

ZB# 02-19

Roger Smith

53-3-1

#02-19-Smith, Roger A.

Area 53-3-1.

Prelim,

April 8, 2002

Check w/ b.d. -
Minimum livable ^{OK}
floor area needed.

Public Hearing:

May 13, 2002.

Approved.

Refund \$198.50

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Smith, Roger A

FILE# 02-19

RESIDENTIAL: \$50.00 COMMERCIAL: \$150.00
INTERPRETATION: \$150.00

AREA X USE

APPLICATION FOR VARIANCE FEE \$ 50.00

paid ck # 1355 on 4/22/02

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

paid ck # 1356 on 4/22/02

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 4/16/02 3 \$ 13.50
2ND PRELIMINARY- PER PAGE \$
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE 5/13/02 4 \$ 18.00
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 4/15/02 \$ 35.00
2ND PRELIM. \$
3RD PRELIM. \$
PUBLIC HEARING, 5/13/02 \$ 35.00
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 101.50

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT .. \$ 198.50

ROCK TAVERN LAWNS
P.O. BOX 123
ROCK TAVERN, NY 12575

1356
58-7131/2219

Date 7/27/02

Pay to the Order of town of New Windsor

\$ 300.00

Three hundred ⁰⁰/₁₀₀ Dollars

Wells Fargo Washingtonville Office
P.O. Box 233
121 East Main St., Washingtonville, NY 10992

For 53-3-1 ZBA #02-19



⑆221971316⑆06 93 004492⑆ 1356

ROCK TAVERN LAWNS

P.O. BOX 123

ROCK TAVERN, NY 12675

1355

60-7131/2218

Date

4/27/02

Pay to the
Order of

Rock Tavern Lawns

\$ 50.00

[Signature]

Dollars 00

WATER
SAVINGS BANK

Washingtonville Office

P.O. Box 123

191 East Main St., Washingtonville, NY 10992

For

53-3-1 28A #02-19

[Signature]

⑆221971316⑆06 93 004492⑆ 1355

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

ROGER SMITH

#02-19.
-----X

MEMORANDUM
OF DECISION
GRANTING
VARIANCES

WHEREAS, ROGER SMITH, 17 Shaw Road, Rock Tavern, N. Y. 12575, has made application before the Zoning Board of Appeals for a 25 ft. front yard, 15 ft. side yard, 10 ft. rear yard and 248 sq. ft. minimum livable floor area for construction of a single-family residence at the above location, in an R-1 zone; and

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

WHEREAS, the Applicant appeared for this Application; and

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

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

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

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

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

2. The evidence presented by the Applicant showed that:

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

(b) The Applicant seeks to construct a home on that property which home would be to replace an existing trailer.

(c) The proposed home cannot be located on the property so as to comply with the setback requirements of the Zoning Code because an existing septic and leach field with which it would interfere.

(d) Construction of the house will not change the drainage patterns or cause any flooding, collecting or ponding of drainage.

(e) The house will be similar to other houses in the neighborhood. Construction of the house will actually improve the appearance of the neighborhood over its present condition

(f) The proposed home will actually be larger than what would be required for a condo-type development.

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

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

3. The variances requested are substantial in relation to the Town regulations, but nevertheless are 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 variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

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

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 25 ft. front yard, 15 ft. side yard, 10 ft. rear yard and 248 sq. ft. minimum livable floor area variance for construction of a single-family residence at the above location in an R-1 zone, 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: June 24, 2002.


Chairman

Date 5/29/02

TOWN OF NEW WINDSOR

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

18.00

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

DATE		CLAIMED	ALLOWED
5/17/02	Zoning Board Mtg	75 00	
	Misc. - 2		
	North Plank Development - 6		
	Colandrea - 3		
	Corbett - 1		
	Denhoff - 5		
	Salomoff - 5		
	House of Apache - 5		
	Dreyer - 2		
	Smith - 4		
	Roberts - 3	184 50	
	Trapp - 3		
	Coplan - 2	259 50	

Lawrence W. Forley

SMITH, ROGER

Mr. Roger Smith appeared before the board for this proposal.

MR. TORLEY: Request for 25 ft. front yard, 15 ft. side yard, 10 ft. rear yard and 248 sq. ft. minimum livable floor area for construction of a single-family residence at 17 Shaw Road in R-1 zone.

MS. CORSETTI: For the record, we sent out 29 notices on April 29th.

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

MR. TORLEY: Sir?

MR. SMITH: What I'm trying to do is go to five feet off the one side yard, I don't know why it keeps getting switched back over to 20 or 15, whatever you're saying there.

MR. KANE: Well, what it is is you're looking for a variance for the difference, you're required to have 20 feet, you have five feet, so the variance is 15.

MR. SMITH: Right.

MR. TORLEY: So your intention is to remove some existing trailers, regrade, improve the property and put a normal structure.

MR. SMITH: Right, right, where the house is going, there's a garage there and it's pretty much the same size minus the deck.

MR. KANE: And the house is 34 x 24?

MR. SMITH: Yes.

MR. KANE: So it's not an overly big--

MR. SMITH: No, it's basically sitting there now only it's a garage, it's ready to fall down, it's gonna have

to come down soon anyhow and the trailer's about the same condition.

MR. TORLEY: So these changes will improve the property, improve the marketability?

MR. SMITH: Yeah, raises everybody's property value around me and make the neighbors a lot happier, too.

MR. KANE: You couldn't set the house in the middle because the septic and the leach fields are all right in there?

MR. SMITH: Right, and then the, on the property line where I want to be closest to the other neighbor, he's way over here in the back corner and my other neighbor is closer to my property line.

MR. KANE: So, it's the best and safest place on the property to put it?

MR. SMITH: Yeah, cause otherwise, I'd be right on top of the other house, then that would also give me, I'd have to tear my garage down, we'll need a shed or something in the back to put all my stuff, so it would give me a corner to do that but that I wouldn't need a variance for, just need it for the house.

MR. TORLEY: In constructing this new house, you do not feel that you will be changing the drainage patterns or causing flooding problems for your neighbors?

MR. SMITH: No.

MR. KANE: House size will be similar to other houses in the area?

MR. SMITH: Yeah.

MR. TORLEY: Well, it's a little smaller.

MR. KANE: It's not going to change the nature of the character of the neighborhood?

MR. SMITH: Yeah, but, I mean, former trailer park

across the street where everybody owns their own lot, they have all been switched over to houses so when you look at that over there, it kind of fits in.

MR. REIS: Mike, what's the minimum dwelling size?

MR. BABCOCK: Minimum dwelling size is 1,200 square feet and this is, in this zone, he's proposing 952 square feet so he needs a variance of 248 square feet.

MR. TORLEY: For comparison, Mike, if you know this number, there's also a minimum size for if this were to be considered an apartment, there's a minimum size for apartments, is there not, just the idea being that they can see this is not smaller than an apartment could be?

MR. BABCOCK: No, I think there's a minimum on multiple dwellings that you might be talking about and I think that's 600 square feet.

MR. TORLEY: So it's larger than what would be required, we're it a multiple condo type development.

MR. REIS: Mike, unless the numbers we're looking at on a map that shows 24 foot by 34 foot.

MR. BABCOCK: It should be, yes.

MR. REIS: Equates to 816 feet, so I think there's a miscalculation in there.

MR. BABCOCK: We added the deck square footage, Mr. Chairman.

MR. TORLEY: Can you make that arithmetic correction?

MR. BABCOCK: Yes, we can.

MR. REIS: When we do square foot calculation for building permit cost, it includes the square footage of the deck so that's where they got that number from.

MR. TORLEY: Gentlemen?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: The man is going to improve the property, make it better for everybody all around. I'll make a motion that we approve Mr. Smith's request for his variances at 17 Shaw Road.

MR. MC DONALD: Second it.

ROLL CALL

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

MR. KANE: Yes, just with the provision that we get the correct number for the square footage in there since we haven't mentioned that number yet and my vote is yes.

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

Amended: 4/22/02.

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: 3/19/02

APPLICANT: Roger A. Smith
17 Shaw Road
Rock Tavern, NY 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/5/01

FOR : Roger A. Smith

LOCATED AT: 17 Shaw Road

ZONE: R-1 Sec/Blk/ Lot: 53-3-1

FILE COPY

#1 ZBA 4-8-02
SET UP FOR P/H

DESCRIPTION OF EXISTING SITE: Replace mobile home with framed single family home

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-12 Use/Bulk table R-1 zone. Need variance for side yard, rear yard and front yard.

#2 MIN. LIVABLE FLOOR AREA - 5-K

Right of 22-02

Louis J. Kysheer
BUILDING INSPECTOR

PERMITTED

1,200 sq ft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

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

Prelim.
Apr. 8, 2002
7:30 pm

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

#02-19

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

DATE: 3/19/02

APPLICANT: Roger A. Smith
17 Shaw Road
Rock Tavern, NY 12575

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/5/01

FOR : Roger A. Smith

LOCATED AT: 17 Shaw Road

ZONE: R-1 Sec/Blk/ Lot: 53-3-1

DESCRIPTION OF EXISTING SITE: Replace mobile home with framed single family home

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-12 Use/Bulk table R-1 zone. Need variance for side yard, rear yard and front yard.

Louis J. Kyheer
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE: Single Family

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD: 45ft 20ft 25ft

REQ'D SIDE YD: 20ft 5ft 15ft

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 50ft 40ft 10ft

REQ'D FRONTAGE:

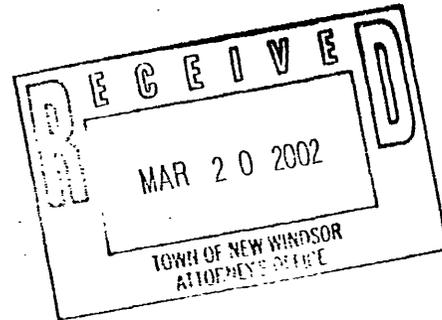
MAX BLDG HT:

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

"ZBA"

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 underlab 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 pond 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 percolation 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

MAR 13 2002

Town of New Windsor Building Dept

FOR OFFICE USE ONLY:
Building Permit #: _____

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

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

Owner of Premises Roger A Smith call-

Address 17 Shaw Rd Phone # 496-4047

Mailing Address PO Box 123 Rock Tavern NY 12575 Fax # _____

Name of Architect Victor Buckstad

Address 33 Hudson Rd Washingtonville NY 10992 Phone 496-6805

Name of Contractor Self

Address _____ Phone _____

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

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

1. On what street is property located? On the S side of Shaw Rd
and 50'-100' feet from the intersection of Carpenter Rd
(N, S, E or W)

2. Zone or use district in which premises are situated R-1 Is property a flood zone? Y N ✓

3. Tax Map Description: Section 53 Block 3 Lot 1

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

a. Existing use and occupancy ~~vacant~~ mobile home w/ garage b. Intended use and occupancy 1 family dwelling w/ office space

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 34 Height _____ No. of stories 1

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

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

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

10. Estimated cost _____ Fee \$50.00

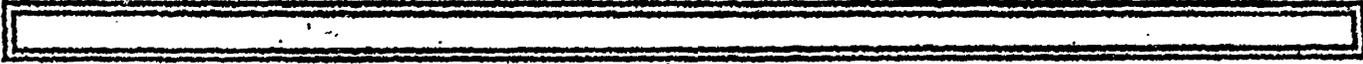
PAID
#1256 \$50-

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 Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4885 FAX

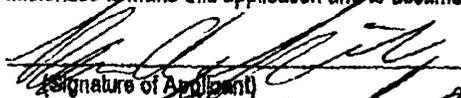
Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



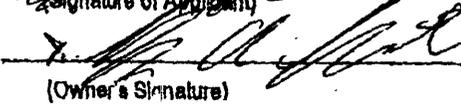
INSTRUCTIONS

- 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.

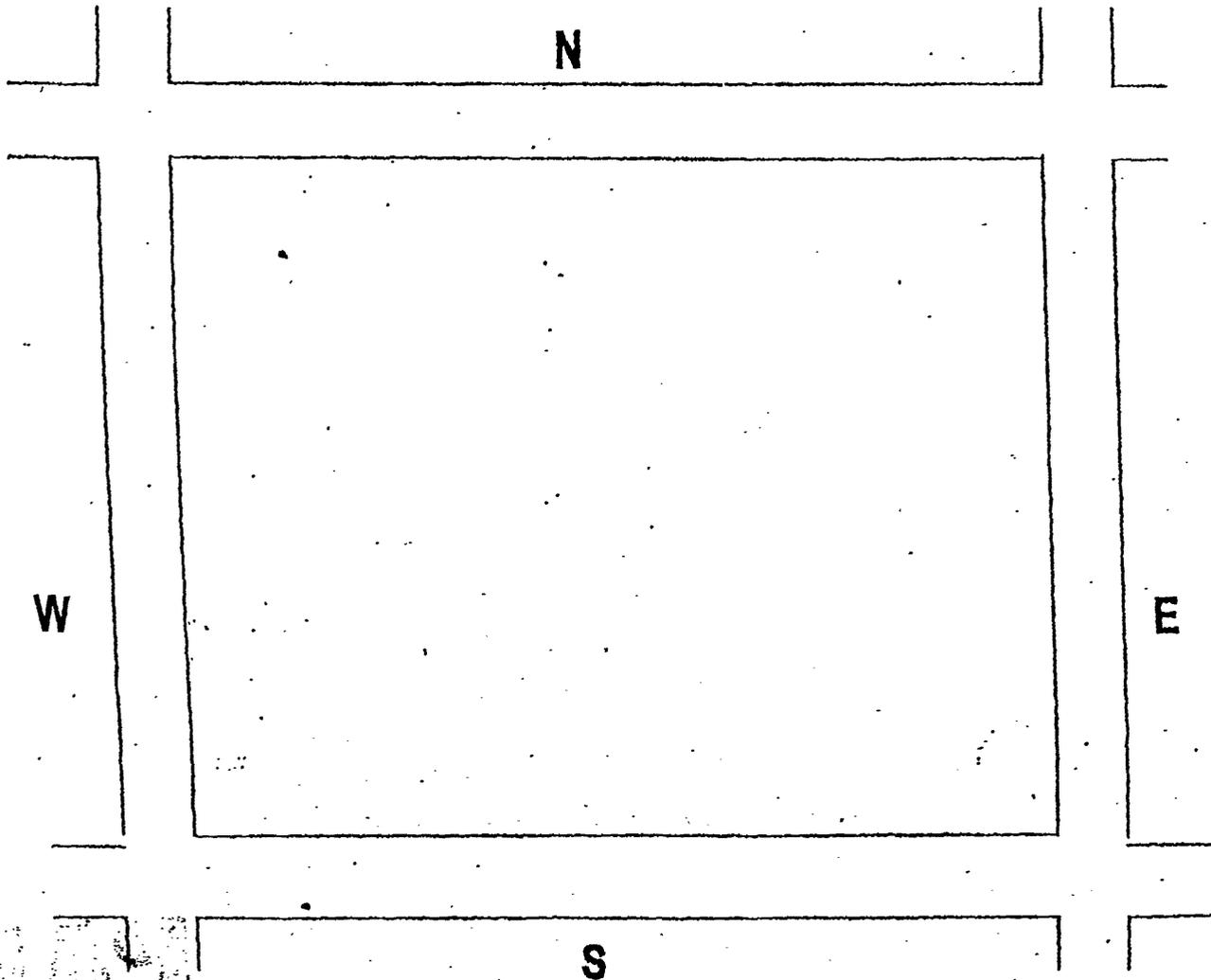

(Signature of Applicant)

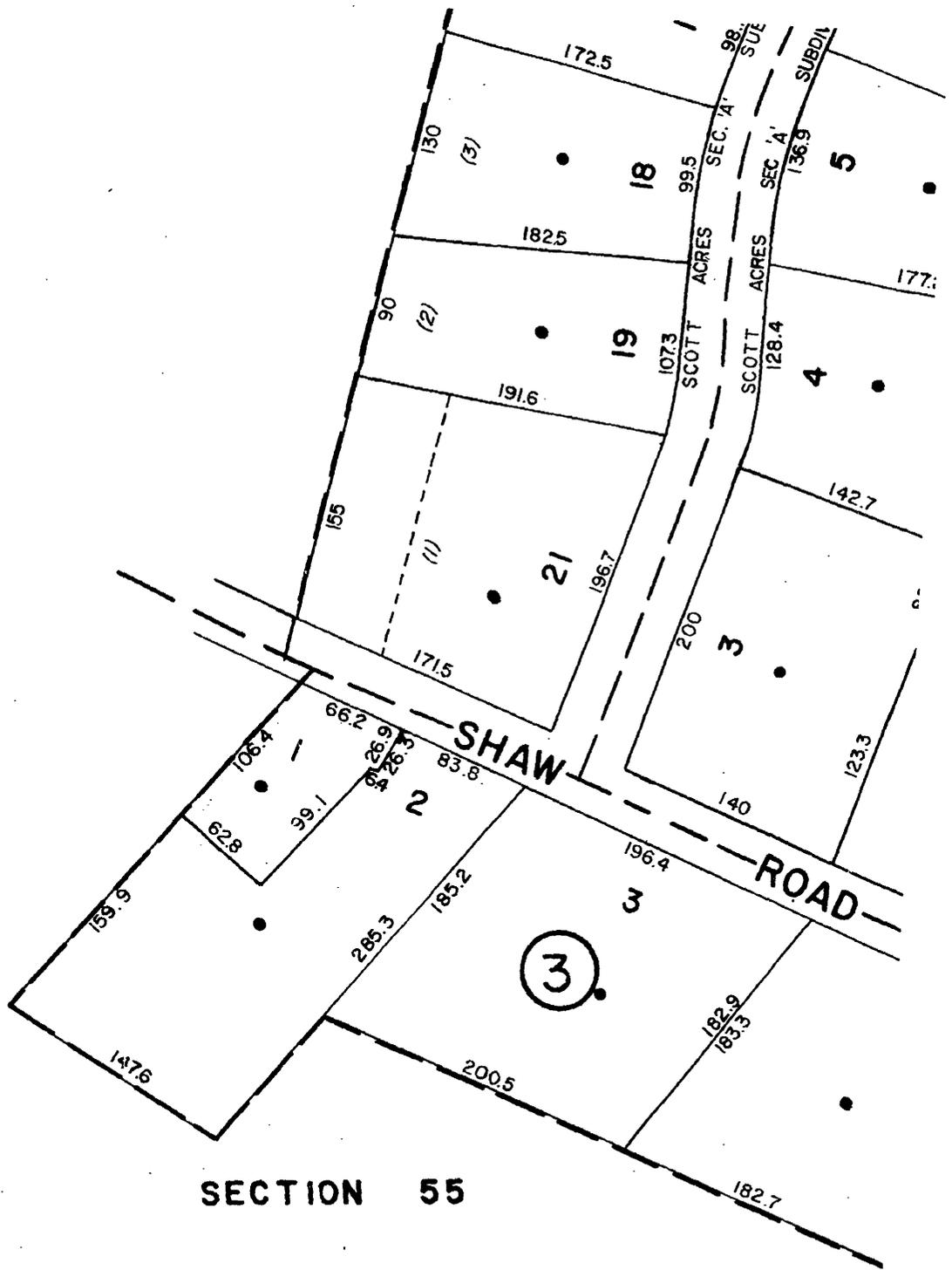
Robert 123, 17 Shaw Rd Rock Tavern NY.
(Address of Applicant) 12575


(Owner's Signature)

PLOT PLAN

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





SECTION 55

N 530,500
E 648,500

LEGEND

STATE OR COUNTY LINE	—————	FILED PLAN LOT LINE	-----	TA
CITY TOWN OR VILLAGE	—————	EASEMENT LINE	-----	TA
BLOCK & SECTION LIMIT	—————	MATCH LINE	-----	AI
SPECIAL DISTRICT LINE	FIRE WATER	LIGHT SCHOOL	O & R UTILITIES -----	DI

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

Roger Smith

02-19.

AFFIDAVIT OF
SERVICE
BY MAIL

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

Patricia A. Cocetti, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside in New Windsor, Orange County, N. Y.

That on the 29th day of April, 2002, I compared the 29 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.

Sworn to before me this

____ day of _____, 20____.

Notary Public

Date 4/22/02

TOWN OF NEW WINDSOR

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

TO DR.

DATE		CLAIMED	ALLOWED
4/8/02	Zoning Board Mtg	75 00	
	Misc.		
	App - 2		
	Ball - 4		
	Meyer - 2		
	Smith - 3		
	Brown - 12		
	Mt. Army Estates - 6		
	Dotter - 52	148 50	
	<u>33</u>		
		<u>223 50</u>	

April 8, 2002

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SMITH, ROGER

Mr. Roger Smith appeared before the board for this proposal.

MR. TORLEY: Request for 25 ft. front yard, 15 ft. side yard and 10 ft. rear yard variances for construction of single family residence at 17 Shaw Road in an R-1 zone.

MR. ROGER: I want to go five feet off the line on this side here, so I still have to upgrade septic at a later date. Eventually, it's going to have to be redone. Still have a little bit of a yard left. This is what I am actually living in right now.

MR. TORLEY: So you're going to, there's a trailer there now that you want to take down?

MR. ROGER: Yeah, the trailer and the garage, this is the back of the garage.

MR. TORLEY: This is Shaw here?

MR. ROGER: Yes.

MR. TORLEY: Take down the trailer, take down the existing garage, where is that?

MR. ROGER: Right in this area.

MR. TORLEY: That's going to go, too?

MR. ROGER: Yes. Just tear it all down, start all over again, basically.

MR. TORLEY: Mike, do you have this?

MR. BABCOCK: Yes, I do.

MR. ROGER: Basically what I've got on the square footage on the roof is just about what I want to replace, but I will just be more organized, make the neighbors a lot happier, don't have to look at that.

MR. TORLEY: In doing so, Mike, I'm looking at the

April 8, 2002

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existing, he's going to have to redo the drainage field, septic tank to put the house in, right?

MR. BABCOCK: No, that's why he's doing it.

MR. TORLEY: Looks like it goes underneath the house.

MR. BABCOCK: Those lines that go underneath the house is the existing mobile home that's there.

MR. ROGER: Right here is the mobile home, this is a little roof I put on in the back.

MR. BABCOCK: The tiles are in the back.

MR. TORLEY: Where is the well?

MR. ROGER: Over here.

MR. TORLEY: So this would be clear of existing well and sewer and septic would fit in?

MR. BABCOCK: It's basically the only spot that would fit and rather than putting a mobile home back which he has the option to do, he'd like to put a small one bedroom house there.

MR. TORLEY: House fits the size?

MR. BABCOCK: Yes.

MR. TORLEY: I forget what the minimum size is.

MR. BABCOCK: There's, I'm not sure, Mr. Chairman, I didn't look at that.

MR. ROGER: I think I'm just under a thousand square feet.

MR. BABCOCK: He may be under, I will have to modify that.

MR. ROGER: Your requirement is around 1,200 and I'm just around 1000.

April 8, 2002

12

MR. BABCOCK: Every zone is different so I'll have to add that to the agenda.

MR. TORLEY: You don't want to do this twice.

MR. ROGER: Yeah.

MR. BABCOCK: If I could do that tomorrow, it would be much easier, I don't have all the tables and stuff with me.

MR. ROGER: I'm under the understanding I have to do both variances.

MR. TORLEY: When you come back for a public hearing, photographs, but if you can put some stakes in the ground where you want to put it, make sure you talk to your neighbors.

MR. ROGER: Yeah, well, they all want first whack at taking it down.

MR. REIS: Accept a motion?

MR. KRIEGER: Opposite of a barn raising.

MR. ROGER: Yeah.

MR. REIS: We're going to add to minimum development.

MR. BABCOCK: Minimum livable floor area.

MR. REIS: To be added to the requested variances for 17 Shaw Road. I'll make a motion that we set up Mr. Roger Smith for his public hearing.

MR. RIVERA: Second it.

ROLL CALL

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

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

RECEIPT
#367-2002

04/22/2002

ZBA # 02-19
Rock Tavern Lawns
P O Box 123
Rock Tavern, NY 12575

Roger Smith

Received \$ 50.00 for Zoning Board Fees on 04/22/2002. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



Town of New Windsor

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

Assessors Office

April 19, 2002

29

Roger Smith
PO Box 123
Rock Tavern, NY 12575

Re: 53-3-1

Dear Mr. Smith:

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

The charge for this service is \$45.00, minus your deposit of \$25.00.

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

Sincerely,

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA

52-1-37
Washingtonville Soccer Club, Inc.
PO Box 24
Washingtonville, NY 10992

53-4-18
Dean & Dawn Romer
22 Carpenter Road
Rock Tavern, NY 12575

55-1-55.1
Joseph & Laura Zaccaro
283 Bull Road
Washingtonville, NY 10992

53-2-2.13
Randolph & Masako Den
315 Bull Road
Rock Tavern, NY 12575

53-4-19
Neil Christman
24 Carpenter Road
Rock Tavern, NY 12575

55-1-55.2
John Lyall
289 Bull Road
Washingtonville, NY 10992

53-2-3
Phillip & Joyce De Freese
12 Shaw Road
Rock Tavern, NY 12575

53-4-21
Dennis & Carolyn McHenry
18 Shaw Road
Rock Tavern, NY 12575

55-1-55.3
Raymond & Lisa Cassidy
21 Shaw Road
Rock Tavern, NY 12575

53-2-4
Wilma Joyce
21 Carpenter Road
Rock Tavern, NY 12575

55-1-50
Michael & Cori Drummond
39 Shaw Road
Rock Tavern, NY 12575

56-1-12
Anthony & Margene Rivera
280 Bull Road
Washingtonville, NY 10992

53-2-5
Craig & Evelyn Levine
19 Carpenter Road
Rock Tavern, NY 12575

55-1-51 & 55-1-52
Charles & Alice Maehrlein
29 Shaw Road
Rock Tavern, NY 12575

56-1-13
Veronica Molfetas
C/o George Miller & Sons
24 Sands Station Road, PO Box 845
Middletown, NY 10940

53-2-6
Michael Buck
17 Carpenter Road
Rock Tavern, NY 12575

55-1-53.1
Joseph & Deborah Migliorini
305 Bull Road
Washingtonville, NY 10992

56-1-14
Rueben & Deborah De Freese
292 Bull Road
Washingtonville, NY 10992

53-3-2
Jean Lewis
15 Shaw Road
Rock Tavern, NY 12575

55-1-53.21
Joseph & Marie Beneducci
6 Hampshire Drive
Washingtonville, NY 10992

56-1-15
Edmund & Eleanor Huston
296 Bull Road
Washingtonville, NY 10992

53-3-3
Elease Hull
C/o Debra Hull-Robinson
11 Sunlight Hill
Yonkers, NY 10704

55-1-53.22
Marie Wahlbon FKA Maria Sharpe
Aadu Sharpe
281 Bull Road
Washingtonville, NY 10992

56-1-16
Barbara Perrone, Trustee
Susan Giannico, Trustee
Perrone Living Trust
300 Bull Road
Washingtonville, NY 10992

53-3-4
Norman & Kimberly Vitale
3 Shaw Road
Rock Tavern, NY 12575

55-1-53.23
County of Orange
255-275 Main Street
Goshen, NY 10924

56-1-17
Gennaro & Antonietta Acierno
304 Bull Road
Washingtonville, NY 10992

53-4-17
Marinus & Wilma Voorman
20 Carpenter Road
Rock Tavern, NY 12575

55-1-53.24
Reuben & Margaret De Freese
301 Bull Road
Washingtonville, NY 10992

Pls. publish immediately. Send bill to: Applicant @ P.O. Box 123
Rock Tavern, NY
12575.

**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. 19

Request of Roger A. Smith

for a VARIANCE of the Zoning Local Law to Permit:

Construction of single-family residence w/ insufficient front yard, side yard, rear yard & minimum livable floor area;
being a VARIANCE of Section 48-12-Table of Use/Bulk Regs.-Cols. E, F, G & K

for property situated as follows:

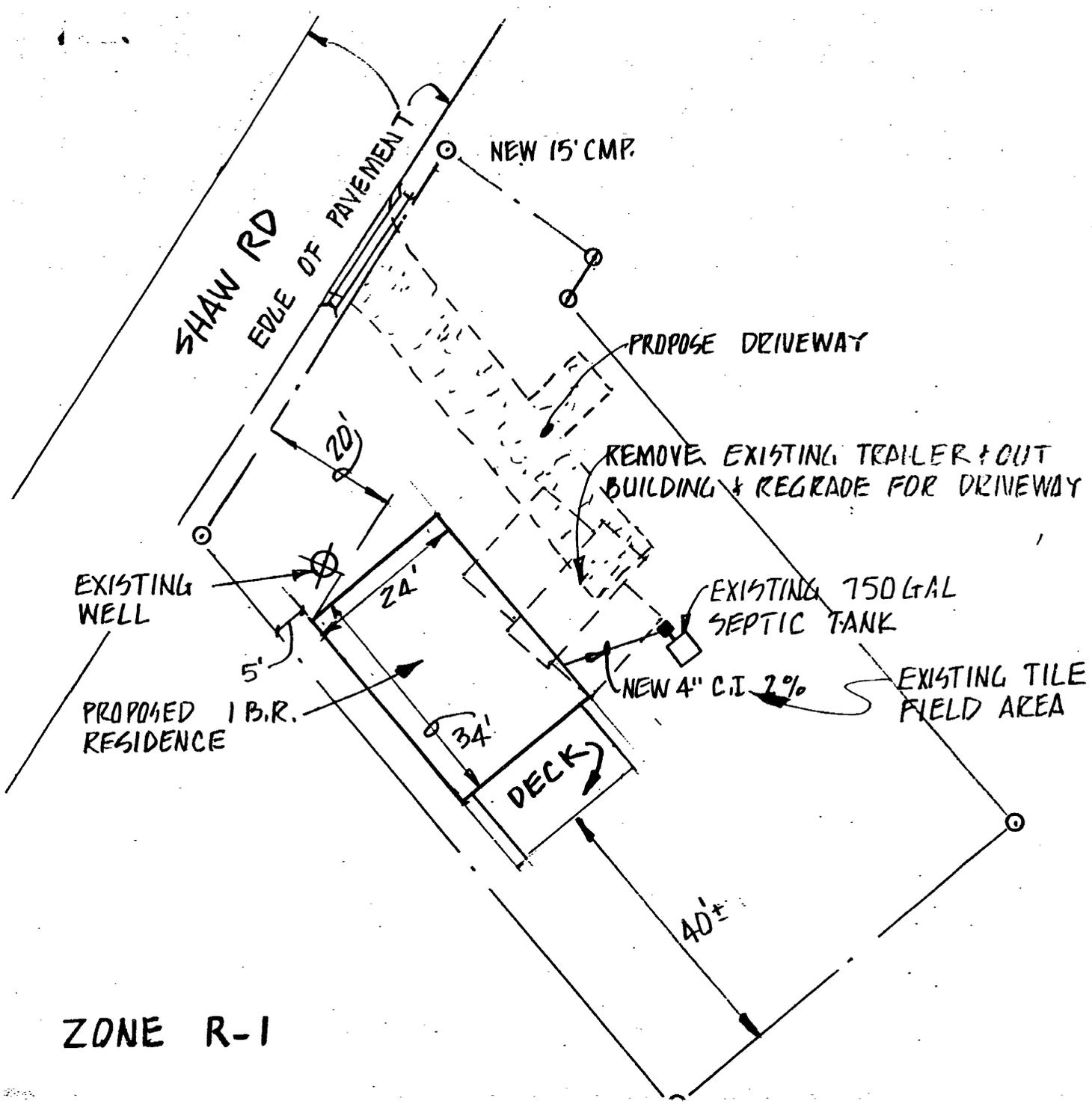
17 Snow Road, Rock Tavern, N.Y.

known and designated as tax map Section 53, Blk. 3 Lot 1

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

Lawrence Torley
Chairman

By: Patricia A. Corsetti, Secy.



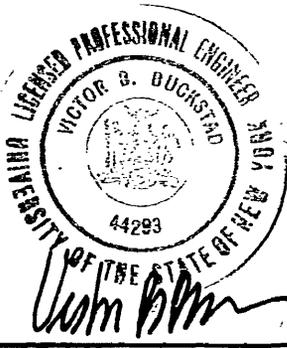
ZONE R-1

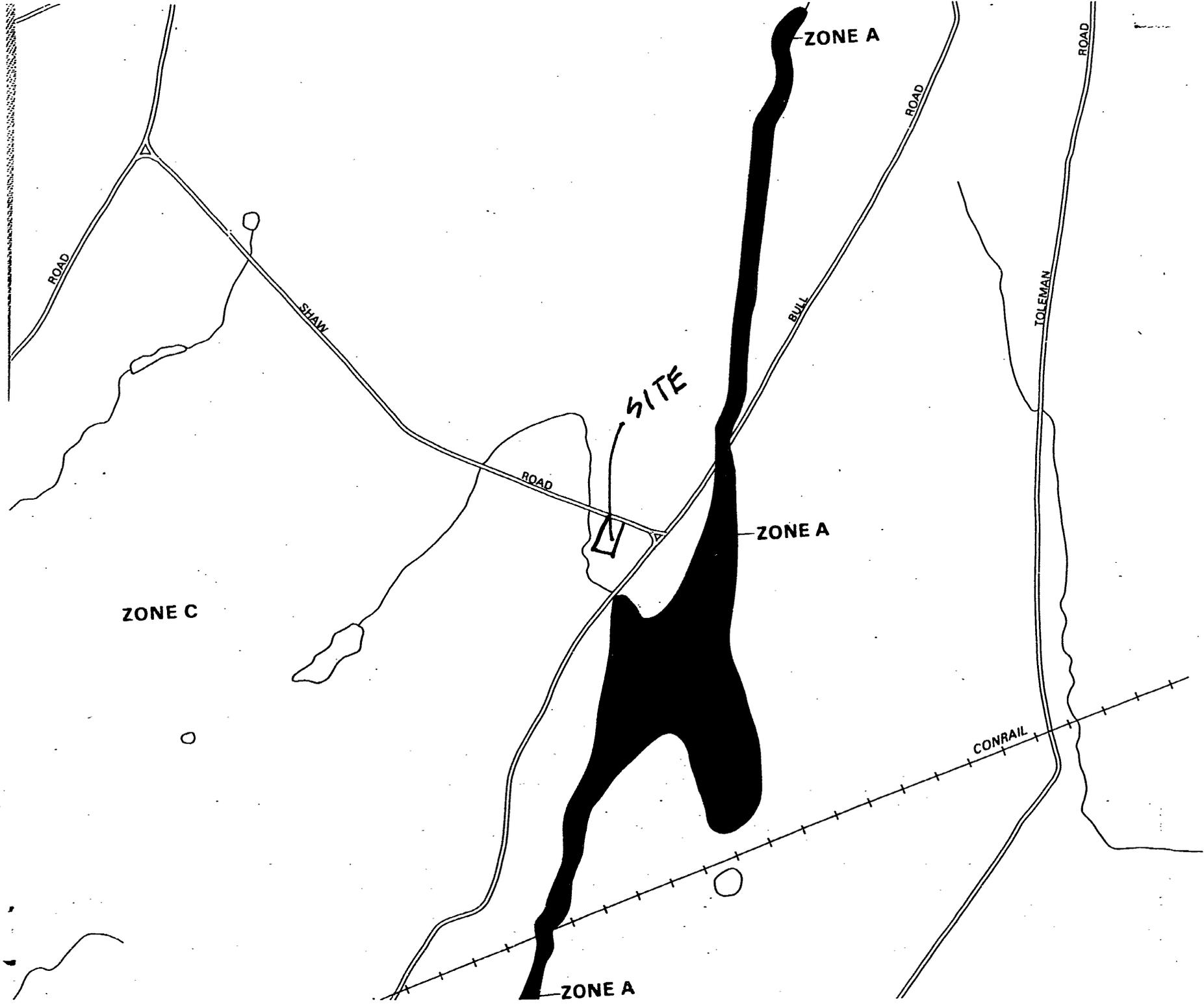
VARIANCE REQUESTED FOR:

	REQUIRED	PROVIDED
SIDE YD	20'	5'
FRONT YD	45	20'
AREA	60,299 S.F.	7,000 ± S.F.
REAR YD	50'	40'

MAP FROM MAP DONE BY
M. HILLRIEGEL L.S.

553-B3-L14

	VICTOR B. BUCKSTAD P.E. P.C.				
	CONSULTING ENGINEER				
	33 HUDSON ROAD WASHINGTONVILLE N.Y. 10992 1-845-496 6805				
	LANDS OF R. SMITH - NEW WINDSOR - ORANGE CO. - N.Y. VARIANCE • SITE PLAN				
DR. BY	VBB	DATE	03.07.02	REV. NO.	
CK. BY	V. B. B.	SCALE	1" = 20'		



PARCEL IS NOT IN FLOOD PLAIN.

		DR. BY	DATE: 03/07/02	REV. NO.
		CK. BY V.B.B.	SCALE	
VICTOR B. BUCKSTAD P.E. P.C. CONSULTING ENGINEER 33 HUDSON ROAD WASHINGTONVILLE N.Y. 10992 845-496 6805 LANDS OF R. SMITH - NEW WINDSOR - N.Y. FLOOD PLAIN				

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

EDWIN CARLSON and SYLVIA CARLSON
83 Shaw Road
Rock Tavern, New York 12575

TO

ROGER SMITH
P.O. Box 123
Rock Tavern, New York 12575

SECTION 53 BLOCK 3 LOT 1

RECORD AND RETURN TO:

(Name and Address)

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

JAMES CASAZZA, ESQ.
19 South Street
Washingtonville, NY 10992

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ___ MORTGAGE ___ SATISFACTION X ASSIGNMENT ___ OTHER ___

PROPERTY LOCATION

___ 2089 BLOOMING GROVE (TN)	___ 4289 MONTGOMERY (TN)
___ 2001 WASHINGTONVILLE (VLG)	___ 4201 MAYBROOK (VLG)
___ 2289 CHESTER (TN)	___ 4203 MONTGOMERY (VLG)
___ 2201 CHESTER (VLG)	___ 4205 WALDEN (VLG)
___ 2489 CORNWALL (TN)	___ 4489 MOUNT HOPE (TN)
___ 2401 CORNWALL (VLG)	___ 4401 OTISVILLE (VLG)
___ 2600 CRAWFORD (TN)	___ 4600 NEWBURGH (TN)
___ 2800 DEERPARK (TN)	___ 4800 NEW WINDSOR (TN)
___ 3089 GOSHEN (TN)	___ 5089 TUXEDO (TN)
___ 3001 GOSHEN (VLG)	___ 5001 TUXEDO PARK (VLG)
___ 3003 FLORIDA (VLG)	___ 5200 WALLKILL (TN)
___ 3005 CHESTER (VLG)	___ 5489 WARWICK (TN)
___ 3200 GREENVILLE (TN)	___ 5401 FLORIDA (VLG)
___ 3489 HAMPTONBURGH (TN)	___ 5403 GREENWOOD LAKE (VLG)
___ 3401 MAYBROOK (VLG)	___ 5405 WARWICK (VLG)
___ 3689 HIGHLANDS (TN)	___ 5600 WAWAYANDA (TN)
___ 3601 HIGHLAND FALLS (VLG)	___ 5889 WOODBURY (TN)
___ 3889 MINISINK (TN)	___ 5801 HARRIMAN (VLG)
___ 3801 UNIONVILLE (VLG)	
___ 4089 MONROE (TN)	
___ 4001 MONROE (VLG)	
___ 4003 HARRIMAN (VLG)	
___ 4005 KIRYAS JOEL (VLG)	

CITIES

___ 0900 MIDDLETOWN
___ 1100 NEWBURGH
___ 1300 PORT JERVIS

NO. PAGES 4 CROSS REF 1

CERT. COPY ___ ADD'L X-REF ___

MAP # ___ PGS. ___

PAYMENT TYPE: CHECK X

CASH ___

CHARGE ___

NO FEE ___

CONSIDERATION \$ ___

TAX EXEMPT ___

MORTGAGE AMT \$ ___

DATE ___

MORTGAGE TAX TYPE:

___ (A) COMMERCIAL/FULL 1%
___ (B) 1 OR 2 FAMILY
___ (C) UNDER \$10,000
___ (E) EXEMPT
___ (F) 3 TO 6 UNITS
___ (I) NAT. PERSON/CR. UNION
___ (J) NAT.PER-CR.UN/1 OR 2
___ (K) CONDO

4713-28 -

Donna L. Benson

DONNA L. BENSON
Orange County Clerk

9999 HOLD

RECEIVED FROM:

J. Casazza

LIBER 7523 PAGE 45

LIBER 7523 PAGE 45

ORANGE COUNTY CLERKS OFFICE 63684 MRL
RECORDED/FILED 11/15/1999 11:59:58 AM

FEE\$ 17.50 EDUCATION FUND 5.00

MTG CNTL NO 29847

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

KNOW ALL MEN BY THESE PRESENTS,

that

EDWIN CARLSON AND SYLVIA CARLSON
83 Shaw Road
Rock Tavern, New York 12575

Insert residence, if individual, or principal office, if corporation, giving street and street number.

DO HEREBY CERTIFY that the following Mortgage **IS PAID**, and do hereby consent that the same be discharged of record.

Mortgage dated the 2nd day of June, 19 93, made by ROGER A. SMITH

to EDWIN CARSON and SYLVIA CARLSON

in the principal sum of \$ 14,400.00 and recorded on the 3rd day of June 1993, in Liber 4713 of Section of Mortgages, page 28, in the office of the Clerk of the County of Orange

which mortgage has not been assigned of record.
Dated the 2nd day of September, 19 99.

IN PRESENCE OF:


EDWIN CARLSON


SYLVIA CARLSON

Section 321 of the Real Property Law expressly provides who must execute the certificate of discharge in specific cases and also provides, among other things, that (1) no certificate shall purport to discharge more than one mortgage, (except that mortgages affected by instruments of consolidation, spreader, modification or correction may be included in one certificate if the instruments are set forth in detail in separate paragraphs); (2) if the mortgage has been assigned, in whole or in part, the certificate shall set forth; (a) the date of each assignment in the chain of title of the person or persons signing the certificate, (b) the names of the assignor and assignee, (c) the interest assigned, and (d) if the assignment has been recorded, the book and page where it has been recorded or the serial number of such record, or (e) if the assignment is being recorded simultaneously with the certificate of discharge, the certificate of discharge shall so state, and (f) if the mortgage has not been assigned of record, the certificate shall so state; (3) if the mortgage is held by any fiduciary, including an executor or administrator, the certificate of discharge shall recite the name of the court and the venue of the proceedings in which his appointment was made or in which the order or decree vesting him with such title or authority was entered.

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the 2nd day of September 19 99 , before me personally came

EDWIN CARLSON and SYLVIA CARLSON

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

Sheri L. Valentino

NOTARY PUBLIC

SHERI L. VALENTINO

Notary Public, State of New York

No. 477788

Qualified in Ulster County

Commission Expires September 30, 1999

STATE OF NEW YORK, COUNTY OF

ss:

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.

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me personally came

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

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. ;

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 7523 PAGE

47

TITLE No.

TO

Satisfaction of Mortgage

The land affected by the within instrument
lies in Section in Block on the
Land Map of the County of

RECORDED AT REQUEST OF

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by



COMMONWEALTH LAND
TITLE INSURANCE COMPANY

Search

FILE NO. ..93-127..
53-3-1 tax desig.

Homestead Abstract Company of Orange County, Inc., Does Hereby Certi
That it has caused the Indices and Dockets in the County Clerk's Office of Orange County, N. Y., to be searched for Deeds, General Assignments, uncanceled Mortgages and Mortgages to Loan Commissioners, executed by, and uncanceled Lapsed Collector's Bonds, Sheriff's Certificates of Sale, Orders Appointing Receivers, Insolvency Assignments, Foreclosures by Advertisement, Homestead Exemptions, Contracts Building Loans, Federal Tax Liens, Bail Bond Liens and Individual Surety Bond Liens docketed against the following person or persons, corporation or corporations, during the period or periods stated; and for uncanceled Mechanics' Liens docketed during the period or periods stated, but for not more than two years prior to date of this certificate and for Financing Statements docketed as affecting real property under the Uniform Commercial Code

William J. Cruthers and Charles Boos from April 26, 1950 to October 27, 1954.

Leo Hughes from October 12, 1954 to March 13, 1959.

Joseph Zorn and Else Zorn from February 27, 1959 to July 15, 1959.

Charles Sander from July 10, 1959 to April 28, 1993.

Hedwig Klara Sander from March 13, 1960 to April 12, 1985.

Emma Lewis, as Attorney in Fact from April 9, 1985 to April 12, 1985.

Edwin Carlson and Sylvia Carlson from April 9, 1985 to April 28, 1993.

and also that it has caused the Dockets of Judgments, in said office, to be searched for unsatisfied Judgments and Transcripts of Judgments docketed against

Charles Sander from April 28, 1983 to April 28, 1993.
Hedwig Klara Sander from April 28, 1983 to April 12, 1985.
Emma Lewis, as Attorney in Face from April 28, 1983 to April 12, 1985.
Edwin Carlson and Sylvia Carlson from April 28, 1983 to April 28, 1993.

And finds as follows, viz:—Affecting lands in the Town of New Windsor, Orange County, New York as described in a deed executed by Emma Lewis to Edwin Carlson and Sylvia Carlson dated April 9, 1985 and recorded in Book 2347 page 153.



Dated, Goshen, N.Y., April 28, 1993

Liability for search herein is limited to \$1,000.00.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

Date: #02-19.
4/22/02.

I. Applicant Information:

- (a) Roger A. Smith X
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) R-1 17 Shaw Rd Rock Tavern 53-3-1 60x100
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
- (b) What other zones lie within 500 feet? None
- (c) Is pending sale or lease subject to ZBA approval of this Application? no
- (d) When was property purchased by present owner? 6/2/93.
- (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/Fire Inspector? _____.
- (h) Is there any outside storage at the property now or is any proposed? _____.

IV. Use Variance.

- (a) ~~Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.~~

(Describe proposal) ~~Remove tower + Garage and Build House + Shed~~

(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.

~~Because its time to replace the trailer and a small house would look nicer and raise property values for everybody around me~~

✓ V. Area Variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. E, F, G & K

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.	<u>45 ft.</u>	<u>20 ft.</u>
Reqd. Side Yd.	<u>20 ft.</u>	<u>5 ft.</u>
Reqd. Rear Yd.	<u>50 ft.</u>	<u>40 ft.</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*	<u>1,200 s.f.</u>	<u>952 sq.ft.</u>
Dev. Coverage*		<u>248 sq.ft.</u>
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** Non-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:

Because A house will look nicer than a trailer

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

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

(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 in maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

See plan filed w/ B.D.

