

ZB# 94-18

**MDFC Loan Corp. /
Daniel Konkol**

32-1-15

94-18-MDFC Loan Corp. / Konkol, Daniel P.
Area.

Prelim.

May 23, 1994.

Applicant
has paperwork
letter out - 5/20/94. 4

Need:

- ① Need it.
- ② Title Report.
- ③ Fees: ① 50.00 + 292.00. 4Pa.
- ④ Photos -

Notice to Sentinel 5/23/94

Public Hearing:

June 13, 1994

Approved: 4-0
Clearance

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14059

May 24 19 94

Received of Daniel Korkol \$ 50.00

Depty and 00 DOLLARS

For ZBA App. Fee # 94-18100

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CR 760</u>		<u>50.00</u>

By Dorothy Hanson

Town Clerk
Title

© WILLIAMSON LAW BOOK Co., VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14175

July 21 19 94

Received of Dan Korkol \$ 10.00

Pen and 00 DOLLARS

For Balance Assessors Variance list 94-18

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CR 281</u>		<u>10.00</u>

By Dorothy Hanson

Town Clerk
Title

© WILLIAMSON LAW BOOK Co., VICTOR, N.Y. 14564



CO#221 - Knochen, D. & J.

CO#221 - Knochen, D.

CR 760		50.00

By [Signature]
Town Clerk
 Title

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

14175
July 21 19 94

Received of Dan Kerkol \$ 10.00

Ten and 00 DOLLARS

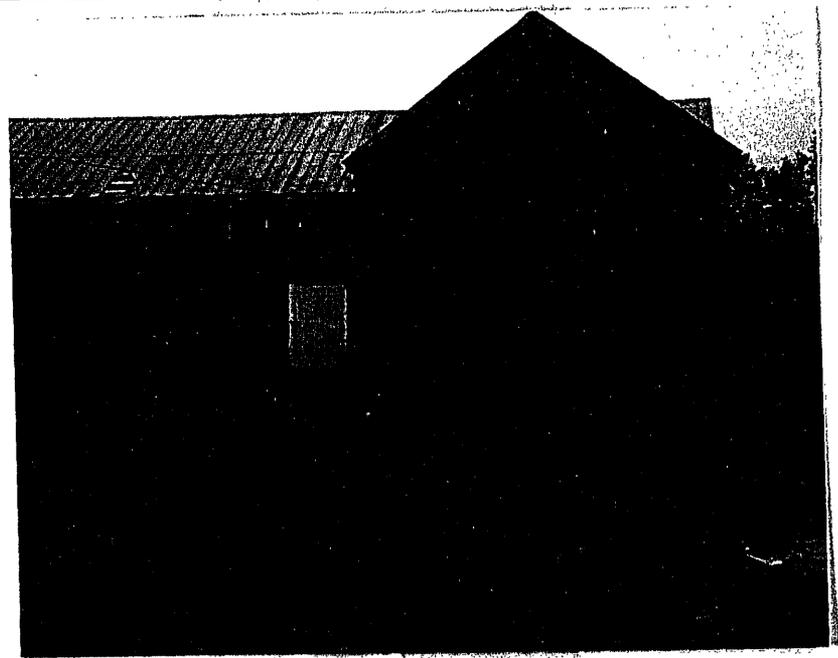
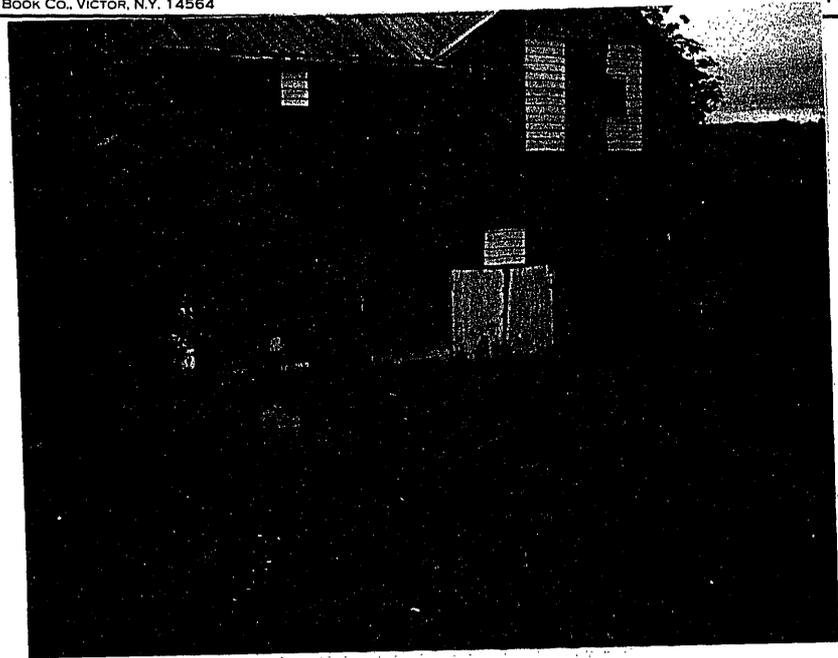
For Balance Assessors Variance Hist 94-18

DISTRIBUTION:

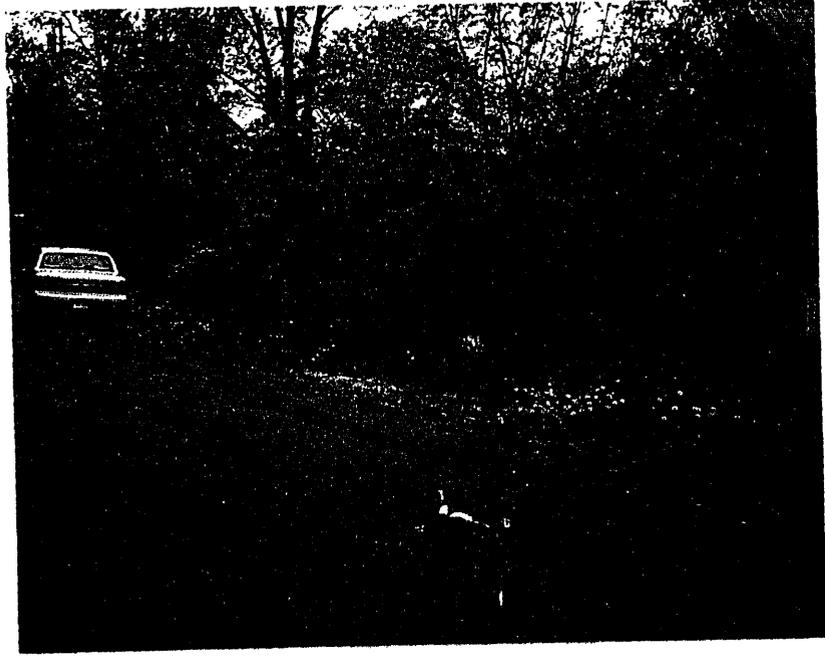
FUND	CODE	AMOUNT
CR 281		10.00

By Dorothy Hansen
Town Clerk
 Title

© WILLIAMSON LAW BOOK Co., VICTOR, N.Y. 14564



94-18-MDFC Loan Corp./Kankal, Daniel F.
Ma.





1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

May 24, 1994

Mr. Dan Konkol
11 Cross Street
New Windsor, NY 12553

Re: Tax Map Parcel #32-1-15 Variance List

Dear Mr. Konkol:

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,

Leslie Cook / LC
LESLIE COOK
Sole Assessor

LC/po
Attachments
cc: Pat Barnhart

Stewart International Airport
Airport Director
NYS Dept. of Transportation
1035 First St.
New Windsor, NY 12553

Flanagan, Edward P. & Dorothy
751 Little Britain Rd.
New Windsor, NY 12553

Donohue, Peter
137 Kings Dr.
Rock Tavern, NY 12575

Flanagan, Edward Peter & Jane Ann
Box 25, RD 2, Kings Dr.
Rock Tavern, NY 12575

King, Richard P. & Frances P.
115 Kings Dr.
Rock Tavern, NY 12575

MDFC Loan Corporation
10561 Barclay, Suite 600
Overland Park, KS 66212

Lewis, Charles M. Jr. & Nancy-Jo M.
Route 207, RD #2, Kings Dr.
Rock Tavern, NY 12575

AHFS Realty Corp.
PO Box 169
White Lake, NY 12786

Flannery, John R. & Linda G.
85 Helms Hill Rd.
Washingtonville, NY 10992

Mendez, Jose L. & Mildred Maldonado
28 Kings Dr.
Rock Tavern, NY 12575

Witfield, Donald A.
291 Mountain Rd.
Cornwall on Hudson, NY 12520

Green, Charles & Blondie
RD #1, Route 207
Rock Tavern, NY 12575

Casullo, Robert & Donna
Route 207, Box 758, RD #2
New Windsor, NY 12553

Romano, Virginia L.
7930 Roanoke Run, #205
San Antonio, TX 78240

Finnegan, Jean M.
26 Richman Ave.
Newburgh, NY 12550

Prunier, David E. & Gammino, Deborah
20 Kings Road
Rock Tavern, NY 12575

Miles, Frederick E. & Margaret M.
24 Kings Dr.
Rock Tavern, NY 12575

Denlea, Joan A.
370 West Grand Ave.
Montvale, NJ 07645

Flanagan, Dorothy & Jane
751 Little Britain Rd.
New Windsor, NY 12553

Hall, Henry, Jr. & Margaret M.
375 Toleman Rd.
Rock Tavern, NY 12575



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914)563-4630

June 14, 1994
FAX:914-563-4693

Daniel P. Konkol
11 Cross Street
New Windsor, N. Y. 12553

RE: APPLICATION FOR AREA VARIANCES-MDFC LOAN CORP./KONKOL
#94-18

Dear Dan:

This is to confirm that the following variances were approved by the New Windsor Zoning Board of Appeals at a public hearing held on June 13, 1994:

- (1) 2,411.03 s.f. Lot Area;
- (2) 8.5 ft. Front Yard; and
- (3) 12.4 ft. Rear Yard

Formal decision will be drafted and acted upon at an upcoming meeting of the ZBA. I will transmit a copy to you for your records as soon as one is available.

If I can be of further assistance please do not hesitate to contact me.

Very truly yours,

PATRICIA A. BARNHART,
Secretary

New Windsor Zoning Board of Appeals

/pab

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

94-18

Date: 05/23/94

I. Applicant Information:

- (a) MDFC LOAN CORPORATION, 10561 Barclay, Suite 600, Overland Park, Kansas 66212
(Name, address and phone of Applicant) (Owner)
- (b) KONKOL, DANIEL P., 11 Cross Street, New Windsor, N.Y. 12553
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) Frank Taylor - Marlboro, N. Y.
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) R-1 N/S Kings Drive, New Windsor, NY 32-1-15 1.2 acres +
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? OLI
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 7/31/92
- (e) Has property been subdivided previously? -
- (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: n/a
- _____
- _____
- _____

IV. Use Variance. n/a

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

(b) ^{n/a} 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) ^{n/a} The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No x .

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 48-12, Table of Use/Bulk Regs., Col. C,E,G .

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>43,560 s.f.</u>	<u>41,148.987 s.f.</u>	<u>2,411.03 s.f.</u>
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>45 ft.</u>	<u>36.5 ft.</u>	<u>8.5 ft.</u>
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>50 ft.</u>	<u>37.6 ft.</u>	<u>12.4 ft.</u>
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:

(See attached)

(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 _____, Table of _____ Regs., Col. _____.

	<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 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

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

The barn in question was constructed in or around the 1950's, has two stories and is located in the center of a parcel of land which is 1.2 acres in area. The zoning in this area is R-1 which permits construction of single-family residences with a minimum lot area of 43,560 sq. ft. The applicant Daniel P. Konkol is under contract to purchase the parcel and if the area variances are granted, he will have the barn renovated into a single-family residence.

The Building Inspector's Office issued a notice of denial of a building permit application due to insufficient front yard, rear yard and side yard in order to allow the proposed renovation.

Since these requests are in the nature of area variances, the Applicant presents five specific points to explore:

1. The Applicant believes that if these variances are granted they will not produce an undesirable change in the character of the neighborhood or detriment to nearby properties. Since the zoning in the area is R-1 (residential), the area will remain as such but will be improved with a new single-family residence thereon.

2. There is no method that the Applicant can feasibly pursue other than the area variances which are being sought.

3. The Applicant submits that the extent of the variances sought are not substantial since the area of the property is more than an acre.

4. Applicant feels that the proposed variances sought will not have an adverse effect or impact on either the physical or environmental conditions in the neighborhood. The variances if granted will result in residential improvements to the otherwise deteriorated structure.

5. The Applicant's difficulties are not self-created since the structure to be renovated is a pre-existing, non-conforming structure.

In view of all of the facts and circumstances presented to this Board, Applicant respectfully requests that the area variances sought be granted.

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: September 26, 1994.


Chairman

(ZBA DISK#12-091594.DPK)

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

MDFC LOAN CORP./KONKOL, DANIEL P.
#94-18.

DECISION GRANTING
AREA VARIANCE

-----X

WHEREAS, MDFC LOAN CORPORATION, a corporation having an office at 10561 Barclay, Suite 600, Overland Park, Kansas 66212, owner, and DANIEL P. KONKOL, 11 Cross Street, New Windsor, N. Y. 12553, contract vendee, have made application before the Zoning Board of Appeals for 2,411.03 s.f. lot area, 8.5 ft. front yard and 12.4 ft. rear yard variances to convert barn to single-family residence on Kings Drive in an R-1 zone; and

WHEREAS, a public hearing was held on the 13th day of June, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared by DANIEL P. KONKOL, contract vendee; and

WHEREAS, there were seven (7) spectators appearing at the public hearing; and

WHEREAS, a number of spectators spoke with questions and comments and questioned the accuracy of the survey presented by the applicant. The spectators expressed concerns over the appearance of the building but no spectator expressly stated opposition to the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings 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 presented by the applicant showed that:

(a) The subject property is in a residential neighborhood containing one-family homes.

(b) The property has an existing barn structure which the applicant seeks to convert to a one-family home. This structure has existed for a long time before zoning but the exact date of construction is uncertain. This structure cannot feasibly be moved and the lot is too small to be a legal buildable lot under the current zoning regulations.

(c) The area variance requested would be less than 5%.

(d) The variances requested would allow the repair of the property which is presently in a deteriorated condition and which detracts from the neighboring properties and is an eyesore.

(e) If the variances requested were granted, there would be no larger structure on the premises than presently exists now, no more traffic would be created and no more strain would be placed on the water or septic capacity of the area than is now allowed for a one-family use.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law 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 applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is not substantial in relation to the town regulations.

4. The requested area variance is not substantial. The other variances requested may be termed substantial but the Board finds that they are nevertheless warranted since the structure pre-existed zoning and the variances requested will allow the property to be made consistent with the neighborhood and, therefore, benefits the neighboring properties as well as the applicant.

5. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

6. The difficulty the applicant faces in conforming to the bulk regulations is not a self-created one since the structure and the lot pre-exists zoning.

7. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

8. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

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

NOW, THEREFORE, BE IT

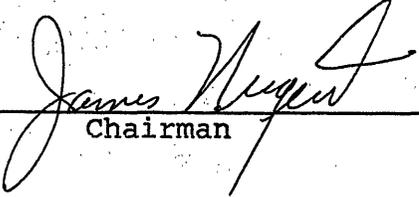
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT 2,411.03 s.f. lot area, 8.5 ft. front yard and 12.4 ft. rear yard variance to convert barn to single-family residence on Kings Drive in an R-1 zone, as sought by the applicant in accordance with plans filed with the Building

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: September 26, 1994.


Chairman

(ZBA DISK#12-091594.DPK)

6/13/94 Public Hearing - MDFC Loan/Kontol, Daniel P.

Name:

Address:

- P. D. Prokue 137 Ding Pr New Windsor
- Linda Flannery 30 King Dr. Rock Tavern
- David + Debbie Pelenier 20 King dr Rock Tavern
- Donna + Robert Casullo 758 Rt 207 New Windsor
- A J ROMANO 903 Rte 207 Rock Tavern

Prelim.
5/23/94-
#94-18.

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 5-17-94

APPLICANT: MDFC LOAN CORPORATION + DANIEL P KONKOL
11 CROSS ST
NEW WINDSOR N.Y.

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: 5-17-94

FOR (BUILDING PERMIT): TO CONVERT BARN TO ONE FAMILY HOUSE

LOCATED AT: KINGS DRIVE

ZONE: R 1

DESCRIPTION OF EXISTING SITE: SECTION 32 BLOCK 1 LOT 15

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

1. LOT AREA
2. FRONT YARD
3. REAR YARD
4. _____
5. _____


BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: <u>RI</u> USE _____	_____	_____
MIN. LOT AREA	<u>43,560 SQ FT</u> <u>41148.987</u> SQ FT	<u>2411.03</u> SQ FT
MIN. LOT WIDTH	_____	_____
REQ'D FRONT YD	<u>45 FT</u>	<u>8.5 FT</u>
REQ'D SIDE YD	_____	_____
REQ'D TOTAL SIDE YD	_____	_____
REQ'D REAR YD.	<u>50 FT</u>	<u>12.4 FT</u>
REQ'D FRONTAGE	_____	_____
MAX. BLDG. HT.	_____	_____
FLOOR AREA RATIO	_____	_____
MIN. LIVABLE AREA	_____	_____
DEV. COVERAGE	_____	_____

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
 914-563-4630 TO MAKE AN APPOINTMNET WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

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.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS 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. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$30.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH 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 & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises..... MDFC 9 DANIEL P. KONKOL

Address..... 11 Cross St Phone..... # 561-8891

Name of Architect..... Frank Taylor

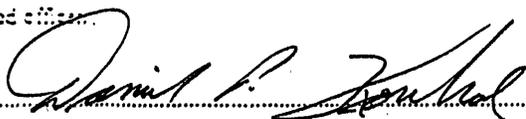
Address..... Manhasset, N.Y. Phone..... 231-7198

Name of Contractor.....

Address..... Phone.....

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. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS 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. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH 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 & PERC TEST.
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14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises MDFC 9 DANIEL P. KONKOL
 Address 11 Cross St Phone # 561-8891
 Name of Architect Frank Taylor
 Address Manhasset Neck, N.Y. Phone 231-7198
 Name of Contractor _____
 Address _____ Phone _____
 State whether applicant is owner, lessee, agent, architect, engineer or builder owner
 If applicant is a corporation, signature of duly authorized officer _____

Daniel P. Konkol
 (Name and title of corporate officer)

1. On what street is property located? On the (North) Right Side side of Kings Drive
(N.S.E. or W.)
 and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section _____ Block _____ Lot _____
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 a. Existing use and occupancy BARN b. Intended use and occupancy ONE Family
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration Repair _____
 Removal _____ Demolition _____ Other Complete Remodeling
6. Size of lot: Front Rear 322 Depth 135 Front Yard _____ Rear Yard _____ Side Yard _____
 Is this a corner lot? No
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units 1 Number of dwelling units on each floor _____
 Number of bedrooms 4 Baths 2 Toilets 2
 Heating Plant: Gas _____ Oil Electric/Hot Air _____ Hot Water
 If Garage, number of cars 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee _____
(to be paid on this application)
11. School District Washingtonville, N.Y.

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.

A deed description of lands located in the Town of New Windsor to be conveyed to Daniel P. Konkol.

Beginning at a point marked by a found iron pin on the northerly line of Kings Drive, formerly known as Old Little Britain Road, said point being the southwesterly corner of Parcel I as described in a deed found in the Orange County Clerks records, Liber 3642, Page 340, and the southeasterly corner of the parcel hereafter described, thence from said point of beginning along the road line South 71 degrees 58 minutes West 322.72 feet to a point, thence along lands now or formerly of Romano, North 01 degree 09 minutes West 135.00 feet to a point, thence along lands now or formerly of Green and now or formerly of Casullo, North 71 degrees 12 minutes 56 seconds East, 305.59 feet to a point on the westerly line of the above referenced Parcel I, thence South 08 degrees 38 minutes East, 135.00 feet to a point on the northerly line of Kings Drive and the point of beginning.

Containing 41148.987 sq. ft. or 0.9447 acres

Required	Lot	Variance needed. ?
1 acre 43,560 sq. ft,	41148.987 41,153.376	2411.03 sq. ft.
Width		
125'	322.7'	
Front Yard		
45'	<u>36.5'</u>	8.5'
Side Yard		
20/40'	105/240'	
Rear Yard		
50'	<u>37.6'</u>	12.4'

*One Existing before zoning!
Most of Adjacent Lots
Now can Farming. before zoning.*



MCDONNELL DOUGLAS FINANCE CORPORATION

13561 BANKLEY SUITE 610, CANTON, MA 01921

May 12, 1994

TO WHOM IT MAY CONCERN:

RE: ZONING VARIANCE

Please be advised that MDFC Loan Corporation has entered into a transaction with Daniel Konkol for the sale of certain real property in New Windsor, New York.

Please let this letter authorize Mr. Konkol to proceed with a zoning variance request regarding the subject real property.

Sincerely,

MDFC LOAN CORPORATION

R. D. WALL
Director
Receivable & Inventory Financing

mt

Daniel P. Konkol
11 Cross St.
New Windsor, N. Y. 12553
Tel. 562-4300 561-8891 Home

562-4300 OFFICE

SECTION 3

SECTION 2

SECTION 4

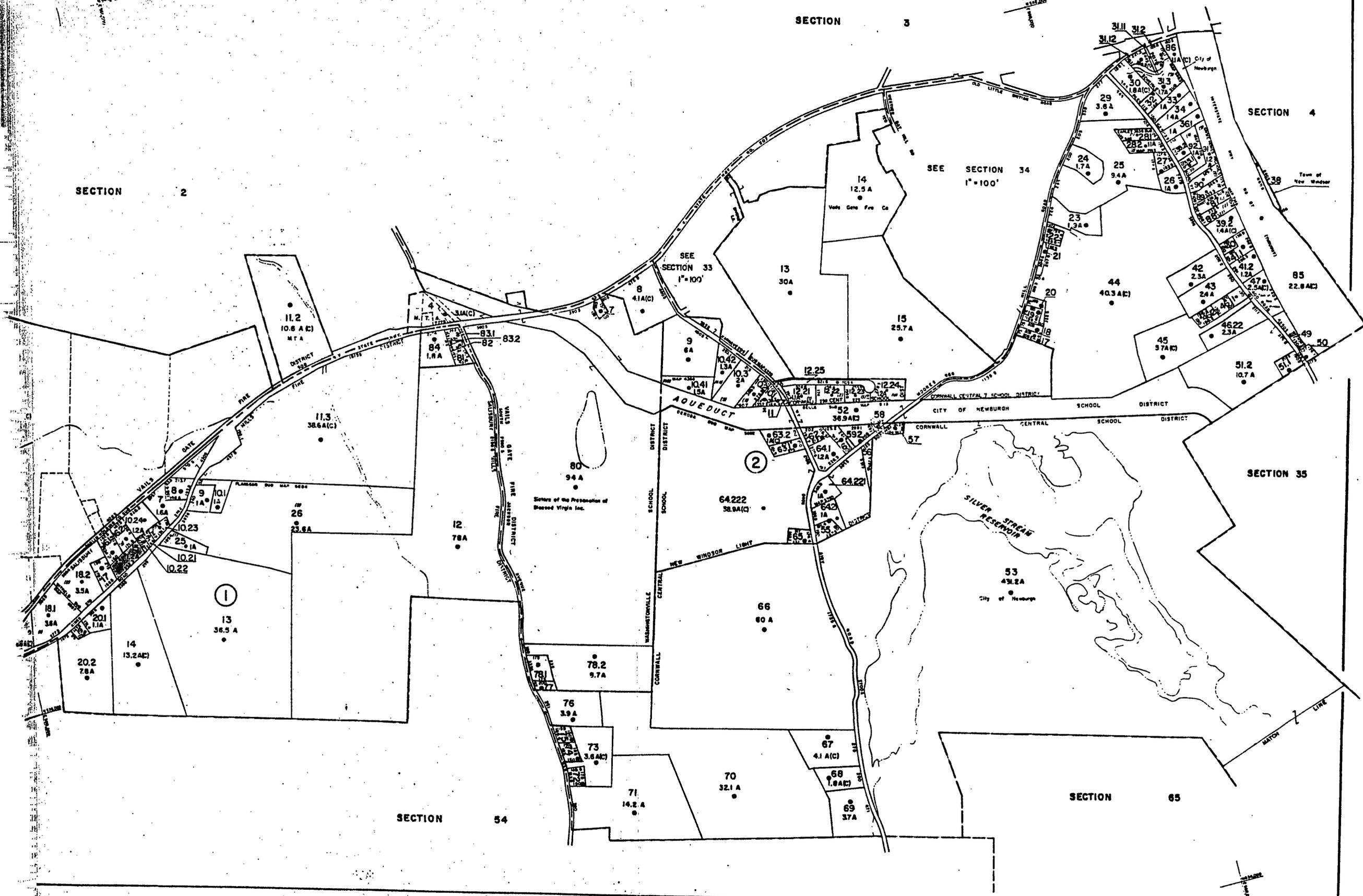
SEE SECTION 34
1"=100'

SEE SECTION 33
1"=100'

SECTION 35

SECTION 54

SECTION 65



LEGEND

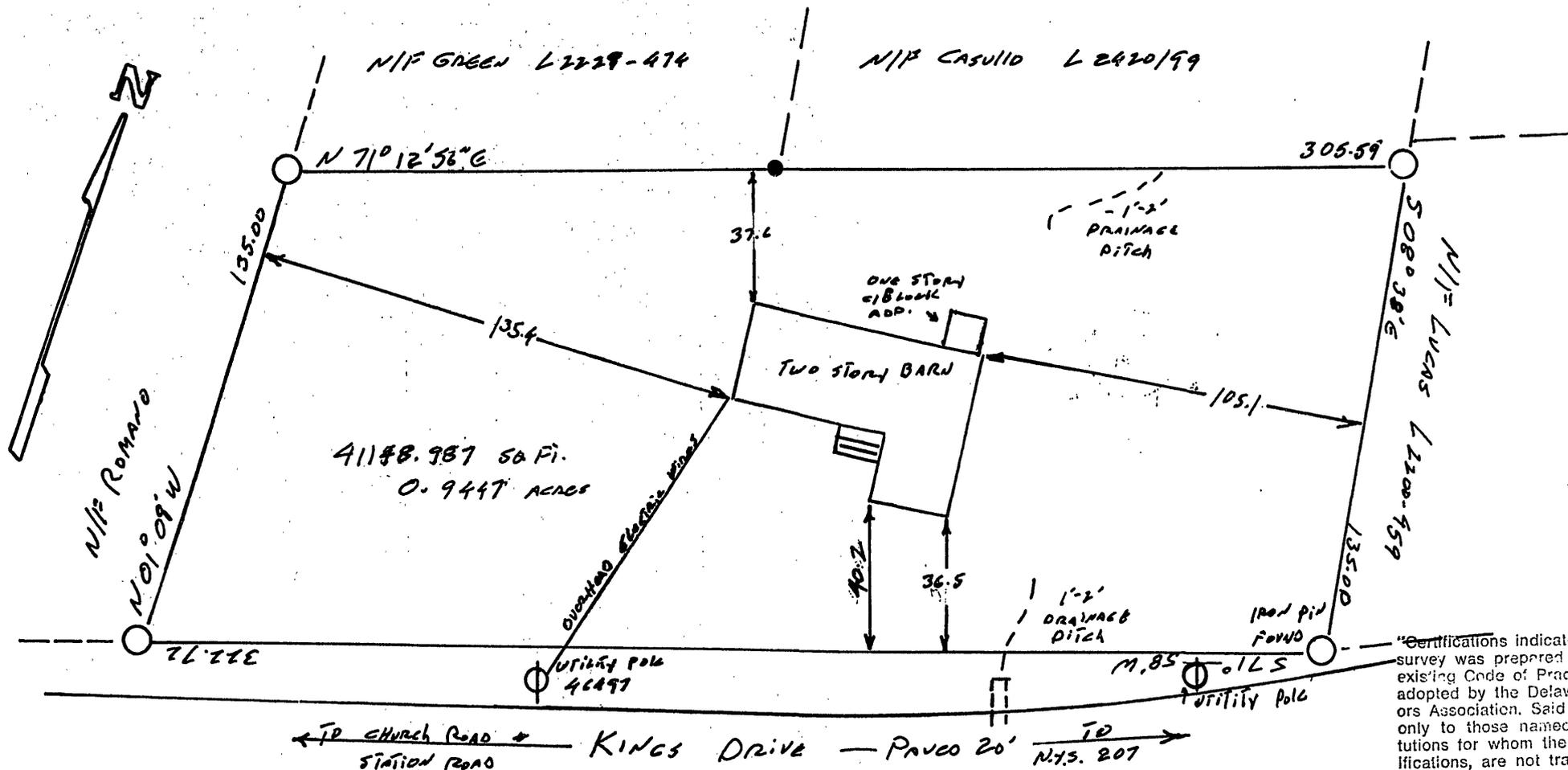
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LIMIT	MATCH LINE	AREAS	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAM	DIMENSIONS	COUNTY HIGHWAYS
PROPERTY LINE			TOWN ROADS

ORANGE COUNTY~NEW YORK

Photo No. 8-492,498,497 Date of Map 9-24-67
 Date of Photo 3-4-65 Date of Revision 3-1-68

TOWN OF NEW WINDSOR

Section No. 32



"Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveyors adopted by the Delaware-Hudson Land Surveyors Association. Said certifications shall run only to those named individuals and/or Institutions for whom the survey is prepared. Certifications, are not transferable to additional individuals, institutions, their successors and/or assigns, or subsequent owners."

A SURVEY OF LANDS OF MDFC LOAN CORPORATION

TO BE CONVEYED TO DANIEL P. KONKOL

Located in the Town of New Windsor, County of Orange
State of New York

Tax No 4800-Section 32-Block 01-Parcel 15

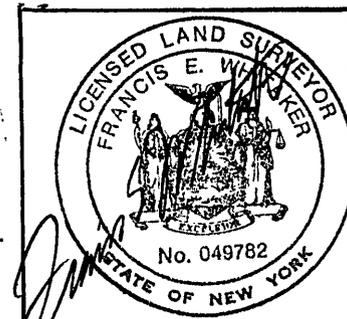
MAY 9, 1994

SCALE 1"=40'

94-08

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law."

This map is based on a field survey of May 3, 1994 and is true and correct to the best of my knowledge. It is so certified to MDFC Loan Corporation, Daniel P. Konkol, The Town of New Windsor
Francis E. Whitaker L.S.
4 Central Ave. Newburgh, N.Y.



LEGAL DESCRIPTION

OWNERSHIP & MAILING ADDRESS

33 48 00 DISTRICT	32 SECTION	1 BLOCK	15.00 LOT
314 ACCOUNT NUMBER		E 257027 N 539112 GRID COORDINATE	
311 R R H CLASS CODE	ZONING	01 OF 01 CARD NUMBER	11 ROUTING NUMBER

EVANS CALVIN Y + VIRGINIA A
LITTLE BRITAIN RD R D 2, NEWBURGH NY
VALLEY VIEW DR N.W.
Lucas Donald R
336-338 Rt. 9W

ACRES 1.2

N S KINGS RD
PROPERTY ADDRESS

DATE 04/20/62
8/16/82

RECORD OF OWNERSHIP
VENGALLI JOANNA M
LUCAS-DONALD-R
ACTION TV & APPLIANCE RENTALS INC

DATE	TYPE	SALE PRICE	SOURCE	VALIDITY
MO.	YR.		1 BUYER 2 SELLER	1 YES 2 NO
8	82	15,000	1 2 X 4	X 2
8	91	-1- (With 32-1-10.22)	1 2 3 X 4	1 X
7	92	1.00	4	No
7	92	1.00	1 2 3 X 4	1 X

LAND COMPUTATIONS MDFC. LOAN CORP 7/92 \$165,000. Yes

PROPERTY CLASSIFICATION CODE ASSESSMENT RECORD

N	ACTUAL FRONTAGE	EFFECTIVE FRONTAGE	EFFECTIVE DEPTH	UNIT PRICE	DEPTH FACTOR	ACTUAL PRICE	INFLUENCE FACTOR	LAND VALUE
L								
L								
L								
L								
S			SQ. FT.					
S			SQ. FT.					
S			SQ. FT.					
A3	1.20		ACRES	8,000				
A			ACRES					
A			ACRES					
A			ACRES					
A			ACRES					
A			ACRES					
A0	1.2		ACRES					
G								
TOTAL VALUE LAND								9600
TOTAL VALUE BUILDINGS								
TOTAL VALUE LAND & BLDGS.								9600

AGRICULTURAL-100	COMMERCIAL-400	ASSESSMENT RECORD
110-Livestock & Products	410-Living Accommodations	19
111-Poultry & products	411-Apts. other than 412/413	BLDGS.
112-Dairy products	412-Condominium apt. & products	TOTAL
113-Cattle, hogs, & products	413-Co-operative apt.	19
114-Sheep & wool	414-Hotel	LAND
115-Apary products	415-Motel	BLDGS.
116-Other livestock	416-Mobile home parks	TOTAL
120-Field Crops	417-Camps & cottages	19
130-Truck Crops-Mucklands Only	418-Other transient lodging	TOTAL
140-Truck Crops	- Other commercial	19
150-Orchard Crops	RECREATIONAL-500*	LAND
151-Tree fruits	COMMUNITY SVCS-600*	BLDGS.
152-Vineyards	710-Manufacturing & Processing	TOTAL
160-Other Fruits	720-Mining and Quarrying	19
170-Nursery/Greenhouse	730-Weils	LAND
180-Fur Products	INDUSTRIAL-700	BLDGS.
190-Fish/Game & Wildlife Preserves	710-Manufacturing & Processing	TOTAL
RESIDENTIAL-200	720-Mining and Quarrying	19
210-1 Family Year-Round	730-Weils	LAND
220-2 Family Year-Round	PUBLIC SVCS-800*	BLDGS.
230-3 Family Year Round	940-County Owned	TOTAL
240-Rural Residence w/acreage	WILD AND FORESTED-900	19
250-Estate	910-Private Other than 920	LAND
260-Seasonal	920-Private Hunting/Fishing	BLDGS.
270-Mobile Home	930-State Owned	TOTAL
UNUSED VACANT LAND-300	940-County Owned	
310-Residential		
320-Rural		
330-Commercial		
340-Industrial		
350-Urban Renewal		

DATE	TYPE	AMOUNT	NUMBER
MO.	YR.		

PROPERTY FACTORS	RESIDENTIAL PROPERTY FACTORS
NEIGHBORHOOD I.D. 1 2	NEIGHBORHOOD FACTORS
NEIGHBORHOOD RATING 3 POOR 4 VERY POOR	TYPE 1 RURAL 2 URBAN 3 SUBURBAN 4 SUBDIVISION
STREET OR ROAD 2 PAVED 3 PROPOSED	TREND 1 IMPROVING 2 STATIC 3 DECLINING
ALLEY 1 YES 2 NO	INFLUENCE ON SUBJECT PROPERTY 1 NONE 2 DEVALUING 3 ENHANCING
UTILITIES SEWER PUBLIC ELECTRICITY GAS	DESIRABILITY RATING 1 EXCELLENT 2 VERY GOOD 3 GOOD 4 AVERAGE 5 FAIR 6 POOR 7 VERY POOR
	COMPARISON TO NEIGHBORING PROPERTIES LOT IMPROVEMENTS 1. TYPICAL 2. POORER 3. BETTER 4. NONE

MEMORANDA
Old, no longer used chicken coops.
Site is a...
of...
not...

SECTION	BLOCK	LOT	TOWN OR VILLAGE	SPECIAL DISTRICT					ASSESSED VALUE			SEQ.	
				SC-600	PIPE	LIGHT	WATER	OTHER	LAND	IMPROV	TOTAL		
32	01	0150029	TOWN OF NEW WINDSOR	3	3				9600		9600	N	
OWNER NO.		LOCATION						DIMENSIONS		ACRES			
		16570N S KINGS R D										12	
											DEED RECORDED		
											DATE	BOOK	PAGE
EVANS CALVIN Y & VIRGINIA A											04/20/62	1614	707
LITTLE BRITAIN RD R D 2, NEWBURGH N Y													
Lucas Donald R											8/16/82	2229	683
336-338 Rt. 9W													
675 Route 9W, Newburgh, NY 12550													
VENGALLI JOANNA M											8/20/91	3483	14
Route 1, Box 412, Bolivar, MO 65613													
LUCAS DONALD R											7/31/92	3642	299
Route 1, Box 412, Bolivar, Missouri 65613													
ACTION TV & APPLIANCE RENTALS INC											7/31/92	3642	319
675 Route 9W, Newburgh, NY 12550													
MDFC LOAN CORPORATION											7/31/92	3642	340
10651 Barclay, Suite 600, Overland Park, Kansas 66212													
10561													

136/83

*Pls. Publish immediately. Send bill to: Daniel P. Konkol
11 Cross St.
New Windsor, NY 12553.*

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. 18

Request of MDFC LOAN CORPORATION/DANIEL P. KONKOL

for a VARIANCE of the Zoning Local Law to permit:

conversion of barn to single-family residential dwelling with insufficient lot area, front yard and rear yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs.-Cols. C,E,G.

for property situated as follows:

Kings Drive in the Town of New Windsor, New York,

known as tax lot Section 32 Block 1 Lot 15.

SAID HEARING will take place on the 13th day of June, 19 94, at New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT

Chairman

By: Patricia A. Barnhart, Secy.

PRELIMINARY MEETING:

MDEC LOAN CORPORATION

Mr. Dan Konkol appeared before the board for this proposal.

MR. NUGENT: Request for 2,411.03 s.f. lot area, 8.5 ft. front yard and 12.4 ft. rear yard variance to convert barn to single family residence located on Kings Drive in R-1 zone.

MR. KONKOL: What this is, it's a parcel of land that was actually grandfathered before zoning and I'm under contract to purchase it now. The reason I'm coming in for the variance is that we're changing the use from a barn to possibly might use it as a residence. Now, the only problem I have Gordon Flannery, my builder, we're going to see if we can salvage some of the barn. If we can't, I'm still going to need the area variance to build a new house and that is about all really I'm asking for.

MR. TORLEY: Required is one acre and you're giving us 3,803 square feet.

MR. KONKOL: No, we're giving you 41.

MR. BABCOCK: 41,148.

MR. TORLEY: Five percent. So you do not consider a 5 percent variance to be a substantial one?

MR. KONKOL: No.

MR. BABCOCK: The other two, there's a front yard and rear yard in case he uses the barn foundation or parts of it, it would require the front yard and rear yard variance.

MR. TORLEY: Does it require the variance fees using existing foundation or pre-existing structure?

MR. BABCOCK: It's a change of use we're looking as the lot's empty, if he tears it down, if he is going to use

it there that is what we have normally done, we've had a residential house that has been converted to an office building. You need to look at the office building setbacks and they have been here for several variances so that is how I wrote it up, just as past practice.

MR. KONKOL: If we can save it right now there's a lot of debris in it, I can't really tell the builder and the architect until they get in there if we can salvage the foundation, maybe the first floor. But if not, then I'd have to take it down and place a new house there, won't require anything other than the area.

MR. BABCOCK: Area variance is what he'd need no matter whether he tears it down or not so we're being cautious since he's here tonight.

MR. NUGENT: If he can use it, he can use it. I don't see any problem.

MR. TORLEY: I think it would be very nice.

MR. TORLEY: I move that we set up MDFC Loan Corporation represented by Dan Konkol for a public hearing for requested variance.

MR. KANE: I'll second that.

ROLL CALL:

MR. KANE	AYE
MR. LANGANKE	AYE
MR. HOGAN	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. NUGENT: You're all set.

PUBLIC HEARING:

MDEC. LOAN CORPORATION/KONKOL:

MR. NUGENT: Request for 2411.03 s.f. lot area, 8.5 ft. front yard and 12.4 ft. rear yard variance to convert barn to single-family residence on Kings Drive in R-1 zone.

Mr. Dan Konkol appeared before the board for this proposal.

MR. KONKOL: As I mentioned at the preliminary, we're probably going to remove the barn but I put those two other contingencies subject to my inspection, just in case we might want to salvage it. Our prime importance is the area variance.

MR. NUGENT: That is not a significant area variance.

MR. NUGENT: You need 43, you got 41?

MR. KONKOL: Basically, it qualifies for the area variance in that there's not going to be undesirable change to the neighborhood. In fact, probably an improvement.

MR. NUGENT: By the looks of the pictures, it would be.

MR. KONKOL: The variance is not substantial, it's less than 5 percent and there's no physical impact that is going to be on the environment or the neighborhood. It's not self-created, it's an old lot that was non-conforming and pre-existing zoning and many of them in the neighborhood also are non-conforming and my intention is to take it down and put a one-family residence there.

MR. NUGENT: Are you going to use the same footprint, same footings?

MR. KONKOL: That we can't tell yet and that is why I left myself open on that.

MR. NUGENT: That is why you are going for the two

variances?

MR. KONKOL: Chances are we'll probably remove it but in case after I get the builder in there.

MR. NUGENT: See if you can utilize some of it.

MR. BABCOCK: If he does remove the barn, you would maintain the setbacks that are there now?

MR. KONKOL: All the setbacks would be conforming to the zoning.

MR. NUGENT: That is why I asked that question.

MR. BABCOCK: Would you conform to a 45 foot front yard and 50 foot rear yard?

MR. KONKOL: Right, everything to conform.

MR. KRIEGER: It will fit if you don't use that foundation?

MR. KONKOL: Right.

MR. HOGAN: Dan, you're in contract for this, you haven't purchased it.

MR. KONKOL: Well, we're just about closed on it and if you can't get a variance, property's not usable.

MR. KRIEGER: When you said that there would be no undesirable change in the character of the neighborhood or detriment to nearby properties, you said it would probably be an improvement, why?

MR. KONKOL: It's an eyesore right now, probably a hazard.

MR. KRIEGER: If you re-did the barn, would you make it any bigger, any taller?

MR. KONKOL: No, in fact, probably would be taken right down to the foundation and re-structured, if we can do it but I'm looking towards removing it. As you can see

from the photos there, some of the other homes in the area are very nice.

MR. NUGENT: Is there any questions by the board?

MR. LANGANKE: No, it's pretty clear cut.

MR. HOGAN: No.

MR. KRIEGER: No.

MR. NUGENT: At this time, I'd like to open it up to the public. Try not to be repetitious and state your name and address in relation to the site.

MS. LINDA FLANNERY: Linda Flannery, 30 Kings Drive and I'd like to see a plan, if you have one.

MR. KONKOL: We don't have a plan at this time.

MR. BABCOCK: We have a plot plan.

MS. FLANNERY: Okay, so will we get to see a plan of what's going to be there?

MR. KRIEGER: Like an architectural rendering?

MS. FLANNERY: Right, I'm directly across the street.

MR. KONKOL: Right, you have the house across the street.

MR. NUGENT: If you heard the conversation, maybe you didn't back there.

MS. FLANNERY: It was hard.

MR. NUGENT: Once they are able to get in there and get an architect in there and an engineer to look at the building to see if the structure is sufficient to carry it, if not, they are going to tear it down, start from scratch.

MS. FLANNERY: Is it less than an acre?

MR. HOGAN: Yes, it is.

MS. FLANNERY: Can you build on less than an acre?

MR. NUGENT: That is why he's here. He's 2,400 square feet short of what's required.

MR. KRIEGER: In terms of rendering, that is not something that is legally required that they have like an architectural rendering of what the structure would look like? Of course, it has to conform to zoning requirements, unless they are varied by this board. Is there anything specific that you were thinking of or even generally are you thinking in terms of appearance?

MS. FLANNERY: Yeah right, I'm thinking of that.

MR. KRIEGER: So any restrictions or--

MS. FLANNERY: No, I had the question about the size of the property to be built on, if it was to be torn down. You said that there would be no detriment to the neighborhood?

MR. KONKOL: No.

MS. FLANNERY: Do you have any idea what you're going to put on?

MR. KONKOL: One family house, it would be commensurate with the neighborhood. I'm going to build it for my son, not for speculation.

MS. FLANNERY: Okay, that was my question. So you are the one who took the pictures scaring my kids?

MR. KONKOL: I didn't see your kids.

MS. FLANNERY: They can see you.

MS. DONNA CASULLO: Donna Cassulo, 258 Route 207. My house directly adjoins backyards with that property and I want to know where the septic is going because my well is just a little over 100 feet off of that barn line, the property line.

MR. KONKOL: At this time, we can't tell you until we determine what we're going to build.

MRS. BASILIO: There is heavy water, we've always had water problems and septic and other things from the property. The other side, the yellow house that is separate right there, we've had septic come from that house into our property and also other things, you know, that have flowed off of there, there's also that easement that runs in between those two properties there by the pool and that water flows and if that gets blocked, then that creates quite a water problem on our property.

MR. KONKOL: System will be constructed in accordance with the law, in other words, by a licensed engineer and that water that is coming down now really is in violation and the Town shouldn't be running that water from the other side of the road onto that property but that will be corrected.

MRS. CASULLO: You have already had that checked out? We've tried to do that for ten years. We had to spend money to dig a 6 foot ditch along our entire property to run into the easement on Route 207 to divert the water that has gone down and washed out our driveway like four times.

MR. KONKOL: At this time, I can't answer that but I did speak to the Highway Superintendent about it, he's going to do something.

MRS. CASULLO: They think they can make a septic system that would work on a small piece of property?

MR. KONKOL: It's just about an acre, yes.

MR. ROBERT CASULLO: Robert Casullo, I live at that address and there's also a pond on that one side of that barn and it's been wetlands ever since I have been there. Is that where you plan on putting the septic?

MR. KONKOL: No, I couldn't tell you that till the engineer lays it out.

MR. CASULLO: There's a pool on the other side of the barn, it's on top of the septic system.

MR. KONKOL: That has to be determined by the engineer.

MRS. CASULLO: Will there be a Final Hearing or he will be approved and he can put the septic wherever he wants to?

MR. NUGENT: He has to put it in according to the law, the septic and well have to go in according to the law in the Town.

MRS. CASULLO: Does that take into account the other adjoining properties and what that might do to the properties because the septic on the other piece of property also, you know, was supposed to be in accordance with everything and we had septic coming onto our property for like a better part of a couple years.

MR. NUGENT: That is beyond the realm of this board.

MRS. CASULLO: Where would that go after that?

MR. NUGENT: Go with the building inspector, I would imagine, wouldn't you say?

MR. BABCOCK: Yes, that is correct.

MR. HOGAN: Mr. Casullo, you said there is a pool on this property?

MR. CASULLO: Yeah, if you are looking at the back of the barn from my house on the left-hand side, there's a pool on top of the easement that Donald Lucas also put a septic system on the hill.

MR. KONKOL: That is a pool that is going to be removed, there's an above-ground pool that was on the property, it's going to be removed.

MRS. CASULLO: The water drainage pipe you said you're removing that or the Town is going to do something?

MR. KONKOL: I have to get with the Town Highway Superintendent, see what he wants there.

MR. A. J. ROMANO: A. J. Romano, 903 Route 207, there's a pool there, has been covered up and I feel well when the last two owners of that property that were trying to buy that property covered that pool, that little pond in the corner where Charlie's garden is and his septic and his well is or whatever, well, I'm concerned about it because I know it's backing up into my property and causing the drainage down my road into 207 and what are you going to do with that? How are you going to, are you going to cover it in?

MR. KONKOL: It's up to the engineer, sir.

MR. ROMANO: What are you going to do? I'm just trying to figure it out.

MR. KONKOL: At this point, I can't tell you.

MR. ROMANO: Got to be some kind of idea here because I've just been recently approached by DOT about that problem and I told them where the water's coming from, you know, it's been blocked up years ago. It's forcing water back up on to my property and out of my property and down the road. But I don't know, I'm just trying to find out what's happening.

MR. KONKOL: Like I say, an engineer is going to have to take and address that.

MR. ROMANO: If you block it up and cover it up, it's going to cause a lot of backup.

MR. KONKOL: I can't answer it.

MR. ROMANO: I have been there for over 25 years.

MR. NUGENT: Again, sir, this is not part of our bailiwick, I'm not trying to fluff you off. We're here to decide whether or not we can vary the law as to what he is required to have for front yard, rear yard and square footage, that is it.

MR. ROMANO: I can't understand where the backyards are going to be, unless he moves the house away from where it originally is.

MR. NUGENT: He doesn't even know if the building is sound enough to keep it at this point.

MR. ROMANO: No way, I mean he's got--

MR. NUGENT: Just in case it is, he may want to use the footprint of the footing.

MR. ROMANO: That is about all he can use the foundation but where is the front and back yard to it then, cause one side he's got a pool on it, the other side is hardly any backyard or hardly most of his property comes towards my house.

MR. NUGENT: Front yard is Kings Drive.

MR. BABCOCK: Can I show this to them?

MR. NUGENT: Yes, it may help, the building inspector is going to show you.

MR. VADIV PREENIER: Dave Preenier, 20 King Drive. I was just wondering if you are building the house for your son, do you have any idea what kind of house you're looking to build?

MR. KONKOL: Probably something around 2,000 square feet.

MR. PREENIER: Okay, that was it.

MR. NUGENT: Anyone else?

MRS. FLANNERY: Linda Flannery, 30 Kings Drive. This is my first time so I'm really shooting off the cuff here. Now will we have another hearing to be able to see your architectural rendition, your plans and your driveway and your, all of that?

MR. NUGENT: No, you will not.

MR. BABCOCK: No.

MR. PREENIER: If not here, is there anywhere else that it would be possible?

MR. BABCOCK: Once the plans are submitted, then a building permit is issued then you can look at them.

MR. NUGENT: Through the building inspector.

MR. PREENIER: How would we know?

MR. KRIEGER: Those plans would not necessarily include a facade or rendering of the architecture, it would include footprints and size of the building.

MR. NUGENT: To know all that, you'd have to get friendly with your neighbor.

MR. KRIEGER: This board cannot nor can any one else constitutionally, they are not legally permitted to put a great deal of control on what somebody is going to do provided what the building is going to be. I'm not indicating this applicant is going to build anything undesirable, quite the opposite, just so you know what the law is, there's not a lot of restrictions that this board or any board in the Town can put on someone, provided they comply with the law, size of the building has to comply with the law. If he is successful in receiving a variance as to area or any variance then the regulations will be relaxed as far as the variance but no farther. And he has to comply in all respects. And one of the things is the Town Law says that he can only put one dwelling on this and I think it's zoned only for one family and it can't be anything other than a one family house.

MR. PREENIER: No mother-daughter?

MR. KRIEGER: No, it's not permitted in this town.

MR. CASULLO: What guarantee am I going to get wherever his septic goes, it's not going to interfere with my well and my neighbor's well 100 foot off the property

line?

MR. BABCOCK: He has to submit an engineer's drawing, an engineer has to do a design and a perc test and in that calculation, he has to take into consideration of the neighbor, boring wells and septic systems and there's a calculation that he has to go by, it's downgrade in the path of water, it's so many feet and if it's level, it's so many feet.

MR. KRIEGER: Calculation as to where he can put it cause that is, he may not realize what kind of calculation.

MR. CASULLO: He has to get a permit?

MR. BABCOCK: That is correct, he has to submit that along with the permit. If that doesn't get approved, he doesn't get a building permit.

MR. ROMANO: This can't possibly be it and I'm no architect or engineer or nothing but I, just looking all this barn, that barn is not angled like that, there's no way and it's not, it can't possibly be three feet off Charlie's property, right, this is wrong, right here.

MR. NUGENT: That is a registered survey.

MR. KRIEGER: If you look at enough surveys, you would realize that oftentimes, the way a property looks once it is surveyed and the way it looks on the ground can be quite different. Many cases what people assume to be their rear yard or side yard or somebody else's.

MR. ROMANO: I live right next to this place, my house is right here and that barn is definitely on an angle, it's more straight this way and down further on this end of this property thing to here, it's move over here, way over here.

MR. NUGENT: Sir, do you see that little stamp in the corner of that? That is a certified--

MR. ROMANO: That means nothing to me.

MR. NUGENT: It means something to us.

MS. BARNHART: You have something that is better than this?

MR. ROMANO: I'm telling you it's wrong is all I'm saying, it's wrong. This is nowhere near the way that is up over there.

MR. NUGENT: That is all we have to go by and that is a certified stamp.

MR. ROMANO: Why isn't there a collaboration of people coming out there and looking at it before this is done, you're the board, you should have been here to look at this.

MR. NUGENT: We don't have to, we have this.

MR. KANE: It's a legal document.

MR. ROMANO: Yeah, it's legal but how, why, because somebody signs it?

MR. NUGENT: Because that man paid for him to go out there and survey it May 3, 1994.

MR. ROMANO: May 9 on this one and I was--when the guys were doing it, I was watching them so what is there to say then?

MR. NUGENT: There's nothing to say because we're going to go by this map, if it's incorrect, then it's his problem, not ours or yours.

MR. ROMANO: Well, listen, I know but it is the problem to me.

MR. NUGENT: The gentleman that drew it, if he drew it incorrectly, then he's got a big problem.

MR. ROMANO: It's definitely not right, that I can say and I would recommend you people go out there and take a look at it too. Go out there and take this and look

at that, take this with you and go look at that property.

MR. NUGENT: Sir, if he takes the building down, it doesn't mean a hill of beans.

MR. ROMANO: If, that is a big word, it engulfs a lot, encompasses a lot to me. I'm looking at these people with contaminated water out of the deal, there's definitely a flow in water, water that flows all the time down into Charlie's property, I can't see, why wouldn't it run down in there, I can't see it, especially if it's only three foot off his property by the way this is set up.

MR. LANGANKE: You would prefer that the property stay exactly the way it is and not be used at all?

MR. ROMANO: I just want things to be done right.

MR. LANGANKE: That is what will happen.

MR. ROMANO: I know first of all this isn't right so we're off on the wrong foot to begin with, aren't we?

MR. NUGENT: We're not going to argue that point because it's immaterial.

MR. ROMANO: Immaterial?

MR. NUGENT: To us.

MR. ROMANO: Why?

MR. NUGENT: This is a certified copy.

MR. ROMANO: Why is it immaterial?

MR. KANE: Certified under penalty of the law. If the man lies, he can have fines, go to jail, lose his practice, the whole deal.

MR. ROMANO: I'm telling you this can't be right.

MR. LANGANKE: He signs that it is right.

MR. ROMANO: Who signed it?

MR. NUGENT: Francis Witaker.

MR. ROMANO: I can't read it, to tell you the truth.

MR. NUGENT: Says right on it, Francis Witaker. We're not going to argue the point.

MR. CASULLO: Can I bring in a copy of my survey to show you this barn is not set right?

MR. NUGENT: It's immaterial.

MR. CASULLO: My property stake is on the corner, it's 13 foot 9 inches from the back of the barn to the property stake, so you are going to call my surveyor a liar?

MR. NUGENT: I'm not calling anybody's surveyor a liar. What I am trying to tell you we have in front of us a survey that is certified by Mr. Francis Witaker and that is what we have to go by. If it's incorrect, then it's the owner's problem and Mr. Witaker's problem and I would say that that would be sufficient.

MR. CASULLO: We'll leave it up to them.

MR. NUGENT: Anyone else from the audience.

MS. JANE FLANNAGAN: Jane Flannagan, 25 Kings Drive, I have a couple concerns, we came in late, I apologize but you're just buying the barn property, almost an acre?

MR. KONKOL: That is correct.

MS. FLANNERY: When Mr. Lucas bought the property, he also wanted a one-family home but it ended up three apartments in the house and we went to a lot of people and you know what they told us? One front door, he can do anything once he gets in there. Now my concern is you said 2,000 square foot home, about how many bedrooms do you have any idea?

MR. KONKOL: I haven't any idea, three or four.

MS. FLANAGAN: That has a lot to do with the septic system and if something happens and your son or whoever you want to build a home for and you just want to redo the barn, once you get the variance tonight, is this true that you can do anything with that property as long as it's a one-family home? If you want to leave that barn there and restore it, fix it up, whatever, my concern is I don't want to see 15 cars up the road, one front door and then when you get in there, a big apartment building. That is my concern and it is, it did happen there for 8 years and no one did a thing about it. They could not do a thing about it. We got a hold of every inspector, fire inspector and they said it's hard to prove, the post office was delivering mail to three different people and that is what happened, that is my concern.

MR. KONKOL: Jim, I can answer that.

MS. FLANAGAN: I want to make it part of the record, it's going to be a single family home, one name, single family?

MR. KONKOL: It's a one-family house that is what it is going to be, it's going to be an improvement over what's there now, which is a hazard. To get back to your statement about the yellow house, Mr. Lucas was cited by the building inspector years ago because I was a member of this board and he had to come in for a variance and he was denied a variance for a multiple family house.

MS. FLANAGAN: I was at the meeting, his poor mother was coming up from the south, but the mother never came and I lived on the road so I can tell you.

MR. KONKOL: He was denied a variance.

MS. FLANAGAN: He did what he wanted anyway and never changed it. And if you go in the house, you can see different setups where there's three separate apartments and he was renting them to three separate

people.

MR. KONKOL: We're just going to take the barn and probably take it down.

MS. FLANAGAN: As long as that is a matter of record and if there's a problem later on, we can refer that back, thank you.

MR. NUGENT: Is that it? At this time, I'd like to close to the public and open it back up to the board for their determination.

MR. HOGAN: Mr. Chairman, I listened to the public and I understand that they have concerns and at least one couple I think expressed concerns as to what was going to be there from an anesthetic viewpoint, couple of them expressed concerns as to the possibility of water and septic problem. And then recently we heard from Mrs. Flanagan who is concerned about a multiple but I did not hear anybody speak directly to the variance requested, which is the 2,400 square foot, 2,411 square foot for lot area or for the setbacks for front and rear yards.

MR. NUGENT: No, which I tried to bring out but--

MR. NUGENT: Mike or Herb?

MR. KANE: No, no other questions.

MR. NUGENT: I'll accept a motion.

MR. HOGAN: I make a motion that we approve Mr. Konkol's request for variances on lot and front and rear yard.

MR. KANE: Second that motion.

ROLL CALL

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

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MR. KONKOL: Thank you.