

ZB# 96-19

Carlos Vasquez

49-4-5

#96-19- Vasquez, Carlos

Area - 49-4-5.

Prelim:

April 22, 1996.

Accounting List 4

- ① Need here 4
- ② Photos here 4.

Ass: ① 50.00 4

③ 300.00 4 - ~~Identifying~~

~~Letter to Mr. Vasquez~~

Public Hearing:

July 8, 1996.

Area Granted.

4-0.

Refund: 180.50

49-4-5.

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12553

General Receipt

15586

June 13 1976

Received from Charles Vasquez \$ 50.00

Fifty 00/100 DOLLARS

For ZBA 96-19

DISTRIBUTION

FUND	CODE	AMOUNT
CR # 3373		50.00

By Dorothy H. Hinson

Town Clerk
TITLE

WILLIAMSON LAW BOOK CO. VICTOR NY 14564



FUND	CODE	AMOUNT
CR # 3373		50.00

By Dorothy H. Hinsen

Town Clerk

TITLE

WILLIAMSON LAW BOOK CO. VICTOR NY 14564



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Vasquez, Carlos

FILE # 96-19

RESIDENTIAL: \$ 50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

Paid - # 3373 6/7/96

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

Paid # 3372 6/13/96

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE *4/22/96 - 3 pages* \$ 13.50
2ND PRELIM. MEETING - PER PAGE *7/8/96 - 8 pages* \$ 36.00
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 49.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: *4/22/96* \$ 35.00
2ND PRELIM. *7/8/96* \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

_____ \$ _____
TOTAL \$ 119.50

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT \$ 180.50

In the Matter of the Applicaton of

CARLOS VASQUEZ

#96-19.

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

WHEREAS, CARLOS VASQUEZ, 18 Provost Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 1 ft. 7 in. rear yard variance for existing addition with open porch and 1 ft. 6 in. side yard and 3 ft. 4 in. rear yard variance for existing shed at the above residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 8th day of July, 1996 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board for this proposal; and

WHEREAS, there was one spectator appearing at the public hearing; and

WHEREAS, the spectator spoke in support of the Application; and

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

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

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

2. The evidence presented by the Applicant showed that:

(a) The subject property is a one-family home located in a neighborhood of one-family homes.

(b) The deck was constructed approximately one year ago with the correct amount of rear yard on the right side, the left side having less because the addition was constructed at an angle to conform with the footprint of the residence. The Applicant did not realize that the rear yard was not the same on both sides.

(c) Applicant is also seeking variances to allow the existing shed which is located too

close to the rear and side yards.

(d) The deck and shed are similar to and consistent with the appearance of other decks and sheds on other homes in the neighborhood.

(e) The deck and shed do not interfere with any standing water or watercourse as the property is connected with municipal sewer and water and there is no septic system or leach field on the property.

(f) No vegetation was removed or disturbed in connection with the construction of the deck and shed.

(g) Without the deck on the premises, there would be a considerable drop between the rear exit of the house and the ground resulting in almost certain serious injury for anyone exiting the house by that doorway.

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

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

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

3. The requested variances are substantial in relation to the town regulations but nevertheless are warranted due to the fact that Applicant's residence is located on a peculiarly-shaped lot.

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

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed for the reasons set forth in the paragraphs above.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

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

variances.

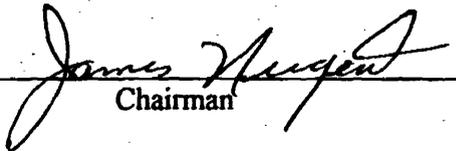
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 1 ft. 7 in. rear yard variance for an existing addition and deck, plus a 1 ft. 6 in. side yard and 3 ft. 4 in. rear yard variance for an existing shed, located at the above residence, in an R-4 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 9, 1996.


Chairman

Date 7/28/96, 19.....

TOWN OF NEW WINDSOR

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

TO Francis Roth 1247 Sycamore Dr.
New Windsor NY 12553

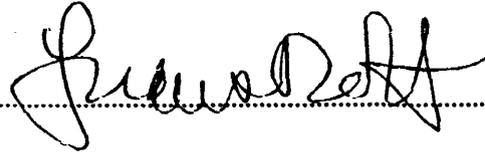
DATE		CLAIMED	ALLOWED
7/8/96	Zoning Board Meeting	75 00	
	Misc - 2		
	Lujan - 13		
	Eachus - 4		
	Kw6 Realty - 8		
	Vasquez - 8		
	Radich - 5		
	Kartiganer - D.C. Pough - 31		
	<u>71</u>	<u>319 50</u>	
		<u>394 50</u>	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....
the within claim was audited and allowed
for the sum of

\$

.....
Clerk

PUBLIC HEARING:

VASQUEZ, CARLOS

Mr. Carlos Vasquez came before the board on this proposal.

MR. TORLEY: Request for 1 ft. 7 in. rear yard variance for existing addition with open porch at 18 Provost Drive in an R-4 zone. Is there anyone in the audience besides the applicant for this matter?

Handwritten note: yard. 1'-6" side yd. + 3' 4" rear yard variance for shed

MS. BARNHART: Would you come up and sign the roster please?

MR. TORLEY: So we can have your name accurately in the public hearing record.

MS. BARNHART: We threw a party for 66 people and this is the only fella that showed up.

MR. KRIEGER: Record should show that you sent out 66.

MS. BARNHART: I have an affidavit to that effect.

MR. KRIEGER: And one person appeared at the public hearing or--

MR. TORLEY: Yes, sir.

MR. VASQUEZ: Good evening, sir, I have a picture right here but this corner, the right corner is as you require, the left corner has the variance and I didn't know that my neighbor, the way that the property is not parallel to my property and that is where the difference is. So I leave it entirely up to you to judge what the difference is.

MR. TORLEY: Mr. Vasquez, you're certain of your measurements for the one foot seven inches? I just want make sure that you don't have to do this again.

MR. VASQUEZ: Really.

MR. TORLEY: Yes.

MR. REIS: I don't think he got your question.

MR. KRIEGER: How did you know it was one foot seven that you needed?

MR. VASQUEZ: Well, I measure it with the person that helped me to build the deck, so the right side is 40 feet and the other one is a difference of 11, basically the deck, the left corner is where it needs the variance.

MR. TORLEY: Then you had the survey done?

MR. VASQUEZ: Yes, sir.

MR. TORLEY: His measurements are based upon a survey map done by Stephen Drabick.

MR. REIS: How long has the deck been there?

MR. VASQUEZ: Last year, sir.

MR. KANE: Is the deck and the addition consistent with the other homes in your neighborhood? Do they all have a deck on the back of their home?

MR. VASQUEZ: Yes.

MR. KANE: And the creation of the deck hasn't caused any other water runoff or any health hazards in any way?

MR. VASQUEZ: No, sir, not at all. If I could say I painted the deck it is handsome property the place where I live.

MR. KANE: Even though the hardship is self-created, it would be a financial, would create a financial difficulty to change this?

MR. VASQUEZ: To change the way it is?

MR. KANE: Yes.

MR. VASQUEZ: I'd have to build it up.

MR. KANE: So it would be financially unfeasible for you to do this?

MR. VASQUEZ: Yes, if I sell the house, I don't think that anybody could see how the deck is build up.

MR. KRIEGER: Did you receive a, when you put up this deck, did you get a building permit?

MR. VASQUEZ: No, sir, I didn't do it but all of a sudden, we decided that we're looking to sell the house because if I had to tell you that I am, I'm retired and I just can't afford the pay the taxes on the property, living in retirement is not so, it's a possibility that I am going to, that I am going to sell but my neighbor in the back wrote a letter and said doesn't care, you know, it's a small variance.

MR. KREIGER: What's required back there, 40 feet?

MR. SCHMIDT: 40 feet.

MR. TORLEY: One corner is 37'5".

MR. KRIEGER: Looking for 1.7, he's okay on one side and not on the other.

MR. SCHMIDT: I haven't seen the survey.

MR. TORLEY: So you don't, I'm going to ask you a few questions, do you not consider this deck to be a detriment to the health and safety?

MR. VASQUEZ: No, sir, it's well within, you can see in the picture, I seen decks with 4 x 4's, this is with 6 x 6's and it goes really deep, 42 inches, a good base for the foundation.

MR. KANE: Can I suggest we open this to the public?

MR. TORLEY: Sure. Is there anyone in the public wishing to comment?

MR. TOM SALERNO: I have a question. Is this the light green house or is this the light green house?

MR. VASQUEZ: It's light on the top and the bottom is dark green.

MR. SALERNO: Green on top and you just planted a weeping cherry? Okay, I know the house. It's a beautifully maintained house, beautifully maintained property, I know the houses he's next to do have decks in the back, I really don't see why there should be any objection to the deck being, it's a foot and a half too wide, is that what I understand?

MR. TORLEY: Because of the way the back property line curves.

MR. SALERNO: I don't see why there should be any problem, the man maintains his property, it's absolutely beautiful, the house, the condition of the house, the property.

MR. KANE: Thank you, sir.

MR. VASQUEZ: Thank you, sir.

MR. TORLEY: At this point, I'll read into the record a letter from Daniel and Cathy Balch. To whom it may concern. Please be advised we are owners of certain property located 13 Parade Place, New Windsor, New York, Mr. and Mrs. Charles Vasquez are the property located at 18 Provost Drive, New Windsor, New York and their property adjoins ours at the rear boundary line. Please be further advised we have no objection to the distance of Mr. and Mrs. Vasquez's deck from the rear boundary line of our property. We have no objections to them being granted a variance approving same. At this point, I'll close the public hearing back to the board.

MR. LANGANKE: Looking at the application here, was the variance for the shed taken care of?

MR. VASQUEZ: Well, the shed I plan to give to my son-in-law so it is not built on a foundation, it's the

type that you can buy in any lumber yard and you can move it any time.

MR. LANGANKE: You're going to take it down, is that the idea?

MR. VASQUEZ: Not take it down, just put it out and move it.

MR. LANGANKE: You're going to move it?

MR. VASQUEZ: Right, but that is when I sell the house I have to because it's so full of tools that I have to empty and jack it and move it just to comply with your--

MR. TORLEY: Sir, correct me, we have in this the shed is part of the denial, the application, it's not typed here but the shed application is there. Sir, if you wish to keep the shed there, we can bring that in as part of the variance.

MS. BARHNART: He applied for it, it's part of the application and also in the legal notice, I just inadvertently left it out of the agenda.

MR. KANE: What's the specs on the shed?

MR. TORLEY: The shed looks like it's 8 x 10.

MR. VASQUEZ: Yes.

MR. KANE: How far off the line?

MR. TORLEY: One side 8.6 and the other side 7.8.

MR. LANGANKE: That is how far it is off, that is not the size of the variance.

MR. KRIEGER: The difference between that and ten feet.

MR. KANE: So you're talking two feet and a foot something.

MR. TORLEY: Right.

MR. KRIEGER: Foot and change and two feet in change.

MR. KANE: I have no problem with that.

MR. LANGANKE: What we're doing here is discussing the variance request for your shed also for the application.

MR. KRIEGER: It doesn't obligate you to do anything if it is granted, however, it would give you an option.

MR. TORLEY: You could leave the shed there if you want to.

MR. VASQUEZ: Well, like I say before, we plan to in the near future sell the house so because already one of my son-in-law's says I want it, I'll buy it or you give it to me and that is what it is.

MS. BARNHART: If you change your mind, you can leave it there.

MR. KRIEGER: One other thing if I may with this deck if the deck were not on the back of the house, how far would have the step be if you stepped out the back door before you hit the ground?

MR. VASQUEZ: No, it's steps on both ends.

MR. KRIEGER: I understand, if the deck weren't there and you walked out the back door, how far would you fall before you hit the ground?

MR. VASQUEZ: It's about--

MR. KRIEGER: Approximately?

MR. VASQUEZ: It's about 2 1/2 feet.

MR. KRIEGER: So it would be about a 2 1/2 foot drop?

MR. TORLEY: In other words, the presence of the deck there gives you a safer exit from the rear of your house?

MR. VASQUEZ: Yes, sir.

MR. KRIEGER: There's no standing water under the deck or there's no water course that you see when it rains, no drainage?

MR. VASQUEZ: No, the gutter's built in such a way that the water runs, you know, away from the deck.

MR. KRIEGER: What vegetation or what conditions on the ground did you change when you put the deck up, what was there before the deck?

MR. VASQUEZ: Grass.

MR. KREIGER: Normal lawn grass?

MR. VASQUEZ: Right.

MR. KRIEGER: I have no further questions.

MR. KANE: I'll entertain a motion.

MR. KANE: Move we approve the requested variances for Carlos Vasquez at 18 Provost Drive.

MR. REIS: I'd like to make a second with the proviso that I would suggest I understand that Mr. Vasquez is probably will remove it when the time comes, but can we include the shed.

MS. BARNHART: No, he already applied, it's in the application, he applied.

MR. KRIEGER: I understood that to be part of the motion because he said variances.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE

July 8, 1996

34

MR. TORLEY

AYE

Page 1-
of 2

Prelim.
April 22, 1996
#96-19.

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: FEBRUARY 16, 1996

(Revised)

APPLICANT: CARLOS VASQUEZ
18 PROVOST DRIVE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: FEBRUARY 16, 1996
FOR (BUILDING PERMIT):

LOCATED AT: 18 PROVOST DRIVE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 49, BLOCK: 4, LOT: 5
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. EXISTING ADDITION WITH OPEN PORCH DOES NOT MEET MINIMUM 40FT. REAR YARD SET-BACK.

[Signature]
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4 USE G-10	31.5"	1-7"
REQ'D REAR YD. 40FT.	38FT.	38FT.

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

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

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Page 2-

DATE: 4-11-96

APPLICANT: CARLOS VASQUEZ
18 PROVOST DR
New Windsor

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 4-11-96

FOR (BUILDING PERMIT)!

LOCATED AT 18 Provost DR

ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 49 BLOCK: 4 LOT: 5

ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS: EXISTING

Sheo does not meet min

10' set back to rear AND

Side Property Line

[Signature]
BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR AVAILABLE

VARIANCE REQUEST

ZONE R-4 USE 48-14-A-1-B

MIN. LOT AREA

MIN. LOT WIDTH

REQ'D FRONT YD

REQ'D SIDE YD.

REQ'D TOTAL SIDE YD.

REQ'D REAR YD.

REQ'D FRONTAGE

MAX. BLDG. HT.

FLOOR AREA RATIO

MIN. LIVABLE AREA

DEV. COVERAGE

_____ %

_____ %

_____ %

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT: [REDACTED] TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

OF APPEALS.

(414) 363-4630

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

____ / ____ / 19

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

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi, Ernst Schmidt
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

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

REFER TO:

Planning Board Highway Dept Sewer Water Zoning Board of Appeals

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.

C. Vasquez
(Signature of Applicant)

18 Provest St New Windsor
(Address of Applicant) NY 12553

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.

13 ^N Parade
PLACE

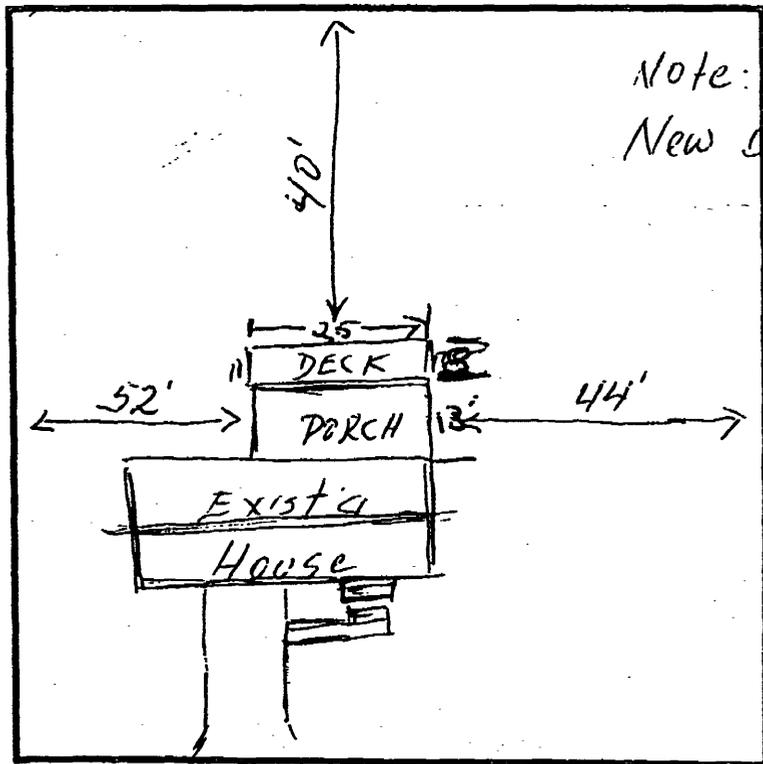
Note: Application for
New DECK & PORCH

W

E

16 Provost DR
ADAMS

20 Provost
ROVETO



18 Provost DR

S

19-4-5

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

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

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and 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 engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. 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 and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Carlos & Teresa Vasquez

Address 18 Provost DR Phone 562-6950

Mailing Address 18 Provost DR New Windsor, NY 12553

Name of Architect Mr. Jeffrey Lease

Address 313 Broadway Newburgh NY Phone 565-2800

Name of Contractor _____

Address _____ Phone _____

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

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

FOR OFFICE USE ONLY

Building Permit # _____

1. On what street is property located? On the _____ side of PROVOST DR
(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? Y _____ N _____
3. Tax Map Description: Section 49 Block 4 Lot 5
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy Porch deck b. Intended use and occupancy _____
5. Nature of work (check if applicable) New Bldg Addition Alteration Repair Removal Demolition Other
6. Is this a corner lot? EXISTING PORCH & DECK
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____
(To be Paid on this Application)
11. School District _____

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.

SECTION

SECTION 37

SECTION 63

Prepared by
AERO SERVICE CORPORATION
FOR TAX PURPOSES ONLY

Block or Subdivision	Area in Acres	Area in Sq. Ft.	Area in Sq. Yds.
1	0.10	3,468	400
2	0.10	3,468	400
3	0.10	3,468	400
4	0.10	3,468	400
5	0.10	3,468	400
6	0.10	3,468	400
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36	0.10	3,468	400
37	0.10	3,468	400
38	0.10	3,468	400
39	0.10	3,468	400
40	0.10	3,468	400
41	0.10	3,468	400
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97	0.10	3,468	400
98	0.10	3,468	400
99	0.10	3,468	400
100	0.10	3,468	400

LEGEND

ORANGE COUNTY

ALL METERS

ALL VOLUMES

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.

COPIES OF THIS SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

CERTIFICATIONS SHOWN HEREON ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.

EASEMENTS OR RIGHT-OF-WAYS ON, OR UNDER THE LANDS, AND NOT VISIBLE, ARE NOT SHOWN.

B E I N G:

LOT 18, BLOCK C AS SHOWN ON A MAP ENTITLED "AMENDED MAP OF GATEWAY, SCHOONMAKER BROS., INC.," FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON OCTOBER 15, 1963 AS MAP #2009.

ALSO BEING LOT 5, BLOCK 4, SECTION 49 AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP.

DEED OF RECORD: LIBER 1645, PAGE 199

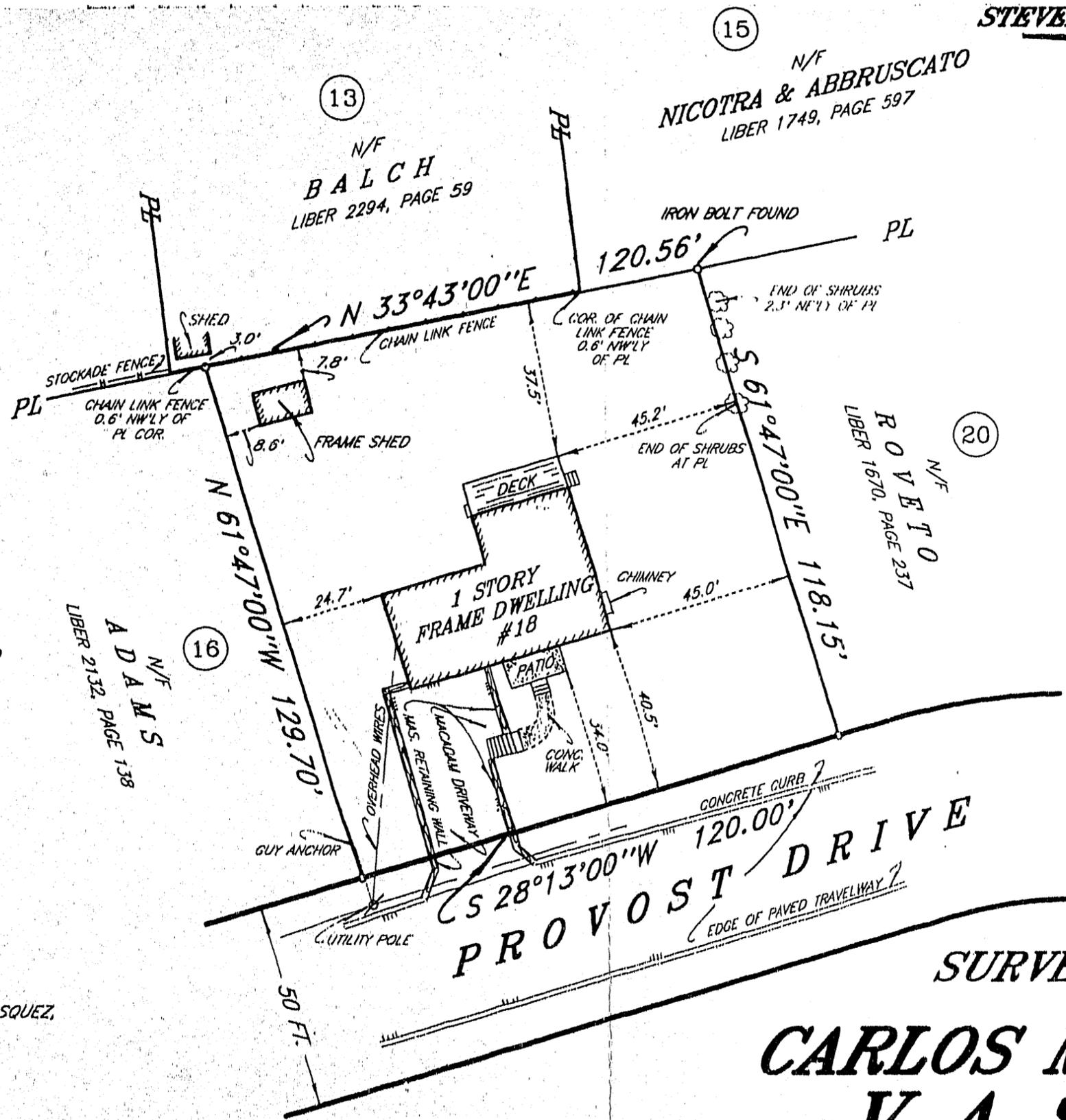
AREA =
0.3414 ACRE OR
14,871 SQ. FT.

I HEREBY CERTIFY ONLY TO THE PARTIES LISTED HEREON THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON 3/27/96 AND HAS BEEN PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE ESTABLISHED BY THE N.Y.S. ASSOC. OF PROFESSIONAL LAND SURVEYORS, INC.

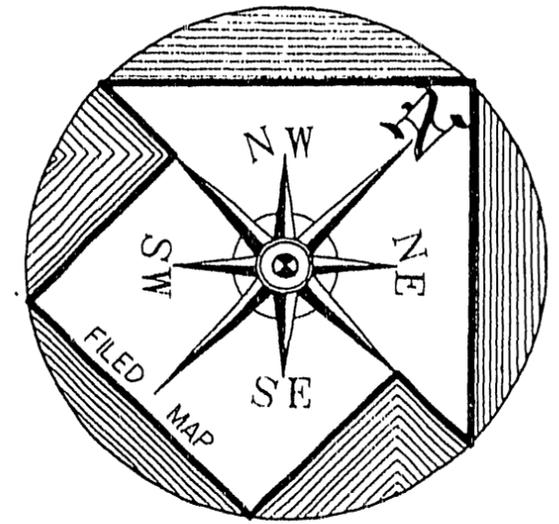
THIS CERTIFICATION DOES NOT RUN WITH TITLE TO THE LAND AND IS SUBJECT TO ANY STATE OF FACTS A TITLE SEARCH MAY REVEAL.

- * CARLOS M. VASQUEZ & TERESA G. VASQUEZ,
- * TOWN OF NEW WINDSOR

Steven P. Drabick
STEVEN P. DRABICK, P.L.S. NY LIC. H49806



STEVEN P. DRABICK P.L.S., PC
PROFESSIONAL LAND SURVEYOR
PO BOX 530, CONTINENTAL RD.
CORNWALL, N.Y. 12518
(914)-634-8808



SURVEY OF PROPERTY
FOR
CARLOS M. & TERESA G. VASQUEZ

TOWN OF NEW WINDSOR
SCALE 1" = 30'
ORANGE COUNTY, NEW YORK
APRIL 5, 1996
JOB NO. 398-96

49-4-5

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

96-19

Date: 6/3/96

I. ✓ Applicant Information:

- (a) CARLOS M. & Teresa Vasquez Owners
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Jeffrey Lease
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. ✓ Property Information:

- (a) R-4 18 Provost DR New Windsor NY 0.3414 Acre
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1963
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NONE

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

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

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

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Shed: Reqd. Side Yd. <u>10 ft.</u>	<u>8' 6"</u>	<u>1' 6"</u>
Shed: Reqd. Rear Yd. <u>10 ft.</u>	<u>7' 8"</u>	<u>3' 4"</u>
Porch: Reqd. Rear Yd. <u>40 ft.</u>	<u>37' 5"</u>	<u>1' 7"</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:

The existing shed & porch will not disrupt the health, safety & welfare of the neighborhood & will not create an undesirable change to nearby properties. No other method is available to achieve this end since porch & shed cannot be moved. Variances are not substantial. No adverse effect or impact on neighborhood or zoning district.

(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)

7/8/96 Public Hearing: Vasquez, Carlos #96-19

Name:

no objection,
THOMAS SALERNO

Address:

5 CANTON DR. NW 569-0278
12553

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

-----x
In the Matter of Application for Variance of

Carlos Vasquez

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

96-19

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

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

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

On June 13, 1996, I compared the 66 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this 13th
day of June, 1996.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1997

(TA DOCDISK#7-030586.AOS)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

66

June 11, 1996

Mr. Carlos M. Vasquez
18 Provost Drive
New Windsor, N. Y. 12553

Re: Tax Parcel: 49-4-5

Dear Mr. Vasquez:

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 \$85.00, minus your deposit of \$25.00. Please remit the balance of \$60.00 to the Town Clerk's Office.

Sincerely,

LESLIE COOK
Sole Assessor

/pab
Attachment

cc: Pat Barnhart, ZBA

C. Vasquez

Michael H. Faricellia
650 Blooming Grove Tpk
New Windsor, N. Y. 12553

Frank T. & Barbara R. Pavlik
4 Cannon Drive
New Windsor, N. Y. 12553

Christopher & Gail A. Cinnante
6 Cannon Drive
New Windsor, N. Y. 12553

James J. & Paula L. Bresnan
8 Cannon Drive
New Windsor, N. Y. 12553

Peter & Clementina Grimando
10 Cannon Drive
New Windsor, N. Y. 12553

The Order of St. Helena
P. O. Box 426
Vails Gate, N. Y. 12584

John & Angela Parrino
4 Regimental Place
New Windsor, N. Y. 12553

Robert & Marie Smith
6 Regimental Place
New Windsor, N. Y. 12553

Robert J. & Ann Marie Stipak
8 Regimental Drive
New Windsor, N. Y. 12553

Vito J. Guidice
Katherine L. Shay
17 Cannon Drive
New Windsor, N. Y. 12553

Raymond & Gloria Lopez
11 Cannon Drive
New Windsor, N. Y. 12553

John N. & Carole P. Collins
20 Parade Place
New Windsor, N. Y. 12553

George & Norma Weygant
18 Parade Place
New Windsor, N. Y. 12553

R.T. Bogardus Rev. Living Trust
% R.T. Bogardus & B.E. Cataldo
Trustees
16 Parade Place
New Windsor, N. Y. 12553

David & Teresa Kenan
14 Parade Place
New Windsor, N. Y. 12553

Michael L. Soriano
Sandra L. Augustowski
12 Parade Place
New Windsor, N. Y. 12553

Robert R. Smith
Marguerite V. Doogan
10 Parade Place
New Windsor, N. Y. 12553

Nicholas S. & Jaqueline Battipaglia
8 Parade Place
New Windsor, N. Y. 12553

* James J. Strong
7983-B Independence Drive
Mentor, Ohio 44060

Robert B. Tucker
4 Parade Place
New Windsor, N. Y. 12553

Marianne Franklin
15 Regimental Place
New Windsor, N. Y. 12553

William J. & Anne G. Galvin
13 Regimental Place
New Windsor, N. Y. 12553

Robert J. & Kathleen A. Schultz
11 Regimental Place
New Windsor, N. Y. 12553

Neil & Marie Flickenchild
20 Roe Park
Highland Falls, N. Y. 10928

Thomas & Susan E. Caruso
7 Regimental Place
New Windsor, N. Y. 12553

Adelbert & Elizabeth Czarniecki
5 Regimental Place
New Windsor, N. Y. 12553

Leonard R. & Alice C. Bauer
3 Regimental Place
New Windsor, N. Y. 12553

Betty Lou & Cindy Lou Drake
34 Musket Place
New Windsor, N. Y. 12553

Kenneth R. & Carol A. Pick
21 Parade Place
New Windsor, N. Y. 12553

Carmello T. & Theresa R. Russo
24 Provost Drive
New Windsor, N. Y. 12553

Joseph & Lydia C. Como X
22 Provost Drive
New Windsor, N. Y. 12553

Charles M. & Patricia A. Roveto X
20 Provost Drive
New Windsor, N. Y. 12553

Jean, Teri & J.C. Adams X
16 Provost Drive
New Windsor, N. Y. 12553

William T. & Jean Marie Bicknell X
65 Benson Street
W. Haverstraw, N. Y. 10993

Angelo & Mary Martinisi X
12 Provost Drive
New Windsor, N. Y. 12553

John Timothy Cumming II X
10 Provost Drive
New Windsor, N. Y. 12553

James P. Gilheany X
Jody E. Lopez
8 Provost Drive
New Windsor, N. Y. 12553

Nancy S. Smith X
6 Provost Drive
New Windsor, N. Y. 12553

Lee S. & Sherrie Bergus X
59 Continental Drive
New Windsor, N. Y. 12553

Susan L. Hoffman X
Ann Maria Cimino
3 Parade Place
New Windsor, N. Y. 12553

Philip & Rosemary McGrath X
5 Parade Place
New Windsor, N. Y. 12553

Anthony K. & Estelle C. Banks X
7 Parade Place
New Windsor, N. Y. 12553

Juliet Careccia, Diane Duplessis
& Joan Walsh X
9 Parade Place
New Windsor, N. Y. 12553

John B. & Sylvia G. Glassey X
11 Parade Place
New Windsor, N. Y. 12553

Daniel M. & Cathy A. Balch X
13 Parade Place
New Windsor, N. Y. 12553

Mary Nicotro X
% Mary Abbruscato
15 Parade Place
New Windsor, N. Y. 12553

Francis J. & Marlene J. Komsisky X
17 Parade Place
New Windsor, N. Y. 12553

Donald E. & Carolyn P. Cronin X
19 Parade Place
New Windsor, N. Y. 12553

Thomas Salerno X
5 Cannon Drive
New Windsor, N. Y. 12553

Arthur J. & Geselle D. May X
704 Blooming Grove Tpk.
New Windsor, N. Y. 12553

Dean A. & Deborah A. Toto X
708 Blooming Grove Tpk.
New Windsor, N. Y. 12553

Jose Otero X
Edith Miranda
712 Blooming Grove Tpk.
New Windsor, N. Y. 12553

Aram & Mary L. Carapetyan X
716 Blooming Grove Tpk.
New Windsor, N. Y. 12553

John L. & Ramona Gabbert X
720 Blooming Grove Tpk.
New Windsor, N. Y. 12553

Angelo M. & Diane C. Regan X
724 Blooming Grove Tpk.
New Windsor, N. Y. 12553

Gary F. & Ann Marie Sullivan X
728 Blooming Grove Tpk.
New Windsor, N. Y. 12553

Jose DaSilva X
732 Blooming Grove Tpk.
New Windsor, N. Y. 12553

John E. & Margaret G. Brady X
9 Provost Drive
New Windsor, N. Y. 12553

Ellen Egan X
11 Provost Drive
New Windsor, N. Y. 12553

Mary Patricia Buchanan X
13 Provost Drive
New Windsor, N. Y. 12553

Frank R. & Edna M. Peacock
15 Provost Drive
New Windsor, N. Y. 12553

Edward Pullar
17 Provost Drive
New Windsor, N. Y. 12553

Jan D. & Lorraine McDonald
19 Provost Drive
New Windsor, N.Y. 12553

Carmello & Ines Giattino
21 Provost Drive
New Windsor, N. Y. 12553

Antonio & Teresa Marie Simoni
23 Provost Drive
New Windsor, N. Y. 12553

Mark L. Aulogia
25 Provost Drive
New Windsor, N. . 12553

P.S. publish immediately. Send bill to Applicant at below address.

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. 19

Request of Carlos M. & Teresa Vasquez

for a VARIANCE of the Zoning Local Law to permit:

existing porch w/ insufficient rear yard & an existing shed w/ insufficient rear & side yards.

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs., Cols. F & G;

for property situated as follows:

18 Provost Drive, New Windsor, N.Y. 12553

known as tax lot Section 49 Block 4 Lot 5.

SAID HEARING will take place on the 9th day of July, 1996, 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. Barhart, Secy.

This Indenture,

Made the 13th day of August, , nineteen hundred and Sixty-three,

Between SCHOONMAKER BROS., INC., with principal office at Route 94, M. D. 33, Town of New Windsor, Orange County, State of New York, a corporation organized under the laws of the State of New York,

, party of the first part, and

CARLOS M. VASQUEZ and TERESA G. VASQUEZ, husband and wife, as tenants by the entirety, residing at No. 18 Provost Drive, Town of New Windsor, Orange County, State of New York,

, parties of the second part,

Witnesseth, that the party of the first part, in consideration of TEN - - - - - (\$10.00) - - - - - Dollars, lawful money of the United States, and other good and valuable considerations, paid by the parties of the second part, does hereby grant and release unto the parties of the second part, their heirs and assigns forever,

All that certain lot, piece or parcel of land, together with the improvements thereon, known as No. 18 Provost Drive, Block C, Map of

Gateway, Schoonmaker Bros., Inc., Town of New Windsor, Orange County, New York, dated and made November 1962 by C. F. DiMarzio, L. S. No. 15985, filed December 6, 1962 in the Orange County Clerk's Office as Map No. 1974, and which lot is more particularly bounded and described as follows:-

BEGINNING at the northeasterly corner of Lot No. 16 Provost Drive, Block C, and continuing from thence along said Lot No. 16, Block C, Provost Drive, North $61^{\circ} 47'$ West 129.71 feet; thence along the rear of Lot No. 13, Block C, and Lot No. 15, Block C, Parade Place, North $33^{\circ} 43'$ East 120.55 feet; thence South $61^{\circ} 47'$ East 118.15 feet to the westerly line of Provost Drive; thence along the westerly line of Provost Drive, South $28^{\circ} 13'$ West 120 feet to the point of beginning.

xd

LIBER 1645 PG 199

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

To have and to hold the premises herein granted unto the parties of the second part, as tenants by the entirety, their heirs and assigns forever

And the party of the first part covenants as follows:

First. That the party of the first part is seized of the said premises in fee simple, and has good right to convey the same;

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

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

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

Fifth. That the party of the first part will forever warrant the title to the said premises.

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

In Witness Whereof, the party of the first part has caused its corporate seal to be hereunto affixed and these presents to be signed by its duly authorized officer the day and year first above written.

SCHOONMAKER BROS., INC.

In the presence of

BY D. Bruce Schoonmaker (L.S.)

D. Bruce Schoonmaker,
President.

Allen J. Indzonka

Allen J. Indzonka

Carlos M. Vasquez (L.S.)
Carlos M. Vasquez

Teresa G. Vasquez (L.S.)
Teresa G. Vasquez



State of

County of

ss.:

On the 13th day of August, nineteen hundred and Sixty-three, before me personally came D. BRUCE SCHOONMAKER to me known, who, being by me duly sworn, did depose and say that he resides ~~in~~ at No. 42 Garden Drive, Town of New Windsor, Orange County, N.Y; that he is the President of

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

Allen J. Indzonka

Notary Public

ALLEN J. INDZONKA
Notary Public, State of New York
Residence on Appointment Orange County
Commission Expires March 30, 1964



LIBER 1545 PG 201

STATE OF NEW YORK
COUNTY OF ORANGE

ss.:

On this 13th day of August, nineteen hundred and sixty-three, before me personally appeared CARLOS M. VASQUEZ and TERESA G. VASQUEZ, to me known and known to me to be the individuals described in and who executed the foregoing instrument and they each duly acknowledged to me that they executed the same.

Allen J. Indzonka
Notary Public

ALLEN J. INDZONKA

Notary Public, State of New York
Residence on Appointment Orange County
Commission Expires March 30, 1964

Deed.

SCHOONMAKER BROS., INC.

TO

CARLOS M. VASQUEZ and
TERESA G. VASQUEZ, husband
and wife

Dated, August 13th, 19 63

Orange County Clerk's Office, s.s.
Recorded on the *14th* day
of *Aug* 19*63* at *11:28*
o'clock *AM* in Liber *1645*
..... *Deeds* at page *199*
and Examined.

A. E. ... Clerk

Charge and Return to
ALLEN J. INDZONKA
ATTORNEY AT LAW
160 LIBERTY STREET
NEWBURGH, N. Y.

7-

Date 5/1/96, 19.....

TOWN OF NEW WINDSOR

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

TO Frances Both 147 Sycamore Dr. DR.
New Windsor NY 12553

DATE		CLAIMED	ALLOWED
4/21/96	Planning Zoning Board Mtg	75.00	
	Misc. - 2		
	Dicoiacomo - 5		
	Wagner 13.50.		
	Linderman - 4		
	VGB Assoc. - 5		
	Bothstein - 13		
	// 32	144.00	
		219.00	

~~VASQUEZ, CARLOS~~

MR. NUGENT: Request for 1 ft. 7 in. rear yard variance for existing porch and 1 ft. 6 in. side yard and 3 ft. 4 in. rear yard variance for proposed shed at 18 Provost Drive in an R-4 zone.

Mr. and Mrs. Carlos Vasquez appeared before the board for this proposal.

MR. NUGENT: Tell us what you want to do and why.

MR. CARLOS: When we built up this deck, one corner, the left side is 40 feet from the, from my neighbor's fence but due to the configuration of the ground another is 2 1/2 feet less so that is the whole problem. So I have a letter from our neighbor, you know, being specific about no problem for this structure on our property.

MR. TORLEY: Where do you intend to put the shed?

MR. CARLOS: The tool shed is portable type so it can be moved at any time. When we bought it, the company just put it there but they can come and move it cause next to my neighbor his tool shed is in the same place so.

MRS. CARLOS: As a matter of fact, it's closer than ours.

MR. NUGENT: In order to eliminate a lot of variances, you can move that shed 18 inches on your side yard, you won't even need that variance if you say it's a portable shed, it's not concrete, right?

MR. CARLOS: No, no, it's over two pieces of lumber 4 X 4 and then you can move it according to the specifications so that is not really a problem.

MR. NUGENT: Show me over here on the drawing that you made where is that shed sitting now?

MR. CARLOS: Right here.

MR. TORLEY: If you and your neighbor can move that shed, it saves, it cuts out one whole part of the problem if you move it 18 inches, if you can do that.

MR. KANE: How hard would it be to move that shed?

MR. CARLOS: You like to have a tool shed in the middle of the yard?

MR. KANE: No, not a lot, just required one foot six inches.

MR. CARLOS: It has to be empty and jacked up and moved. It's no problem, not really a problem.

MR. NUGENT: If you want it there, you know, go for it, you have got it in the variance anyway.

MR. KANE: Is your shed in a very similar position to the other sheds in your neighborhood?

MR. NUGENT: Further away.

MR. KANE: Do you have other neighbors with sheds too?

MR. CARLOS: Yes.

MR. KANE: A lot of people put it in that spot.

MR. CARLOS: Do you have this letter, a copy of this letter?

MR. NUGENT: Bring that with you at the public hearing. Any other questions?

MR. KANE: Just one technical question, Jim, in the schedule it says for proposed shed, that should read for existing shed, correct?

MR. NUGENT: It's already there, right?

MR. CARLOS: Yes.

MR. KANE: I'm just saying in this it says proposed, it should read existing.

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MR. KANE: Would you entertain a motion?

MR. NUGENT: Yes, I will.

MR. KANE: Move that we set up Mr. Vasquez for a public hearing on the proposed variances at 18 Provost Drive.

MR. REIS: Second it.

ROLL CALL

MR. REIS AYE
MR. KANE AYE
MR. LANGANKE AYE
MR. TORLEY AYE
MR. NUGENT AYE

MR. KRIEGER: When you come back, the state law requires that the zoning board address itself to the five criteria that I have set forth there. If you would address them in your application for the public hearing, it would assist the zoning board. In addition, I would like to see your deed and title policy. I don't need to keep them. You don't need to make me a copy, just so I can look at them and I'll give them right back to you.

MR. NUGENT: You're all done, thank you.