

ZB# 85-43

Frank Shirmer

62-7-2 & 3

85-43 - Shirmer, Frank.

Helim.

9/23/85.

Public Hearing:

1/27/86.

Legal to Sentinal

on 1/6/86.

Pat: Collect fee

\$25.00

Area Variance

Denied

1/27/86

General Receipt

7275

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Feb. 6 19 86

Received of John Amutcher Construction \$ 25⁰⁰/₁₀₀

Twenty Five and ⁰⁰/₁₀₀ DOLLARS

For Zoning Variance Fee 85-43

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Check #</u>	<u>25.00</u>	
<u># 1455</u>		

By Pauline Townsend
Town Clerk
Title

NEW WINDSOR ZONING BOARD OF APPEALS

-----x
In the Matter of the Application of
FRANK SHIRMER/JOHN J. SMITCHGER,
#85-43.
-----x

DECISION DENYING
AREA VARIANCES

WHEREAS, FRANK SHIRMER (owner), 4 Shore Drive, New Windsor, New York, and JOHN J. SMITCHGER (contract-purchaser), 270 Main Street, Cornwall, New York, have made application before the Zoning Board of Appeals for area variances for the purpose of:

Construction of a one-family residential dwelling on a lot with insufficient lot area, lot width, sideyard and street frontage on Oak Drive, New Windsor, N. Y., in an R-4 zone.

WHEREAS, a public hearing was held on the 27th day of January, 1986 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicants appeared in behalf of themselves; and

WHEREAS, the application was opposed by adjacent property owners; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

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

2. The evidence shows that applicants sought permission to locate a larger residence on the property in question than the boundaries of the property would permit.

3. The R-4 zone requires a minimum lot area of 15,000 sq. ft., minimum lot width of 100 ft., minimum side yards of 15 ft. or a total of 30 ft., and street frontage of at least 60 ft.

4. The evidence presented by the applicants failed to substantiate the fact that practical difficulty would be encountered if the applicants were denied the area variances.

5. The subject property adjoins another parcel along the rear property line which were both in the ownership of the applicant, SHIRMER. Both parcels were nonconforming lots as to bulk requirements.

Section 48-26B of the Zoning Local Law enacted in 1975 provides:

"B. Two (2) or more nonconforming subdivision lots, not in separate ownership, in a subdivision approved by the Planning Board prior to the effective date of this local law, shall have three (3) years from the date of final approval by the Planning Board to obtain a Building permit under the provisions of Section 48-26A. Any nonconforming plot in a subdivision finally approved by the Planning Board more than three (3) years prior to the effective date of this local law shall not be eligible to receive a building permit, and said subdivision, part or plot thereof shall be resubmitted to the Planning Board in accordance with the applicable provisions of this local law."

6. The applicant recently sold the adjoining parcel without obtaining Planning Board approval as required by Section 48-26B. The subject parcel was, therefore, not authorized to be separated from the parcel adjoining to the rear.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will not encounter practical difficulty if the area variances requested are not granted.

2. The requested variances will result in substantial detriment to adjoining properties and change the character of the neighborhood in that permission for development of such a narrow parcel will create an unfair burden on adjoining property owners.

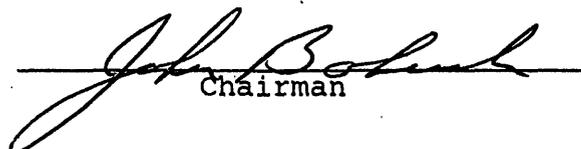
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENY: (1) 8,750 Sq. ft. lot area; (2) 50 ft. lot width; (3) 12 ft. sideyard and (4) 10 ft. street frontage in accordance with plans submitted at 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: February 24, 1986.


Chairman

*furnished
copies on 3/3/86.*

JACOBOWITZ AND GUBITS
COUNSELORS AT LAW
POST OFFICE BOX 367
WALDEN, NEW YORK 12586

Rec'd. 2/26/86.

GERALD N. JACOBOWITZ
DAVID B. GUBITS
JOHN H. THOMAS, JR.
GERALD A. LENNON
PETER R. ERIKSEN

914-778-2121
914-427-2101

OFFICES LOCATED AT
WALDEN PROFESSIONAL BUILDING
158 ORANGE AVENUE

February 13, 1986

LINDA F. MADOFF
HOWARD PROTTER
DONALD G. NICHOL
RONALD J. COHEN
JOHN T. DOYLE
ANDREW I. KOSSOVER

Zoning Board of Appeals
555 Union Avenue
New Windsor, NY 12550

Attn: Mr. Jack Babcock
Zoning Board of Appeals, Chairman

Re: Zoning Board of Appeals
Application - Frank Schirmer;
Oak Drive
Our File #82194-1

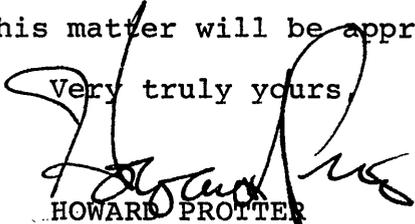
Dear Mr. Jack Babcock:

Please be advised that we represent Frank Schirmer and have been consulted by him concerning his application to the Zoning Board of Appeals. Pursuant to the freedom of information law, please provide to me a complete copy of the entire file of the Zoning Board of Appeals in connection with this application.

Enclosed is our law office check in an amount to exceed \$5.00 to defray the cost of photocopying and postage. Should additional sums be required, please contact me and we shall forward those immediately. Also enclosed is a postcard which I would like you to indicate the amount charged for the expenses.

Your prompt attention to this matter will be appreciated.

Very truly yours,


HOWARD PROTTER

HP:mcs
Enclosures
HP1:254
cc: Joe Rones, Esq.
Frank Schirmer

Pat. 1/9/86

PUBLIC NOTICE OF HEARING BEFORE 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. 43
 Request of Frank Schurmer/John Smitchger for a VARIANCE of the regulations of the Zoning Ordinance to the regulations of the Zoning Ordinance to permit construction of one-family residential dwelling with insufficient lot area, lot width, side yard and frontage.

being a VARIANCE of Section 48-12 Table of Bulk Regs. Col. 4, 5, 7 & 9 for property situated as follows:
 Oak Drive, Town of New Windsor, NY (Beaver Dam Lake) known and designated as Tax Map Section 62, Block 7, Lots 2 & 3.

SAID HEARING will take place on the 27 day of January, 1986, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, NY, beginning at 7:30 o'clock P.M.

DANIEL P. KONKOL
 Chairman
 By: Patricia Delio
 Secretary

State of New York
County of Orange, ss:

Everett W. Smith, being duly sworn
disposes and says that he is
Publisher of the E.W. Smith
Publishing Company, Inc. publisher
of The Sentinel, a weekly newspaper
published and of general circulation
in the Town of New Windsor, and that
the notice of which the annexed is
a true copy was published once
in said newspaper, commencing on
the 9th day of JANUARY A.D., 1986
and ending on the 9th day of JANUARY
A.D. 1986

Subscribed and shown to before me
this 24th day of Jan, 1986

Patricia Delio
Notary Public of the State of New York
County of Orange.

My commission expires 3/30/87

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987.



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

January 28, 1986

1763

Mr. John Smitchger
SMITZGER REALTY
270 Main Street
Cornwall, N. Y. 12518

RE: APPLICATION FOR AREA VARIANCES
#85-43

Dear Mr. Smitchger:

This is to confirm that a public hearing was held regarding the above-entitled application before the Zoning Board of Appeals. The Board voted to deny the above request for area variances. This decision was made at the January 27, 1986 meeting.

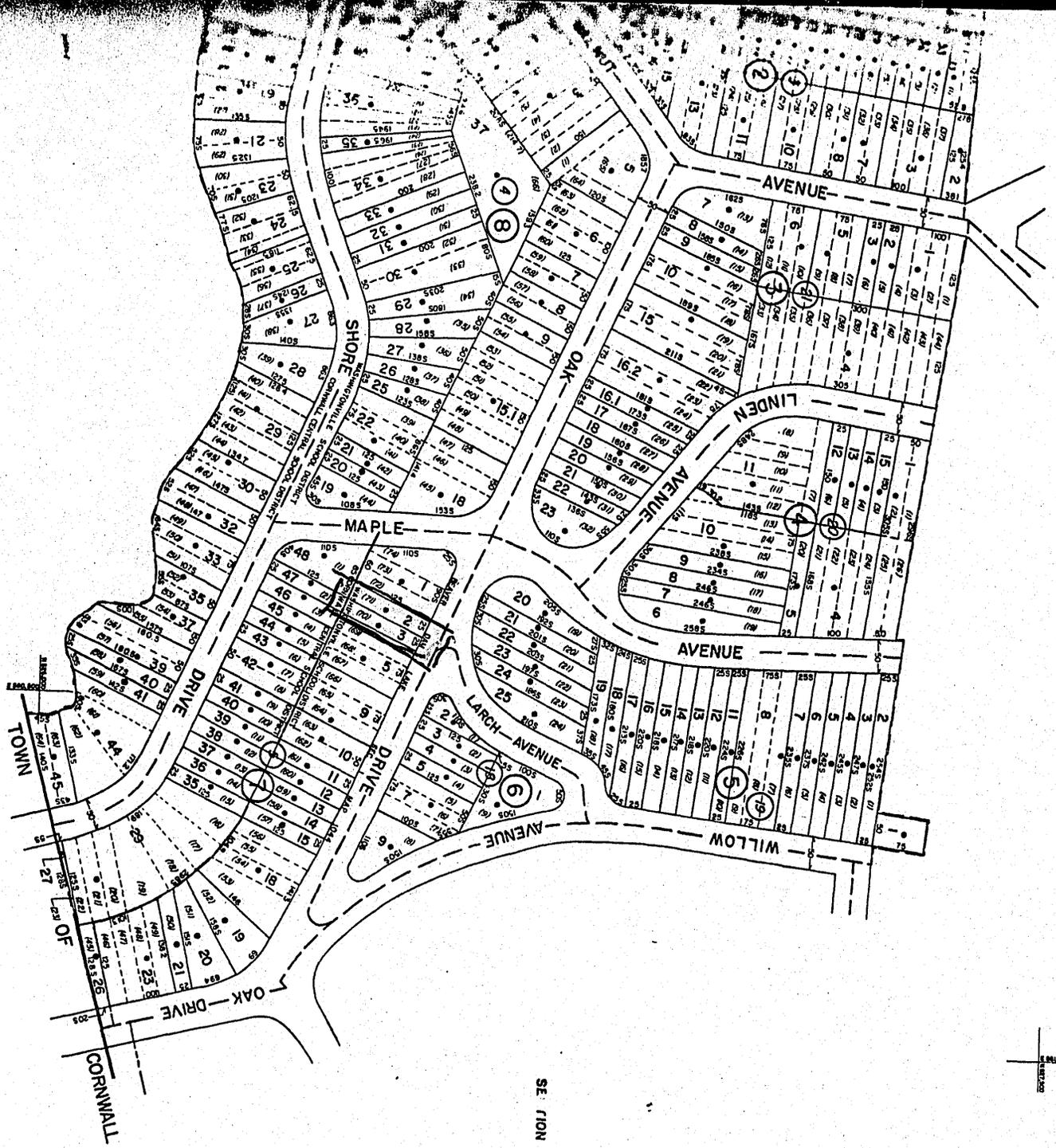
Formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

PATRICIA DELIO
Secretary to Zoning Bd. of Appeals

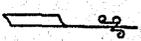
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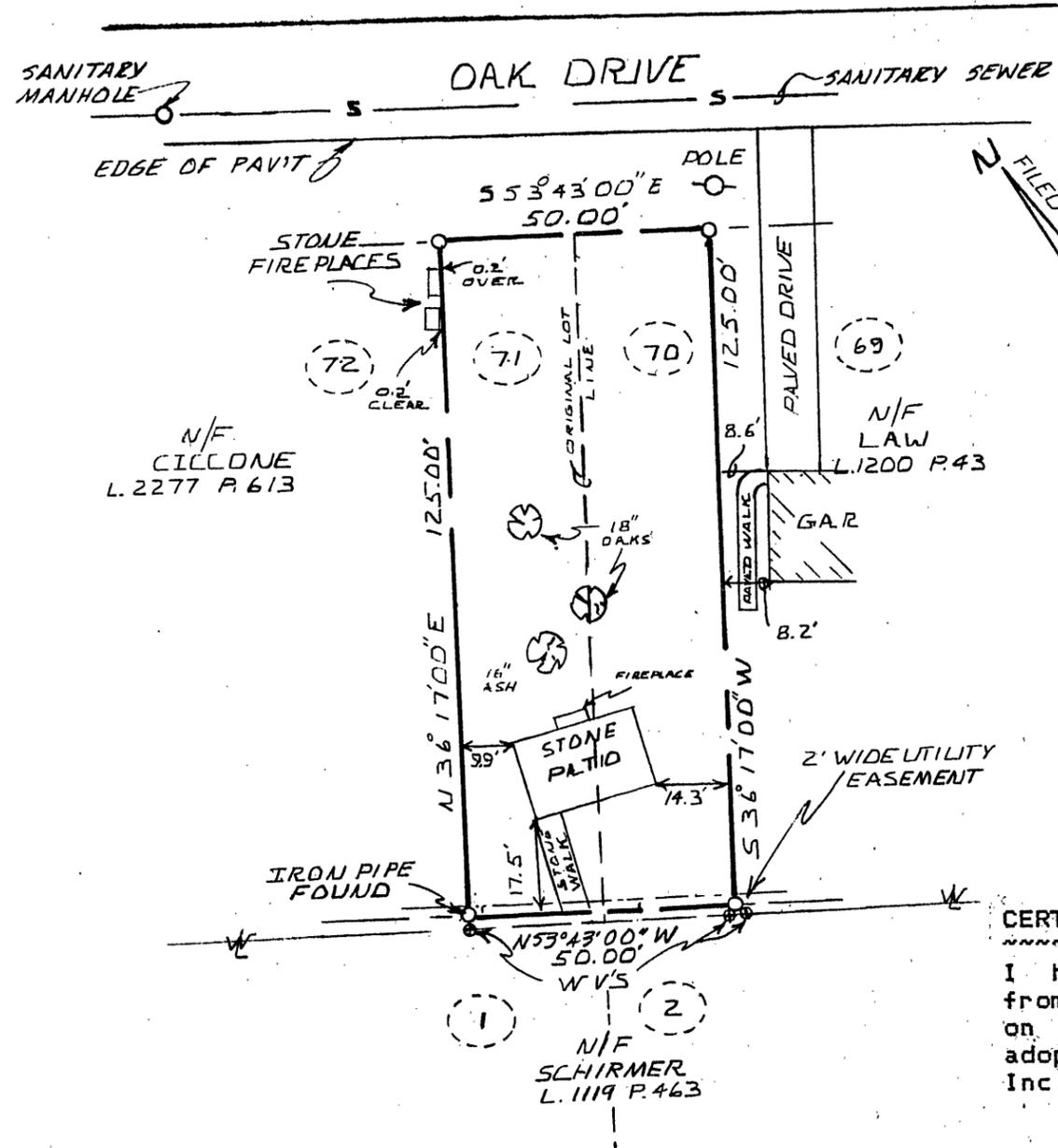
cc: Town Building Inspector
Planning Board



SECTION 57

SECTION 63





GENERAL NOTES

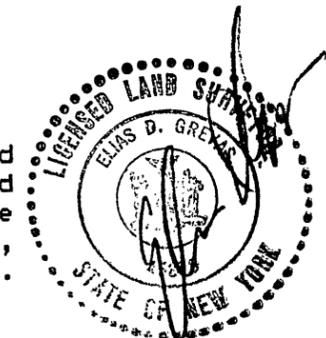
1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209 (2) of the New York State Education Law.
2. Only copies from the original of this survey, marked with an original of land surveyor's inked seal, shall be considered to be valid true copies.
3. Certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon and is not transferable to additional institutions or subsequent owners.

SPECIAL NOTES

1. Being Lots 70 and 71 in Block 5, as shown on a map entitled "Beaver Dam Lake-Section 1", said map having been filed in the Orange County Clerk's Office on 5 May 1931 as Map No. 1044.
2. Surveyed in accordance with said map, deeds of record and physical features found at the time of survey.
3. Offsets shown are at right angles to the property lines, unless otherwise noted.
4. No Certification is made for items not visible at ground surface at time of survey.
5. Subject to utility grants and easements of record, if any.

CERTIFICATION

I hereby certify to Frank Schirmer that this plan resulted from an actual field survey of the indicated premises completed on 1 May 1985 performed in accordance with the Code of Practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc. and is, to the best of my knowledge and belief, correct.



 ELIAS D. GREVAS, L.S. LAND SURVEYOR 33 QUASSAICK AVENUE NEW WINDSOR, NEW YORK 12550		SURVEY FOR:	
		FRANK SCHIRMER	
REVISIONS:		TOWN OF NEW WINDSOR · ORANGE COUNTY · NEW YORK	
DATE	DESCRIPTION	Drawn: <i>SKG</i>	BOUNDARY/LOCATION SURVEY
		Checked: <i>W</i>	
		Scale: 1" = 30'	
		Date: 6 MAY 1985	
		Job No: 85-104	

TOWN OF NEW WINDSOR
INTER-OFFICE CORRESPONDENCE

Rec'd
1/27/86.

TO: ZONING BOARD OF APPEALS
FROM: COUNCILMAN L.D. ROSSINI
DATE: JANUARY 27, 1986
SUBJECT: APPEAL #43--SCHIRMER/SMITCHGER PARCEL--62-7-2&3

Due to the somewhat unique situation affecting the property involved, I wish to bring to your attention that Sec 48-26B of the Zoning Local Law is applicable to the parcel specified in the subject appeal.

A review of the Tax Map and records will show that the parcel is contiguous to other property in the same ownership and that it is actually the rear yard of a dwelling located on Shore Drive. Sale of the subject parcel and construction of a dwelling would constitute a minor subdivision which will result in the creation of yet another nonconforming lot on Shore Drive.

While the Zoning Board of Appeals would be acting totally within its' power if it decided to grant the appeal, issuance of a building permit by the Building Inspector would be improper until the subdivision issue is decided by the Planning Board as required by 48-26B.

The above is offered for informational purposes only and is not intended to influence your decision with respect to the actual question of the subject appeal.

Thank you in advance for your continued cooperation.



L.D. Rossini

cc: Planning Board
Building and Zoning Inspector Babcock

1/22/86 Public Hearing - Shuimer/Schmitzges

Name:

Address:

Rud Sarnowski	✓ opposed	RD4 Oak Ln Box 296	NW
Andrew R. Kinn	✓ opposed	RD4 Oak Drive Box 294	NW
Robert Law	✓ opposed	Box 299 OAK DR	NW
GARY L. CARTER	✓ object.	Box 318 Shore Dr	NW
* Mr & Mrs P. Ciccone	object	B. 495 Maple + Oak	NW
Jan Van der Essen	in favor	RD4 ^{Box} 315 Shore Dr.	W. W
Carole McGuinness	✓	353 Shore Dr. New Windsor	

*

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

85-43.

Date: 1-6-86

- I. ✓ Applicant Information: Frank Schirmer, Rt. 32, New Windsor (owner)
- (a) John J. Smitchger, 270 Main Street, Cornwall, NY 534-7874 (contract-
(Name, address and phone of Applicant) (~~Owner~~) vendee)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- Use Variance Sign Variance
- Area Variance Special Permit

III. ✓ Property Information:

- (a) R-4 Oak Drive, New Windsor 62,7,2&3 50 x 125
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? none
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 1950
- (e) Has property been subdivided previously? no When? _____
- (f) Has property been subject of variance or special permit previously? no When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? no Yes.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: no

IV. Use Variance:

- (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.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48.12, Table of Bulk Regs., Col. 4-5-7-9

Requirements	Proposed or Available	Variance Request
Min. Lot Area 15000	6250	8750
Min. Lot Width 100'	50'	50'
Reqd. Front Yd.		
Reqd. Side Yd. 15 / 15	9 / 9	6 / 6
Reqd. Rear Yd.		
Reqd. Street Frontage* 60	50	10 foot
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		

* Residential Districts only
** Non-residential districts only

✓(b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application. Under present market conditions it is not practical to build a home only 24 feet wide! Most homes in the area already have only six to eight foot side yards. (see attached Map)

VI. Sign Variance:

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

	Requirements	Proposed or Available	Variance Request
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

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

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

(b) Describe in detail the use and structures proposed for the special permit.

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 Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

I will take any steps necessary to maintain the stable presence of the neighborhood.

IX. Attachments required:

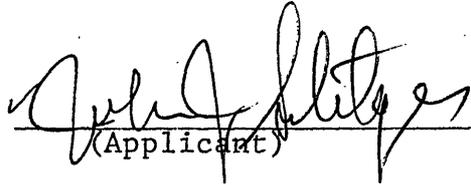
- Copy of letter of referral from Bldg./Zoning Inspector.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- Copy(ies) of sign(s) with dimensions.
- Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 1-6-86

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

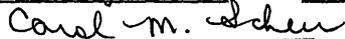
The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning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



(Applicant)

Sworn to before me this

6 day of January, 19 86


CAROL M. SCHEER

Notary Public, State of New York
Appointed For Orange County
Commission Expires March 30, 1987

XI. ZBA Action: _____

- (a) Public Hearing date _____.
- (b) Variance is _____.
Special Permit is _____.
- (c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

Zoning Board of Appeals
Town of New Windsor

January 26, 1986
Rec'd & filed
1/27/86.

Dear Board Members:

Please let this letter serve as a written statement that I am opposed to the granting of the variance requested in appeal No. 43.

I believe that the narrow configuration of the lots in question (Tax Map Section 62, Block 7, Lots 2 & 3) would place any house too close to the neighboring homes. This closeness would greatly infringe on the privacy of these current home owners and negatively affect the future re-sale value of their homes.

Additionally, it is my understanding that the proposed home will be built on speculation and that neither of the requesting parties plan to live in this house. It is therefore understandable that they have little concerns regarding the close property lines.

I hope that the Board members will give this objection consideration in its evaluation of this appeal.

Very truly yours,

Dolores M. Schimenti
Box 496 Maple Ave (at oak)
New Windsor, New York



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

November 21, 1985

1763

Smitchger Realty
270 Main St.
Cornwall, NY 12518

Re: 62-7-2, 62-7-3

Dear Sir:

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

The charge for this service is \$75.00. Please remit the same to the Town Clerk, Town of New Windsor.

Thank you.

Very truly yours,

CHRISTIAN E. JAHRLING, IAO
SOLE ASSESSOR
Town of New Windsor

CEJ/jk
Attachments



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

1763

Flavola Anthony
& Mary
RD4 Oak Dr
New Windsor NY 12550

*letter
back*

Kosik Alexander
& Mary
RD4 Oak Dr
New Windsor NY 12550

Vella Charles G
& Fredericka
1036 Roberta St
Venice Fl 33595

DiMatteo Salvatore
& Lucy
RD4 Maple Ave
New Windsor NY 12550

Cabral Kenneth A
& Kammy Lou Griffen
RD2 Box 126
Tuxedo NY 10987

Lazarus Sherrill Murray
& Stacey
Box 485
RD4 Maple Ave
New Windsor NY 12550

Diehl John E
& Aileen M
Box 488
RD4 Maple Ave
New Windsor NY 12550

Losio Joseph
et al
Box 476
RD4 Maple Ave
New Windsor NY 12550

*letter
back*

Casey Bernard T
& Anna
RD4 Maple Ave
New Windsor NY 12550

Loronzen Keith
& Jeannette
Box 474
RD4 Maple Ave
New Windsor NY 12550

Salamone Iona L
RD4 Maple Ave
New Windsor NY 12550

Kuriplach Andrew R
& Elizabeth
RD4 Oak Dr
New Windsor NY 12550

Sarnowski Richard G
Box 296
RD4 Oak Dr
New Windsor NY 12550

Abouelezz Ahmed
& Grace
Box 295
RD4 Oak Dr
New Windsor NY 12550

Laux Frederick
& Florence
RD4 Willow Ave
New Windsor NY 12550

Ciccione Joanne
RD4 Maple Ave
Box 495
New Windsor NY 12550

Schirmer Frank
& Elsie M
Box 318
RD4 Shore Dr
New Windsor NY 12550



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Law Walter B
& Deborah C ✓
Box 299
RD4 Oak Dr
New Windsor NY 12550

Van Der Essen Ian V ✓
& Adeline
315 Shore Dr RD4
New Windsor NY 12550

Keller John (Trustee) ✓
7 Dutchess Ct
Newburgh NY 12550

Cardinal Thomas K
& Andrea ✓
Box 300
RD4 Oak Dr
New Windsor NY 12550

Carlough Joan M
301 Oak Dr RD4
New Windsor NY 12550

Palmer Melville I Jr ✓
Box 312
RD4 Shore Dr
New Windsor NY 12550

White Jerry K ✓
Box 314
RD4 Shore Dr
New Windsor NY 12550

Slack Benjamin
& Gloria Lord
c/o Spindel C
PO Box 4444
New Windsor NY 12550

Carter Gary L ✓
& Carol L
Box 318
RD4 Shore Dr
New Windsor NY 12550

Cirigliano Theresa ✓
7 Fisk Rd
~~Holtsville NY 11742~~

Schimenti Michael Charles
& Lorraine S
38 Irving Pl
Lynbrook NY 11563

Janatsch Edward W ✓
& Margaret J
Box 409
RD4 Oak Dr
New Windsor NY 12550

Schimenti Delores M ✓
Apt 2H
300 E 51 St
New York NY 10022

Schimenti Michael
& Dorothy
1227 Barry Ave South
Valley Stream NY 11580

Schimenti-Mariano ✓
& Dorothy M
1227 Barry Dr South
Valley Stream NY 11580

Aceto Josephine ✓
RD4 Shore Dr
New Windsor NY 12550

letter
back



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

1763

Campbell Irene B
56-D Edinburgh Lane ✓
Lakehurst NJ 08733

Widmayer William G
& Adele A ✓
Box 323
RD4 Shore Dr
New Windsor NY 12550

Losio Joseph
& Winifred ✓
Box 325
RD4 Shore Dr
New Windsor NY 12550

Purpora James
& Frances ✓
RD4 Shore Dr
New Windsor NY 12550

Somma Ralph
& Joan ✓
Box 318B
RD4 Shore Dr
New Windsor NY 12550

Beaver Dam Lake Water Corp
c/o Frank Schirmer ✓
Box 318
RD4 Shore Dr
New Windsor NY 12550

Cassuto Marc
& Maggie ✓
110-33 72nd Ave
Forest Hills NY 11375

Lowe James Jr
& Catherine ✓
RD4 Shore Dr
New Windsor NY 12550

Zumbo Mario S
& Adeline ✓
Box 500
RD4 Shore Dr
New Windsor NY 12550

Broadhurst Robert Jr ✓
HR1 Box 628
Greenwood Lake NY 10925

McGuinness Brendan
& Patricia ✓
24 Jervis Rd
Yonkers NY 10701

Kurz Anna ✓
Box 503
RD4 Shore Dr
New Windsor NY 12550

Mirabile Charles
& Margaret ✓
Box 504
RD4 Shore Dr
New Windsor NY 12550

Whaley Robert K
& Janice B ✓
Box 291
RD4 Willow Ave
New Windsor NY 12550

Ferris William
& Margaret A ✓
RD4 Willow Ave
New Windsor NY 12550

Tesoriere Charles
& Daryl ✓
Box 294
RD4 Willow Ave
New Windsor NY 12550

*letter
back*

*letter
back*



TOWN OF NEW WINDSOR

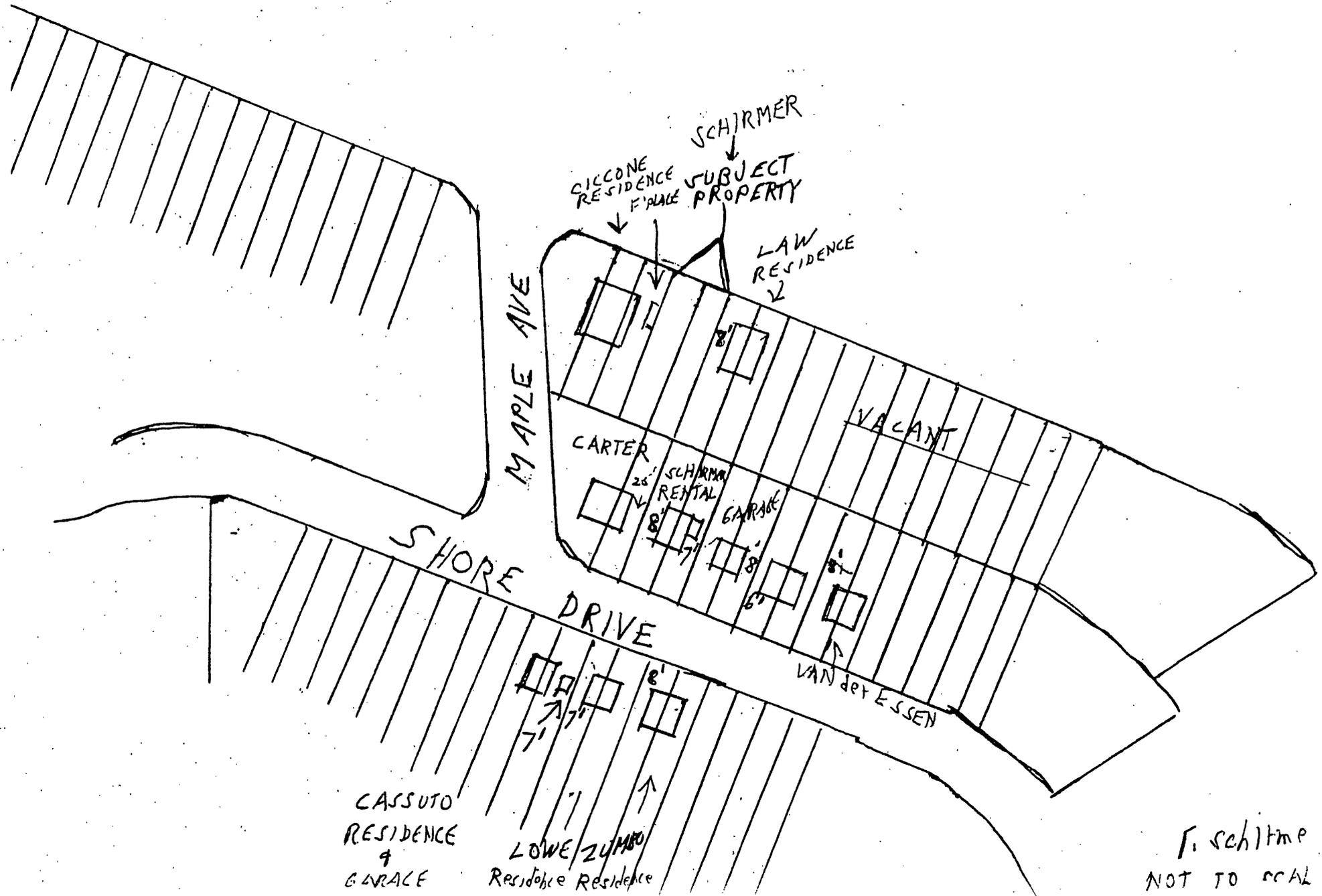
555 UNION AVENUE
NEW WINDSOR, NEW YORK

1763

Morin Andree
643 Rt 9W
Middlehope NY 12550

Snipel Corp
27 Waring Rd
Newburgh NY 12550

✓
letter
back



F. Schilme
NOT TO SCALE

(2) PAT
Sept. 23rd
7:30 pm.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

85-43

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

62-7-283

File No. Date 7/15/1985

To FRANK SCHIRMER (owner)

SHORE DR.

PLEASE TAKE NOTICE that your application dated 7/22/1985

for permit to B.V.L.D. HOUSE

at the premises located at SECTION 62 BLOCK 7 LOT 2x3

OAK DRIVE BEAVER DAM LAKE R-4-

is returned herewith and disapproved on the following grounds:

.....
.....
.....

Michael Babcock
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area	15,000	6250
Min. Lot Width		8750

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

62-7-283

File No.

Date 7/15/1985

To FRANK SCHIRMER (owner)

SHORE DR.

PLEASE TAKE NOTICE that your application dated 7/22/1985

for permit to BUILD HOUSE -

at the premises located at SECTION 62 BLOCK 7 LOT 2x3
OAK DRIVE BEAVER DAM LAKE R-4-

is returned herewith and disapproved on the following grounds:

Michael Babcock
Building Inspector

Requirements	Proposed or Available	Variance Request
1) Min. Lot Area 15,000	6250	8750
2) Min. Lot Width 100'	50'	50'
Reqd. Front Yd. 35'		
3) Reqd. Side Yd. 15/30	9/9	6/6 (12 ft.)
Reqd. Rear Yd. 40'		
4) Reqd. Street Frontage* 60'	50'	10'
Max. Bldg. Hgt.		
5) Min. Floor Area* 1,000 sq ft	960 sq ft	40 sq ft
Dev. Coverage* 30%		%
Floor Area Ratio**		

* Residential Districts only
** Non-residential districts only

Name of Owner of Premises Frank Schinner
 Address Shaw Dr Phone 496-4412
 Name of Architect Frank Carlow
 Address 610 Dr Cornwall NY Phone 534-7511
 Name of Contractor John Smithers Construction
 Address 270 Main St Cornwall Phone 534-7874
 State whether applicant is owner, lessee, agent, architect, engineer or builder: Builder
 If applicant is a corporation, signature of duly authorized officer:

John J. Smithers
 (Name and title of corporate officer)

1. On what street is property located? On the S side of Oak Dr
 (N. S. E. or W.)
 and 60 feet from the intersection of Maple
2. Zone or use district in which premises are situated R4
3. Tax Map description of property: Section 62 Block 7 Lot 2 and 3
4. Size of lot: Front 25 Rear 25 Depth 125 Front Yard..... Rear Yard..... Side Yard.....
 Is this a corner lot? No
5. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
 a. Existing use and occupancy V. Hunt b. Intended use and occupancy Residence
6. Nature of work (check which applicable): New Building Addition Alteration..... Repair.....
 Removal..... Demolition..... Other.....
7. Dimensions of entire new construction: Front 32 Rear 32 Depth 30 Height 20 Stories 1 1/2
8. Material of new construction Frame
9. If dwelling, number of dwelling units 1 Number of dwelling units on each floor.....
 Number of bedrooms 3 Baths 2 Toilets 2
 Heating Plant: Gas..... Oil Electric...../Hot Air..... Hot Water.....
 If Garage, number of cars 1
10. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
11. Estimated cost 60,000 Fee.....
 (to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

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.

Address 270 Main St. Cornwall Phone 534-2824

State whether applicant is owner, lessee, agent, architect, engineer or builder: Builder
If applicant is a corporation, signature of duly authorized officer.

John J. Hiltz
(Name and title of corporate officer)

1. On what street is property located? On the S side of Oak Dr
(N. S. E. or W.)
and 60 feet from the intersection of Maple
2. Zone or use district in which premises are situated R4
3. Tax Map description of property: Section 62 Block 7 Lot 2 and 3
4. Size of lot: Front 25 Rear 25 Depth 125 Front Yard.... Rear Yard.... Side Yard....
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a. Existing use and occupancy V. Hunt b. Intended use and occupancy Residence
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CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 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 is completed, and before it is covered from inside, and Plumbing rough-in.
- 5-Plumbing final & final. Have on hand Electrical Inspection Data per the Board of Fire Underwriters, and final certified plot plan. Building is to be complete at this time.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
 Approved.....19.....
 Disapproved a/c.....
 Permit No.

Office of Building Inspector
 Patrick T. Kennedy, Building Inspector
 Town Hall, 555 Union Avenue
 New Windsor, N.Y. 12550
 Telephone 565-8807

Refer -
 Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....7/15/.....1985.....

INSTRUCTIONS

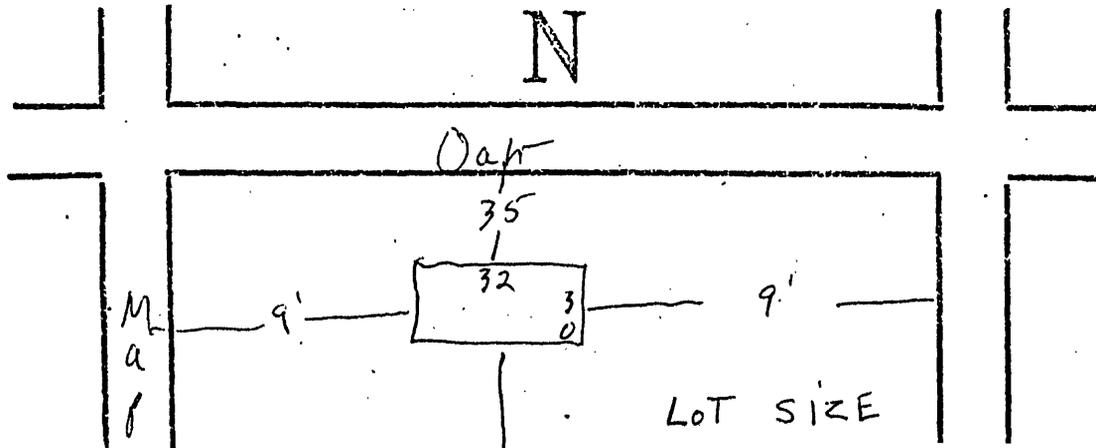
- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout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

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

John J. Sulej 270 Main St. Cornwall NY
 (Signature of Applicant) (Address of Applicant)

PLOT PLAN

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



APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

- Planning Board.....
- Highway.....
- Sewer.....
- Water.....
- Zoning Board of Appeals.....

Date, 7/15/1985

INSTRUCTIONS

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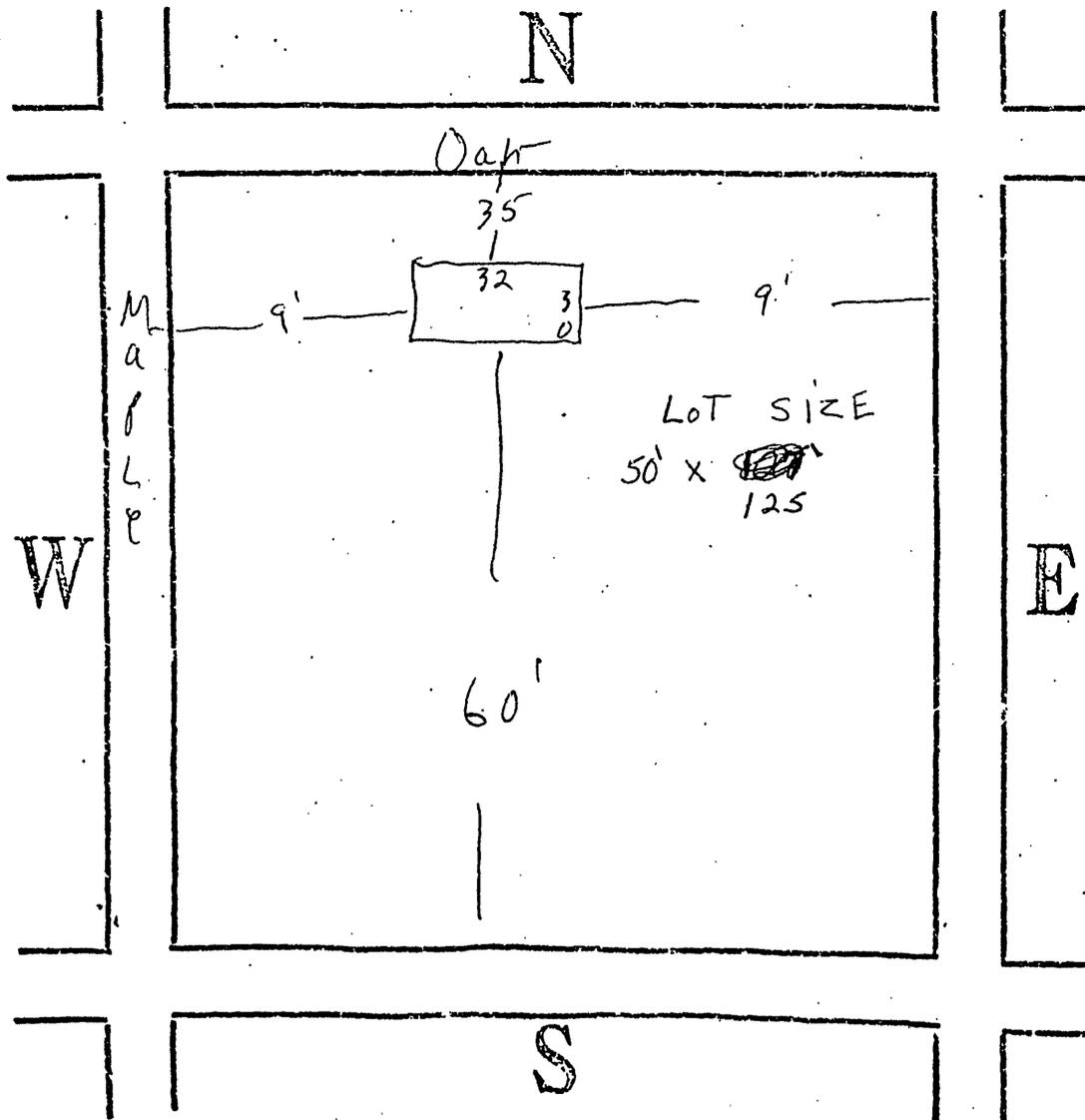
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John J. Suter
(Signature of Applicant)

270 Main St. Cornwall NY
(Address of Applicant)

LOT 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.



ZONING BOARD OF APPEALS
January 13, 1986

AGENDA:

- (1) 7:30 p.m. - ROLL CALL
- (2) Motion to accept the 12/9/85 minutes as written.

PRELIMINARY MEETING:

- (3) MT. AIRY MOBILE HOME PARK - Request for sideyard variance of 6 ft. on each side of trailer. Frank Dellojoio, manager of park, present representing owner.

PUBLIC HEARING:

- (4) MC GUINNESS, BRENDAN - Request for area variances to construct residential dwelling on Oak Street in Beaver Dam Lake. Applicant needs: (1) area; (2) sideyard; (3) lot width; (4) street frontage and (5) floor area.

- (5) MOODNA DEVELOPMENT CO., INC./SCHOONMAKER HOMES, INC. - Request for 9 ft. rearyard variance for construction of one-family residential dwelling at 52 Creamery Drive, New Windsor, N. Y. in an R-4 zone. Leigh Lydecker, Vice President of Moodna (owner), present.

- (6) EPG REALTY CORP./SUTHERLAND - Request for installation of laundromat by special permit of ZBA. Also, interpretation of Zoning Local Law as the amount of machinery installed. John Sutherland and Angel Cabalero in attendance.

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*

ELECTION OF OFFICERS FOR 1986.

- (7) FORMAL DECISION: (1) VACCARO/MURPHY
(2) LUCAS/DE ROBERTIS

Pat 565-8550 (o)
562-7107 (h)

PUBLIC NOTICE OF HEARING BEFORE
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. 43

Request of FRANK SCHIRMER/JOHN SMITCHGER

for a VARIANCE. ~~SPECIAL PERMIT~~ of

the regulations of the Zoning Ordinance to

permit construction of one-family residential

dwelling with insufficient lot area, lot width,

side yard and frontage,

being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-12 - Table of Bulk Regs.-Cols. 4,5,7 & 9

for property situated as follows:

Oak Drive, Town of New Windsor, N. Y. (Beaver

Dam Lake), known and designated as Tax Map

Section 62, Block 7, Lots 2 & 3.

SAID HEARING will take place on the 27th day of
January, 1986, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

DANIEL P. KONKOL
Chairman



This Agreement,

Date *Made the* 3rd *day of* July *in the year One Thousand*

Nine Hundred and Eighty-five,

Between FRANK E. SCHIRMER and ELSIE M. SCHIRMER, husband and wife,
both residing at 4 Shore Drive, Town of New Windsor, Orange County, New York,

Parties *parties of the first part, and*

JOHN J. SMITCHGER, residing at no number Continental Court, Town of Cornwall,
Orange County, New York,

party of the second part in manner following: The said parties of the
first part, in consideration of the sum of FIFTEEN THOUSAND AND 00/100-----

Price

----- (\$15,000.00) ----- *Dollars,*

to be fully paid as hereinafter mentioned, hereby agree to sell unto the said

Description

party of the second part, 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, Orange County, New York, being lots Nos. 70 and 71,
Block 5, upon a certain map entitled Beaver Dam Lake, Section 1, lands of Henry
Powell Ramsdell, Towns of Cornwall and New Windsor, Orange County, New York,
made by Blake & Woodhull, C.E., dated April 22nd, 1931, and filed in the office
of the County of Orange.

BEING the same premises described in deed Elsie M. Schirmer to Frank E. Schirmer and Elsie M. Schirmer, husband and wife, dated August 6, 1980 and recorded August 8, 1980 in Liber 2172 of Deeds at page 196 in the Orange County Clerk's Office.

TOGETHER with and subject to all easements, covenants, utility, rights of way and restrictions of record as contained in the aforesaid deed.

Terms

And the said party of the second part hereby agrees to purchase said premises at the said consideration of FIFTEEN THOUSAND AND 00/100-----

-----(\$15,000.00)-----Dollars, and to pay the same as follows:

ONE THOUSAND FIVE HUNDRED AND 00/100-----(\$1,500.00)-----Dollars

on the execution of this agreement, the receipt of which is hereby acknowledged, and the balance of \$13,500.00 in cash upon closing of title.

AND THE SAID PARTIES OF SECOND PART HEREBY AGREE TO PAY THE SAID CONSIDERATION AS FOLLOWS: ONE THOUSAND FIVE HUNDRED AND 00/100 (\$1,500.00) DOLLARS ON THE EXECUTION OF THIS AGREEMENT, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, AND THE BALANCE OF \$13,500.00 IN CASH UPON CLOSING OF TITLE.

Good and
Sufficient
Deed

And the said parties of the first part, on receiving such payment

at the time

and in the manner above mentioned, shall at their own proper costs, and expenses, execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, to the said party of the second part, or to his assigns, a bargain and sale deed with covenant against grantor good and sufficient deed, containing a general warranty and the usual covenants for the conveying and assuming to him them, (the fee simple of) the said premises free from all encumbrance

it being understood and agreed that the instruments referred to in within contract, to be executed and delivered, shall conform to the requirements of the Real Property Law of the State of New York, relating to Deeds, Bonds and Mortgages, so far as the same is applicable thereto, and which deed shall be delivered on the 26th day of August, 1985, 10 o'clock A.M., at the office of Lemon & Callahan, 257 Main Street, Cornwall, New York.

Rents and
Interest

Rents and Interest on mortgages, and insurance premiums, and real estate taxes assessed against the hereinbefore described property, if any, shall be adjusted, apportioned and allowed up to the day of taking title.

Gas,
Electric
&
Plumbing
Fixtures

The gas fixtures and chandeliers, ranges, heating and hot water apparatus, water closets, bath tubs and other plumbing now on said premises are included in this sale, and in the warranty above set forth.

Loss
or
Damage

The risk of loss or damage to said premises by fire prior to the delivery of said deed is hereby assumed by the part of the first part.

Broker's
Fee

The party of the first part agrees that there is no is the broker who has brought about this sale, and agrees to pay said broker his commissions therefor

Succession

And it is understood that the stipulations aforesaid are to apply to and bind the heirs, executors, administrators and assigns of the respective parties.

Signatures

In witness whereof, the parties to these presents have hereunto set their hands and seals, the day and year first above written.

Frank Scherwin

RECORDED
INDEXED
TOWN OF
CORNWALL
NEW YORK
1985

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In Presence of

Frank Schirmer
 FRANK E. SCHIRMER

Elsie Schirmer
 ELSIE M. SCHIRMER

John J. Smitchger
 JOHN J. SMITCHGER



State of New York
County of

} **§§.**

of

On this _____ day of _____ Nineteen Hundred and _____
before me, the subscriber, personally appeared

_____ to me personally known and known to me to be the same person described in and who executed the within Instrument, and he acknowledged to me that he executed the same

THE SELLER

AT THE CLOSING OF THIS TITLE
Should produce all insurance policies, and duplicates, if the same are in his possession, or a memorandum thereof, if held by others; also produce the tax and water receipts of the current year and any leases, deeds, or agreements.

If water meter is on premises, it should be read and bill therefor produced.

If there is a mortgage on the premises to be conveyed, the receipts should be produced showing to what date the interest has been paid, and if the principal has been reduced, showing that fact.

THE PURCHASER

Should be prepared with money or a certified check drawn to his own order. The check may be certified for an approximate amount and money may be provided for the balance of the settlement.

85

85

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Contract
FOR PROPERTY

FRANK E. SCHIRMER and ELSIE M. SCHIRMER, husband and wife

TO

JOHN H. SMITCHGER

Dated, July 3, 1985

Deed to Pass on or before August 26, 1985

THOMAS P. CALLAHAN
ATTORNEY AT LAW
257 MAIN STREET
CORNWALL, NY 12518