, he did.

MR. DINARDO: Again, there may be other things frankly that hasn't been where we have been concentrating our attention and these folks live there and they are going to continue to live there.

MR. PETRO: You want conceptual approval from the Planning Board so we can send you to the Zoning Board for you variances but we're not getting together on the conceptual agreement.

MR. EDSALL: Jim, just something that the board should be aware of and something that Bob can take back to Mr. Zimmerman and have him clarify, obviously the board's concerns, and one of the reasons I had very few comments I wanted to find out where the board stood on this layout and obviously their concern is mainly on driveway slope and access which I understand you build on the existing lot is going to be very much the same problem, he shows a retaining wall running along the left side of the property, I would assume because he can't get a grading easement on to the neighbor's property. It appears that the retaining wall goes through a sewer manhole. So again, you have got a conflict you have got to resolve because that is a critical part of your design. Secondly, you're going to have to create a temporary grading easement on to what you're calling lot number one because you have got fill that is ending almost at the property line, so he really should create a detailed grading plan and if the board is even going to consider 15 percent, you may want to lock him into completing the fill and then having him provide a survey that shows that it is 15 or less before you even consider either a building permit or a C.O. Because 15 is really a maximum number, this board has ever considered and I'd hate to see it climb to 16, 17 because of my inaccuracies.

MR. DINARDO: That is fair enough. I have no problem with that.

MR. SCHIEFER: Mr. Petro, I agree with you and our colleague over there, of the two plans, I like the proposed plan better but I don't like the whole thing and if there are any possibilities of looking at this again and going further rather than saying no at this time, I'd rather go back and look and see what else, yeah, I like this better than the red house but I don't like the whole thing, but if there's any way to improve it, I'd much rather go along with that.

MR. PETRO: I just don't know.

MR. VAN LEEUWEN: You know another thing we've got, he's got to go to the Zoning Board. He went to the

Zoning Board and determined it was two lots. Now he's got to go back to the Zoning Board for the road frontage, if he wants to go this situation, but he's creating his own problem there. How can the Zoning Board approve that when he creates his own problem? I never read that in the zoning code book.

MR. KRIEGER: With the changes in the zoning law, if it's an area variance that he is requesting, which it would be a self-created hardship, is not, doesn't knock him out of the box. It's something that the Zoning Board of Appeals may consider, but it's not an automatic event of disqualification. What they would do on it with consideration of course.

MR. VAN LEEUWEN: I don't like the whole situation.

MR. SCHIEFER: If he'd like to go back and look at it, see what he can come up with, I really don't know what but--

MR. DUBALDI: 15 percent is as good as you can get?

MR. DINARDO: I haven't been involved enough to say that is so. I haven't been paying attention to that.

MR. DUBALDI: Why don't you look into it and see if you can get better than 15 percent.

MR. EDSALL: To get less than 15, less slope, more fill, simple as that. You can probably get 14 if you put in maybe six or seven foot of fill.

MR. PETRO: Then it creates where you end the fill, you already have five foot of fill so where does that end?

MR. AGRESTI: Is the 15 percent a State requirement?

MR. EDSALL: 15 percent.

MR. AGRESTI: That is why he got 15 percent. He just followed the guidelines to make it the minimum amount of fill.

MR. EDSALL: That is basically something that the board

has determined for general health, welfare and safety of the public that they are not going to approve driveways over 15 percent.

MR. PETRO: Like the fire truck trying to get down there or ambulance.

MR. AGRESTI: So 15 is the acceptable?

MR. PETRO: Well, I don't have a problem with one percent more, I don't think if that was the only thing on this entire plan, I don't think anybody would be saying--

MR. AGRESTI: We spent a lot of money to get the topographical done and he followed the guidelines of 15 percent, that is the only reason 15 is there.

MR. KRIEGER: It's not a question of it being automatically acceptable or not acceptable. It's not like an on-off switch. It's been the practice of the Planning Board if it is more than 15 percent, then it's out. If it's 15 percent or less, then it's maybe, not yes but maybe.

MR. AGRESTI: He just used 15 so that it would be less fill and less height of a retaining wall.

MR. DINARDO: If it's acceptable to the board, if your engineer could make a site inspection with the owners maybe on the grouped, they can come up with some helpful practical suggestions. I'd like to improve on the 15 percent.

MR. PETRO: When you do that, especially on the flag lot configuration, that retaining wall first you have the one going through the manhole so obviously, that has got to be corrected.

MR. DINARDO: Have to move the manhole.

MR. PETRO: No but also on the other side of the manhole by putting the five foot of fill obviously, you'll have to get a grading easement of some kind of that side your driveway which is right on the property

line, how are you going to go up 5 feet and end it?

MR. DINARDO: Without ever crossing the line.

MR. PETRO: This is what Henry and Carl and the engineer want to see some sort of a plan that is going to depict these problems.

MR. DINARDO: Mark, have you been out there?

MR. EDSALL: I haven't been out there but.

MR. DINARDO: Do you think there's any value to meeting the owners?

MR. EDSALL: I'd be interested in going out and looking at it but I don't believe my eye is not is that good that I will now visualize the difference, what's going to create 15, 16, 17 percent slope. I think the problem here is which is the better of two evils, it's two lots, the Zoning Board has told us it's two lots. The driveway is going to be, if that is what the board is hung up on, is effectively going to be the same with either of the two developments. So I think you should look at other issues cause you're going to get the same driveway either way.

MR. PETRO: On the red, even though it's not your preferable one at that point, you'll own all the property in front of the house, you can grade any way you want to create the driveway whereas the way for the blue, the driveway is the property line.

MR. DINARDO: We may still be able to do that because we own it all, okay.

MR. PETRO: Give yourself an easement.

MR. EDSALL: As long as they don't sell the parcel before they start to work, they can do whatever they want.

MR. PETRO: Look into maybe moving the driveway, not on the property line but somewhere else on to that lot.

MR. DINARDO: Perhaps effecting a change in the grade of the existing whole lot and restricting any change in the grade should the titles not be in the same.

MR. PETRO: As you went closer to the existing driveway to the existing house there was less of a grade there, am I right?

MR. VAN LEEUWEN: Yes.

MR. PETRO: So you might be able to go in and still do your blue lot and cut down that tremendous--

MR. DINARDO: And do some grading on the existing house lot on the right.

MR. VAN LEEUWEN: You have to get away from the manhole.

MR. AGRESTI: Moving the driveway closer to the existing home.

MR. PETRO: Yes. Go in there and bend to the right and go down, it would eliminate the big knob.

MR. DINARDO: We can either do it by moving the lines or do it by permanent grading easement, so you make the grading change, so you get a better grade than the 14, 15 percent.

MR. AGRESTI: We'll do anything you tell us.

MRS. AGRESTI: We can put all the fill in, if I have to go back to the engineer and have him make all the changes, I would want to know which lot we're going to go with so it can all be finalized. I don't want to go back to him twice. I'm going to say I need another topo done and decide which lot we're going to be able to build on.

MR. DINARDO: I don't think you're hearing that, if I am wrong, tell me, but I think we're hearing you have a driveway problem, whether it's blue or whether it's red, blue seems to be the better layout than the red. But you're going to have to improve your driveway

grade.

MR. SCHIEFER: And do something about the manhole. You're going to put five feet of dirt on top of the manhole, it's awful close.

MR. AGRESTI: It levels back off again down by the manhole, most of the fill is up towards the front.

MR. SCHIEFER: If that is true, that problem will go away.

MR. PETRO: Bending that driveway away from the property line and go towards the existing driveway of course not going over on to the other lot but you're creating a lot line change, you might be able to do that also. Get it closer, what's that, north, maybe go out towards the north driveway on the other side and I really believe you'd save five or ten feet in grade and you might come way under 15 percent getting that knoll off the top of the road. I think that is a good idea. I know what you want to say but you're going to have to help us here, do what you want. How does that sound? I'm going to poll the board on either the blue lot line or the red, okay, and let's give them some direction. At that point, you'll go and reconfigure the slope of the driveway, come up with some different ideas like we just discussed.

MR. VAN LEEUWEN: I think there should be three options, none, one red and one blue.

MR. KRIEGER: Red is none if you don't do anything.

MR. DINARDO: You get red by default.

MR. PETRO: That option will be for you. Anybody else want to go with that option, you can. I'm going to poll the board cause we have to give them some direction.

MR. KRIEGER: If in terms of taking into account what Mrs. Agresti said about wanting to go when she went back to the engineer, to have some idea that the configuration that you have labeled it for the proposed

driveway is probably something which would be agreed on at least conceptually before she goes.

MR. PETRO: We want an improved slope on the driveway, improved driveway condition to see something.

MR. SCHIEFER: If you say the blue plus an improved driveway, I prefer the blue.

MR. KRIEGER: Now, you have three options, you have red, blue as it is or new and improved blue.

MR. PETRO: Flag lot or the red lot. Mr. Lander?

MR. LANDER: Flag lot.

MR. DUBALDI: Flag lot.

MR. SCHIEFER: As long as they do something with the driveway and I have to chose one of the two, I'll take the blue.

MR. VAN LEEUWEN: None but I'll go along with the rest of the guys.

MR. PETRO: And myself also too, also the blue lot. Work on the driveway, check out the little suggestion I made and come back with something with that.

MR. SCHIEFER: I'd like to make one addition because I said I prefer that unless there's something really doesn't mean I'm going to approve it.

MR. PETRO: We polled the board informally to give you some direction which would be the flag lot, it's not an approval of any kind. When you come back with that and we want to give conceptual approval at that time, you can then go for the variances.

MR. DINARDO: This change could result in a lot line change. We'll work it out before we go.



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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: AGRESTI LOT LINE CHANGE
PROJECT LOCATION: LAKESIDE DRIVE
 SECTION 60-BLOCK 1-LOT 4
PROJECT NUMBER: 93-23
DATE: 26 OCTOBER 1994
DESCRIPTION: THE APPLICATION INVOLVES A PROPOSED LOT LINE CHANGE BETWEEN TWO (2) PARCELS ALONG LAKESIDE DRIVE AT BEAVER DAM LAKE.

1. Subsequent to the Planning Board's review of this application during July 1993, the Applicants have made application to the Zoning Board of Appeals. It is my understanding that the Zoning Board of Appeals determined that this property is actually two (2) lots; therefore, the application to the Board is one of a proposed lot line change.

At this time, it is clear that the Applicant will require some variances to accomplish their goal as indicated. The Applicant is before the Board, at this meeting, to review the concept layout of the proposed lot line change, such that they can then proceed to the Zoning Board of Appeals for the necessary variances, before returning again to the Planning Board.

It is my suggestion that the Board review the application as presented, in an attempt to determine if this is the best layout for the lot line change, and if so, let the Applicant proceed to the ZBA for the necessary variances.

2. Once the Applicant obtains the necessary variances, I will be pleased to review the details of the application prior to the next Planning Board appearance.

Respectfully submitted,

Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk
A:AGRESTI.mk

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GERALD ZIMMERMAN P.E., L.S.

November 4, 1994

Mr. James Petro, Chairman
Town of New Windsor
Planning Board
555 Union Avenue
New Windsor, NY 12550

Re: Gregory & Romona Agresti
Lot Line Change
Lakeside Drive
Town of New Windsor
Our Job No. 93-32

Dear Chairman Petro and Planning Board Members:

Enclosed please find revised sketch plans alternate "A" (easement) and alternate "B" (new lot line) which reflect results of workshop meeting held November 2, 1994.

Briefly alternate "A" subjects proposed Lot No. 1 to a driveway easement so that entrance to proposed Lot No. 2 can be better achieved at a lower existing road elevation (406±) while maintaining a maximum driveway slope of -14%.

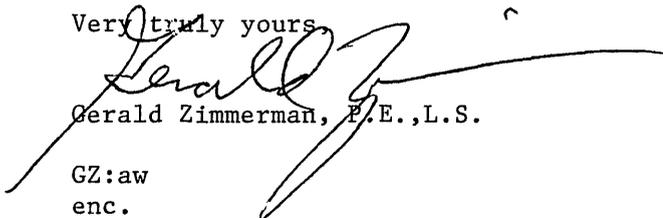
Note that the retaining wall along the southerly property line is no longer required and existing sanitary manhole will remain undisturbed. Also parking for two cars is indicated immediately adjacent to Lakeside Drive for emergency use.

Alternate "B" is basically the same as "A" except the northerly side of proposed easement will be the property line between Lots 1 and 2.

Variances required for each alternate is reflected in tabular form on each map.

We trust above revisions address the concerns of the Planning Board and Town engineer and offer either alternate as a option to proceed with the approval and request placement on the Planning Board agenda for November 9, 1994.

Very truly yours,


Gerald Zimmerman, P.E., L.S.

GZ:aw
enc.

CC: Mr. & Mrs. Gregory Agresti, w/enc.

RESULTS OF P.B. MEETING

DATE: October 26, 1994

PROJECT NAME: Auguste L.L. Chy PROJECT NUMBER 93-23

LEAD AGENCY: _____ * NEGATIVE DEC: _____
M) ___ S) ___ VOTE: A _____ N _____ * M) ___ S) ___ VOTE: A _____ N _____

CARRIED: YES _____ NO _____ * CARRIED: YES: _____ NO _____

PUBLIC HEARING: M) ___ S) ___ VOTE: A _____ N _____

WAIVED: YES _____ NO _____

SEND TO OR. CO. PLANNING: M) ___ S) ___ VOTE: A _____ N _____ YES _____ NO _____

SEND TO DEPT. OF TRANSPORT: M) ___ S) ___ VOTE: A _____ N _____ YES _____ NO _____

DISAPP: REFER TO Z.B.A.: M) ___ S) ___ VOTE: A _____ N _____ YES _____ NO _____

RETURN TO WORK SHOP: YES _____ NO _____

APPROVAL:

M) ___ S) ___ VOTE: A _____ N _____ APPROVED: _____

M) ___ S) ___ VOTE: A _____ N _____ APPR. CONDITIONALLY: _____

NEED NEW PLANS: YES _____ NO _____

DISCUSSION/APPROVAL CONDITIONS: _____

Require a parking area at the road level.

Want improved driveway slope.

Poll the Board: Blue S, D, L, V, P.

Plan showing original PROPOSAL and Alternative outlined in Red. 

Cancelled by Applicant

RESULTS OF P.B. MEETING

DATE: August 24, 1994

PROJECT NAME: Agresti L.L. Chg. PROJECT NUMBER 93-23

LEAD AGENCY: * NEGATIVE DEC:
*
M) ___ S) ___ VOTE:A ___ N ___ * M) ___ S) ___ VOTE:A ___ N ___

CARRIED: YES ___ NO ___ * CARRIED: YES: ___ NO ___

PUBLIC HEARING: M) ___ S) ___ VOTE:A ___ N ___

WAIVED: YES ___ NO ___

SEND TO OR. CO. PLANNING: M) ___ S) ___ VOTE:A ___ N ___ YES ___ NO ___

SEND TO DEPT. OF TRANSPORT: M) ___ S) ___ VOTE:A ___ N ___ YES ___ NO ___

DISAPP: REFER TO Z.B.A.: M) ___ S) ___ VOTE:A ___ N ___ YES ___ NO ___

RETURN TO WORK SHOP: YES ___ NO ___

APPROVAL:

M) ___ S) ___ VOTE:A ___ N ___ APPROVED: _____

M) ___ S) ___ VOTE:A ___ N ___ APPR. CONDITIONALLY: _____

NEED NEW PLANS: YES ___ NO ___

DISCUSSION/APPROVAL CONDITIONS: _____

Discussion Only

RESULTS OF P.B. MEETING

DATE: April 27, 1994

PROJECT NAME: Agristi, Gregory L.S. Chg. PROJECT NUMBER 93-23

LEAD AGENCY: * NEGATIVE DEC:

M) ___ S) ___ VOTE: A ___ N ___ * M) ___ S) ___ VOTE: A ___ N ___

CARRIED: YES ___ NO ___ * CARRIED: YES: ___ NO ___

PUBLIC HEARING: M) ___ S) ___ VOTE: A ___ N ___

WAIVED: YES ___ NO ___

SEND TO OR. CO. PLANNING: M) ___ S) ___ VOTE: A ___ N ___ YES ___ NO ___

SEND TO DEPT. OF TRANSPORT: M) ___ S) ___ VOTE: A ___ N ___ YES ___ NO ___

DISAPP: REFER TO Z.B.A.: M) ___ S) ___ VOTE: A ___ N ___ YES ___ NO ___

RETURN TO WORK SHOP: YES ___ NO ___

APPROVAL:

M) V S) L VOTE: A 0 N 3 APPROVED: No

M) ___ S) ___ VOTE: A ___ N ___ APPR. CONDITIONALLY: _____

NEED NEW PLANS: YES ___ NO ___

DISCUSSION/APPROVAL CONDITIONS: _____

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

(This Page is Part of the Instrument)

PRINT OR TYPE BLACK INK ONLY

89BE 62944

RAMILDA AGRESTI, ALFRED AGRESTI,
FRANK AGRESTI, JR. & GREGORY
AGRESTI TO
GREGORY AGRESTI & RAMONA AGRESTI

RECORD AND RETURN TO:
(Name and Address)

BRIAN G. GILMARTIN, ESQ.
90 East Main Street
P.O. Box 1000
Washingtonville, New York 10992

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 053133 DATE 3-2-88 AFFIDAVIT FILED _____ 19 _____

INSTRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

BG20 Blooming Grove _____	SERIAL NO. _____	CHECK <input checked="" type="checkbox"/> CASH _____ CHARGE _____
CH22 Chester _____	Mortgage Amount \$ _____	
CO24 Cornwall _____	Exempt Yes _____ No _____	MORTGAGE TAX \$ _____
CR26 Crawford _____	3-6 Cooking Units Yes _____ No _____	TRANSFER TAX \$ <u>Nil-</u>
DP28 Deerpark _____	Received Tax on above Mortgage	
GO30 Goshen _____	Basic \$ _____	RECORD. FEE \$ <u>20-</u>
GR32 Greenville _____	MTA \$ _____	REPORT FORMS \$ <u>5-</u>
HA34 Hamptonburgh _____	Spec. Add. \$ _____	CERT. COPIES \$ _____
HI36 Highland _____	TOTAL \$ _____	
MK38 Minisink _____		
ME40 Monroe _____		
MY42 Montgomery _____		
MH44 Mount Hope _____		
NT48 Newburgh (T) _____		
NW48 New Windsor <input checked="" type="checkbox"/>		
TU50 Tuxedo _____		
WL52 Walkill _____		
WK54 Warwick _____		
WA56 Wawayanda _____		
WO58 Woodbury _____		
MN09 Middletown _____		
NC11 Newburgh _____		
PJ13 Port Jervis _____		
9999 Hold _____		

MARION S. MURPHY
Orange County Clerk

C/O

ORANGE COUNTY CLERK'S OFFICE S.S.
Recorded on the 11th day of Mar 19 88 at 9:55
O'clock A.M. in Liber/Film 2909
at page 309 and examined
Marion S. Murphy
County Clerk

RECEIVED
\$ 246.00
REAL ESTATE
MAR 11 1988
TRANSFER TAX
ORANGE COUNTY

*Stamp
266.00*

THIS INDENTURE, made the ^{22nd} day of *Nov* nineteen hundred and Eighty-eight, BETWEEN RAMILDA AGRESTI, residing at R.D. #2, Box 37, Clove Road, Monroe, New York, ALFRED AGRESTI, residing at 406 W. 57th Street, New York, New York, FRANK AGRESTI, JR., residing at 4773 18th Street, San Francisco, California, and GREGORY AGRESTI, residing at Box 383, Lakeside Drive, New Windsor, New York,

party of the first part, and GREGORY R. AGRESTI and RAMONA K. AGRESTI, both residing at Box 383, Lakeside Drive, New Windsor, New York 12550, husband and wife, as tenants by the entirety,

party of the second part,
WITNESSETH, that the party of the first part, in consideration of -----
----- One ----- (\$1.00 & c.) 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, County of Orange, State of New
York, more particularly bounded and described as follows:

BEGINNING at a point on the easterly shore of Beaver Dam Lake, the said point of beginning is on the westerly boundary line of the said farm acquired from Anna Johnson, the said point of beginning is South 29 degrees 10' West 7.51 feet from the southerly end of a course described in the deed of conveyance for the said farm as South 23 degrees 58' West 95.00 feet; running thence over and through the said farm the following three courses namely: (1) South 67 degrees 58 1/2' East 401.46 feet, (2) South 13 degrees 15 1/2' East 40.78 feet along the westerly side of a private road which crosses the said farm, (3) North 70 degrees 35' West 432.13 feet, thence along the westerly boundary line of the said farm, (4) North 29 degrees 10' East 53.36 feet to the point of beginning. Containing 0.414 acres more or less, and also that lot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York and more particularly bounded and described as follows:

BEGINNING at a point on the easterly shore of Beaver Dam Lake, the said point of beginning is on the westerly boundary line of the said farm acquired from Anna Johnson, the said point of beginning is South 29 degrees 10' West 60.83 feet from the southerly end of a course in the boundary line which is described in the deed of conveyance for the said farm as South 23 degrees 58' West 95.00 feet; running thence (1) South 70 degrees 35' East 432.13 feet, thence (2) South 5 degrees 50' West 51.40 feet along the westerly side of a private road which crosses the said farm acquired from Anna Johnson, thence (3) North 70 degrees 35' West 452.75 feet, thence (4) North 29 degrees 10' East 50.70 feet, along the said westerly boundary line of the said farm acquired from Anna Johnson, to the point of beginning.

Containing 0.508 acres of land more or less.

TOWN OF NEW WINDSOR
60-1-4

2304 76 350

The purchaser is hereby granted the right to use Beaver Dam Lake for boating, fishing, recreation and sports insofar as the parties of the first part have the right to grant such use to the party of the second part. It being understood and agreed by the parties hereto that only boats propelled by hand or wind shall be used upon said lake, and that no boats propelled by motors, engines, or other mechanical power will be permitted or used thereon, and that said lake shall not be used for any business purposes whatsoever. It is understood and agreed by the parties hereto that the parties of the first part assume no liability for damages or injuries to persons or property by reason of their grant of the use of the streets or of the said Lake to the party of the second part. Nothing contained herein and in the instruments to be delivered in consummation of this agreement shall be construed as impairing the right of the sellers to maintain the dam at the south end of the lake at its present level, nor to impose any obligation on them to maintain such dam.

And the party of the second part hereby further covenants and agrees that he will not suffer nor permit at any time any advertising signs nor any fowls or other livestock, except a pet, nor any noxious or noisome or other objectionable thing, having a regard to the general character of the neighborhood, on any part of the above described premises within 500 feet of the lake, nor within 500 feet north of the north line of Beaver Dam Lake Section 1 development; nor suffer any manufacturing or any business of any kind whatsoever on any part of the above described premises within 500 feet of the lake, nor within 500 feet north of the north line of Beaver Dam Lake Section 1 development; nothing herein contained shall prohibit the development of the property hereinbefore described as a bungalow colony; and the party of the second part hereby further covenants and agrees that no residence shall be erected nor shall any cesspool or septic tank or drains therefrom be installed less than 150 feet from the high water mark of Beaver Dam Lake, nor within 100 feet of any stream flowing into said lake.

SUBJECT to the right of way of any telephone or telegraph company or electric light or power company, or any other public utility company as now established, or of record, if any there be.

No portion of the premises above described shall be used as a hotel or boarding house, nor for any other commercial purposes, except that nothing herein contained shall prohibit the development of the property hereinabove described as a bungalow colony.

Together with the right of ingress and egress over the proposed roadway.

Excepting and reserving to the parties of the first part the right to establish utility lines on the premises above described along the above described proposed roads.

Together with all the right, title and interest of the sellers of, in and to any land lying in the bed of any street, road, or avenue, open or proposed in front of or adjoining said premises to the center line thereof subject to the rights of the Grantors, their heirs and assigns to use the same for highway purposes.

The premises above described are sold subject to building and zoning ordinances, if any.

Granting further to the Grantees, their heirs and assigns an undivided interest in common with the Grantors, their heirs and assigns in and to that parcel of land fronting on Beaver Dam Lake, more particularly bounded and described as follows: All that piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange, New York, more particularly bounded and described as follows:

BEGINNING at a point on the easterly shore of Beaver Dam Lake, the said point of beginning is at the easterly end of a course described as South 75 degrees 15' East 522 feet to the boundary line description in the deed of conveyance given to William J. Cruthers and Charles Boos by Anna Johnson; running thence (1) in a northeasterly direction for a distance of 100 feet along the easterly shore of the said lake, to an iron pipe driven into the ground, thence (2) South 65 degrees 44' East 214.23 feet over and through land of the said Cruthers and Boos, to an iron pipe driven into the ground, thence (3) South 18 degrees 22' East 33 feet along the westerly line of a right of way 50 feet in width, within the bounds of which the said Cruthers and Boos have had a road constructed, thence (4) South 12 degrees 30' East 68 feet along the westerly line of the said right of way, to a point thence (5) North 65 degrees 44' West 270 feet more or less over and through land of the said Cruthers and Boos, to the point of beginning. Containing 0.55 acres of land more or less.

BEING the same premises described in a deed from Celia Agresti, as Executrix under the Last Will and Testament of Frank Agresti, deceased, to Ramilda Agresti, Alfred Agresti, Frank Agresti, Jr. and Gregory Agresti, dated February 28, 1987, and recorded in the Orange County Clerk's Office on April 7, 1987, in Liber 2689 of Deeds, at page 131.

BEING AND INTENDED TO BE the same premises described in a survey made by Zimmerman Engineering & Surveying, P.C., dated July 30, 1987, as follows:

Beginning at a point on the westerly line of Lakeside Road, said point being an iron pipe set on the southern most corner of the herein described lot and the northeasterly corner of lands N/F David (L. 2262, P. 506);

Thence North 70 degrees 35 minutes 00 seconds West a distance of 452.75 to a point;

Thence North 29 degrees 10 minutes 00 seconds East a distance of 104.06 to a point;

Thence South 67 degrees 58 minutes 30 seconds East a distance of 401.46 to a point;

Thence South 13 degrees 15 minutes 30 seconds East a distance of 40.78 to a point;

Thence South 05 degrees 50 minutes 00 seconds West a distance of 51.40 feet to the POINT OF BEGINNING, and containing 40149.0758 square feet or 0.9220 acres of land, more or less.

TOWN OF NEW WINDSOR
60-1-4

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

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

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

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

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

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

IN PRESENCE OF:

Ramilda Agresti
RAMILDA AGRESTI

Alfred Agresti
ALFRED AGRESTI

Frank Agresti, Jr.
FRANK AGRESTI, JR.

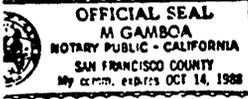
Gregory R. Agresti
GREGORY AGRESTI

STATE OF California, COUNTY OF SAN FRANCISCO

On the 2 day of February 1988, before me personally came

FRANK AGRESTI, JR.,

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



[Signature]
Notary Public
State of California
Qualified San Francisco County
Commission expires:

23rd Street, San Francisco, CA 94110-3059

STATE OF NEW YORK, COUNTY OF NEW YORK

On the 29 day of February 1988, before me personally came

ALFRED AGRESTI

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

[Signature]

CURTIS J. FORBES
Notary Public, State of New York
No 03-4732546

Qualified in Bronx County
Commission Expires March 30, 1988
May 31, 1988

STATE OF NEW YORK, COUNTY OF Orange

On the 2 day of March 1988, before me personally came Gregory R. Agresti, to me known, who, being by me duly sworn, did depose and say that he resides at No.

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



[Signature]
BRIAN G. GILMARTIN
NOTARY PUBLIC, State of New York
No. 02214735383
Qualified in Orange County
Commission Expires March 30, 1989

3337 - 23rd Street, San Francisco, CA 94110-3059

STATE OF NEW YORK, COUNTY OF

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

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

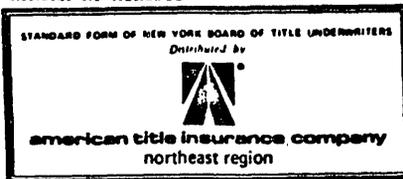
Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No

RAMILDA AGRESTI, ALFRED AGRESTI,
FRANK AGRESTI, JR. and GREGORY AGRESTI

TO
GREGORY R. AGRESTI and
ROMONA K. AGRESTI



A Member of The Commercial Insurance Companies

SECTION 60

BLOCK 1

LOT 4

COUNTY OR TOWN Town of New Windsor

Recorded At Request of American Title Insurance Company

RETURN BY MAIL TO:

Brian G. Gilmartin, Esq.
90 East Main Street, P.O. Box 1000
Washingtonville, New York 10992

To No

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

REF 2304 FC 354

Charges Indenture

Made the 18th day of April Nineteen Hundred and Fifty

Between WILLIAM J. CRUTHERS, residing at LaGrangeville, no street or number, Dutchess County, New York and CHARLES BOOS, office and Post Office address 2 Cannon Street, Poughkeepsie, New York

parties of the first part, and

DOROTHY PERSKY, residing at 1514 49th Street, Brooklyn 19, New York

party of the second part,

Witnesseth that the parties of the first part, in consideration of
 --- ONE HUNDRED --- Dollars
 (\$ 100.00) lawful money of the United States, and other good and valuable considerations paid by the party of the second part, do hereby grant and release unto the party of the second part, her heirs and assigns forever, all that lot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York and more particularly bounded and described as follows:

BEGINNING at a point on the easterly shore of Beaver Dam Lake, the said point of beginning is on the westerly boundary line of the said farm acquired from Anna Johnson, the said point of beginning is South 29°10' West 60.83 feet from the southerly end of a course in the boundary line which is described in the deed of conveyance for the said farm as South 23° 58' West 95.00 feet; running thence (1) South 70° 35' East 432.13 feet, thence (2) South 5°50' West 51.40 feet along the westerly side of a private road which crosses the said farm acquired from Anna Johnson, thence (3) North 70°35' West 452.75 feet, thence (4) North 29°10' East 50.70 feet, along the said westerly boundary line of the said farm acquired from Anna Johnson, to the point of beginning.
 Containing 0.508 Acres of land more or less.

The purchaser is hereby granted the right to use Beaver Dam Lake for boating, fishing, recreation and sports insofar as the parties of the first part have the right to grant such use to the party of the second part. It being understood and agreed by the parties hereto that only boats propelled by hand or wind shall be used upon said Lake, and that no boats propelled by motors, engines, or other mechanical power will be permitted or used thereon, and that said Lake shall not be used for any business purposes whatsoever. It is understood and agreed by the parties hereto that the parties of the first part assume no liability for damages or injuries to persons or property by reason of their grant of the use of the streets or of the said Lake to the party of the second part. Nothing contained herein and in the instruments to be delivered in consummation of this agreement shall be construed as impairing the right of the sellers to maintain the dam at the south end of the lake at its present level, nor to impose any obligation on them to maintain such dam.

And the party of the second part hereby further covenants and agrees that she will not suffer nor permit at any time any advertising signs nor any fowls or other livestock, except a pet, nor any noxious or noisome or other objectionable thing, having a regard to the general character of the neighborhood, on any part of the above described premises within 500 feet of the lake, nor within 500 feet north of the north line of Beaver Dam Lake - Section I development; nor suffer any

manufacturing or any business of any kind whatsoever on any part of the above described premises within 500 feet of the lake, nor within 500 feet north of the north line of Beaver Dam Lake - Section I Development; nothing herein contained shall prohibit the development of the property hereinbefore described as a bungalow colony; and the party of the second part hereby further covenants and agrees that no residence shall be erected nor shall any cesspool or septic tank or drains therefrom be installed less than 150 feet from the high water mark of Beaver Dam Lake, nor within 100 feet of any stream flowing into said Lake.

SUBJECT to the right of way of any telephone or telegraph company or electric light or power company, or any other public utility company, as now established, or of record, if any there be.

No portion of the premises above described shall be used as a hotel or boarding house, nor for any other commercial purpose, except that nothing herein contained shall prohibit the development of the property hereinabove described as a bungalow colony.

Together with the right of ingress and egress over the proposed roadway.

Excepting and reserving to the parties of the first part the right to establish utility lines on the premises above described along the above described proposed roads.

Together with all the right title and interest of the sellers of, in and to any land lying in the bed of any street, road or avenue, open or proposed, in front of or adjoining said premises to the center line thereof, subject to the rights of the Grantors, their heirs and assigns, to use the same for highway purposes.

The premises above described are sold subject to building and zoning ordinances, if any.

Granting further to the Grantees, their heirs and assigns an undivided interest in common with the Grantors, their heirs and assigns, in and to that parcel of land fronting on Beaver Dam Lake, more particularly bounded and described as follows:

ALL that piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange, New York, more particularly bounded and described as follows:

BEGINNING at a point on the easterly shore of Beaver Dam Lake, the said point of beginning is at the easterly end of a course described as South 75° 15' East 522 feet to the boundary line description in the deed of conveyance given to William J. Cruthers and Charles Boos by Anna Johnson; running thence (1) in a northeasterly direction for a distance of 100 feet, along the easterly shore of the said lake, to an iron pipe driven into the ground, thence (2) South 65° 44' East 214.23 feet, over and through land of the said Cruthers and Boos, to an iron pipe driven into the ground, thence (3) South 18° 22' East 33 feet, along the westerly line of a right of way 50 feet in width, within the bounds of which the said Cruthers and Boos have had a road constructed, thence (4) South 12° 30' East 68 feet, along the westerly line of the said right of way, to a point thence (5) North 65° 44' West 270 feet more or less, over and through land of the said Cruthers and Boos, to the point of beginning.

Containing 0.55 acres more or less.

Conveyed with the appurtenances and all the estate and rights of the parties of the first part in and to said premises,

To have and to hold the premises herein granted unto the party of the second part, her heirs and assigns forever.

And said parties of the first part

covenant as follows:

First. That said parties of the first part are

seized of said premises in fee simple, and have good right to convey the same;

Second. That the party of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances; except as hereinabove stated.

Fourth. That the parties of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth. That said parties of the first part

will forever warrant the title to said premises.

Sixth. That the grantors 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.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of

Albert J. Deane

William J. (author)

Clunk Bros.



State of New York)
County of DUTCHESS) ss..

61

On this
Fifty

18th

day of April
before me, the subscriber, personally appeared

WILLIAM J. CRUTHERS and CHARLES BOOS

to me personally known and known to me to be the same persons described
in and who executed the within Instrument, and they
acknowledged to me that they executed the same

Albert J. Drake

ALBERT J. DRAKE
NOTARY PUBLIC OF NEW YORK STATE
RESIDING DUTCHESS COUNTY N.Y.
COMMISSION EXPIRES MARCH 30, 1952

STATE OF NEW YORK, }
COUNTY OF DUTCHESS, } ss.:

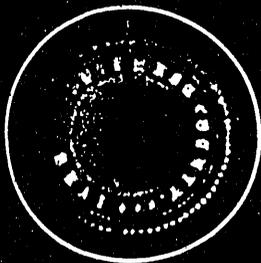
— Notary —

I, FREDERIC A. SMITH, County Clerk and Clerk of the Supreme Court of the State of New York in and for Dutchess
County, the same being a Court of Record having by law a seal, DO HEREBY CERTIFY THAT

Albert J. Drake

whose name is subscribed to the definition, certificate of acknowledgment or proof of the annexed
instrument, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York;
duly commissioned and sworn and qualified to act as such throughout the State of New York;
that pursuant to law a commission or a certificate of his appointment and qualifications, and his auto-
graph signature, have been filed in my office; that as such Notary Public he was duly authorized by
the laws of the State of New York, to administer oaths and affirmations, to receive and certify the
acknowledgment or proof of deeds, mortgages, powers of attorney and other written instruments for
books, instruments and instruments to be read in evidence or recorded in this State, to protest notes
and to take and verify affidavits and depositions; and that I am well acquainted with the handwriting
of such Notary Public, or have compared the signature on the annexed instrument with his autograph
signature deposited in my office, and believe that the signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal this 18th day of April, 1950



County Clerk and Clerk of the Supreme Court, Dutchess County.

A true record entered May 19th 1950 at 9 A. M.

F. A. Smith

Clerk

Gifts Indenture

Made the 11th day of August Nineteen Hundred and Fifty

Between WILLIAM J. CRUTHERS residing at LaGrangeville (no street or number) Dutchess County, New York, and CHARLES BOOS office and post office address 2 Cannon Street, Poughkeepsie, New York

part 1es of the first part, and

DOROTHY PERSKY, residing at 1514 - 49th Street, Brooklyn 19, New York

part y of the second part,

Witnesseth that the parties of the first part, in consideration of ONE HUNDRED Dollars (\$ 100.00) lawful money of the United States, and other good and valuable considerations paid by the part y of the second part, do hereby grant and release unto the part y of the second part, her heirs and assigns forever, all that lot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange, State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the easterly shore of Beaver Dam Lake, the said point of beginning is on the westerly boundary line of the said farm acquired from Anna Johnson, the said point of beginning is South 29°10' West 7.51 feet from the southerly end of a course described in the deed of conveyance for the said farm, as South 23° 58' West 95.00 feet; running thence over and through the said farm the following three courses namely; (1) South 67° 58½' East 401.46 feet, (2) South 13° 15½' East 40.78 feet along the westerly side of a private road which crosses the said farm, (3) North 70° 35' West 432.13 feet, thence along the westerly boundary line of the said farm, (4) North 29° 10' East 53.36 feet to the point of beginning. Containing 0.414 acres more or less.

The purchaser is hereby granted the right to use Beaver Dam Lake for boating, fishing, recreation and sports insofar as the parties of the first part have the right to grant such use to the party of the second part. It being understood and agreed by the parties hereto that only boats propelled by hand or wind shall be used upon said Lake, and that no boats propelled by motors, engines, or other mechanical power will be permitted or used thereon, and that said Lake shall not be used for any business purposes whatsoever. It is understood and agreed by the parties hereto that the parties of the first part assume no liability for damages or injuries to persons or property by reason of their grant of the use of the streets or of the said Lake to the party of the second part. Nothing contained herein and in the instruments to be delivered in consummation of this agreement shall be construed as impairing the right of the sellers to maintain the dam at the south end of the Lake at its present level, nor to impose any obligation on them to maintain such dam.

And the party of the second part hereby further covenants and agrees that she will not suffer nor permit at any time any advertising signs nor any fowls or other livestock, nor any noxious or noisome or other objectionable thing, having a regard to the general character of the neighborhood, on any part of the above described premises within 500 feet of the Lake, nor within 500 feet north of the north line of Beaver Dam Lake - Section I Development; nor suffer any manufacturing or any business of any kind whatsoever on any part of the above described premises within

500 feet of the lake, nor within 500 feet north of the north line of Beaver Dam Lake Section I Development; nothing here contained shall prohibit the development of the property hereinbefore described as a bungalow colony; and the party of the second part hereby further covenants and agrees that no residence shall be erected nor shall any cess-pool or septic tank or drains therefrom be installed less than 150 feet from the high water mark of Beaver Dam Lake, nor within 100 feet of any stream flowing into said Lake.

Subject to the right of way of any telephone or telegraph company or electric light or power company, or any other public utility company as now established, or of record, if any there be.

No portion of the premises above described shall be used as a hotel or boarding house, nor for any other commercial purpose, except that nothing herein contained shall prohibit the development of the property hereinabove described as a bungalow colony.

Together with the right of ingress and egress over the proposed roadway.

Excepting and reserving to the parties of the first part the right to establish utility lines on the premises above described proposed roads

Together with all the right title and interest of the sellers of, in and to any land lying in the bed of any street, road or avenue, open or proposed, in front of or adjoining said premises to the center line thereof, subject to the rights of the Grantors, their heirs and assigns, to use the same for highway purposes.

The premises above described are sold subject to building and zoning ordinances, if any.

Granting further to the Grantees, their heirs and assigns an undivided interest in common with the Grantors, their heirs and assigns, in and to that parcel of land fronting on Beaver Dam Lake, more particularly bounded and described as follows:

ALL that piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange, New York, more particularly bounded and described as follows:

BEGINNING at a point on the easterly shore of Beaver Dam Lake, the said point of beginning is at the easterly end of a course described as South $75^{\circ} 15'$ East 522 feet in the boundary line description in the deed of conveyance given to William J. Cruthers and Charles Boos by Anna Johnson; running thence (1) in a northeasterly direction for a distance of 100 feet, along the easterly shore of the said lake, to an iron pipe driven into the ground, thence (2) South $65^{\circ} 44'$ East 214.23 feet, over and through land of the said Cruthers and Boos, to an iron pipe driven into the ground, thence (3) South $18^{\circ} 22'$ East 33 feet, along the westerly line of a right of way 50 feet in width, within the bounds of which the said Cruthers and Boos have had a road constructed, thence (4) South $12^{\circ} 30'$ East 68 feet, along the westerly line of the said right of way, to a point thence (5) North $65^{\circ} 44'$ West 270 feet more or less, over and through land of the said Cruthers and Boos to the point of beginning. Containing 0.55 acres more or less.

Together with the appurtenances and all the estate and rights of the part 1st of the first part in and to said premises,

To have and to hold the premises herein granted unto the party of the second part, her and assigns forever.

And said parties of the first part

covenant as follows:

First. That said parties of the first part are

seized of said premises in fee simple, and have good right to convey the same;

Second. That the party of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances; except as hereinbefore stated.

Fourth. That the parties of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth. That said parties of the first part

will forever Warrant the title to said premises.

Sixth. That the grantors 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.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of

Albert J. Hoobe

Walter J. Guitars

Charles B. Bm



State of New York
County of DUTCHESS
of

613

SS..

On this
Fifty

11th

day of August Nineteen Hundred and
before me, the subscriber, personally appeared

WILLIAM J. CRUTHERS and CHARLES BOOS

to me personally known and known to me to be the same persons described
in and who executed the within Instrument, and they
acknowledged to me that they executed the same

Albert J. Drake

ALBERT J. DRAKE
NOTARY PUBLIC OF NEW YORK STATE
RESIDING DUTCHESS COUNTY #300
COMMISSION EXPIRES MARCH 30, 1952

Certificate filed in Orange County

A true record entered September 5th 1950 at 1 P. M.

W. J. Cruthers
Clerk

ZIMMERMAN
ENGINEERING & SURVEYING, P.C.

Route 17M

Harriman, N.Y. 10926

(914) 782-7976

FAX: 782-3148

GERALD ZIMMERMAN P.E., L.S.

March 4, 1994

Town of New Windsor
Planning Board
555 Union Avenue
New Windsor, NY 12550

Attn.: Mr. James Petro, Planning Board Chairman

Re: **REQUEST FOR PLACEMENT ON PLANNING BOARD AGENDA**
Lot Line Change For
Gregory & Ramona Agresti
Lakeside Drive
Town of New Windsor
Orange County, New York

Dear Chairman Petro:

Enclosed please find 14 copies of the maps for the above noted lot line change project (revised: March 4, 1994) and a copy of the current and prior deeds to this property. Please place this matter on your next available Planning Board agenda for further discussion.

I would like to take this opportunity to summarize the conditions of this lot line change project. The applicants own two adjoining parcels of land located in the Beaver Dam Lake region of town. There currently exists one house on Parcel I which encroaches onto Parcel II. The applicants would like to construct a new home on Parcel II, however due to the shape of Parcel II (50' x 430'), the current bulk zoning regulations and the existing encroachment of the house on Parcel I, it would be advantageous to relocate the lot lines.

The relocation of the lot lines would result in the following benefits to the two parcels:

1. Parcel I would be increased from its present 36' width up to a proposed width of 70'. This would eliminate the encroachment of the Parcel I house onto Parcel II.
2. Parcel II would be increased from its present 50' width up to a proposed width of 97'. This would allow for the construction of a new home which would comply with the zoning requirements for minimum side yards.

3. The existing road frontage for Parcel I is 40.78', this distance would be increased to 74', which is now greater than the required road frontage of 60 ft.

The relocation of the lot lines would result in the following adverse changes to the bulk lot requirements of the two parcels and would require zoning variances:

1. Proposed Lot #2 would only have 18 ft. of road frontage, which is a reduction from the 51.40 ft. of frontage existing on Parcel II, where the required road frontage is 60 ft.

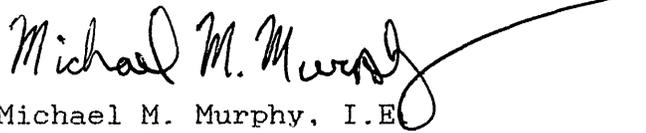
However; we believe the proposed road frontage of 18 ft. is adequate for driveway access to the town road and the town's Highway Department has approved the proposed driveway location as shown on this map.

2. Proposed Lot #1 would only have 15,335 s.f. of lot area, which is a reduction from the 18,034 s.f. of lot area existing on Parcel I, the required minimum lot area is 21,780 s.f..

Although; this represents a reduction in lot area for Parcel I, we believe that the proposed shape of Lot #1 presents a more useable land area for the existing house by greatly reducing the lot depth to width ratio (existing 11.5 : 1, proposed 3 : 1). in addition it will eliminate the encroachment of the Parcel I house onto Parcel II.

Your board's favorable consideration of this request would be greatly appreciated.

Sincerely
ZIMMERMAN ENGINEERING & SURVEYING. P.C.


Michael M. Murphy, I.E.
Project Engineer

encl.

cc: Mr. Mark Edsall, P.E., Planning Board Engineer w/encl
Mr. and Mrs. Gregory Agresti
file

DISCUSSION

AGRESTI, GREGORY LOT LINE CHANGE - (93-23)

MR. BABCOCK: I got a phone call from a Mrs. Agresti and basically what she said was is that she would like to go to the Zoning Board, be referred to the Zoning Board in reference to this. This is the house behind the house in Beaver Dam, they want to create a flag lot in Beaver Dam Lake.

MR. PETRO: With the steep driveway?

MR. BABCOCK: Yes and I had, I wanted to try to talk to Andy yesterday in reference to it but we ran out of time and didn't get a chance to talk about it and I'm not sure she said that she's under the impression that she needs to make a determination whether it's two lots or one lot and she wants to be referred to the Zoning Board to find this out and so the Zoning Board can give that determination to her.

MR. KRIEGER: What they are looking for it's an interpretation, they want an interpretation as to whether or not it is two separate lots or not. Well, this is the problem, whether or not it's treated as a single lot or two lots it depends on what the law calls the indicia of ownership, they look to see what the facts are and what's indicated cause it's not clear. Well, when I looked at that, I researched what kind of indicia the court are looking for and I looked at this parcel, I believe that it, that it is proper treatment as one lot and not two lots, thereby disposing of the flag lot objection so they would have to get subdivision which means that this board would have to act and if it is in fact two lots, then they don't need the subdivision, it already exists.

MR. VAN LEEUWEN: Two 50 foot lots Andy but let me say something. First of all, the driveway is extremely steep. Second of all, the house that is on the existing lot encroaches on the other lot, okay.

MR. KRIEGER: That is one of the indicia that I pointed to.

MR. VAN LEEUWEN: What we suggested take the addition off the house and make it the original house. As long as they meet side yard requirements which they can't even do then they have two lots but now the way it is once you encroach it really becomes one lot, it's not two lots anymore.

MR. KRIEGER: Exactly but I don't think the changing of that existing house is necessarily going to solve their problem.

MR. VAN LEEUWEN: No, it's not.

MR. KRIEGER: That is not the only indicia of it being a single lot.

MR. PETRO: Do they receive two tax bills?

MR. KRIEGER: No, one of the indicia and the reason I say indicia is to say these are, no one is dispositive of this question, they look at all of them combined, they look at the circumstances. One of those factors is the fact that it is tax dollars as a single lot. Now, the argument that their attorney indicated to me that they were going to make was in essence that it was at one point two separate lots and had two separate houses on it. And therefore it should be treated as two separate lots now. I indicated to him that I disagreed with that, that I did not doubt that at one point it was two separate lots but I'm not worried about one point I'm worried about now and now the sounder approach is to have a single, treat it as a single lot.

MR. VAN LEEUWEN: I'll bet you \$100 that that property originally went into the Town Hall and asked them to combine the two lots into one lot to save tax dollars. Now these people bought it or inherited it or whatever now they come along and they want to put a house down below by the lake but there's two problems. First the one house original house that sits, that encroaches about 20 feet on the other piece of property. Because all those lots are either 25 foot frontage or 50 foot frontage, guy by the name of Johnson did that 40 years

ago cause he sold to the people from New York as summer places. The other thing is they are going to have almost 20 percent slope for that driveway that driveway is going to be like this (indicating).

MR. PETRO: Ron, let me interject here instead of taking this approach, let's do just the opposite. What can we do for Mrs. Agresti so we can make this work for them so they can wind up with another house at the bottom of the hill. How can we say that it is two lots and yes, you can build? Can we do that by taking the addition off and once you do that, and say you can make two lots, how do we get over the incline, the steepness?

MR. VAN LEEUWEN: You can't.

MR. PETRO: Let them show us how they can.

MR. VAN LEEUWEN: There's no way they can.

MR. PETRO: I don't disagree. Matter of fact, I agree.

MR. VAN LEEUWEN: If they put 50,000 worth of fill.

MR. PETRO: Maybe they'll go to some extent and come up with a solution for the grade.

MR. BABCOCK: Only one comment that I heard them talking about was not only that they would put a parking area on the top, a level, retaining parking area.

MR. EDSALL: They have the option of creating a parking area that has a turnaround interior.

MR. PETRO: Next door they have one, it's pretty steep, they want to do that. That is the point I'm making. They can come up with some alternate plan that is acceptable to the Planning Board or the building department and we can indeed let them build because they have another lot. Why can't we do that? Maybe we should send them to the Zoning Board, see what they have to say about it.

MR. BABCOCK: I had no conversations with Andy or their attorney so when she asked me for a referral to the Zoning Board, I don't really know what I would refer and quite honestly, I think this board should be the one doing the referral.

MR. VAN LEEUWEN: This board is the only one that can.

MR. LANDER: She has to have an application.

MR. BABCOCK: It's my opinion the board should do it anyway.

MR. VAN LEEUWEN: It isn't going to work. One time they say gee, it's cheaper to combine the two lots to save taxes. Now they want to come in and split it back up again.

MR. LANDER: Is there a lot line on this? We've got two pieces of property. Is there a lot line?

MR. KRIEGER: Here's what the problem is. The deed this is what started it, the deed as it exists to that property now has three descriptions on it, separately describing as parcel one. That is one description, separately described as parcel 2, that is 2 descriptions and the third description is a combination of parcels 1 and 2. So now you have this ambiguous indication is this supposed to be on one parcel or two parcels under that circumstances if it becomes a court question, courts will look and say in order to resolve this discrepancy, what other indicia are there that indicate that it was intended to be treated as two or intended to be treated as one. What can we look at to see what the parties really intend, not what they say they want, but what they really intended to do. Now, procedurally I think the question that is involved here, the question the Planning Board has to consider I'm not sure that quite frankly there's any action for it to take. If they want to go to the Zoning Board for an interpretation of that question one or two lots. Now, whatever the Planning Board may think about their likelihood of success in doing that is not the question, the question is should they get a referral to have a shot at it. And whether they chose to take that

shot or not so that is up to them.

MR. VAN LEEUWEN: Didn't we deny it already?

MR. LANDER: The long and short of it was the end result, the reason was we didn't want to have every owner coming in and putting a house behind another house having these flag lots all the way down Beaver Dam lake.

MR. VAN LEEUWEN: I don't mind a flag lot but on a small piece of property doesn't make sense.

MR. PETRO: Here's another monkey wrench in it, I just want to read this note, January 24, 1994, Mike Babcock met with the acting Highway Superintendent, Anthony Fayo, he said he has no problem with the plan as shown or the plan dated received 1/19/94. So that brings us a little further along, if you want to send them to the Zoning Board, they can.

MR. VAN LEEUWEN: Naturally he would cause it's really a driveway.

MR. KRIEGER: If I may, there was a question which I think needs to be answered. Yes, the Planning Board disapproved that application. However, it is the contention and I'm not taking a position on this either way, I'm just telling you what their contention is. It's their contention that the interpretation of the zoning ordinance which is what's involved here is properly the business of the Zoning Board. And that is the source from which the request came.

MR. VAN LEEUWEN: I'm sorry, it's not the position.

MR. EDSALL: Mike and I are going to try. First comment I think Andy made a good case that there had to be other evidence to make a decision why the deed reads 2 individual parcels and then appears to combine them. One could conclude that when a structure was constructed straddling or crossing the line that the intent was to combine the two parcels so in fact one could obtain that building permit and in fact build the structure that is there. Now that could be a

conclusion. The second very important point I'm going to let Mike present they need a variance either way.

MR. BABCOCK: I think one of the questions that we ask is is it a subdivision or a lot line change and the reason for that is if it is two lots, it's considered two lots, it would be a lot line change. If it is two lots, it would be considered a subdivision. Either way they need a variance for road frontage. If you notice the road narrows down on Lake Road so either way, that is the only difficulty here is what do we call this based on what is it right now. Put the driveway and the house, flag lots, all that stuff aside for a second and that is what we have to say if it is two lots, we need to say it's a subdivision plan or a lot line plan. If it is one lot, it needs to be a subdivision. They have a shot to go to the Zoning Board to get their area variance for road frontage, lot width, whatever other area variances they might need.

MR. EDSALL: It's got to go to the ZBA wither way. Why doesn't this board refer it to the ZBA for an interpretation and/or any necessary variances and let the ZBA tell us what it is and tell them what variances they need.

MR. VAN LEEUWEN: Sure, we already turned it down once, why can't they go to the ZBA?

MR. EDSALL: Let's send it wide open and let ZBA decide what it is because as Andy says, the Town Code says that the ZBA makes interpretations on the zoning code so let them decide.

MR. BABCOCK: I think we said we need to have the Highway Superintendent look at it. We never had it officially turned down.

MR. PETRO: I have fire department approval dated '93 so.

MR. VAN LEEUWEN: One of the worse cases of poor planning I've ever seen in my life.

MR. LANDER: I can remember specifically that we

wouldn't go for it because then we'd have every homeowner on that stretch of road.

MR. BABCOCK: That is the other question in my honest opinion, is that if the board, this board is going to act and be the final person, the final board to say yes or no. I don't think we should send the applicant anywhere, if this board is going to say no at the end. Why spend the ZBA's time, the applicant's money and everything else but we really need to tell, this lady calls me all the time, wants to know what are we doing.

MR. PETRO: If she has every variance needed, if she has the road frontage and side lot, all the variances she's granted then why would we say no?

MR. EDSALL: You can vote no on it and indicate that you are voting no not to send them to the ZBA but voting no because you believe that it would not function as a proper design for two lots. They always have the option by law to go to the ZBA to appeal your decision anyway. If the basis is that it doesn't comply and you don't like it, they always have to come back even if they get a variance, they have to come back to this board.

MR. VAN LEEUWEN: I'll tell you something, they'll never get my okay for it so don't try to take a vote because I would not okay something like that. I wouldn't own something like that. I wouldn't come to this board with something like that. It is just ridiculous, worse case of poor planning I've ever seen in my life and you open up Pandora's box, that is second.

MR. EDSALL: Maybe that is the-

MR. VAN LEEUWEN: You have got a driveway too steep, you have got a house encroaching on the other lot, there's 3 or 4 points but the Town tax rolls shows it as one lot, right?

MR. PETRO: Yes.

MR. VAN LEEUWEN: They came here for a subdivision, not

for lot line change, they came here for a subdivision.

MR. EDSALL: I think their application indicated lot line change.

MR. PETRO: Right.

MR. VAN LEEUWEN: If there's 2 deeds, makes no difference if you got 2 deeds but if the tax office shows it as one parcel, come on.

MR. KRIEGER: You can have one deed with two separate parcels on it, which is what they have and if that is all they had then the fact there are two separate deeds, wouldn't be dispositive but that is not all they have, then they have a combined description which one controls that is the question.

MR. EDSALL: And I'm not trying to say here that we should take--

MR. VAN LEEUWEN: How do we know they didn't go into the Town Assessor and waive his right to the two lots and now say wait, I want it back again.

MR. PETRO: That is probably what happened.

MR. KRIEGER: And that has been--

MR. VAN LEEUWEN: Once you waive that right, it's gone.

MR. KRIEGER: That has been indicated as one of the indicia for precisely the reason that you pointed it out.

MR. EDSALL: You have got an active application and there's nothing that says you can't act on the information that is the application they care to take it to ZBA for an appeal, that is their business. I've got an application and I think the board should move on it, either ask them to come back in and go over with them and then take a vote or do what you see fit. Because obviously, the zoning regulations require an action within a certain amount of time and I'd hate to see this go.

MR. VAN LEEUWEN: I make a motion to approve.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded to approve the Agresti site plan for lot line change in Beaver Dam Lake. Any further discussion from the board members? If not, roll call.

MR. VAN LEEUWEN	NO
MR. LANDER	NO
MR. PETRO	NO

MR. VAN LEEUWEN: Action has been disapproved with no recommendation to go to the Zoning Board.

MR. LANDER: I make a motion we adjourn.

MR. VAN LEEUWEN: Second it.

MR. LANDER	AYE
MR. VAN LEEUWEN	AYE
MMR. PETRO	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

5/16/94

INTER-OFFICE CORRESPONDENCE

TO: JAMES NUGENT, CHAIRMAN - ZBA
 LARRY TORLEY, V. CHAIRMAN
 DANIEL HOGAN
 HERBERT LANGANKE
 MICHAEL KANE

FROM: ATTORNEY FOR ZBA KRIEGER

SUBJECT: AGRESTI, GREGORY AND RAMONA (ZBA 94-13)

DATE: MAY 12, 1994

Pursuant to your request, I have reviewed the Planning Board minutes on this matter. It appears that two (2) meetings were held on this matter by the Planning Board on July 21, 1993 and August 25, 1993. I have provided copies of those minutes to Pat and asked that she make additional copies thereof and forward them to you for your review.

You are referred to Section 48-26(D) on page 4869 of the Town Code. The applicant claims that the parcels involved here are two separate lots. If that is true, each of these lots appears to be non-conforming as to bulk and the two lots are in the "same ownership and are adjoining". The question under that section becomes, did they become "subsequently attached". Mere common ownership and adjoining status alone do not make these a single lot.

Pursuant to my telephone conversation with Robert Stiller of the Orange County Tax Map Department, it appears that these parcels have been taxed as a single lot since 1957. No records have been cited to me by either the county department or the New Windsor Tax Assessor which would indicate how these parcels became taxed as a single lot.

It also appears from the county tax map records that these parcels were owned by members of the Agresti family and were transferred between family members in a number of transactions until the last transaction in 1988 when they came into the ownership of this applicant and his wife.

It is the task of the Zoning Board to interpret the Zoning Local Law of the Town of New Windsor to determine whether these are two separate lots or whether they became joined together as a single lot or, in the words of the town statute, "subsequently attached". There are indicia of an intent on the part of the present owners' predecessor(s) in title to treat this as a single lot and indicia that they continue to treat it as two separate lots.

If the ZBA interprets this as two separate lots if the applicant desires to change the line between those lots, he must obtain the approval of the Planning Board for a lot line change. If the ZBA determines that they are a single lot and the applicant wishes to separately develop part of the property, then he must obtain a

subdivision approval from the Planning Board. It is my understanding that the applicant is not now applying for any area or other variances.

If you have any questions please feel free to call me.

Andrew S. Krieger, Esq.

cc: Supervisor Meyers
Robert Dinardo, Esq. w/o enclosure

AGRESTI, GREGORY & RAMONA LOT LINE CHNAGE (93-23)
LAKESIDE DRIVE

Mr. Michael Murphy of Zimmerman Engineering appeared before the board for this proposal.

MR. PETRO: Application involves proposed lot line change for two parcels on Beaver Dam lake.

MR. MURPHY: We're here tonight presenting this proposed lot line change for Mr. and Mrs. Agresti. Right now there's currently one house sitting on the parcel which crosses over the lot line, there was on old lot line that ran down the length of the property approximately right in the middle that is drawn on the map. What we're hoping to do here is to relocate these lot lines so that we can create a usable lot in the back where we can build a house that would be in conformance with the zoning and also take the original house where there was an extension built on which crossed over that lot line and put all that house on to the one parcel.

MR. VAN LEEUWEN: What are you trying to do, create a flag lot here?

MR. MURPHY: Yes.

MR. VAN LEEUWEN: Let's lay the cards on the table.

MR. MURPHY: That is what it is.

MR. PETRO: That driveway is 200 and something feet.

MR. MURPHY: Yes.

MR. VAN LEEUWEN: I don't particularly like flag lots. This lot is 452 feet deep?

MR. MURPHY: Yes.

MR. SCHIEFER: We went out and looked at this one time.

MR. DUBALDI: No, that was a different thing.

MR. SCHIEFER: Same thing out in the same area.

MR. MURPHY: There is a number of lots along Lakeside Drive that are 50 feet wide as these lots were.

MR. VAN LEEUWEN: All the lots in Beaver Dam were 50 feet wide, that is how they sold them some people bought two, some people bought three, some bought one.

MR. PETRO: This is two lots.

MR. MURPHY: And at one point in time they had two separate houses on the property, about 20 years ago or so, the bungalow in the rear was taken down. There's still remnants of a foundation there.

MR. VAN LEEUWEN: I think we better go out and take a look at this, Mike.

MR. PETRO: Yes, one of Mark's comments is interesting. How are going to get water and sewer back to the lot?

MR. MURPHY: Okay, there's an existing sewer line running along Beaver Dam Lake to the rear of the property, property slopes downhill in the direction so we can get sewer service. Water service we're proposing a well as all the rest of the lots in the area have wells.

MR. PETRO: Sight distance up on the road where you have the driveway of course the Highway Department would have to look at it. Did you go out and inspect it physically?

MR. MURPHY: I have been out there but I didn't take any measurements for sight distance, no.

MR. PETRO: You're on a little bit of a curve there on that road.

MR. MURPHY: Yes, we are.

MR. EDSALL: I think more importantly the application I believe is being submitted as a lot line change. My comment one is asking that they submit the information

that we ask for so that they can review it to demonstrate that it is now currently two legal lots because if it was two lots and it was converted to a single lot it loses its status. It doesn't mean anything if it was two lots 50 years ago. It is what it is now that counts. If it is one lot now and it was two lots before, then it's no longer a lot line change, it's a subdivision. So I think they have to demonstrate to Andy's satisfaction that it is two lots now otherwise it's not a lot line change.

MR. PETRO: Is that hard to do?

MR. EDSALL: Something that they have to work out.

MR. AGRESTI: We have a deed showing two separate lots.

MR. MURPHY: On the tax map it does appear as only one lot but we do have a deed here.

MR. PETRO: You get one tax bill?

MR. AGRESTI: Apparently what I am told happens is when the same owner owns 2 non-conforming lots, they combine them automatically as one.

MR. VAN LEEUWEN: No, they do not.

MR. BABCOCK: If anything, if there's 2 deeds, I think what happened was is that the lots were consolidated for tax purposes and that is what can happen.

MR. VAN LEEUWEN: If it was consolidated that means it's one single lot.

MR. BABCOCK: Only for tax purposes, no new deed's filed to do that, they do it for consolidation of taxes.

MR. VAN LEEUWEN: What I think they should do bring the deeds in and show you so you can see the deeds.

MR. KRIEGER: Yes, I've heard various things. Deed, deeds, whatever they are, I ought to see them and I can't render an opinion until I do.

July 21, 1993

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MR. MURPHY: I have a copy of the deed heer, it's my only copy but I can get another copy and submit this to you tonight.

MR. KRIEGER: Does one deed contain all of this?

MR. MURPHY: Yes.

MR. PETRO: Why don't we get a copy of this to Mike Fayo.

MR. BABCOCK: Fred Fayo.

MR. PETRO: Let him check on the site distance, if it is no good, there's nowhere else it can go.

MR. PETRO: We'll put this on a site visit.

MR. VAN LEEUWEN: Also we should have topo on here.

MR. BABCOCK: It slopes from the road back to Beaver Dam Lake all the way. You see Beaver Dam Lake in the back it goes right to the lake.

MR. PETRO: Set it up for a site visit, he can put the additional information on the plan, he can get the deeds to Andy so he can review them and we'll put you on the agenda when you get everything together in the meantime we'll take a look at it.

MR. MURPHY: Thank you for your time.

8/25/83

16

DISCUSSION:

AGRESTI LOT LINE CHANGE (93-23) LAKESIDE DRIVE

Mr. Greg Agresti appeared before the board for this proposal.

MR. PETRO: There was a site visit done on this application and I believe some of the members went on a Monday night and I went myself with Mike Babcock two days ago and we did inspect the site. Just briefly can you tell us again for the minutes what you'd like to do there?

MR. AGRESTI: I have a lot line change so I can build a house in the back.

MR. PETRO: I know you went on a site visit and you had a couple negative comments to make and I came up with the same one. One was the intense slope off Beaver Dam or Lakeside Drive is it?

MR. BABCOCK: Yes.

MR. VAN LEEUWEN: I think that when originally put the house over the line is when the mistake was made. To put a driveway in that particular position okay and have the slope come up, the Town Highway Superintendent is going to want it, is going to make that driveway very steep, I don't think by approving this lot line we're going to improve the property.

MR. PETRO: I think I agree with you with the driveway, I don't see of course I'm not an engineer but I don't see any way to get the proper slope even when you are 20 foot off Lakeside Drive as proposed you want to come out flat and come down. Once you go off the end of the driveway, I would suggest this, we're not engineers, why don't we refer this to Mr. Fayo, let him take a look at it and if he does have an idea that is if we say that we even agree about the lot, I don't want to drag this out, if we don't want another lot. It is a flag lot. New Windsor Planning Board does not usually like to see flag lots although you have a very deep lot and certainly have enough area.

MR. VAN LEEUWEN: First of all, we're approving a lot with 18 and a half foot frontage, I don't even know if that is legal.

MR. EDSALL: This would require a variance at least that variance if they want to proceed because notwithstanding the fact that they are both very narrow lots to start off with, you are decreasing the road frontage and I would believe that that would necessitate the variance.

MR. VAN LEEUWEN: I think it comes under the big heading of substantially poor planning.

MR. SCHIEFER: In my opinion when that house was built on two lots, even though it is still two lots that becomes one lot to me. That is one lot and this is not I don't look at it as a lot line change, I look at it as a subdivision.

MR. PETRO: That is a good point.

MR. VAN LEEUWEN: We have enough problems out there as it is, houses are crowded, lots are small and I think that by doing this, and personally I'll not vote for it, okay, I'm saying personally because I don't think it's the right thing to do with the land. I think it's only going to add more problems to the whole area.

MR. AGRESTI: I don't understand how it's going to change the land.

MR. SCHIEFER: Another driveway.

MR. VAN LEEUWEN: Another driveway, another house, we have enough problems in Beaver Dam as it is.

MR. AGRESTI: That is how they all are every other lot was a flag lot and mine is also.

MR. PETRO: How about the septic?

MR. BABCOCK: Sewer line there.

MR. VAN LEEUWEN: We checked that out.

MR. PETRO: I see the easement.

MR. VAN LEEUWEN: It has nothing to do with you, it has to do with the lay of the land. If I owned that piece of land, I would never pull something like this, I would not do it.

MR. PETRO: Mark Mr. Dubaldi would like to know how many easements would that require, variances I'm sorry.

MR. EDSALL: That is what Mike and I are looking into.

MR. BABCOCK: Basically, the only one I see is road frontage variance and I didn't see that until tonight myself.

MR. EDSALL: For the non-conforming lots which are under each I guess it's 4826 which that section of the Town Code recognizes that certain lots are extremely small and sets quite substantially low record or requirements, it requires a minimum of 50 foot of frontage, this would be approximately a third of what this even 50 foot requirement of 4826 notes so it is quite a substantial variance.

MR. BABCOCK: The other thing is the lot area in a non-conforming lot is 5,000 square feet and he's proposing 23,000 so the lot is sizable.

MR. PETRO: Originally it was two very long narrow lots is what we had. It wasn't a flag lot in the beginning.

MR. AGRESTI: Every other house seems to be a flag lot on that road, if you look at all the houses or whatever you call them, long and narrow, just everyone has a driveway between two lots that goes all the way down to the back house.

MR. VAN LEEUWEN: Most of those houses were built 35, 40 years ago before zoning took effect. We can't do that anymore but you're not the only one that has come to us with a similar situation and we have not approved it.

MR. PETRO: I think you have two major problems. One is the configuration of the lot and your road frontage but I think more than that, even if we said yeah, the lot looks great, it's fine, there is access to that lot, I don't see 12 1/2 percent grade there is going to be impossible. You're not an engineer, but you can see you're going to have more than 12 percent grade. I guess the other alternative is park the cars up there and walk but you couldn't get a fire truck down there in any way, shape or form.

MR. AGRESTI: Isn't every driveway like that?

MR. PETRO: They might have been before they ever came before this board before the Planning Board was in power. If they did that in 1950, we have no control over that. You'd have to admit if you didn't have a driveway and there was a fire there could be a problem if there was ice on the road and you'd get somebody down there and you had 35 percent grade, it could be a problem.

MR. VAN LEEUWEN: As long as I have been on the board these things have been cropping up periodically, they've never been approved. We're just adding to a situation that is already there which is making a situation worse than it is now. It's bad enough now let alone add to it.

MR. PETRO: Mark, do you have a final comment?

MR. EDSALL: Obviously, if the board entertains this continuing, they are going to need a variance and you could refer it to the Zoning Board but I would think that if you really have a consensus even if they got the variance you wouldn't be satisfied with it. You may want to tell the applicant now if your biggest concern now is the access, well, then I would think that they'd have to have a topographical survey performed and demonstrate that they could construct a driveway that does not exceed the Town's guidelines for driveway slopes. If they can't, it's obvious that they'll never be able to obtain approval. Right now the plan doesn't show slopes.

MR. DUBALDI: I don't see how you can give him a variance.

MR. VAN LEEUWEN: I don't think he will get the variance. He has to show hardship.

MR. DUBALDI: What hardship?

MR. VAN LEEUWEN: You're creating a hardship.

MR. PETRO: My point is before it gets to the Zoning Board they are never going to get a driveway installed on that property with the proper New Windsor slopes, New Windsor required slopes and I think even to send him to Mr. Fayo as I suggested earlier, I would be wasting the applicant's time.

MR. SCHIEFER: And money.

MR. PETRO: And money. I think you have a negative feeling from here and if we do send you to the Zoning Board you'd be spending more money if you go the Zoning Board and you would not have a positive recommendation from the New Windsor Planning Board which means even if you did acquire the variances that you would need they might not when you come back here, if it did require them, don't forget you have to prove hardship to get the variances and you cannot create, your hardship, you really don't have a hardship, other than the one you're creating saying you want this lot. You're not saying maybe I don't know what hardship there is.

MR. AGRESTI: That it was two lots at one time does not count and that I just didn't build in the back in time and there was an existing house already there.

MR. BABCOCK: If you had the two lots and the first house did not encroach on the second lot, you would be entitled to a building permit on that second lot.

MR. AGRESTI: If I take that addition down.

MR. BABCOCK: If you were to take the addition down whatever it is, the little extension there, then if it

is two lots.

MR. AGRESTI: That was always on there, used to be a porch.

MR. BABCOCK: If there were two separate lots and there was no building on the lot two per se, the one he's talking about right now under the non-conforming regulations he would be entitled to a building permit.

MR. PETRO: Not in the configuration, he'd have to keep it on the one lot.

MR. BABCOCK: We'd have to check the files and go back in the files to see if the addition on lot one if I am calling lot one where the house is located wasn't considered as one lot when that house was built, I don't know that that is not the case. But basically if that addition was not on lot 2 and that was a vacant lot, it's a 5,000 square foot requirement, 50 foot of street frontage, 51 feet of street frontage, he's entitled to a house.

MR. PETRO: You're suggesting but saying if that house were not there in other words, if you removed part of the house what about side yard?

MR. BABCOCK: Side yard is 12 feet in that zone and it's a 51 foot wide lot so in effect maintain, he would put an end ranch which they do and the non-conforming lots were made for these particular lots.

MR. EDSALL: Part of the problem as well that the house on the north lot appears to not have the required frontage even for the non-conforming lots so one would ask was it built in this configuration with the application indicating that they are using the two lots as a single lot and now they want to break it back up again.

MR. PETRO: That is a good point.

MR. EDSALL: They may have taken advantage of having both lots such that they can build.

MR. PETRO: The lot that the house is on is only 41 feet wide so even at that time you needed 50 feet so whoever owned it at that time, what they did is say well, we have both lots, we'll combine them now, we'll have 142 feet, you see what I am saying? Whoever built that house.

MR. AGRESTI: They didn't combine the two lots.

MR. PETRO: Not legally. It might have been to get a building permit, they said in order to get the correct frontage on the road, we'll combine the two lots because you didn't have enough to build on the one lot now they built the house, now once this house is built you're an applicant coming back again saying well, it's really two lots and we want to use the other lot now but you have already used the right part of that lot because you're using ten feet of it to create the first lot.

MR. BABCOCK: One point the applicant has said that that house is built in 1948 so if that is the case, there wouldn't have been a building permit. They just built it prior to zoning and all that could be researched.

MR. PETRO: I would suggest to the applicant if you want to go that route, let Mike do a little research with you, if you want to remove part of the house off the second lot then like you say, you can just get a building permit.

MR. SCHIEFER: That still doesn't give him a flag lot now he has two more lots to build a house on. I have no problem with that.

MR. PETRO: It's the original configuration of the two lots like Mike says you have to build an end ranch.

MR. AGRESTI: That would do more for the area than subdividing the two lots and building a nice house in the back.

MR. VAN LEEUWEN: It's the law that we have to contend where to put a house.

MR. AGRESTI: Originally you were saying I'm not going to do anything for the area.

MR. VAN LEEUWEN: It's not going to help the area in my eyes, okay, it's not going to help the area by putting a house back there.

MR. AGRESTI: It's going to look worse by having a long narrow house, lot with a house sideways.

MR. VAN LEEUWEN: That is the law. The law allows you to do that, that part of the law you can take advantage of and do.

MR. PETRO: He'd still need a driveway back to the house.

MR. BABCOCK: Which would have to be approved by the highway superintendent.

MR. AGRESTI: My main thing has to be the driveway.

MR. PETRO: Yes, don't start ripping down the side of your house. Go talk to Mr. Fayo and show him this. I suggest he look at the lot and come up with some idea and see if it is possible to meet required New Windsor grades to get a driveway. You can see we're not making that up. It is pretty steep coming off the road, your next door neighbor's driveway is pretty gruesome there.

MR. AGRESTI: He actually dug it out.

MR. SCHIEFER: This is one case if it is a lot line change, fire inspector ought to see it too. How is he going to get back there.

MR. VAN LEEUWEN: I would want a public hearing on the thing too.

MR. PETRO: We do have municipal fire approval on 7/20/93 on that particular proposed driveway.

MR. EDSALL: Obviously, the plan doesn't include any grade information so Bob may not be aware of the

slopes.

MR. VAN LEEUWEN: Anything out there I want to see topos.

MR. BABCOCK: Tonight we're here for discussion. We haven't had the map updated and spent anymore of the applicant's money.

MR. PETRO: It's the determination of the Planning Board at this time that we would not like to see a flag lot put here. Also the major concern would be the grade of the driveway, if you can address the grade of the driveway and come in with something other than the flag lot which naturally goes back to two original lots, we can look at this at this time, I don't think any of us are trying to be difficult. It's going to be hard to do this to stay with the letter of the law as you just heard and I like to come up with good news, I know it's not the news you want to hear.

MR. BABCOCK: So the applicant's first step actually to talk to the highway superintendent in reference to the driveway and if he has any information then he should come back or what are you asking.

MR. PETRO: I don't think he should come back with this exact map. It's the determination of the board I know Mr. Van Leeuwen and Mr. Schiefer have not been happy with the flag lots there in the first place and this configuration you're still going to be left with one lot with 41 feet on the road when you are done. It's going to be non-conforming and quite a few zoning variances.

MR. VAN LEEUWEN: Let me say something I'm not against flag lots totally in this case where it's narrow and steep slope but if it was normal conditions, let's say it was flat or slightly rising land, I don't have that many problems as long as it meets some of the codes in New Windsor, doesn't meet any code in New Windsor and I doubt that the Zoning Board will approve it.

MR. SCHIEFER: Can the fire inspector be asked to look at this? I'm sure he wasn't aware of the topo.

MR. PETRO: I think he just looked at the width.

MR. KRIEGER: Can be asked to do it, yes, he can be asked to do it but until you have a different determination, you are bound by the determination you have. You can ask him to look at it again. He may or may not choose to look at it. If he chooses not to, then the board is bound by his determination.

MR. EDSALL: I'm getting the impression that the biggest hurdle here, forgetting about being a flag lot if it was two narrow strips is the grade I think until they have Mr. Zimmerman perform an actual survey of the lot and give you some grade information so that we can tell what slopes are involved and what they could and couldn't accomplish, I don't think you really have enough information.

MR. EDSALL: For yourself, you want to know whether or not a driveway is feasible.

MR. EDSALL: If they have the survey performed and they came back in and we're able to show that they can build a driveway and maybe at the maximum allowable slope you'd have something to look at. At this point, you don't have enough information.

MR. PETRO: Why don't we take that route.

MR. VAN LEEUWEN: When those slopes are checked out they are not going to be adequate. I'd hate to see the man waste a thousand dollars and have somebody come in and do topo and everything else when I know ahead of time it isn't going to work.

MR. EDSALL: I didn't see the lot, what kind of elevation difference do you have from where the house site is to the road?

MR. VAN LEEUWEN: 30 feet, 40 feet.

MR. PETRO: The proposed house is a lot feet.

MR. VAN LEEUWEN: At least.

MR. PETRO: Might be 60, 70 feet. It's pretty drastic. I looked at it. If I took a 20 foot tape and came back off Lakeside Drive level and then from that point it would be the slope would have been 40 percent at least to get down to the natural ground, I'm talking about again some reasonable before you went passed the original house.

MR. EDSALL: Just looking at the plan, it seems that if plateaus were created at the base near the house and near Lakeside Drive with a 15 percent slope which is normally what the board sets as an extreme maximum for driveway slope, the applicant could have up to 35 or 40 feet of elevation difference and still meet the Town's requirements. So again, that is a substantial difference but they do have 250, 260 feet to accomplish that slope.

MR. VAN LEEUWEN: Mark, the trouble is to put elevation plateau up there you are only making the slope steeper.

MR. EDSALL: That is what I am doing. What I am saying is I'm taking the two areas and giving them 15 percent for in between we really didn't have enough information now.

MR. VAN LEEUWEN: He's not going to make it with 15 percent.

MR. EDSALL: I don't know that but what I am saying is I wouldn't want to make a decision on if he wants to pursue the application we have to review the application on the merits of what he submits and I can't by visually looking at a lot.

MR. PETRO: We have we've had enough time on this. You have a feeling from the Planning Board that we really don't like it. If you want to pursue it at your time and expense and obviously that would be your first step is to get the engineer to come up with a topo and driveway detail that we can look at at that time, if you want to come back again at your time and expense, we would definitely be open to discussion again but you have understand you're going to need Zoning Board

variances, prove the hardship and you're getting a negative outlook on this from the Planning Board. But if you want to pursue it, that would be the way to go, okay?

MR. AGRESTI: Thank you very much.

MEMORANDUM FOR FILE

DATE: March 8, 1994

On this date: I spoke to Michael Murphy of Zimmerman Engineering and informed him that Andy Krieger determined this property to be one (1) lot, which makes a "Lot Line Change" not sufficient for this project. I asked that he please contact the Agustis and let them decide how they want to proceed. He said he would.

He also asked for a copy of the memo from Andy Krieger.

I then called Andy Krieger and was told the memo was on the way.

ANDREW S. KRIEGER
ATTORNEY AT LAW
219 QUASSAICK AVENUE
SQUIRE SHOPPING CENTER, SUITE 3
NEW WINDSOR, NEW YORK 12553
(914) 562-2333

March 7, 1994

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

Attn: Myra Mason, Secretary

Re: Planning Board, Agresti, 93-23

Dear Myra:

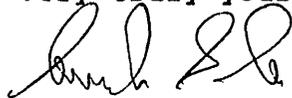
The deed of the Agresti's has been reviewed. It appears that while these lots may have been separate lots in the past they are jointly described with a single description and it also appears that they are taxed as a single parcel.

I further understand from our conversation, that the present owners specifically requested the County to tax this as a single parcel. I also understand that these owners have erected a residence on the premises, portions of which are located in each of the two lots. These owners have clearly indicated their desire that this be treated as a single lot and that choice on their part is binding upon them.

It is my opinion that this is a single lot.

Thank you.

Very truly yours,



ANDREW S. KRIEGER

ASK: mmt

cc: M. Murphy - FAXED
M. Edsall
M. Agresti

RECEIVED MAR - 9 1994 (M)

MEMORANDUM FOR FILE

DATE: March 4, 1994

On this date: I spoke to Andy Krieger - he said that these two lots were at some time combined into one. They receive one tax bill and have one tax map number - he feels they are today - one lot.

I asked him if he would send me a memo for the file. He said he would.

(m)



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

1763

March 2, 1994

Andrew Krieger, Atty.
219 Quassaick Avenue
New Windsor, NY 12553

SUBJECT: P.B. #93-23 LOT LINE CHANGE FOR:
AGRESTI, GREGORY & RAMONA
LAKESIDE DRIVE
NEW WINDSOR, NY

Dear Andy:

Please find enclosed copies of the deeds for above subject application as presented to us at the March 2, 1994 Work Session.

Please review the deeds to determine if this property is a legal two lots. If you should have any questions, please feel free to call our office.

Thank you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Myra".

Myra Mason, Secretary to the
Planning Board

MLM

RESULTS OF P.B. MEETING

DATE: August 25, 1993

PROJECT NAME: Agresti, Greg + Mona PROJECT NUMBER 93-23

LEAD AGENCY: * NEGATIVE DEC:
*
M) ___ S) ___ VOTE:A ___ N ___ * M) ___ S) ___ VOTE:A ___ N ___
*

CARRIED: YES ___ NO ___ * CARRIED: YES: ___ NO ___
*

PUBLIC HEARING: M) ___ S) ___ VOTE:A ___ N ___

WAIVED: YES ___ NO ___

SEND TO OR. CO. PLANNING: M) ___ S) ___ VOTE:A ___ N ___ YES ___ NO ___

SEND TO DEPT. OF TRANSPORT: M) ___ S) ___ VOTE:A ___ N ___ YES ___ NO ___

DISAPP: REFER TO Z.B.A.: M) ___ S) ___ VOTE:A ___ N ___ YES ___ NO ___

RETURN TO WORK SHOP: YES ___ NO ___

APPROVAL:

M) ___ S) ___ VOTE:A ___ N ___ APPROVED: _____

M) ___ S) ___ VOTE:A ___ N ___ APPR. CONDITIONALLY: _____

NEED NEW PLANS: YES ___ NO ___

DISCUSSION/APPROVAL CONDITIONS: _____

Board does not want a "Flag Lot"

Need approval of the driveway slope - must get approval from Highway Superintendent

Need grade info on the plan

RESULTS OF P.B. MEETING

DATE: July 21, 1993

PROJECT NAME: Agusti, Gregory & Ramona PROJECT NUMBER 93-23

LEAD AGENCY: _____ * NEGATIVE DEC: _____
M) ___ S) ___ VOTE: A _____ N _____ * M) ___ S) ___ VOTE: A _____ N _____

CARRIED: YES _____ NO _____ * CARRIED: YES: _____ NO _____

PUBLIC HEARING: M) ___ S) ___ VOTE: A _____ N _____

WAIVED: YES _____ NO _____

SEND TO OR. CO. PLANNING: M) ___ S) ___ VOTE: A _____ N _____ YES _____ NO _____

SEND TO DEPT. OF TRANSPORT: M) ___ S) ___ VOTE: A _____ N _____ YES _____ NO _____

DISAPP: REFER TO Z.B.A.: M) ___ S) ___ VOTE: A _____ N _____ YES _____ NO _____

RETURN TO WORK SHOP: YES _____ NO _____

APPROVAL:

M) ___ S) ___ VOTE: A _____ N _____ APPROVED: _____

M) ___ S) ___ VOTE: A _____ N _____ APPR. CONDITIONALLY: _____

NEED NEW PLANS: YES _____ NO _____

DISCUSSION/APPROVAL CONDITIONS: _____

Site Visit - 8/9/93 - on next agenda 8/11/93
Need Deeds

P.B. # 93-23
NAME Agresti Plumbing + Heating
FOR: Gregory + Ramona Agresti

FDR: L.L. Chg. ESCROW \$200.00

TOTAL DEPOSIT: \$ 200.00

AMOUNT OF CHECK: \$ 200.00
#360

TOWN CLERK

P.B. # 93-23
NAME Agresti Plumbing + Heating
FOR: Gregory + Ramona Agresti

FDR: L.L. Chg. ESCROW \$200.00

TOTAL DEPOSIT: \$ 200.00

AMOUNT OF CHECK: \$ 200.00
#360

COMPTROLLER

P.B. # 93-23 ESCROW

AGRESTI PLUMBING AND HEATING -7-92		360
PH: 914-496-4037		
R.D. 4, BOX 383 LAKESIDE RD.		
NEW WINDSOR, NY 12550		
July 14 19 93		1-7023 2260
PAY TO THE ORDER OF	<u>Town of New Windsor</u>	\$ <u>200.00</u>
	<u>Two hundred + 00</u>	DOLLARS
	1ST NATIONWIDE BANK A FEDERAL SAVINGS BANK	
	21 East Main Street Washingtonville, NY 10992	
MEMO	<u>Ramona Agresti</u>	
⑆226070238⑆0360⑆2164019677⑆		

LOT LINE CHANGE FEES - TOWN OF NEW WINDSOR

APPLICATION (INCL. LOT LINE CHANGE):

LOT LINE CHANGE APPLICATION FEE \$ 50.00 } pd
ESCROW (\$150.00 - \$400.00) \$ 200.00 }

* * * * *

APPROVAL FEES: (LOT LINE CHANGE)

PRE-PRELIMINARY PLAT APPROVAL.....\$ 25.00
PRELIMINARY PLAT APPROVAL..... 25.00
FINAL APPROVAL..... 50.00

TOTAL APPROVAL FEES L.L.CHG.....\$100.00

* * * * *

THE FOLLOWING CHARGES ARE TO BE DEDUCTED FROM ESCROW:

PLANNING BOARD ENGINEER FEES:\$ _____
PLANNING BOARD ATTORNEY FEES:\$ _____
MINUTES OF MEETINGS\$ _____
OTHER\$ _____

TOTAL TO BE DEDUCTED FROM ESCROW: \$ _____

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 10 November 1994
SUBJECT: Agresti Lot Line Change

Planning Board Reference Number: PB-93-23
Dated: 4 November 1994
Fire Prevention Reference Number: FPS-94-065

A review of the above reference subject lot line plan was conducted on 7 November 1994.

This lot line change is acceptable.

Plans Dated: 3 November 1994 Revision 5

Robert F. Rodgers C.C.A. (mvz)
Robert F. Rodgers, C.C.A.

RFR/mvz



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 93-23

DATE PLAN RECEIVED: 11/4/94

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

_____ has been

reviewed by me and is approved

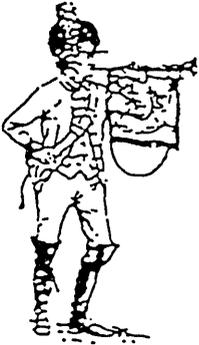
disapproved

If disapproved, please list reason _____

Fred [Signature] 11/4/94
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 93-23

DATE PLAN RECEIVED: 11/4/94

The maps and plans for the Site Approval Agrest

Subdivision _____ as submitted by _____

_____ for the building or subdivision of _____

_____ has been

reviewed by me and is approved ← No town water in this area

disapproved _____

If disapproved, please list reason _____

HIGHWAY SUPERINTENDENT _____ DATE _____
Steve D. D'Amico Camo — 11/9/94
WATER SUPERINTENDENT _____ DATE _____

SANITARY SUPERINTENDENT _____ DATE _____



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

- Main Office
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- Branch Office
400 Broad Street
Millford, Pennsylvania 18337
(717) 296-2765

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

93-23

TOWN/VILLAGE OF New Windsor P/B #

WORK SESSION DATE: 17 Aug 1994 APPLICANT RESUB. REQUIRED: Plan to P/B

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME: Agrest

PROJECT STATUS: NEW OLD

REPRESENTATIVE PRESENT: Mrs. A.

MUNIC REPS PRESENT: BLDG INSP. X
 FIRE INSP. wake m.m.
 ENGINEER X
 PLANNER
 P/B CHMN.
 OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Diardo is their atty
- went to ZBA and they said it is 2 lots (Andy K previously said 1 lot)
- need to talk to P/B re layout, then go to ZBA (at least 2 variations).

Inv for 8/24/94 agenda.

PLANNING BOARD FILE NUMBER: 93-23

MEMORANDUM FOR FILE

DATE: January 24, 1994

On this date: Mike Babcock met with the acting
Highway Supt, Anthony Fay, he said he has
no problem with the plan as shown on plan
dated received 1-19-94.

Mike Babcock
(BJ) (M)



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

- Main Office
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- Branch Office
400 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 93-23
 WORK SESSION DATE: 19 Jan 94 APPLICANT RESUB.
 REAPPEARANCE AT W/S REQUESTED: _____ REQUIRED:
 PROJECT NAME: Agresti sub
 PROJECT STATUS: NEW OLD _____
 REPRESENTATIVE PRESENT: Mr. A.
 MUNIC REPS PRESENT: BLDG INSP.
 FIRE INSP.
 ENGINEER
 PLANNER _____
 P/B CHMN. _____
 OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- ck FI site - she says slope isn't
the way Zimmerman shows it -
- Adv K to verify 2 lots - 4c vs sub.
- Bulle - show exist/prop each lot.
note pre-exist non-conf.

MYRA
~~X~~

Before any changes/corrections by applicant
Myra to send plan just to Sky
for comment.



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70

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 93 - 23

WORK SESSION DATE: 2 MARCH 94 APPLICANT RESUB. REQUIRED: Yes

REAPPEARANCE AT W/S REQUESTED: No Corrected

PROJECT NAME: Agrest P

PROJECT STATUS: NEW _____ OLD X

REPRESENTATIVE PRESENT: Miche Murphy / Mrs A

MUNIC REPS PRESENT: BLDG INSP. _____
 FIRE INSP. X
 ENGINEER X
 PLANNER _____
 P/B CHMN. _____
 OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

21780 not 90

1' fix front yd lot 2 provided

show 30' line on plan lot 1 front yd

- fix table re non-conf exist -

re same improvement

- Only 2 variances needed, I think

4MJE91 pbwsform

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 16 July 1993
SUBJECT: Agresti Lot Line Change

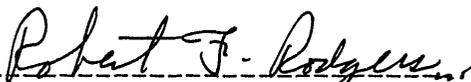
PLANNING BOARD REFERENCE NUMBER: PB-93-23
DATED: 16 July 1993

FIRE PREVENTION REFERENCE NUMBER: FPS-93-043

A review of the above referenced subject lot line change was conducted on 21 July 1993.

This lot line change is acceptable.

PLANS DATED: 15 July 1993; Revision 1.


Robert F. Rodgers; *CCA*
Fire Inspector

RFR:mr
Att.

✓
cc: M.E.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

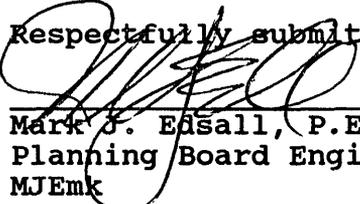
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New Windsor, New York 12553
(914) 562-8640
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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: AGRASTI LOT LINE CHANGE
PROJECT LOCATION: LAKESIDE DRIVE
 SECTION 60-BLOCK 1-LOT 4
PROJECT NUMBER: 93-23
DATE: 21 JULY 1993
DESCRIPTION: THE APPLICATION INVOLVES A PROPOSED LOT LINE CHANGE FOR TWO (2) PARCELS ALONG BEAVER DAM LAKE. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The application appears to indicate that the property is currently two (2) individual parcels. At the Work Session of 14 July 1993, I indicated that documentation should be provided to support this indicated current status. As of this time, I have not received any such documentation. A copy should also be provided to the Planning Board Attorney.
2. If in fact these parcels do exist as individual lots, the proposed lot line change will result in the need for area variances resultant from the change. As such, a referral to the Zoning Board of Appeals would appear necessary.
3. The Board, prior to consideration of approval, should consider the following:
 - a. Topography of the property and available access to proposed Lot 2.
 - b. Availability of sewer and water service.
 - c. Sight distance for the proposed driveway (to be reviewed by the Highway Superintendent).
4. Until such time that further clarification is received with regard to the current status of the property and the Applicant obtains any and all necessary variances, no further engineering reviews can be made.

Respectfully submitted,



 Mark J. Edsall, P.E.
 Planning Board Engineer
 MJEmk
 A:AGRASTI.mk



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

Licensed in New York,
New Jersey and Pennsylvania

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN OF New Windsor

P/B # ¹⁻³ 93-23

WORK SESSION DATE: 7/14/93

APPLICANT RESUB.
REQUIRED: Plan/Asp

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME: Agresis Subdiv

PROJECT STATUS: NEW X OLD _____

REPRESENTATIVE PRESENT: Mike Murphy, Mrs. A.

TOWN REPS PRESENT: BLDG INSP. X
FIRE INSP. X
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Check current deed - is it two lots now?
finish bulk table (35' ht; dont cur; 1000 liv area)
show drive for lot 1

~~need area variances~~

Provide sewer easement for #1 lateral
Show Town sewer easement

may make 25' 15' wide for driveway
Balance areas as = as possible

93-23

JUL 16 1989

93-23

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 125530

(This is a two-sided form)

APPLICATION FOR SITE PLAN, SUBDIVISION PLAN,
OR LOT LINE CHANGE APPROVAL

1. Name of Project LOT LINE CHANGE FOR GREGORY & RAMONA AGRESTI
GREGORY R. AGRESTI
2. Name of Applicant RAMONA K. AGRESTI Phone (914) 496-4037
Address 59 Lake Side Drive; New Windsor, N.Y. 12553
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
Zimmerman Engineering
4. Person Preparing Plan & Surveying, P.C. Phone (914) 782-7976
Address Route 17M; Harriman, NY 10926
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting Gerald Zimmerman Phone (914) 782-7976
(Name)
7. Location: On the East side of Lake Side Drive
200 feet South
(Street)
of Vascello Road
(Street)
8. Acreage of Parcel 0.922± Acres 9. Zoning District R-4
9A. School District Washingtonville
10. Tax Map Designation: Section 60 Block 1 Lot 4
11. This application is for Lot Line Change for Two Existing Parcels
Requiring Zoning Area Variances.

WETA
...
...
...

12. Has the Zoning Board of Appeals granted any variance or a Special Permit concerning this property? No

If so, list Case No. and Name _____

13. List all contiguous holdings in the same ownership
Section 60 Block 1 Lot(s) 4

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more that five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT
(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

HARMONIA K. AGRESTI being duly sworn, deposes and says that she resides at 59 HUSD DR. NEW WINDSOR NY in the County of ORANGE and State of NEW YORK and that she is (the owner in fee) of _____

(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized _____ to make the foregoing application as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

8th day of July 1993

Mary J. Auten
Notary Public

Harmonia K. Agresti
(Owner's Signature)

Harmonia K. Agresti
(Applicant's Signature)

(Title)

MARY J. AUTEN
NOTARY PUBLIC, State of New York
No. 4862906
Qualified in Orange County
Certified in Rockland County

PROJECT I.D. NUMBER

617.21

93 - 23

SEQR

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

<p>1. APPLICANT /SPONSOR: Gregory R. & Ramona K. Agresti</p>	<p>2. PROJECT NAME Gregory & Lot Line Change for Ramona Agresti</p>
<p>3. PROJECT LOCATION: Municipality <u>Town of New Windsor</u> County <u>Orange</u></p>	
<p>4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 59 Lake Side Drive East side of Lake Side Drive, 200' south of Vascello Road.</p>	
<p>5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration</p>	
<p>6. DESCRIBE PROJECT BRIEFLY: Lot line change for a one acre tract consisting of two (2) parcels currently under the same ownership. One dwelling presently existing, an additional dwelling is also proposed. Both lots will require area variances. Each lot will be approximately 1/2 acre in size.</p>	
<p>7. AMOUNT OF LAND AFFECTED: Initially <u>0.922±</u> acres Ultimately <u>0.922±</u> acres</p>	
<p>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly Variances required for lot area, lot width and lot frontage.</p>	
<p>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:</p>	
<p>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals Town of New Windsor Z.B.A.</p>	
<p>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval</p>	
<p>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A</p>	
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name <u>Greg R Agresti</u> Date <u>7/7/93</u> Signature: <u>[Signature]</u></p>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

_____ Name of Lead Agency

_____ Print or Type Name of Responsible Officer in Lead Agency _____ Title of Responsible Officer

_____ Signature of Responsible Officer in Lead Agency _____ Signature of Preparer (if different from responsible officer)

_____ Date

JUL 16 1993

93 - 23

PROXY STATEMENT
for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

Gregory R. & Ramona K. Agresti _____, deposes and says that he
resides at 59 Lake Side Drive; New Windsor, NY 12553
(Owner's Address)

in the County of Orange

and State of New York

and that he is the owner in fee of 59 Lake Side Drive

_____ which is the premises described in the foregoing application and
that he has authorized Zimmerman Engineering & Surveying, P.C.
to make the foregoing application as described therein.

Date: July 8, 1993

Ramona K. Agresti
(Owner's Signature)

Paul W. Whelan
(Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

PROXY STATEMENT
for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

Gregory R. & Ramona K. Agresti, deposes and says that he

resides at 59 Lake Side Drive; New Windsor, NY 12553
(Owner's Address)

in the County of Orange

and State of New York

and that he is the owner in fee of 59 Lake Side Drive

which is the premises described in the foregoing application and
that he has authorized Zimmerman Engineering & Surveying, P.C.
to make the foregoing application as described therein.

Date: July 8, 1993

Ramona K. Agresti
(Owner's Signature)

Paul Whalen
(Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 125530

(This is a two-sided form)

APPLICATION FOR SITE PLAN, SUBDIVISION PLAN,
OR LOT LINE CHANGE APPROVAL

1. Name of Project 2 LOT SUBDIVISION FOR GREGORY & RAMONA AGRESTI
GREGORY R. AGRESTI
2. Name of Applicant RAMONA K. AGRESTI Phone (914) 496-4037
Address 59 Lake Side Drive; New Windsor, N.Y. 12553
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
Zimmerman Engineering
4. Person Preparing Plan & Surveying, P.C. Phone (914) 782-7976
Address Route 17M; Harriman, NY 10926
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting Gerald Zimmerman Phone (914) 782-7976
(Name)
7. Location: On the East side of Lake Side Drive
200 feet South
(Street)
of Vascello Road
(Street)
8. Acreage of Parcel 0.922±Acres 9. Zoning District R-4
9A. School District Washingtonville
10. Tax Map Designation: Section 60 Block 1 Lot 4
11. This application is for Minor Subdivision (2 Lots)

See Connection to L.L. Ch...

APPROVED BY THE TOWN BOARD OF NEW WINDSOR
ON _____ 20____
AT _____
BY _____
TOWN CLERK

12. Has the Zoning Board of Appeals granted any variance or a Special Permit concerning this property? No

If so, list Case No. and Name _____

13. List all contiguous holdings in the same ownership
Section 60 Block 1 Lot(s) 4

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT
(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

Ramon K Agresti being duly sworn, deposes and says that she resides at 59 HUSD DR. New Windsor NY in the County of Orange and State of New York and that she is (the owner in fee) of _____

(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized _____ to make the foregoing application as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

8th day of July 1993

Mary J. Auten
Notary Public

Ramon K Agresti
(Owner's Signature)

Ramon K Agresti
(Applicant's Signature)

(Title)

MARY J. AUTEN
NOTARY PUBLIC, State of New York
No. 4862906
Qualified in Orange County
Certified in Rockland County
Commission Expires June 23, 1994

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Gregory R. & Ramona K. Agresti	2. PROJECT NAME Gregory & 2 Lot Subdivision for Ramona Agresti
3. PROJECT LOCATION: Municipality <u>Town of New Windsor</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>59 Lake Side Drive</u> <u>East side of Lake Side Drive, 200' south of Vascello Road.</u>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>2 Lot Subdivision of 0.922± acres. Lot No. 1 containing 12,389± S.F. with an existing house. Lot No. 2 containing 27,773± S.F. with a proposed house. Both lots to be served by individual wells & municipal sewers.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>0.922±</u> acres Ultimately <u>0.922±</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <u>Variances required for lot area, lot width and lot frontage.</u>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <u>Town of New Windsor Z.B.A.</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <u>N/A</u>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Gregory R. Agresti</u>	Date: <u>7/7/93</u>
Signature: <u>[Signature]</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

_____ Name of Lead Agency _____

_____ Print or Type Name of Responsible Officer in Lead Agency _____ Title of Responsible Officer _____

_____ Signature of Responsible Officer in Lead Agency _____ Signature of Preparer (if different from responsible officer) _____

_____ Date _____

TOWN OF NEW WINDSOR PLANNING BOARD

MINOR SUBDIVISION CHECKLIST

I. The following items shall be submitted with a COMPLETED Planning Board Application Form.

1. X Environmental Assessment Statement
- *2. N/A Proxy Statement
3. X Application Fees
4. X Completed Checklist

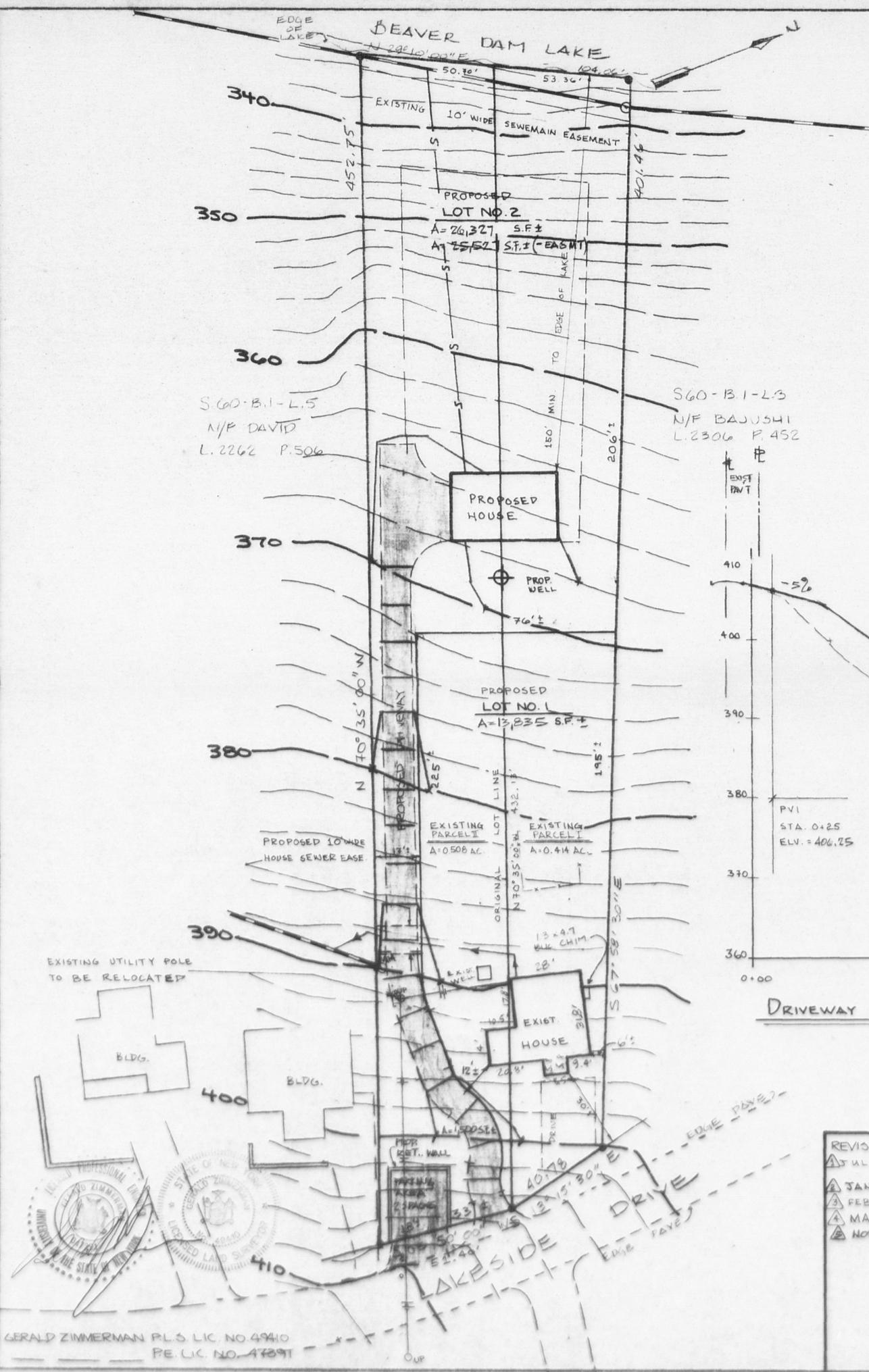
II. The following checklist items shall be incorporated on the Subdivision Plat prior to consideration of being placed on the Planning Board Agenda.

1. X Name and address of Applicant.
- *2. X Name and address of Owner.
3. X Subdivision name and location.
4. X Tax Map Data (Section-Block-Lot).
5. X Location Map at a scale of 1" = 2,000 ft.
6. X Zoning table showing what is required in the particular zone and what applicant is proposing.
7. N/A Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
8. X Date of plat preparation and/or date of any plat revisions.
9. X Scale the plat is drawn to and North Arrow.
10. X Designation (in title) if submitted as Sketch Plan, Preliminary Plan or Final Plan.
11. X Surveyor's certification.
12. X Surveyor's seal and signature.

*If applicable.

13. X Name of adjoining owners.
14. N/A Wetlands and 100 foot buffer zone with an appropriate note regarding D.E.C. requirements.
- *15. N/A Flood land boundaries.
16. N/A A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
17. N/A Final metes and bounds.
18. X Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical centerline of the street.
19. N/A Include existing or proposed easements.
20. Right-of-Way widths.
21. N/A Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
22. X Lot area (in square feet for each lot less than 2 acres).
23. X Number the lots including residual lot.
24. X Show any existing waterways.
- *25. N/A A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
26. Applicable note pertaining to owners' review and concurrence with plat together with owners' signature.
27. N/A Show any existing or proposed improvements, i.e., drainage systems, waterlines, sewerlines, etc. (including location, size and depths).
28. X Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.

*If applicable.



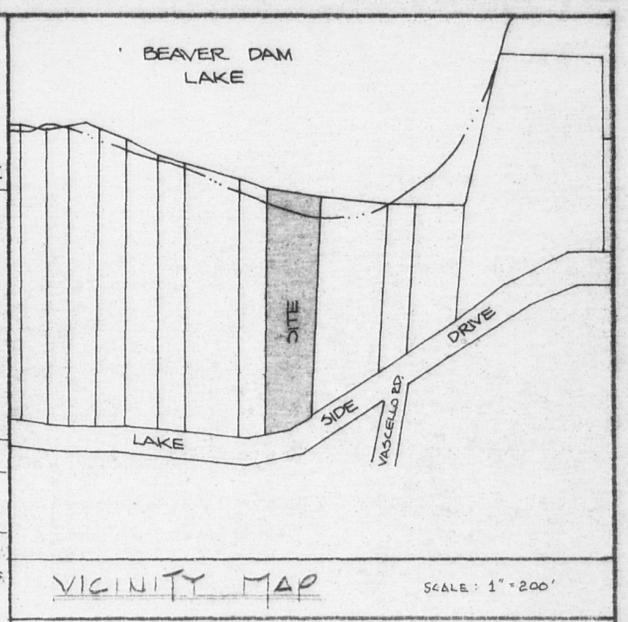
ZONING DATA TABLE

DISTRICT: R-4 (CENTRAL SEWER & PRIVATE WELLS)

	REQUIRED	PROPOSED		EXISTING	
		LOT #1	LOT #2	PARCEL I	PARCEL II
MIN. LOT AREA	21,780 S.F.	13,835 S.F.	26,327 S.F.	18,034	22,128
MIN. LOT WIDTH	100'	70'	97'	+36'	+50'
MIN. FRONT YARD	35'	30'	35'	+30'	-
MIN. ONE SIDE YARD	15'	*4'(EXIST)-12'	25'	ENCROACHMENT	-
MIN. BOTH SIDE YARDS	30'	*18'	55'	+6'	-
MIN. REAR YARD	40'	128'	150'	336'	-
MIN. ROAD FRONTAGE	60'	51.40'	40.78'	+40.78'	+51.40'
MAX. LOT COVERAGE	20%	13%	19%	7%	-
MAX. BLDG. HEIGHT	35'	30'	35'	30'	-
MIN. LIVABLE FLOOR AREA	1,000 S.F.	1,200 S.F.	1,000 S.F.	1100	-

NOTES:
 † - EXISTING NON-CONFORMITY
 * - REQUIRED VARIANCE

1. PROPOSED LOT #1 WILL REQUIRE A VARIANCE FOR MINIMUM LOT AREA. PROPOSED AREA = 13,835 SF, EXISTING AREA = 18,034 SF, REQ'D AREA = 21,780 SF.
2. PROPOSED LOT #1 WILL REQUIRE A VARIANCE FOR SIDE YARD & BOTH SIDE YARDS AS REFLECTED ABOVE.

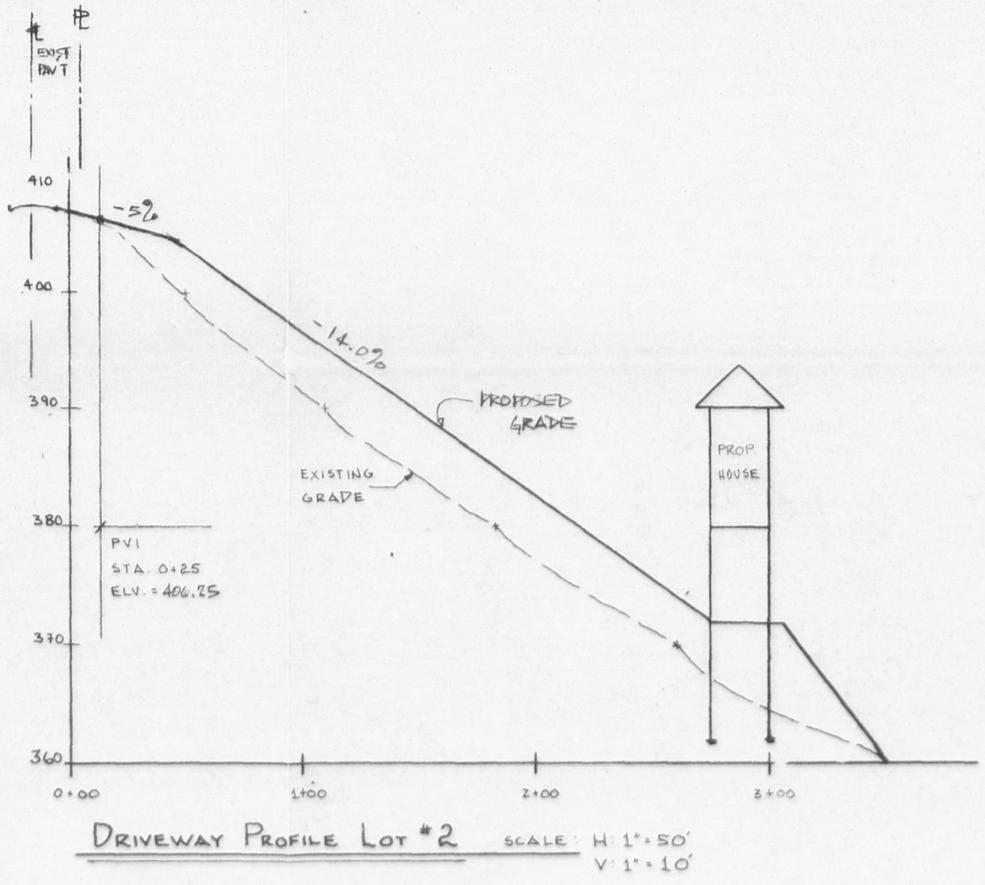


RECORD OWNER
 GREGORY R. AGRESTI
 RAMONA K. AGRESTI

TAX MAP NO.
 SECTION: 60
 BLOCK: 1
 LOT: 4

DEED
 LIBER 2904
 PAGE 330

TOTAL TRACK AREA
 40,102.32 ± SF OR 0.922 ± AC



NOTES

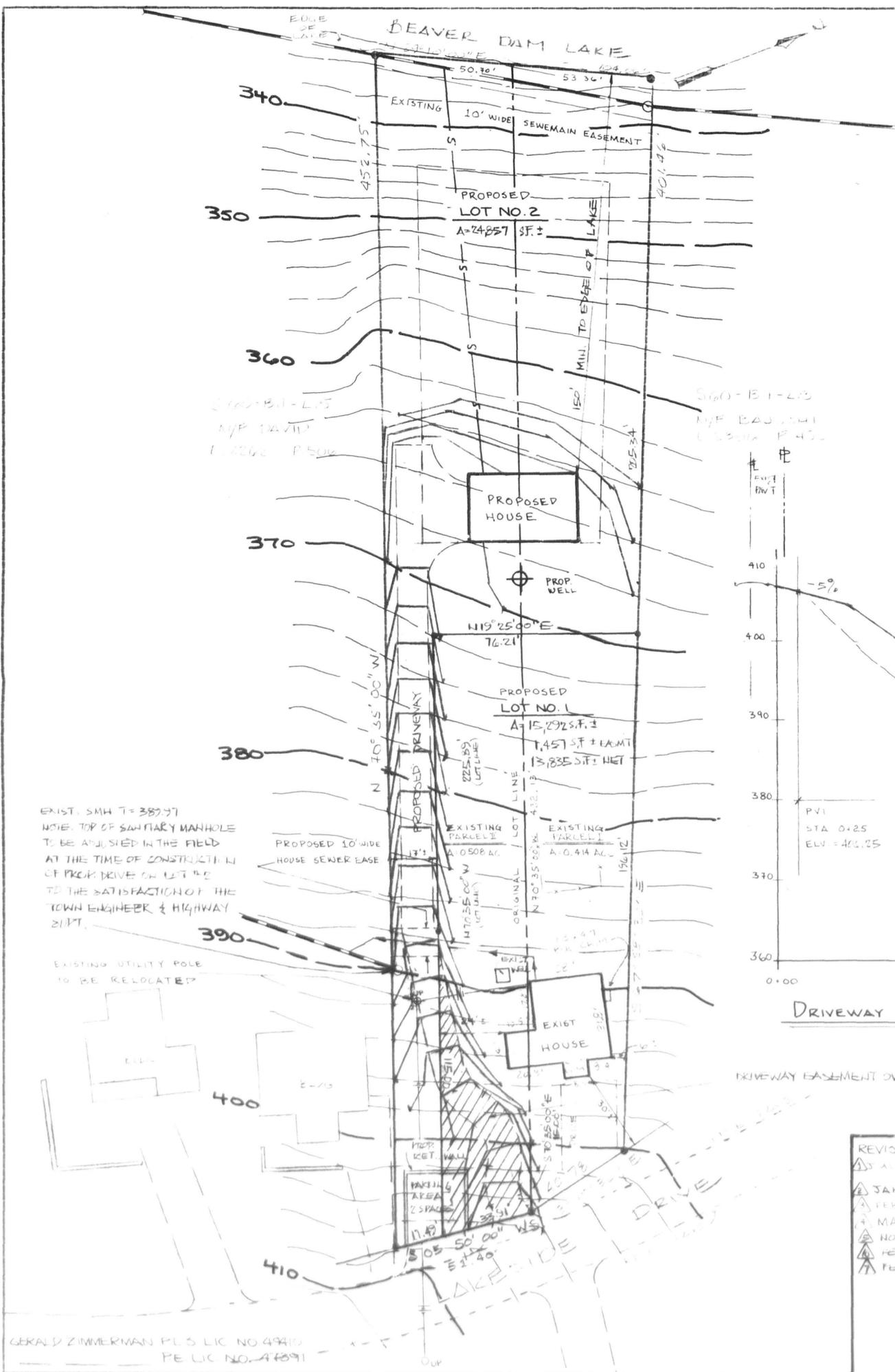
1. LOTS TO BE SERVED BY INDIVIDUAL WELLS & MUNICIPAL SEWERS.
2. TOTAL NUMBER OF LOTS = 2

ALTERNATE "B" (NEW LOT LINE) SKETCH PLAN

- REVISIONS:**
- ▲ JULY 15, 1993 / EXPAND ZONING DATA TABLE
 - ▲ JAN. 18, 1994 / TOPOGRAPHY & PROFILE
 - ▲ FEB. 28, 1994 / REVISED ZONING DATA TABLE
 - ▲ MARCH 4, 1994 / MAP NOTES
 - ▲ NOV. 3, 1994 / REV DRIVE & LOT LINE

SHEET NO 1 OF 1		LOT LINE CHANGE FOR GREGORY & RAMONA AGRESTI	
SCALE: 1" = 30'		TOWN OF NEW WINDSOR	
DATE: JUNE 17, 1993		ORANGE COUNTY, NEW YORK	
JOB NO 93-32	DRAWN BY VAR	ZIMMERMAN ENGINEERING & SURVEYING, P.C. ROUTE 17M HARRIMAN, NEW YORK 10926 PHONE: (914) 782 7976	

GERALD ZIMMERMAN P.L.S. LIC. NO. 49410
 PE. LIC. NO. 47391



ZONING DATA TABLE

DISTRICT: R-4 (CENTRAL SEWER & PRIVATE WELLS)

	REQUIRED	PROPOSED		EXISTING	
		LOT #1	LOT #2	PARCEL I	PARCEL II
MIN LOT AREA	21,780 S.F.	13,835 S.F. NET	14,857 S.F.	18,034	22,128
MIN LOT WIDTH	100'	70'	97'	36'	50'
MIN FRONT YARD	35'	30'	35'	30'	—
MIN ONE SIDE YARD	15'	6'	2.5'	ENCROACHMENT	—
MIN BOTH SIDE YARDS	30'	30'	5.5'	6'	—
MIN REAR YARD	40'	128'	150'	336'	—
MIN ROAD FRONTAGE	60'	74'	18'	40' ±	51.40'
MAX LOT COVERAGE	20%	11%	19%	7%	—
MAX BLDG HEIGHT	35'	30'	35'	30'	—
MIN LIVABLE FLOOR AREA	1,000 SF	1,200 SF	1,000 SF	1200	—

NOTES

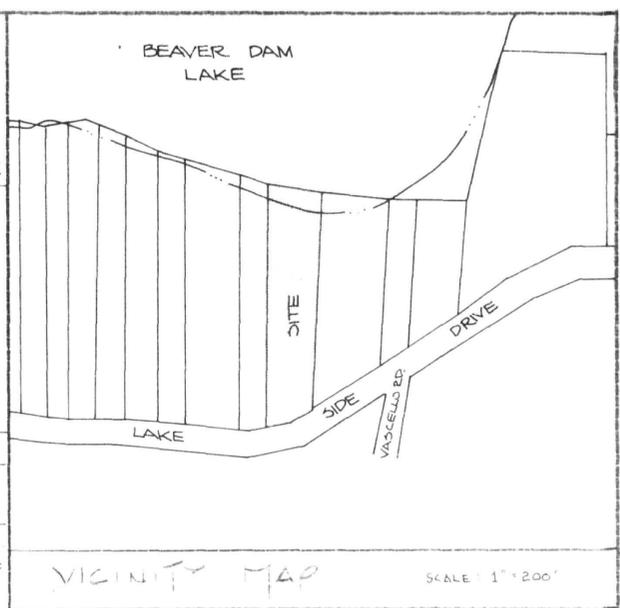
† - EXISTING NON-CONFORMITY
* - REQUIRED VARIANCE

1. PROPOSED LOT #1 WILL REQUIRE A VARIANCE FOR MINIMUM LOT AREA
PROPOSED AREA = 13,835 SF, EXISTING AREA = 18,034 SF, REQ'D AREA = 21,780 SF

2. PROPOSED LOT #2 WILL REQUIRE A VARIANCE FOR MINIMUM ROAD FRONTAGE
PROPOSED FRONTAGE = 18', EXISTING FRONTAGE = 51.4', REQUIRED FRONTAGE = 60'

3. THE ZONING BOARD OF APPEALS ON JAN 23, 1995 GRANTED A VARIANCE NO. 94 IS AS FOLLOWS:

	PROPOSED	VARIANCE	REQUIRED
A - LOT NO. 1 MIN LOT AREA	13,835 SF	+ 7,945 SF	21,780 SF
B - " " " " " WIDTH	70 FT	+ 30 FT	100 FT
C - " " " " " SIDE YARD	6 FT	+ 9 FT	15 FT
D - " " " " " LOT WIDTH	37 FT	+ 3 FT	100 FT
E - " " " " " STREET FRONTAGE	13 FT	+ 47 FT	60 FT



RECORD OWNER

GREGORY R. AGRESTI
RAMONA K. AGRESTI

TAX MAP NO.

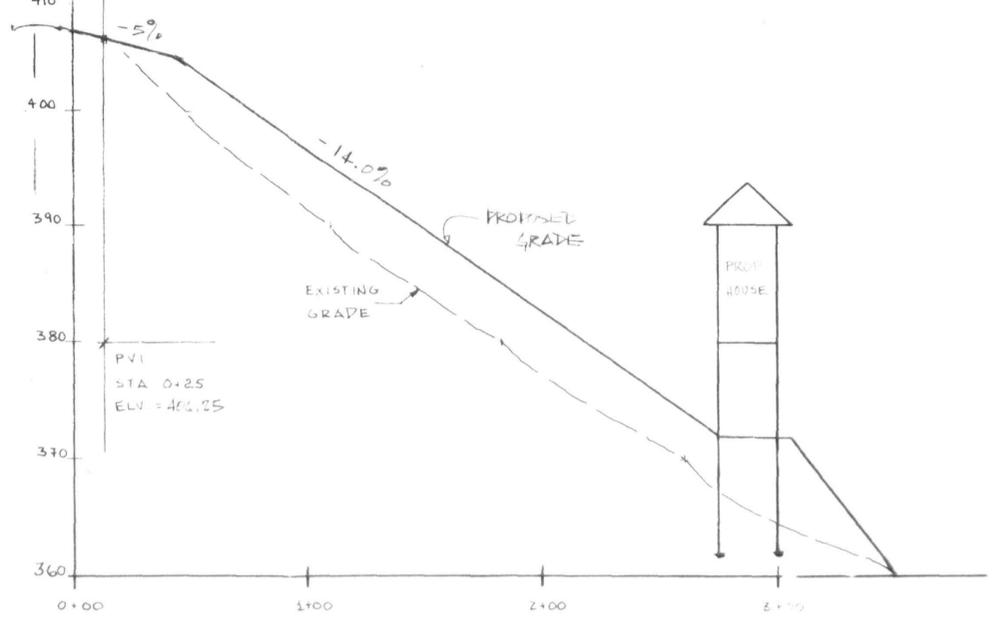
SECTION: 60
BLOCK: 1
LOT: 4

DEED

LIBER: 2904
PAGE: 330

TOTAL PRACT AREA

40,149 S.F. ± OR 0.9217 ACS ±



NOTES

1. LOTS TO BE SERVED BY INDIVIDUAL WELLS & MUNICIPAL SEWERS.

2. TOTAL NUMBER OF LOTS = 2

I HEREBY CERTIFY THAT THE SEWAGE & WATER FACILITIES SHOWN ON THIS PLAT HAVE BEEN DESIGNED IN ACCORDANCE WITH THE STANDARDS & REQUIREMENTS PROMULGATED BY THE N.Y.S. DEPT. OF HEALTH & ENVIRONMENTAL CONSERVATION FOR RESIDENTIAL LOTS & FURTHER THAT SUCH DESIGN IS BASED UPON ACTUAL SOIL & SITE CONDITIONS FOUND UPON SUCH LOT AT THE DESIGN LOCATION AT THE TIME OF SUCH DESIGN.

REVISIONS:

- ▲ JAN 18, 1994 / TOPOGRAPHY & PROFILE
- ▲ FEB 28, 1994 / ZONING DATA TABLE
- ▲ MARCH 9, 1994 / MAP NOTES
- ▲ NOV. 5, 1994 / EX. DRIVE, ADJES. EAVNT
- ▲ FEB 7, 1995 / ADJES. MTS & VARIANCE WDR
- ▲ FEB 25, 1995 / ADJES. NOTE RE SMH CHAS. ZIT

LOT LINE CHANGE

BY TOWN OF NEW WINDSOR PLANNING DEPT.
ON **APR - 4 1995**

Henry Van der Vliet, Secretary

SHEET NO. | OF |

SCALE: 1" = 50'

DATE: JUNE 17, 1993

JOB NO. 93-30 DRAWN BY VAR

ZIMMERMAN ENGINEERING & SURVEYING, P.C.
ROUTE 17M
HARRIMAN, NEW YORK 10926 PHONE (914) 782 7976

RECEIVED FEB 28 1995 **93-23**