

ZB# 02-03

Robert Foley

57-1-108

Prelim.

Jan. 14, 2002.

Public Hearing:

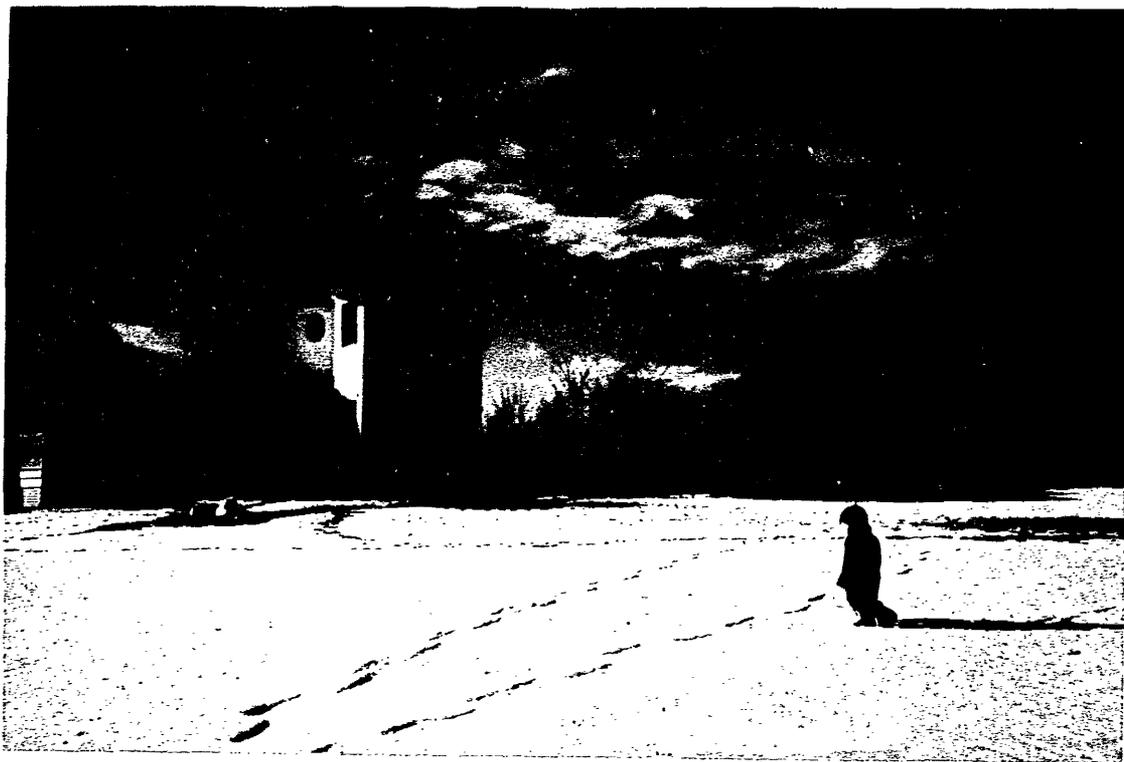
Feb. 25, 2002

Area Variance

Granted.

Refund \$194.00

#02-03- Foley, Robert
57-1-108.



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Joley

FILE# 02-03.

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*Paid #1584.
1/18/02.*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00.

Paid #1585.

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE	<i>1/14/02 - 4</i>	\$ <u>18.00</u>
2ND PRELIMINARY- PER PAGE		\$ _____
3RD PRELIMINARY- PER PAGE		\$ _____
PUBLIC HEARING - PER PAGE	<i>2/25 - 4</i>	\$ <u>18.00</u>
PUBLIC HEARING (CONT'D) PER PAGE		\$ _____
TOTAL		\$ <u>36.00</u>

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: <i>1/14/02</i>	\$ <u>35.00</u>
2ND PRELIM.	\$ _____
3RD PRELIM.	\$ _____
PUBLIC HEARING. <i>2/25</i>	\$ <u>35.00</u>
PUBLIC HEARING (CONT'D)	\$ _____
TOTAL	\$ <u>70.00</u>

MISC. CHARGES:

..... \$ _____
TOTAL \$ 106.00

LESS ESCROW DEPOSIT \$ 300.00
 (ADDL. CHARGES DUE) \$ _____
 REFUND DUE TO APPLICANT .. \$ 194.00

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 583-4811

RECEIPT
#66-2002

01/18/2002

[#]
ZBA-02-03

Foley, Donna
333 Lake Road
Salisbury Mills, NY 12577

Received \$ 50.00 for Zoning Board Fees, on 01/18/2002. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

DONNA M. FOLEY
ROBERT L. FOLEY
333 LAKE RD.
SALISBURY MILLS, NY 12577

10-47220

1585

Pay to the order of TOWN OF NEW WINOSOR \$ 300.00
THREE HUNDRED Dollars

MANUFACTURERS AND TRADERS TRUST COMPANY
HUDSON VALLEY DIVISION
SUFFERN OFFICE - SUFFERN, NEW YORK 10901

For 28A #02-03

⑆022000046⑆⑆10009⑆1050582⑆1585

Donna Foley

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DONNA M. FOLEY
ROBERT L. FOLEY
333 LAKE RD.
SALISBURY MILLS, NY 12577

10-47220

1584

Pay to the order of TOWN OF NEW WINOSOR \$ 50.00
FIFTY Dollars

MANUFACTURERS AND TRADERS TRUST COMPANY
HUDSON VALLEY DIVISION
SUFFERN OFFICE - SUFFERN, NEW YORK 10901

For 28A #02-03

⑆022000046⑆⑆10009⑆1050582⑆1584

Donna Foley

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

ROBERT FOLEY

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#02-03.
-----X

WHEREAS, ROBERT FOLEY, residing at 333 Lake Road, Salisbury Mills, New York, N. Y. 12577, has made application before the Zoning Board of Appeals for a variation of Section 48-14A(4) of the Supplemental Yard Regulations to permit a detached two-car garage to be constructed closer to the road than the principle structure at the above single-family residence in an R-1 zone; and

WHEREAS, a public hearing was held on the 25th day of February, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

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

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

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

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

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
 - (a) The property is a residential property consisting of a one-family home located in an R-1 zone neighborhood containing one-family homes.
 - (b) The proposed location of the proposed two-car garage is in what appears to be the rear yard of the property.
 - (c) The property is located on the corner of a public road and "paper" road.

- (d) Visually the proposed two-car garage will appear to be in the back yard of the property, but by operation of law it is also a front yard because of the location of the property.
- (e) If it were not for the existence of this "paper" road, the location of the shed would meet the requirements of the Town of New Windsor Zoning Code.
- (f) The construction of the two-car garage will not create any ponding or collection of water.
- (g) The two-car garage will not be erected on top of any public sewer or water easement, septic or well.
- (h) The two-car garage will not obstruct the view of motorists traveling on the adjacent roadway.
- (i) The proposed two-car garage will be detached from the residence in order to enable future expansion of the residence.
- (j) The proposed two-car garage will be similar to other garages in the area.

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

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local

Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

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

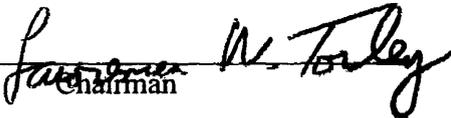
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a variation of Section 48-14A(4) of the Supplemental Yard Regulations to allow construction of a detached, two-car garage which will project closer to the road than principle structure at the above address, in an R-1 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

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

Dated: April 22, 2002.


Chairman

Date 3/4/02

TOWN OF NEW WINDSOR

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

TO Process Bill DR.

To the Town of New Windsor, N.Y. 12553

DATE		CLAIMED	ALLOWED
3/25/02	Zoning Board Mtg	75 00	
	Misc - 3		
	Handy - 1		
	Caldwell - 3		
	Summit-on-Hudson - 3		
	Strategic Real Estate - 2		
	Foley - 4		
	Curtain - 4		
	DiCocco - 3		
	Searing - 9		
	Hong - 4	175 50	
	Delaney - 3	250 00	
	<u>39</u>		

PUBLIC HEARINGS:

FOLEY, ROBERT

MR. TORLEY: Request for variation of Section 48-14A(4) of Supplemental Yard Regulations to permit a detached garage to be constructed closer to road than principle structure at 333 Lake Road in an R-1 zone.

Mr. and Mrs. Robert Foley appeared before the board for this proposal.

MR. TORLEY: Besides the applicant, is there anyone here wishing to speak on this matter? So note that no one in the audience wishes to speak on this. Sir?

MR. FOLEY: Well, basically we're here to request a variance for the two car garage and we were denied because we were told we had two front yards because we live off of a private road and I have a couple pictures showing the house and where the vehicles are located right now where the proposed garage will go, actually, it's a pole barn.

MR. TORLEY: And the private road, that's--

MR. FOLEY: Vidi Drive, which is off of an old subdivision and I do have a plot plan also showing where the proposed pole barn will go off of Vidi.

MR. TORLEY: Vidi Drive is there, there's something there?

MR. FOLEY: Yeah, it's a dirt road.

MR. TORLEY: There are paper roads that don't exist at all but this would exist?

MR. FOLEY: Yeah.

MR. KANE: Mr. Chairman, just for the record, there were 13 letters sent out to neighbors and no responses.

MR. TORLEY: That's nearly a record low. So this garage because you have two front yards it projects

closer to a road than your normal dwelling?

MR. FOLEY: Yes.

MR. TORLEY: This will not cause any drainage problems?

MR. FOLEY: Not, it's a very flat piece of land and the outside of the house will basically mimic the outside of our, the outside of the pole barn will mimic the outside of our house.

MR. TORLEY: And it's for?

MR. FOLEY: Just for our cars and storage above.

MR. TORLEY: And for purposes of architecture and convenience and expense, you wish to have a detached garage rather than an attached garage? If it were an attached garage, this wouldn't matter?

MR. FOLEY: Actually, further down the line my wife and I, we have a three bedroom house, we would like maybe sometime in the future to put an addition on the house, that's why we would like to have this where it is.

MR. TORLEY: So the garage is sited to account for further expansion of the house?

MRS. FOLEY: Yes and will we be able to do that?

MR. KANE: For the record, are they here because of the road on the side, the private road? If it wasn't there they wouldn't be here?

MR. BABCOCK: That's right.

MR. KANE: In the building of the garage, you're not going to create any water hazards, runoffs?

MR. FOLEY: No.

MR. KANE: Ponding of water?

MR. FOLEY: No, it's a very level piece of land.

MR. KANE: With the garage going up be similar in the area to other homes as far as garages and houses?

MR. FOLEY: Yeah, as you can see by the picture, everything should mimic the house, we're going to put up the little gable decoration in the front of the house.

MRS. FOLEY: It's not going to look like a barn.

MR. KANE: It's not going to go over any easements?

MR. FOLEY: No.

MR. KRIEGER: Any well or septic system?

MR. FOLEY: No, that's why I had my engineer plot where it would go, Mr. John Dragon.

MRS. FOLEY: The septic's all the way in the front.

MR. KRIEGER: Regardless of where you put the garage, if it had access to the existing gravel drive, it would be in that yard area, in that same side/front yard?

MR. FOLEY: Yes.

MRS. FOLEY: We're still going to come in the same way from the road.

MR. TORLEY: So again, the siting of this garage is required to account for further expansion and improvement of the property?

MR. FOLEY: Yes.

MR. KRIEGER: Would the detached garage that's going to be similar in size and appearance to other houses in the neighborhood, correct?

MR. FOLEY: Yes.

MR. KRIEGER: It's still a one-family house in a neighborhood of one family homes?

MR. FOLEY: Yes.

MR. TORLEY: And you have discussed this with your neighbors?

MR. FOLEY: I spoke with the three closest neighbors whose houses are the closest, yes, and they have no problems with it.

MR. TORLEY: Since they didn't come, we can assume that. Gentlemen?

MR. REIS: Accept a motion?

MR. TORLEY: Yes, sir.

MR. REIS: Make a motion that we pass Mr. and Mrs. Foley's request for there variance at 333 Lake Road.

MR. RIVERA: Second it.

ROLL CALL

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

MR. FOLEY: As far as where we we're concerned, if we were able to actually put an addition on the house in the future, does that look like that would be a problem as far as how the house lies?

MR. BABCOCK: Are you talking about building an addition from the house to garage?

MR. FOLEY: No, no, just an additional 15 feet out with a family room.

MR. BABCOCK: You need to be 35 feet with your house, so you've got plenty of room, it looked like it was fine.

MR. FOLEY: Thank you.



Town of New Windsor

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

Assessors Office

January 16, 2002

(13)

Robert & Donna Foley
333 Lake Road
Salisbury Mills, NY 12577

Re: 57-1-108

Dear Mr. & Mrs. Foley:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive that reads "L. Cook".

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA

57-1-4
Francis G. Coleman
431 Lake Road
New Windsor, NY 12553

X

57-1-106
Warren & Lauren Donohue
PO Box 68
Salisbury Mills, NY 12577

X

57-1-97
Gertrude Kuenneke
7 Vidi Drive
Salisbury Mills, NY 12577

X

57-1-107
Peter & Sandra Brenner
337 Lake Road
Salisbury Mills, NY 12577

X

57-1-98
Louis & Doretta Lupinacci
23 Pine Hill Drive
Upper Saddle River, NJ 07458

X

57-1-109
Paul & Janet Latouche
325 Lake Road
Salisbury Mills, NY 12577

X

57-1-99
Daniel & Patricia Ryan
301 Lake Road
Salisbury Mills, NY 12577

X

57-1-103
Christina & Blair Kobelin
18 Bryant Street
Paramus, NJ 07652

X

57-1-104
August Jonza Jr.
Gale Taylor-Jonza
22 Vidi Drive
Salisbury Mills, NY 12577

X

57-1-105.1
Arthur & Ellen Gedalje
2 Deljo Lane
Salisbury Mills, NY 12577

X

57-1-105.2
Nicholas & Jane Reggio
4 Deljo Lane
Salisbury Mills, NY 12577

X

57-1-105.3
James Cronin
Jacqueline Cooper-Cronin
3 Deljo Lane
Salisbury Mills, NY 12577

X

57-1-105.4
William & Jennifer Felong
14 Vidi Drive
Salisbury Mills, NY 12577

X

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

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

DATE: 12/7/01

APPLICANT: Robert & Donna Foley
333 Lake Road
Salisbury Mills, NY 12577

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 11/30/01

FOR : Detached ^{two-car} Garage

LOCATED AT: 333 Lake Road

ZONE: R-1 Sec/Blk/ Lot: 57-1-108

COPY

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-14A, 4 No Accessory Building shall project nearer to the street on which the principal Building fronts than such principal Building. Proposed detached garage is closer to Vidi Drive than the principal building.

Supp. Yard Regs.

Louis J. Kupher
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

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

RECEIVED RECEIVED

NOV 30 2001 NOV 30 2001

BUILDING DEPARTMENT BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2001

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

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

Owner of Premises ROBERT & DONNA FOLEY

Address 333 LAKE ROAD, SALISBURY MILLS, NY 12577 Phone # 845-496-6897

Mailing Address 333 LAKE ROAD, SALISBURY MILLS, NY 12577 Fax # 845-496-6897

Name of Architect _____

Address _____ Phone _____

Name of Contractor GREG CHASE - CHASE CONSTRUCTION

Address 208 SANDBERG PL PINE BUSH, NY Phone 845-361-4605
12566

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

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

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

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

3. Tax Map Description: Section 57 Block 1 Lot 108

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

a. Existing use and occupancy THREE BEDROOM HOUSE b. Intended use and occupancy TWO CAR POLE BARN / GARAGE

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

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front 24' Rear 24' Depth 24' Height 8 FT CEILING No. of stories 1

8. If dwelling, number of dwelling units: N/A Number of dwelling units on each floor N/A

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

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

10. Estimated cost \$12,458.00 Fee _____

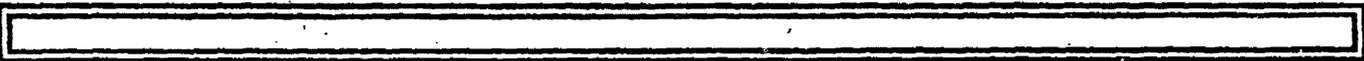
PAID CH# 1548 P50-
10/30/01

____/____/____
date

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

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

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



INSTRUCTIONS

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

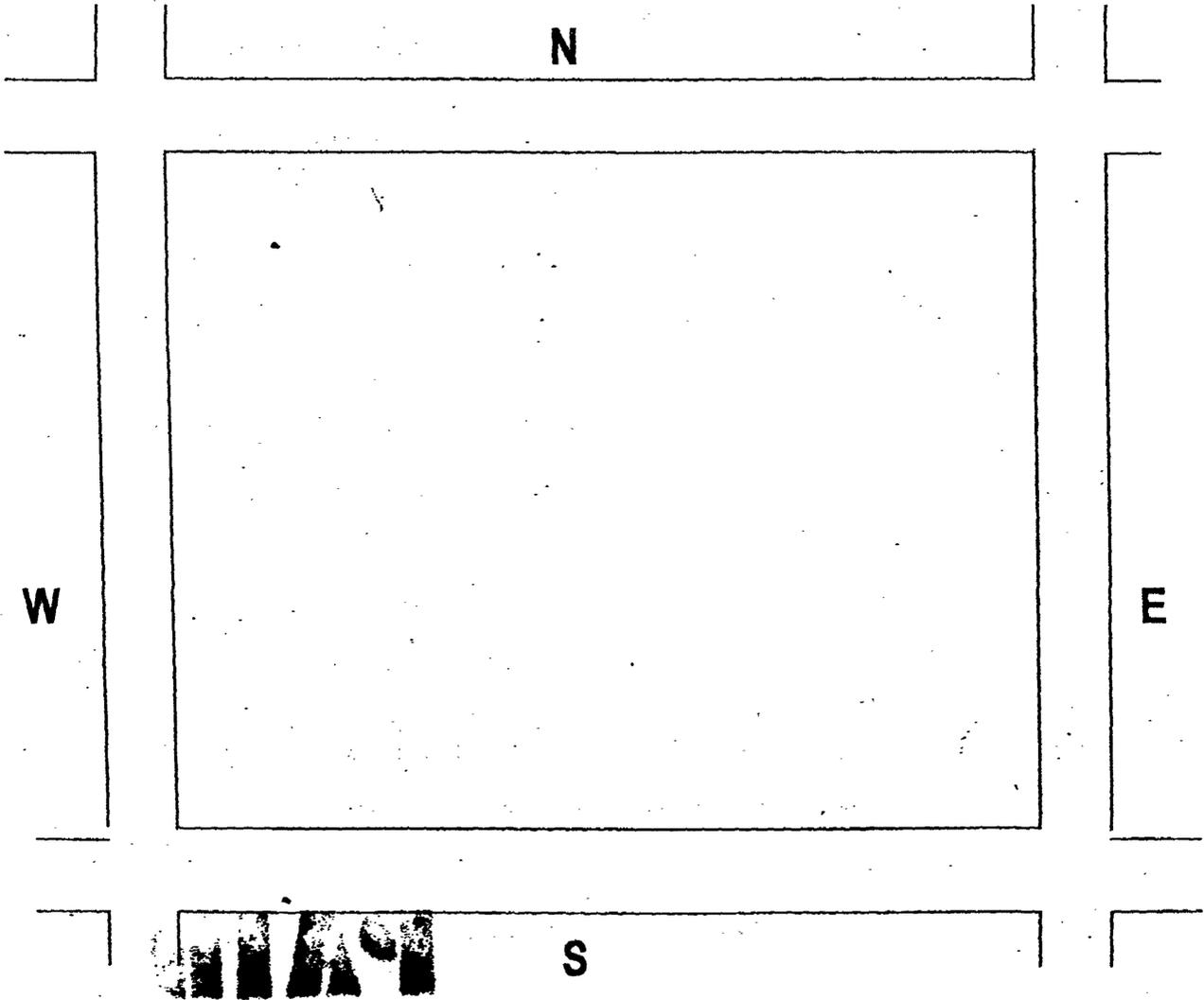
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein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

Robert Foley + Ann Foley
(Signature of Applicant)
Robert Foley + Ann Foley
(Owner's Sign here)

333 LAKE ROAD, SALISBURY MILLS, NY
(Address of Applicant) 12577
333 LAKE ROAD, SALISBURY MILLS NY

14011
PLOT PLAN ~~14~~ (SEE ATTACHED PLOT PLAN)

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

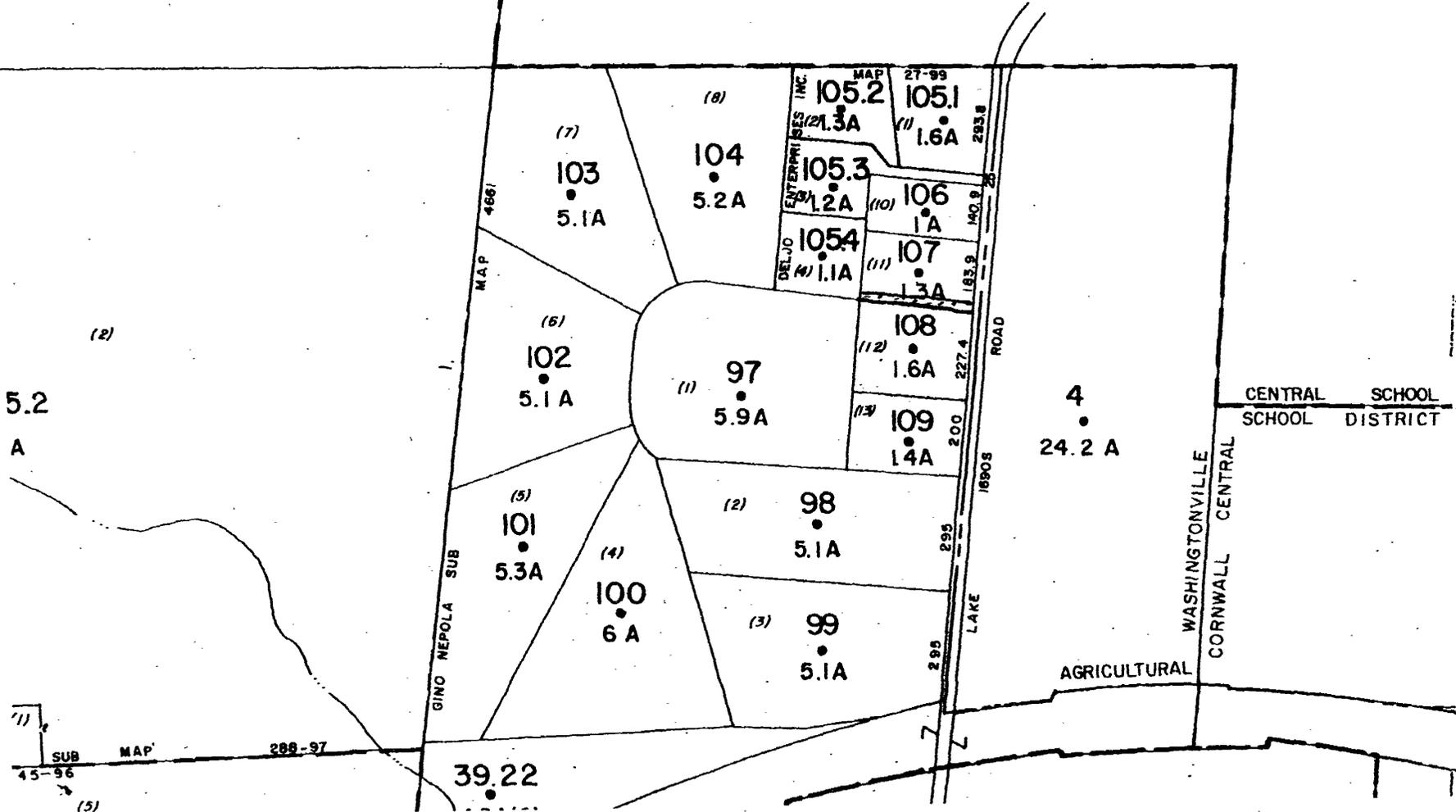


SECTION

2
6.9A

5.2
A

71
SUB MAP 45-96
(5)



**PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 3

Request of Robert & Donna Foley

for a VARIANCE of the Zoning Local Law to Permit:

Construction of two-car, detached garage

being a VARIANCE of Section 48-14A, 4 of Supp. Yard Regs.

for property situated as follows:

333 Lake Road

known and designated as tax map Section 57, Blk. 1 Lot 108.

PUBLIC HEARING will take place on the 25th day of February, 2002, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

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

THIS INDENTURE, made the 15th day of December , 19 95

BETWEEN KAREN LEVINS (F/K/A Karen Bottone), residing at RD 2 Box 141 Ridgebury Road, New Hampton, NY 10958

party of the first part, and

ROBERT FOLEY and DONNA FOLEY, Husband and wife, residing at 21 Vivian Lane, Chester, NY 10918

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollar and other good and valuable consideration dollars 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 and State of New York, being Lot No. 12 on map entitled subdivision for Gino Nepola dated 08/09/78 and filed in the Orange County Clerk's Office as Map No. 4661.

Subject to restrictions and covenant as contained in agreement with the Town of New Windsor dated 08/21/78 and filed 10/10/78 in Liber 2113 of deeds at page 36.

Subject to the following restrictions which shall run with the title to the land forever: (1) That no shack, shanty or trailer shall be erected or permitted on said premises, nor shall any tent, camper or similar structure be used at any time for living purposes; (2) That no unsightly, offensive or objectionable materials shall be stored or kept on said premises, nor shall any nuisances be maintained; and (3) That no hogs may be kept or maintained on said premises, but a reasonable number of household pets may be maintained

SUBJECT to the terms and conditions of a private road maintenance declaration dated 01/26/84 and recorded with the Orange County Clerk on 02/08/84 in Liber 2275 of deeds at page 690.

BEING and intended to be the same premises conveyed by Karen Bottone and Barbara Bottone to Karen Bottone by deed dated 03/25/91 and recorded 04/11/91 in Liber 3431 at page 114.

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 encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:


KAREN LEVINS

Form 3290

LIBER 4316 PAGE 71

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

02-03

Date:

11/15/02

I. ✓ Applicant Information: (845) 496-5897

- (a) ROBERT & DONNA FOLEY, 333 LAKE ROAD, SALISBURY MILLS NY
(Name, address and phone of Applicant) (Owner) 12577
↑ DONNA & ROBERT FOLEY
- (b) N/A
(Name, address and phone of purchaser or lessee)
- (c) N/A
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
 Area Variance Interpretation

✓ III. Property Information:

- (a) R-1 333 LAKE ROAD, SALISBURY MILLS, NY 12577 (S B L) 57-1-108 1.60 ACRES
(Zone) (Address) (Lot size)
- (b) What other zones lie within 500 ft.? RESIDENTIAL
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 9/95
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- _____

IV. Use Variance. NA

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

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

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

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

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-19 B, 4, ~~Table of~~ Supp. Yard Regs., ~~cat~~.

No Accessory bldg. shall project nearer to street than principal bldg.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only
** No-residential districts only

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

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

AS SHOWN IN OUR PHOTO PLAN OUR POLE BARN WILL BE CONSTRUCTED AWAY FROM EXISTING WELL LINE AND UTILITY HOOK-UP. IT WILL ALLOW US TO HAVE RECREATIONAL USE OF OUR BACKYARD AND IT WILL NOT IMPAIR VIEWS FROM PRIVATE ROAD OR DETRACT FROM THE EXISTING APPEARANCE OF THE NEIGHBORHOOD

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

VI. Sign Variance: N/A

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

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

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

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

VII. Interpretation. N/A

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

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

✓ VIII. Additional comments:

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

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

THE POLE BARN'S EXTERIOR WILL MATCH OUR EXISTING VICTORIAN HOME, ALL LANDSCAPING WILL BE MAINTAINED RE: LAWN WILL BE RESEDED; DRIVEWAY WILL BE PAVED.

IX. Attachments required:

- Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- ✓ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: 1/15/02

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Patricia A. Corsetti
(Applicant)

Sworn to before me this

15th day of January, 2002
Patricia A. Corsetti

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 2005.

TOWN OF NEW WINDSOR

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

TO Frances Roth DR.
 105 N. Drury Lane
 Hawthorn, N.Y. 12550

DATE		CLAIMED	ALLOWED
1/14/02	Zoning Board Mtg	75.00	
	Misc - 3		
	Fidanza - 6		
	Foley - 4		
	Mossi - 4		
	Dean - 4		
	Locurto - 3		
	O'Hearts - 8	144.00	
	<u>32</u>	<u>219.00</u>	

FOLEY, ROBERT

MR. TORLEY: Request for variation of Sec. 48-14A(4) of Supplemental Yard Regulations to permit a detached garage to be constructed closer to road than principal structure at 333 Lake Road in an R-1 zone.

Mr. and Mrs. Robert Foley appeared before the board for this proposal.

MR. FOLEY: That's my wife, Donna, over here, also.

MR. TORLEY: Let me tell you one thing, for most everybody in the audience, only going to do this once in their life, we have a preliminary meeting, that is what these are, so you can tell the board what you want and get some feedback because by law, everything that the board does has to be done at a public hearing. This way, nobody gets surprised at the public hearing. We know what you're expected and vice versa, so really more is a courtesy to make everything run smoother.

MR. KANE: People from other towns, they don't know what they need when they walk into a meeting like this and they walk in if it's right there then and you don't have it, you lose, so we decided that the better way to do it was a preliminary so both sides get what they need to have a good public hearing on whatever it is.

MR. TORLEY: So nobody's surprised.

MR. FOLEY: Understood. Basically, we're looking to get a variance so we can put up a pole barn on our property, 24 x 24 and basically it's going to be for residential use, so my wife and I can park our cars in it for inclement weather, so we have two very young children, we want to be able to park our cars on our property. And as of right now, we're being declined because they're saying that we have two front yards, Vidi Drive being a private road where we want to put our pole barn 30 feet in from Vidi Drive into our property, I also have some pictures here to show you.

MR. KANE: If it wasn't for the second front yard, would they be here?

MR. TORLEY: I don't see that on the tax map, the private road.

MR. BABCOCK: They're on the corner of Lake and Vidi Drive.

MR. FOLEY: I provided a plot plan for my engineer also, it's a private road and I provided a plot plan for my engineer.

MR. BABCOCK: This is one of the older subdivisions where the property lines run down the middle of the road, so the road doesn't show, everybody owns half the road, this is a copy of our plot plan that I had dropped off at the Town Hall.

MR. KANE: So the question still stands, if they didn't have the second front yard, would they be here?

MR. BABCOCK: No. Typically from the main road, Mike, it's behind the house.

MR. FOLEY: Where the cars are parked over here is where we'd like to put the proposed pole barn. Basically, Lake Road is way down here and this is the private road.

MR. KANE: In the building of this garage in that area, any easements in that particular area?

MR. FOLEY: No.

MR. KANE: Going to be going over any septic or well?

MR. FOLEY: No, that's why I provided the plot plan showing that I won't be.

MR. KANE: Are you going to create any type of water hazards or water runoff with the building of this?

MR. FOLEY: No, flat land.

MR. KANE: Other homes in the neighborhood have similar type garages, not exact, but they do have a garage?

MR. FOLEY: Mostly probably attached, but we have a Victorian home here and I wanted to provide something that would be similar, exactly the same siding, the same roof.

MRS. FOLEY: It's going to be a pretty garage, it's going to match the house.

MR. KANE: But they do have garages on their homes?

MRS. FOLEY: Attached.

MR. FOLEY: Yes.

MR. TORLEY: Part of the variance is that you're not changing the neighborhood's appearance.

MR. FOLEY: No.

MR. TORLEY: That's why we're asking. We'll be asking the same questions at the public hearing. And you're set back from the private road, are you part of the private road association?

MR. FOLEY: Yes, well, actually, this is such a long time ago, there really is no association that says, way over, I guess started in 1978 and everybody on the road now we all do pay just for just like plowing and stuff like that.

MR. TORLEY: Gentlemen?

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. KANE: I move we set up Mr. Foley for a public hearing on his requested variance at 333 Lake Road.

MR. REIS: Second it.

ROLL CALL

MR. REIS

AYE

January 14, 2002

12

MR. KANE

AYE

MR. RIVERA

AYE

MR. TORLEY

AYE

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

-----X

In the Matter of the Application for Variance of

Robert & Donna Foley

AFFIDAVIT OF
SERVICE
BY MAIL

02-03.

_____X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 18th day of January, 2002, I compared the 13 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Corsetti

~~Notary Public~~

Sworn to before me this

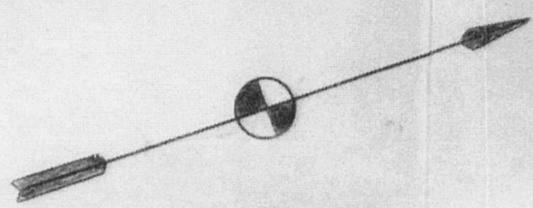
___ day of _____, 20___.

Notary Public

LOT NO. 9
MAP 4661

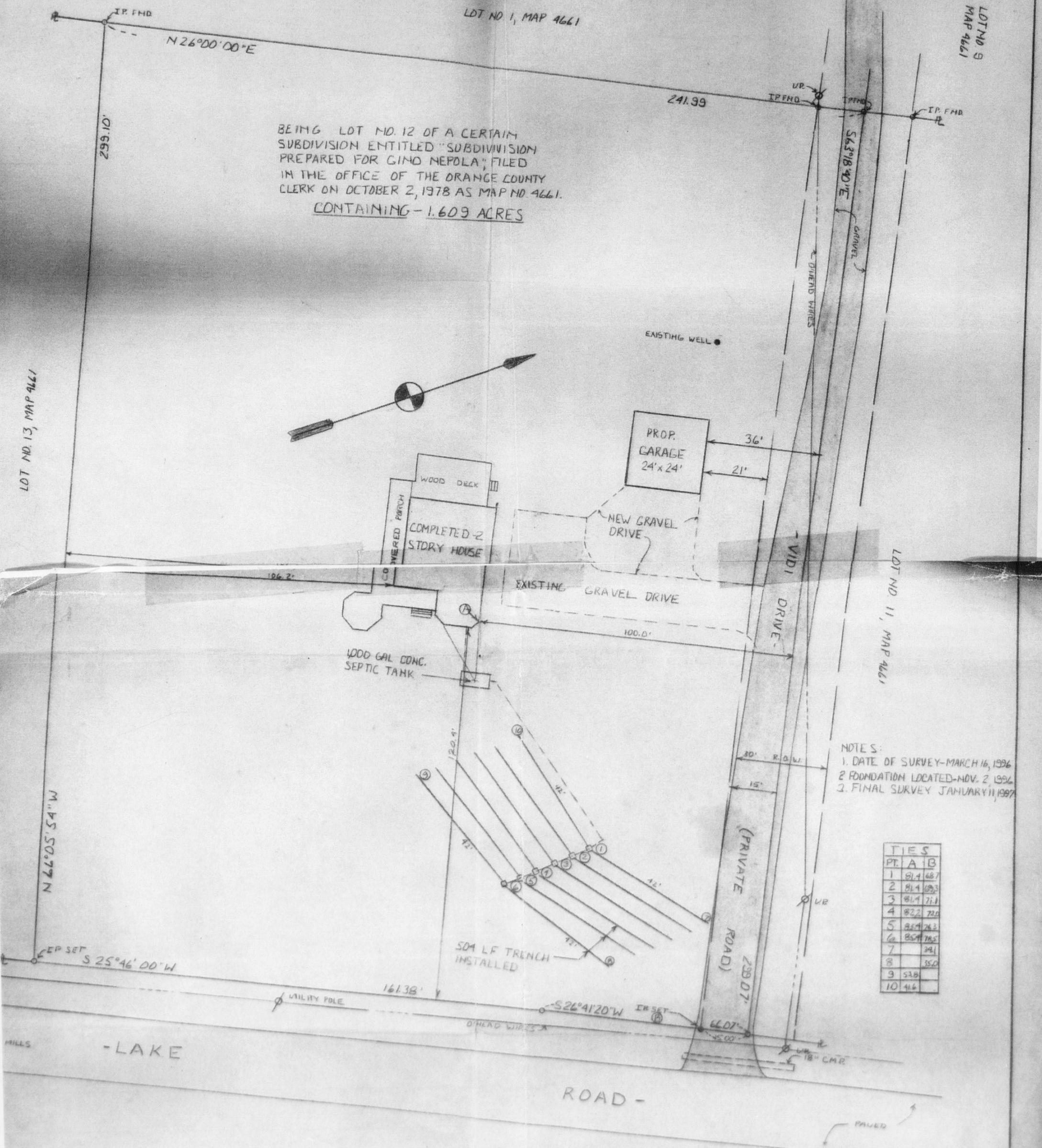
LOT NO. 1, MAP 4661

BEING LOT NO. 12 OF A CERTAIN
SUBDIVISION ENTITLED "SUBDIVISION
PREPARED FOR GINO NEPOLA", FILED
IN THE OFFICE OF THE ORANGE COUNTY
CLERK ON OCTOBER 2, 1978 AS MAP NO. 4661.
CONTAINING - 1.609 ACRES



LOT NO. 13, MAP 4661

LOT NO. 11, MAP 4661



NOTES:
1. DATE OF SURVEY - MARCH 16, 1996
2. FOUNDATION LOCATED - NOV. 2, 1996
3. FINAL SURVEY JANUARY 11, 1997

TIES		
PT.	A	B
1	81.4	68.7
2	81.4	69.3
3	81.1	71.1
4	82.2	72.0
5	81.4	74.3
6	85.1	78.5
7		74.1
8		55.0
9		53.8
10		41.6

FILED CORRECT TO:
BERT FOLEY & DONNA FOLEY
STER SAVING BANK, ITS SUCCESSORS
BY/OR ASSIGNS.
DELTA NATIONAL TITLE INSURANCE



FINAL SURVEY