

ZB# 96-28

Robert Schultz

27-2-6.1

#96-28-Schultz, Robert
(area) 27-2-6.1

Return

June 10, 1996.

Appfunded 5/7/96.

Motion to sched. P.H.
Notice to Repr - 5/6/96.

- ① Deed
- ② Title Report
- ③ Fees ① 50.00 ②
- ④ Photos of ~~home~~ ^{retrio out.}

Public Hearing:
June 24, 1996.
Area variance
Granted

Refund: 198.50.

General Receipt

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, NY 12553

1271

June 11 1996

Received from

Yattiva Sekretz

\$ 50.⁰⁰

Quota

00

DOLLARS

For

2 BA App. # 96-28 100

DISTRICT

FLY	CODE	AMOUNT
CR 2175		50. ⁰⁰

By

Dorothy Hansen

Town Clerk

TITLE

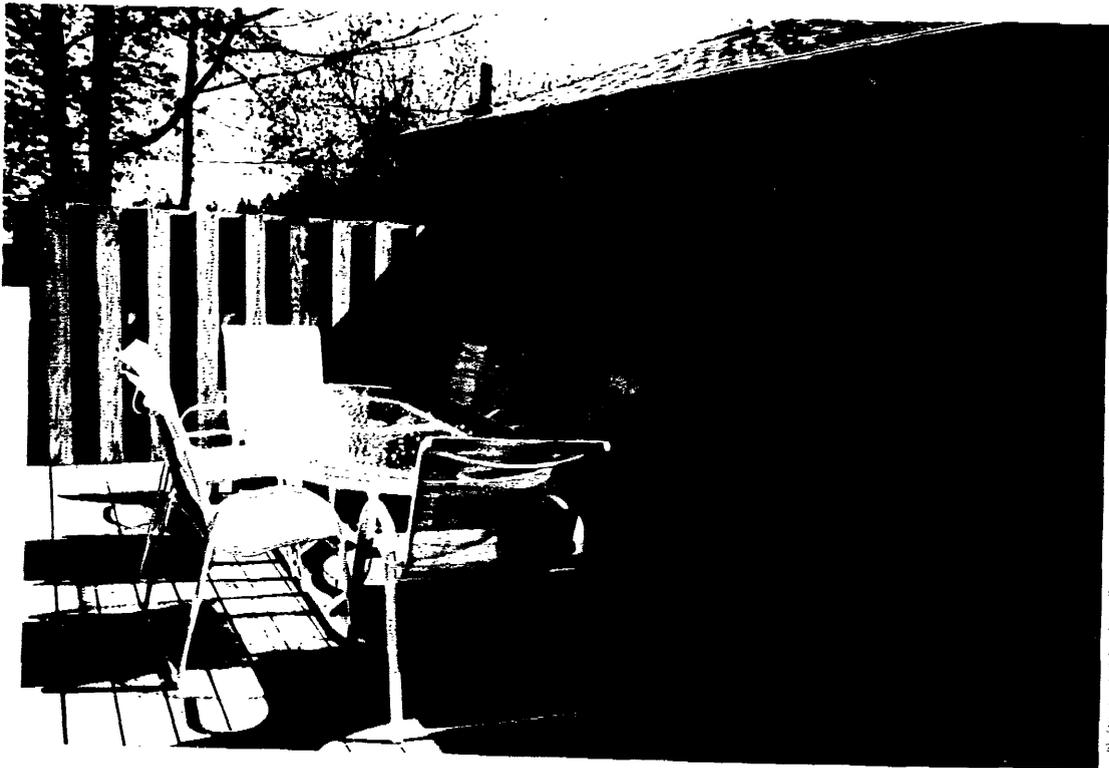
ALL AMOUNTS IN U.S. DOLLARS



CK 2115 50.00

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

Down Clark
TITLE







(area) 27-2-6.1

the x-0 driving, road

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Schultz, Robt.

FILE # 96-28

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

AREA USE

APPLICATION FOR VARIANCE FEE \$ 50.00

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE	6/10/96 - 4 pages	\$ 18.00
2ND PRELIM. MEETING - PER PAGE	6/26/96 - 3 pages	\$ 13.50
3RD PRELIM. MEETING - PER PAGE		\$
PUBLIC HEARING - PER PAGE		\$
PUBLIC HEARING (CONT'D) PER PAGE		\$
TOTAL		\$ <u>31.50</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING:	6/10/96	\$ 35.00
2ND PRELIM.	6/26/96	\$ 35.00
3RD PRELIM.		\$
PUBLIC HEARING		\$
PUBLIC HEARING		\$
TOTAL		\$ <u>70.00</u>

MISC. CHARGES:

_____ TOTAL \$ 106.50

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

ROBERT S. SCHULTZ
PATRICIA J. SCHULTZ
 23 FARMSTEAD ROAD
 NEW WINDSOR, NY 12553-7811

2176
 6-11 19 96
 50-947/219
 841

Order of Town of New Windsor \$ 300.00
Three hundred + 00/100 Dollars

Capital Communications Federal Credit Union
 EFT: R/T 221373273
 18 Computer Drive East, Albany, New York 12205
 Payable Through: Extebank, Hauppauge, NY

for 209 96-28 Patricia Schultz

⑆021909478⑆7564193154901⑆ 2176

ROBERT S. SCHULTZ
PATRICIA J. SCHULTZ
 23 FARMSTEAD ROAD
 NEW WINDSOR, NY 12553-7811

2175
 6-11 19 96
 50-947/219
 841

Order of Town of New Windsor \$ 50.00
Fifty + 00/100 Dollars

Capital Communications Federal Credit Union
 EFT: R/T 221373273
 18 Computer Drive East, Albany, New York 12205
 Payable Through: Extebank, Hauppauge, NY

for 96-28 ZBA Patricia Schultz

⑆021909478⑆7564193154901⑆ 2175

In the Matter of the Application of

ROBERT SCHULTZ

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#96-28.

WHEREAS, ROBERT SCHULTZ, 23 Farmstead Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 19.2 ft. rear yard variance for an existing deck at the above residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 24th day of June, 1996 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant and his wife 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) This configuration of the property is unusual being approximately triangular.

(c) The deck was constructed approximately eight years ago.

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

(e) The deck does 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.

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

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

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

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

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a

19.2 ft. rear yard variance for existing deck 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: August 12, 1996.


Chairman

Date 6/26/96, 19.....

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

TO Frances Roth 147 Sycamore Pl DR.
New Windsor Ny 12553

DATE		CLAIMED	ALLOWED
<u>6/26/96</u>	<u>Zoning Board Meeting</u>	<u>75.00</u>	
	<u>Misc - 2</u>		
	<u>Bila - 2</u>		
	<u>Hortzinger - 18</u>		
	<u>Radich - 3</u>		
	<u>Tepper - 4</u>		
	<u>Schultz - 3</u> <u>13.50.</u>	<u>144.00</u>	
	<u>32</u>	<u>219.00</u>	

SCHULTZ, ROBERT

MR. NUGENT: Request for 19.2 ft. rear yard variance for existing deck at 23 Farmstead Road in an R-4 zone.

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

MR. NUGENT: You're on.

MR. SCHULTZ: We had requested the variance due to the setbacks, our yard the way the property is situated, we just don't have a lot of footage, this is an existing deck that we had built about eight years ago.

MR. KANE: How big is the deck?

MR. SCHULTZ: 12 x 20.

MR. KANE: So it is not an overly big deck compared to the community around you?

MR. SCHULTZ: No.

MR. KANE: Is there similar decks in the area to the one you have built?

MR. SCHULTZ: Yes.

MR. KRIEGER: How long has it been up?

MR. SCHULTZ: Eight years.

MR. KRIEGER: Is it over the top of any septic system?

MR. SCHULTZ: No, we have municipal.

MR. KRIEGER: Any accumulation of water underneath or any water course?

MR. SCHULTZ: No, sir can.

MR. KRIEGER: When you put it up, did you, what kind of vegetation did you remove or change?

MR. SCHULTZ: None but we planted pachysandra underneath.

MR. KANE: Even though it's self-created, it would create financial hardship to change this to the variance. What size deck would that leave you with?

MR. SCHULTZ: None, besides I think I'm allowed to put the landing at the sliding doors.

MR. KRIEGER: I was going to say this meets up to sliding doors that are considerable distance off the ground.

MR. SCHULTZ: Yes.

MR. KRIEGER: So without a deck, it would be if somebody were to step out the doors and there were no deck, it would be a safety hazard?

MR. SCHULTZ: Yes.

MR. KRIEGER: Fall and probably sustain injury?

MR. SCHULTZ: Yes.

MR. KRIEGER: Did you get any kind of building permit when you put this up?

MR. SCHULTZ: Eight years ago, we had originally applied for a permit, we went, which was denied, and we went to the first preliminary hearing and at that time in '89 after we got the list of people, I really don't have a good excuse but we stopped it at that point.

MR. KRIEGER: The building inspector, a person from the building inspector's office is here, have you looked at addressing my questions to him, have you looked at the footings here at all?

MR. SCHMIDT: No, no, it hasn't been looked at. Once it's approved, that is when we require that they dig up footings. No sense of making them dig it up, if you are not going to approve.

June 24, 1996

31

MR. KRIEGER: Even if it were approved before the granting of a C.O. you'd check it out to make sure that it is adequately constructed?

MR. SCHMIDT: Yes.

MR. SCHULTZ: Last Saturday, I dug down one footing so we're all, we're set for you now.

MS. SOKAL: Priscilla Sokal, I'm with First Independent Realty Group and I'm the back yard neighbor of the Schultzs and I'm here to support them and hope that you will approve their variance.

MS. BARNHART: Will you sign the spectator's list please?

MR. KRIEGER: Then I have enough.

MR. NUGENT: Accept a motion.

MR. KANE: I move we grant a variance for Robert Schultz at 23 Farmstead Road for his requested rear yard variance.

MR. REIS: Second it.

ROLL CALL

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

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MAY 3, 1996

APPLICANT: ROBERT SCHULTZ
23 FARMSTEAD ROAD
NEW WINDSOR, N.Y. 12553

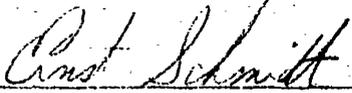
PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: APRIL 30, 1996
FOR (BUILDING PERMIT): EXISTING 12 FT. X 20FT. DECK
LOCATED AT: 23 FARMSTEAD ROAD

ZONE: R4

DESCRIPTION OF EXISTING SITE: SECTION: 27, BLOCK: 2, LOT: 6.1
ONE FAMILY DWELLING

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. DECK DOES NOT MEET THE 40 FT. REQUIRED REAR YARD DEPTH


BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: LR4	USE R4 BULK TABLE	
REQ'D REAR YD. 40FT.	20.8FT.	19.2FT.

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.

SECTION 84

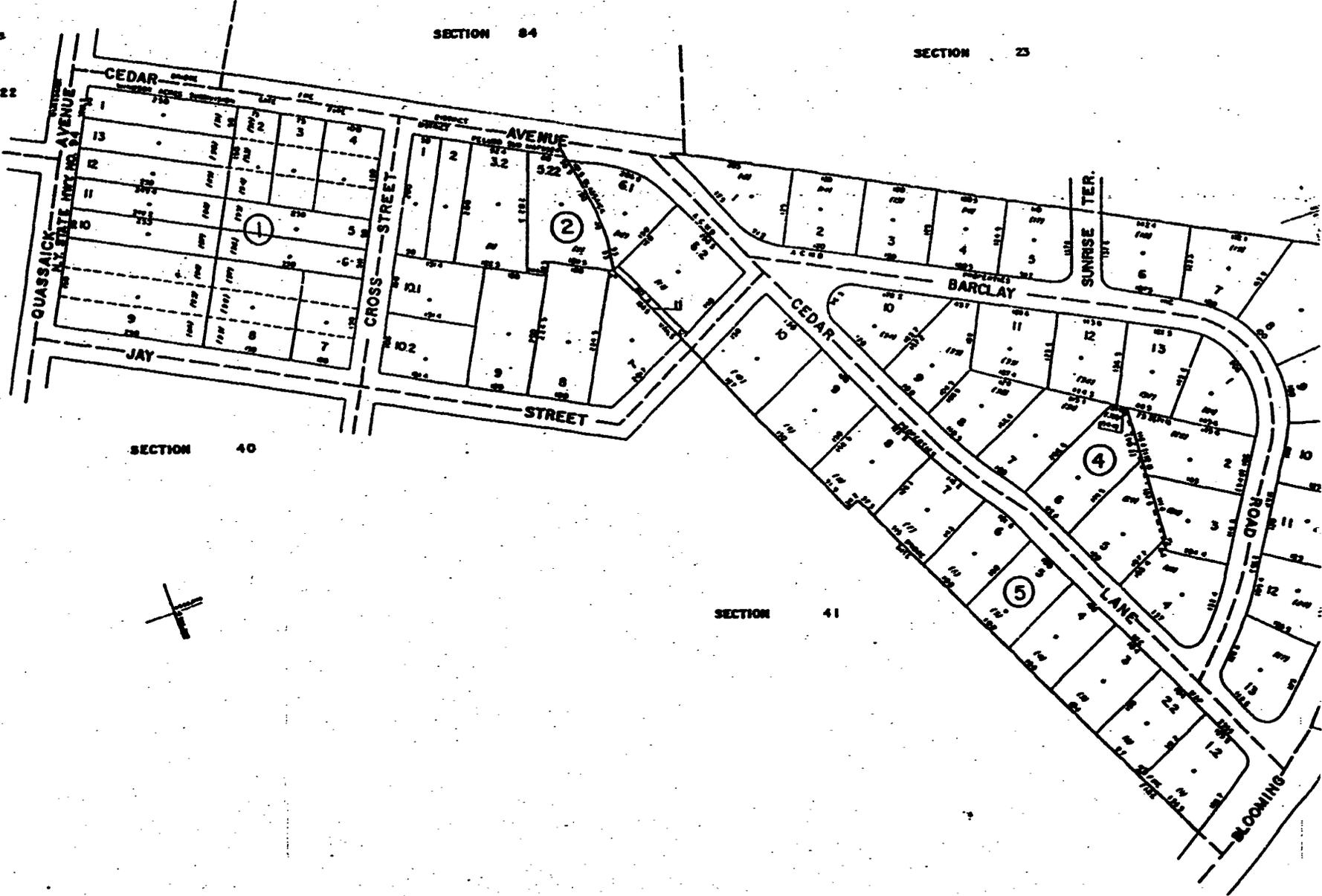
SECTION 23

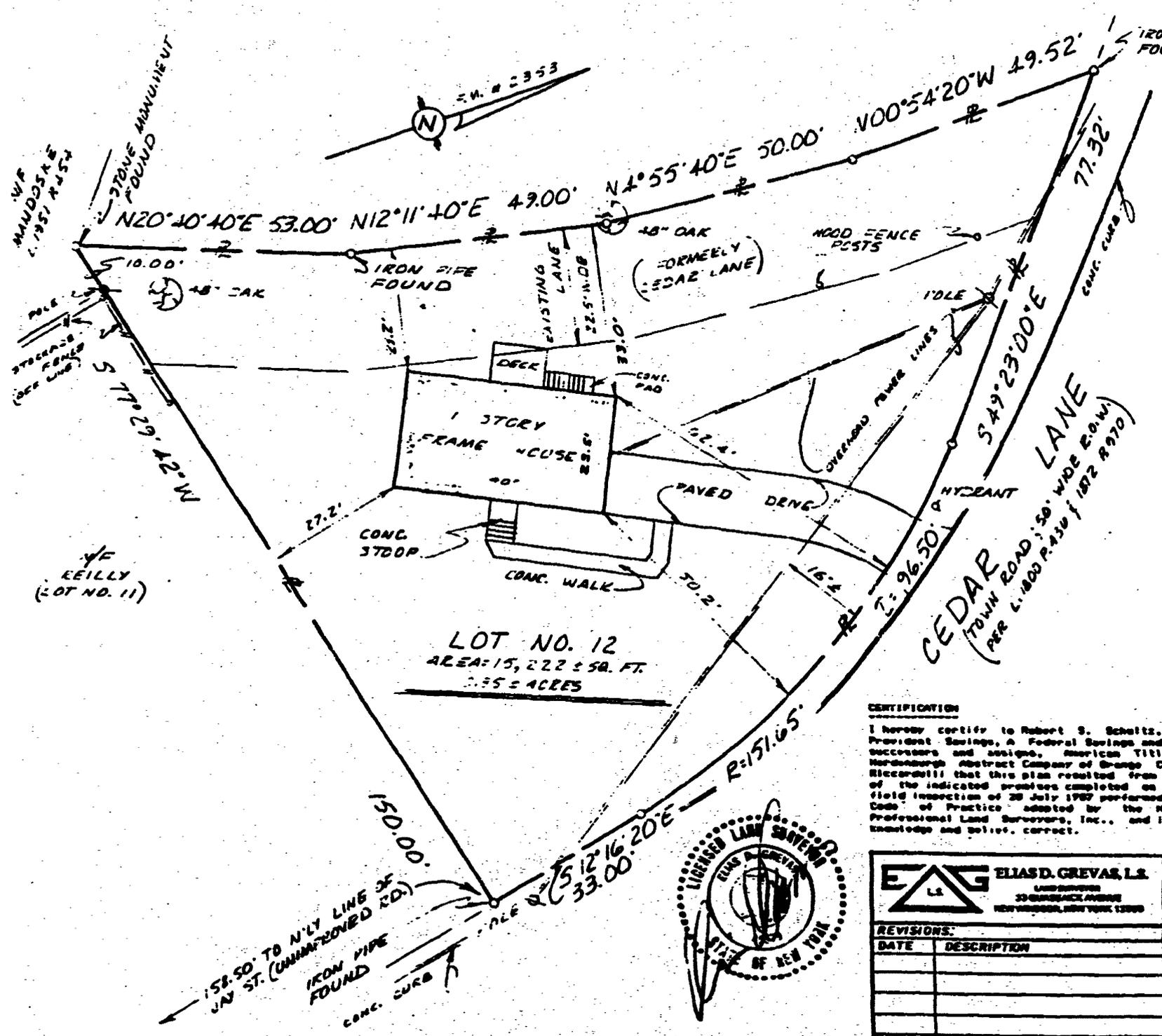
SECTION 22

SECTION 26

SECTION 40

SECTION 41





LOT NO. 12
 AREA: 15,222 ± SQ. FT.
 0.35 ± ACRES

GENERAL NOTES

1. Unauthorized alteration or addition of licensed land surveyor's seal (2) of the New York State Education Department.
2. Only copies from the original, original of land surveyor's instrument be valid true copies.
3. Certification shall run only to the person to whom it is prepared, and on his behalf, and is not transferable to additional owners.

SPECIAL NOTES

1. Being Lot No. 12 as shown in Subdivision A.C.M.D. Properties filed in the Orange County Clerk's Office, Map No. 2353; revised by field to adjoining deeds, physical map "Windsor Acres", said map has been filed in the County Clerk's Office on 22 May 1987.
2. The iron pipeset on the south side were placed on 12 June 1984 by [unclear].
3. Offsets shown are right angles unless otherwise noted.
4. No certification is made for surface at time of survey.
5. This office is in receipt of Title from Hordensburgh Abstract No. 627-12-A; RD-33-17268. Certificate reveals the following:
 - a) The Schedule "A" contains the office for the previous owner.
 - b) Grants to utility companies: Liber 633, Page 318; Liber 179 and Liber 1734, Page 204 general in nature and are this map.

CERTIFICATION

I hereby certify to Robert S. Schultz, Patricia J. Schultz, President Savings, A Federal Savings and Loan Association, its successors and assigns, American Title Insurance Company, Hordensburgh Abstract Company of Orange County, Inc. and Stephen Riccardelli that this plan resulted from an actual field survey of the indicated premises completed on 22 January 1987 and a field inspection of 28 July 1987 performed in accordance with the Code of Practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc., and is, to the best of my knowledge and belief, correct.



ELIAS D. GREVAS, L.S. LAND SURVEYOR 30 GURFACE AVENUE NEW WINDSOR, NEW YORK 12590		SURVEY FOR:	
		ROBERT S. & PATRICIA	
REVISIONS: DATE DESCRIPTION		TOWN OF NEW WINDSOR ORN	
		Drawn: <i>EG</i>	
		Checked:	
		Scale: 1" = 20'	
		Date: 20 AUG 1987	
		Job No: 87-147	

BOUNDARY,

Date 6/20/96 19.....

TOWN OF NEW WINDSOR

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

TO Frances Roth 147 Sycamore Av DR.
New Windsor, NY 12553

DATE		CLAIMED	ALLOWED
6/10/96	Zoning Board Meeting	75	00
	Misc - 2		
	Belle - 1		
	Cuttica - 3		
	Monaco - 1		
	Morfe - 3		
	Castro - 4 18.00		
	Castro - 5		
	Tepper - 2		
	Lindemann - 4		
	Petronella - 4	116	50
	37 pp		
		241	50

~~ROBERT~~

MR. NUGENT: Request for 19.2 ft. rear yard variance for existing deck at 23 Farmstead Road in an R-4 zone.

Mr. and Mrs. Schultz appeared before the board for this proposal.

MR. SCHULTZ: I brought some pictures, it's for the setbacks. When we bought the house, we took down the existing deck and just enlarged it.

MR. NUGENT: Quite a step if you didn't have that deck.

MR. SCHULTZ: Yes, unless you could jump into the pool from there. The variance is for the rear setback. When we bought the house, there was about a 10 x 10 deck but I'm told that the town didn't have a record of that. We really only came out an extra two feet passed the original deck, we made it wider.

MR. NUGENT: Probably better off doing this so in the future, you don't have a problem.

MR. TORLEY: That deck itself was not legal to start with, this is with one of the ones where the back of the house is right on the deck. They put them up for a spot for the deck knowing the deck would be illegal.

MR. LANGANKE: You ought to round this off. A variance request of 20 feet, you know, you're down to like 19.2 inches and if you are off an inch in measurements, you're going to have a big problem going for the extra.

MR. KANE: If you ever go to refinance and sell your house, the banks are very stringent, they have people checking so if you are off a little bit, you'll be back again.

MR. SCHULTZ: We're in contract. My property is unique, it's triangular so the deck intercepts the boundary at different--

MR. KRIEGER: How did you get the feet here, did you, is that something you got from the building inspector?

MR. SCHULTZ: It must be because the 19.2.

MR. KRIEGER: Well, you want to check and make sure as Mr. Torley has said.

MR. SCHULTZ: So I should go to the closest point.

MR. KRIEGER: Yeah, make sure that you are measuring it properly, they have particular rules and you don't want to go through all this and find out that the building inspector measures it differently.

MR. SCHULTZ: But the 30 clearance that is the standard now, right?

MR. KANE: Forth, that is what you're up against, right now, 40, you have 20 and change and you're looking for 19 and change. What we're saying is instead of 19.2, you might be better off asking for a 19'5" or 19 or 20 even just to make sure that your measurements are okay, especially on one of the triangle things.

MR. KRIEGER: Don't assume, check with the building inspector, make sure that you are measuring the same way that the building inspector will measure because if you, a proposed purchaser who goes to their lending institution, they'll rely on the building inspector and if the building inspector says it not the right way, no money will be lent.

MR. TORLEY: You're back here starting all over again.

MR. SCHULTZ: We are in contract now.

MR. KRIEGER: I would delay that.

MR. KANE: We just want to make sure you get it all done right up front.

MR. NUGENT: Could you point out how your house is laid out on this lot, this is your lot in pink, right?

MR. SCHULTZ: Right, we face, here's Homestead see here we face kind of that way, we don't face directly right

on, you can see here.

MR. NUGENT: So in reality, the entire deck you need less of a variance as you go around, right?

MR. SCHULTZ: Yes.

MR. REIS: I'm familiar with the lot, that is a tough lot.

MR. REIS: There's nobody behind you, is there, Bob?

MR. SCHULTZ: I have a neighbor here and one in the corner, of course on the sides.

MR. REIS: That would be from Jay Street?

MR. SCHULTZ: Yes.

MR. CANE: Will you accept a motion?

MR. NUGENT: Yes.

MR. KANE: I move we set up Robert Schultz for his requested variance for public hearing.

MR. REIS: Second the motion.

ROLL CALL

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

MS. BARNHART: You have your applications and do you have your list yet?

MR. SCHULTZ: Yes.

MR. KRIEGER: When you come back, the criteria that the state has set forth is criteria which the Zoning Board must follow. I have put them here on that list, if you take that with you and at the public hearing, address

yourself to those criteria it would be helpful.

MR. SCHULTZ: I will have to have it of course inspected by the building inspector cause I'll actually have to get a permit, I would imagine?

MS. BARNHART: After you get your variance.

MR. KRIEGER: If you granted it.

MR. SCHULTZ: I was just wondering if it was a way to have it pre-inspected so I know that there was anything I'd have to modify?

MR. KANE: If they have time, he may stop down or send Frank down to see what you need done.

MR. SCHULTZ: I realize that we're, I don't want to rush it but we're in contract for the sale.

MR. KANE: Stop down and talk to Mike so it saves them the step, he may send himself or somebody else to check it out.

MR. SCHULTZ: We appreciate that.

MR. KANE: It's a possibility.

MR. SCHULTZ: Thank you.

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

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

Robert & Patricia Schultz

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

96-28.

-----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 12, 1996, I compared the 49 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
12th 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

49

May 31, 1996

Robert Schultz
23 Farmstead Rd.
New Windsor, NY 12553

Re: Tax Map Parcel: 27-2-6.1

Dear Mr. Schultz:

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 \$65.00, minus you deposit of \$25.00. Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook (cad)

LESLIE COOK
Sole Assessor

/cad
Attachment

cc: Pat Barnhart, DLA

Martin, John B. & Gloria
6 Cedar Lane
New Windsor, NY 12553 X

Scott, William A. & Dorothy E.
8 Cedar Lane
New Windsor, NY 12553 X

Canzone, Salvatore F.
PO Box 4759
New Windsor, NY 12553 X

Napoli, Michael R. & Pam
49 Cross St.
New Windsor, NY 12553 X

Napoli, Karen J.
47 Cross St.
New Windsor, NY 12553 X

Rosenblum, Robert J. & Kim M.
43 Cross St.
New Windsor, NY 12553 X

Hanna, Constance L.
5 Jay St.
New Windsor, NY 12553 X

Nunnally, William J. & Vicki
56 Cross St.
New Windsor, NY 12553 X

Russe, Anthony & Vera
14 Cedar Lane
New Windsor, NY 12553 X

Pelusa, Peter A. & Mary J.
16 Cedar Lane
New Windsor, NY 12553 X

Duckery, William E. & Carolyn L.
20 Cedar Lane
New Windsor, NY 12553 X

Morgan, Robert R. & Denise
21 Farmstead Rd.
New Windsor, NY 12553 X

Mandoske, Priscilla L.
27 Jay St.
New Windsor, NY 12553 X

Comfort, Harriet L.
23 Jay St.
New Windsor, NY 12553 X

Demarco, Eugene & Virginia
19 Jay St.
New Windsor, NY 12553 X

Scott, Gordon & Muriel
15 Jay St.
New Windsor, NY 12553 X

Schutzman, Lisa Lagueras
18 Farmstead Rd.
New Windsor, NY 12553 X

Montedeoca, Edwin & Montedeoda, Nelida Roman
59 Barclay Rd.
New Windsor, NY 12553 Y

Arnold, & Herbert S. & Verna F.
57 Barclay Rd.
New Windsor, NY 12553 X

Sager, Stephen R. Jr. & Roxana V.
55 Barclay Rd.
New Windsor, NY 12553 Y

Coloni, Margaret R.
PO Box 4097
New Windsor, NY 12553 X

Wickham, Michael V. & Mary C. & Leslie H.
56 Barclay Rd.
New Windsor, NY 12553 X

Alphonse, Rene & Margaret
15 Farmstead Rd.
New Windsor, NY 12553 Y

Foti, Joseph JR. & Susan
17 Farmstead RD
New Windsor, NY 12553 Y

Brooks, Michael M & Judith A Pizzingrillo
19 Farmstead Rd.
New Windsor, NY 12553 X

Schmidt, Ernst L & Mary M
C/O C A Peterson CO.
2406 Kelly Drive (Park Place)
Sebastian, FL 32958 X

Skehan, Francis R. & Ellen M.
23 Ellsion Dr.
New Windsor, NY 12553 X

Corbett, Joseph Jr. A
Joseph A, Corbett SR & Loretta X
21 Ellison Dr.
New Windsor, NY 12553

Bowman, Micheal W & Nancy C
19 Ellison Drive X
New Windsor, NY 12553

Kennedy, Robert X
17 Ellison Dr.
New Windsor, NY 12553

Lauritano, Chris G.
Corbett Cheryl-Ann R. X
15 Ellison Dr.
New Windsor, NY 12553

Dearborn, Joseph R. & Barbara X
13 Ellison Dr
New Windsor, NY 12553

Palumbo, Edward P & Janet X
P.O. Box 4633
New Windsor, NY 12553

Brown, Jeanne C. X
14 Sunrise Terrace
New Windsor, NY 12553

Brown, Edith M. Estate of X
c/o Gordon B. Brown
707 Brown Pelican Lane
Hampstead, NC 28443

Fay, Gordon L. & Loretta X
8 Ellison Dr.
New Windsor, NY 12553

Angelone, Albert & Mary X
14 Ellison Dr.
New Windsor, NY 12553

Hughes, Theodore S & Beverly F X
18 Ellison Dr
New Windsor, NY 12553

Maldonado, Alberto & Maria X
14 Jay Street
New Windsor, NY 12550

Billesimo, Anthony J. JR. X
Hedlund, Kathleen
46 Cross Street
New Windsor, NY 12553

Zubalsky, Arnold & Edna X
20 Jay St.
New Windsor, NY 12553

Meyers, George & Roseanne X
22 Brandon Ct.
New Windsor, NY 12553

Ferguson, Edward M X
1 Brandon Ct.
New Windsor, NY 12553

Lomartere, Charles P &
Rubino, Elizabeth X
28 Jay St.
New Windsor, NY 12553

Massari, Habib D & Josephine X
3 Brandon Ct.
New Windsor, NY 12553

Diaz, Rosalie A. &
Butta, Robert C. X
5 Brandon Ct.
New Windsor, NY 12553

Miller, Joseph S &
Helen M Y
38 Cross St.
New Windsor, NY 12553

McCaffrey, Kevin M. Y
& Linda R.
44 Cross St.
New Windsor, NY 12553

Squire Village X
Board of Directors
c/o Emerald Mgmt.
P.O. Box 268, 2299 Route 9N
Fishkill, NY 12524

1. As published 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. # 96-28

Request of Robert & Patricia Schultz

for a VARIANCE of the Zoning Local Law to permit:

existing deck w/ insufficient rear yard;

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

for property situated as follows:

23 Farmstead Road, New Windsor, N.Y.

known as tax lot Section 27 Block 2 Lot 6.1

SAID HEARING will take place on the 24th day of June,
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. Barnhart, Secy.

POLICY OF TITLE INSURANCE



Issued by

TITLE NO. RD-33-17208

POLICY NO. — 397178

american title insurance company

northeast region

Jeffrey R. Werner, Esq.
180 North Plank Road
P.O. Box 769
Newburgh, New York 12550

American Title Insurance Company, in consideration of the payment of its charges for the examination of title and its premium for insurance, insures the within named insured against all loss or damage not exceeding the amount of insurance stated herein and in addition the costs and expenses of defending the title, estate or interest insured, which the insured shall sustain by reason of any defect or defects of title affecting the premises described in Schedule A or affecting the interest of the insured therein as herein set forth, or by reason of unmarketability of the title of the insured to or in the premises, or by reason of liens or incumbrances affecting title at the date hereof, or by reason of any statutory lien for labor or material furnished prior to the date hereof which has now gained or which may hereafter gain priority over the interest insured hereby or by reason of a lack of access to and from the premises, excepting all loss and damage by reason of the estates, interests, defects, objections, liens, incumbrances and other matters set forth in Schedule B, or by the conditions of this policy hereby incorporated into this contract, the loss and the amount to be ascertained in the manner provided in said conditions and to be payable upon compliance by the insured with the stipulations of said conditions, and not otherwise.

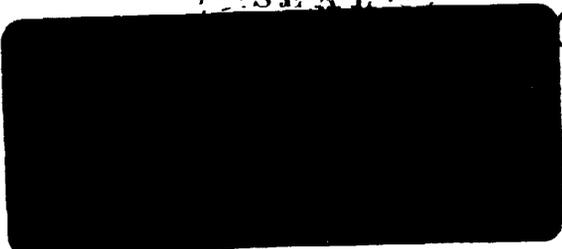
In Witness Whereof, American Title Insurance Company has caused this policy to be signed and sealed on its date of issue set forth herein.

american title insurance company


President

ATTEST:


Secretary



SCHEDULE A

Date of Policy **9/3/87**

Amount of Insurance \$ **125,000.00**

TITLE NO. **RD-33-17208**
POLICY NO. **397178**

Name of Insured:

ROBERT S. SCHULTZ and PATRICIA J. SCHULTZ

The estate or interest insured by this policy is **fee simple**

vested in the insured by means of

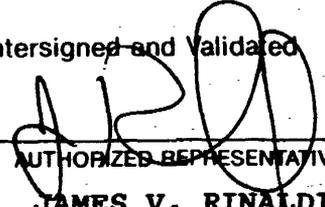
Deed dated 8/31/87 made by Stephen Riccardulli to Robert S. Schultz and Patricia J. Schultz and recorded in the Orange County Clerk's Office on 9/3/87 in Liber 2787 Cp. 219.

The premises in which the insured has the estate or interest covered by this policy

See attached Schedule "A".

Countersigned and Validated

BY



AUTHORIZED REPRESENTATIVE

JAMES V. RINALDI

SCHEDULE "A"

All that certain piece or parcel of land lying, situate and being in the Town of New Windsor, Orange County, New York, being Lot # 12 as shown on a map entitled "Proposed Subdivision, A.C.M.D. Properties Corp.", said map having been filed in the Orange County Clerk's Office on 25 June 1968 as Map No. 2353, and being more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of Cedar Lane, as shown on the above-referenced map, said point being at the intersection of said line with the northerly line of Lot # 11, said point also being an iron pipe set in the ground, running thence the following courses and distances:

1. Along said division line, S 77° 29' 42" W, 150.00' to a stone monument found;
2. N 20° 40' 40" E, 53.00' to a iron pipe found;
3. N 12° 11' 40" E, 49.00' to a point;
4. N 4° 55' 40" E, 50.00' to a point;
5. N 00° 54' 20" W, 49.52' to a point in the afore-mentioned westerly line of Cedar Lane;
6. Along said line, S 49° 23' 00" E, 77.32 to a point;
7. Still along said line on a curve to the right having a radius of 151.65' a distance of 96.50' to a point;
8. Still along said line S 12° 16' 20" E, 33.00' to the point or place of BEGINNING.

CONTAINING 15,222 square feet, or 0.35 Acres of land more or less.

SCHEDULE B

TITLE NO. RD-33-17208

The following estates, interests, defects, objections to title, liens and incumbrances and other matters are excepted from the coverage of this policy:

1. Defects and incumbrances arising or becoming a lien after the date of this policy, except as herein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental, war or police powers over the premises.
3. Any laws, regulations or ordinances (including, but not limited to zoning, building, and environmental protection) as to the use, occupancy, subdivision or improvement of the premises adopted or imposed by any governmental body, or the effect of any noncompliance with or any violation thereof.
4. Judgments against the insured or estates, interests, defects, objections, liens or incumbrances created, suffered, assumed or agreed to, by or with the privity of the insured.
5. Title to any property beyond the lines of the premises, or title to areas within or rights or easements in any abutting streets, roads, avenues, lanes, ways or waterways, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement, unless this policy specifically provides that such titles, rights, or easements are insured. Notwithstanding any provisions in this paragraph to the contrary, this policy, unless otherwise excepted, insures the ordinary rights of access and egress belonging to abutting owners.
6. Title to any personal property, whether the same be attached to or used in connection with said premises or otherwise.
7. Subject to Mortgage dated 8/31/87 made by Robert S. Schultz and Patricia J. Schultz to Provident Savings, A Federal Savings and Loan Association, securing \$98,400.00 and recorded in the Orange County Clerk's Office on 9/3/87 in Liber 2810 Mp. 288.
8. Grant in Liber 695 Cp. 15, Liber 855 Cp. 318, Liber 1122 Cp. 411, Liber 1246 Cp. 9, Liber 1736 Cp. 204 and Liber 1736 Cp. 198.
9. Survey made by Elias Grevas, L.S., dated 8/20/87, shows premises with location of house, drive and utility line. All within bounds.
10. Company insures Cedar Avenue is maintained by the Town of New Windsor.
11. Company insures Certificate of Occupancy issued.
12. Company affirmatively insures that with the exception of providing utility service to the subject dwelling, that Grants in Liber 695 Cp. 15, Liber 855 Cp. 318, Liber 1122 Cp. 411, Liber 1246 Cp. 9, Liber 1736 Cp. 204 and Liber 1736 Cp. 198 do not create any rights which extend more than 10 feet inside any record line, and that the exercise of any rights thereunder will not interfere with the use and occupancy of structural improvements located on the premises.

13. Rights, if any, in favor of any electric light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which said premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith except as may be shown herein.

14. Underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for entry upon said premises to maintain and repair the same, which do not appear of record.

15. The exact acreage of the premises herein will not be insured.

16. Riparian rights, if any, in favor of the premises herein are not insured.

17. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow thereof will be excepted.

18. No personal inspection of the premises has been made. Policy will except "Any state of facts which a personal inspection of the premises herein described would disclose."

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

#96-28

Date: 6-11-96

I. Applicant Information:

- (a) Robert Schultz - 23 Farmstead Rd. New Windsor - 565-5534
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance
- Area Variance
- Sign Variance
- Interpretation

III. Property Information:

- (a) R4 23 Farmstead Road 27-2-6.1 .33
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? -
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 8/87
- (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: existing 8x10 shed

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. ^{N/A}

(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. B.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 Ft.</u>	<u>20.8 Ft.</u>	<u>24 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:

The previous deck had no room. With this deck
we can really enjoy it and get a lot of use out
of it. It looks much nicer.

(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	_____	_____	_____

N/A
(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.

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

VII. Interpretation. *N/A*

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

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

✓ VIII. Additional comments:

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

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

We have always maintained the surrounding property with flowers, bushes, etc. refer to pictures.

✓ IX. Attachments required:

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

X. Affidavit.

Date: 6/4/96

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

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

x Patricia Schuetz
(Applicant)

Sworn to before me this

11th day of June, 1996.

Patricia A. Barnhart
XI. ZBA Action:

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1997.

(a) Public Hearing date: _____

(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)