

**ZB# 97-36**

**Brian VanderMaas**

**70-1-15.3**

#97-36 - Vander Maas, Brian

Area - 70-1-15.3

Prelim.

Oct. 27, 1997.

Applicant has  
paperwork. - ~~present~~

~~Approved for to install~~

~~Sent~~ Notice to Sentinel 1/7/98.  
Letters out 1/8/98.

Public Hearing:

Jan. 26, 1998.

Conditional  
Approval  
Approved

Refund

\$ 203.00

Wilson Jones - Condoner - 10150 N. Douglas - Springfield, Mo. 65801  
© Wilson Jones, 1993

DATE Jan 8, 1998 RECEIPT 340905  
RECEIVED FROM Brian Keith Vandermaas  
Address \_\_\_\_\_  
Fifty 00/100 DOLLARS \$ 50.00  
FOR ZBA # 97-36

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	<u>ck # 310</u>
AMOUNT PAID		CHECK	<u>50.00</u>
BALANCE DUE		MONEY ORDER	

Town Clerk  
BY Dorothy H. Nansen



**APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)**

APPLICANT: Vander Maas, Brian

FILE# 97-36.

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$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	<u>10/27-2</u>	\$ <u>9.00</u>
2ND PRELIMINARY- PER PAGE	<u>1/26/98-4</u>	\$ <u>18.00</u>
3RD PRELIMINARY- PER PAGE		\$ _____
PUBLIC HEARING - PER PAGE		\$ _____
PUBLIC HEARING (CONT'D) PER PAGE		\$ _____
TOTAL		\$ <u>27.00</u>

**ATTORNEY'S FEES: \$35.00 PER MEEETING**

PRELIM. MEETING:	<u>10/27</u>	\$ <u>35.00</u>
2ND PRELIM.	<u>1/26/98</u>	\$ <u>35.00</u>
3RD PRELIM.		\$ _____
PUBLIC HEARING		\$ _____
PUBLIC HEARING (CONT'D)		\$ _____
TOTAL		\$ <u>70.00</u>

**MISC. CHARGES:**

..... \$ \_\_\_\_\_  
TOTAL ..... \$ 97.00

LESS ESCROW DEPOSIT ..... \$ 300.00 -  
 (ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_  
 REFUND DUE TO APPLICANT ..... \$ 203.00

Refund.



BRIAN KEITH VANDER MAAS  
301 CLOVE RD.  
SALISBURY MILLS, NY 12577

5-22-671 310

*Jan 19 78*

PAY TO THE ORDER OF *Town of New Windsor* \$ *50 00*

*Fifty and 00/100* DOLLARS

THE BANK OF NEW YORK

1 WALL STREET, NEW YORK, N.Y. 10038

MEMO *ZBA #97-36* *Brian Vander Maas*

⑆021902352⑆ ⑆6801336416⑆ 0310

NY STYLE 80

BRIAN KEITH VANDER MAAS  
301 CLOVE RD.  
SALISBURY MILLS, NY 12577

5-22-671 309

*Jan 19 78*

PAY TO THE ORDER OF *Town of New Windsor* \$ *300 00*

*Three Hundred and 00/100* DOLLARS

THE BANK OF NEW YORK

1 WALL STREET, NEW YORK, N.Y. 10038

MEMO *ZBA #97-36* *Brian Vander Maas*

⑆021902352⑆ ⑆6801336416⑆ 0309

NY STYLE 80

In the Matter of the Application of

**BRIAN VANDER MAAS**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#97-36.

**WHEREAS, BRIAN VANDER MAAS, 12 Truex Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for an 8 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 26th day of January, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared before the Board on his own behalf for this Application; and**

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

**WHEREAS, no one spoke in favor of or in opposition to the Application; and**

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

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

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
  - (a) The property is a one-family home located in a neighborhood of one family homes.
  - (b) The deck and shed have been in place for approximately 12 years.
  - (c) It would be economically infeasible to move the deck to comply with the Zoning Local Law.
  - (d) The requested variance would be sufficient if granted to allow the existing deck to remain in place.

(e) The deck does not interfere with any course of drainage and does not cause ponding or accumulation of water.

(f) There are other similar decks adjacent to other houses in the neighborhood.

(g) A review of the photographs and the property shows that the deck does not interfere with any sight lines or create any other hazard.

(h) The house is so constructed that without a deck, a person exiting from the rear of the house would fall a considerable distance, probably sustaining serious injury.

**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 variance requested is substantial in relation to the Town regulations but nevertheless is warranted.

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

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

6. The benefit to the Applicant, if the requested 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 request for an 8 ft. rear yard variance for an existing deck at the above-referenced property 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: March 9, 1998.

*/s/*

\_\_\_\_\_  
Chairman



PUBLIC HEARING:

VANDERMASS, BRIAN

MR. NUGENT: Request for 8 ft. rear yard variance for existing deck at 12 Truex Drive in an R-4 zone.

MS. BARNHART: Is there anybody here regarding the Vandermass hearing besides Mr. Vandermass? I had 41 here that I sent out on January 8, 1998, let the record show.

Mr. Brian Vandermass appeared before the board for this request.

MR. REIS: Any responses by letter?

MS. BARNHART: No, I haven't received any.

MR. NUGENT: Let the record show there is nobody here.

MR. VANDERMASS: So I am requesting a variance in regards to the rear yard setback on my deck. The required distance to the back property line is 40 feet and I have 32 feet there. I'm requesting this variance with the thought in mind that all the other houses on the street that are aligned with my house and they are all, I would think very close, if not the same exact rear yard distance, they all have the same size decks, give or take a foot so what I am saying is my deck is not really any different than the rest of the decks on the street again give or take a foot or two.

MR. NUGENT: Is the patio on the ground?

MR. VANDERMASS: Yeah, that is an existing cement patio, there is two posts on that patio then the other two posts are in footings in the ground.

MR. TORLEY: That's okay with you, Mike?

MR. BABCOCK: I don't think we have inspected it yet. Possibly not the ones that are on the patio, unless there is a footing under them.

MR. VANDERMASS: I can't get Mike to come over to inspect it unless there is a variance.

MR. BABCOCK: If he's successful, we'll go on over and look at it. We don't want him to do any work on the deck in case he's not successful.

MR. KRIEGER: Did you ever get a building permit for this?

MR. VANDERMASS: When I bought the house, there was a deck there. And what happened the deck was not made of pressure treated lumber and over the course of the first few years, I was there, the deck started to deteriorate so what I did at first I replaced floor boards on top and then a later date, I replaced the posts. So basically I rebuilt the deck I built.

MR. KRIEGER: One piece at a time.

MR. VANDERMASS: I built it wider, a little bit wider than the original deck but based on the original dimensions of the original deck, it wouldn't have made the requirement anyway, so maybe the laws were different then. So basically, I rebuilt it and I did not secure a building permit when I rebuilt it.

MR. TORLEY: But you were, your rebuilding was in the nature of maintenance and repair of broken--

MR. VANDERMASS: My wife put her foot through the original deck and she had a conniption fit and then several years later, you know, I own my own, I just decided to replace the posts.

MR. KRIEGER: There's a door from the house that enters onto the deck?

MR. VANDERMASS: That's correct, from the kitchen.

MR. KRIEGER: If the deck weren't there, the person exiting the door would have a considerable drop before they hit ground?

MR. VANDERMASS: Yes.

MR. KRIEGER: Probably injuring themselves?

MR. VANDERMASS: Yes.

MR. KRIEGER: With the amount of the variance you have requested, do you need to request anymore in order to put those two posts that are on the patio on the ground?

MR. VANDERMASS: No.

MR. TORLEY: You're sure?

MR. VANDERMASS: Well, I don't know.

MR. TORLEY: Mike, have you seen these pictures?

MR. BABCOCK: I saw it when Carol picked it up. If these two posts, if we can't determine that these have footings under them, what we'll probably have him do is just they saw cut the concrete and just dig down.

MR. KRIEGER: So they can be where they are?

MR. BABCOCK: Right and patch it up.

MR. VANDERMASS: Distance wise, the four posts are in a line on a, distance wise, they are all in a line to the rear yard.

MR. BABCOCK: Right.

MR. KRIEGER: The existence of the deck doesn't create any ponding or interfere with the course of any water flow or drainage?

MR. VANDERMASS: No, sir, no.

MR. KRIEGER: And it doesn't interfere with any septic or well system or sewer easement?

MR. VANDERMASS: No, the water and the septic all comes in from the front of the house.

MR. KRIEGER: And it's all municipal?

MR. VANDERMASS: Yes, sir.

MR. TORLEY: And you say this deck is comparable to the decks that are in the neighborhood, it's not unusual for a house there to have a deck?

MR. VANDERMASS: There's a matter of fact, the two houses adjacent to mine which would be let's say here and here in conjunction with this property line that runs down the whole length of the block, their decks are exactly the same size as mine, they are both 12 foot decks, probably four houses in a row that all have 12 foot decks.

MR. REIS: I have had the opportunity to view the property and it's consistent with everything else there and doesn't impact the neighbors in any negative way.

MR. NUGENT: They go to refinance their house, they'll be here.

MS. BARNHART: Everybody has been here so far.

MR. NUGENT: Any further questions? If not, I'll accept a motion.

MR. TORLEY: Do we have enough?

MR. KRIEGER: Yes.

MR. TORLEY: I move that we grant Mr. Vandermass' request for 8 foot rear yard variance for his existing deck.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

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

Prelim.  
Oct. 27, 1997  
#97-36

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 9/11/97

APPLICANT: Brain Vander Maas  
12 Truex Drive  
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 09/11/97

FOR : Existing 12 X 24 rear deck

LOCATED AT: 12 Truex Drive

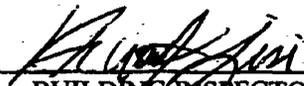
ZONE: R-4

SEC/BLK/LOT:70-1-15.3

DESCRIPTION OF EXISTING SITE: 9/11/97

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing 12 X 24 Wood deck does not meet minimum rear yard set back.

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE: 10-G

REQ'D REAR YD: 40'

32'

8'

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

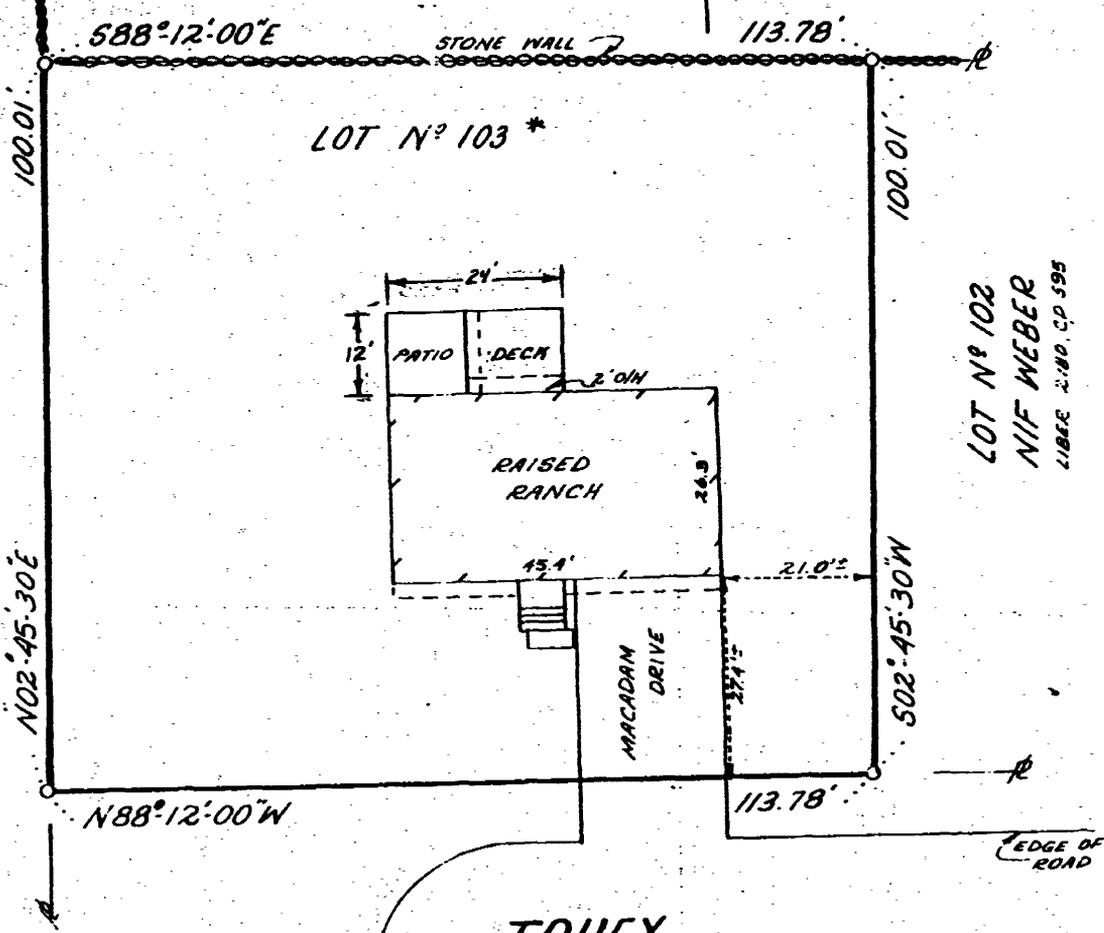


NIF CHRISTOPIAN  
LIBER 140, CP 208

NIF PENELLA  
LIBER 2138, CP 1126

NIF GARDNER  
LIBER 2065, CP 142

LOT N<sup>o</sup> 102  
NIF WEBER  
LIBER 2180, CP 595



TRUEX  
CIRCLE

# MAP OF SURVEY

OF LOT 10 103 ON A MAP ENTITLED

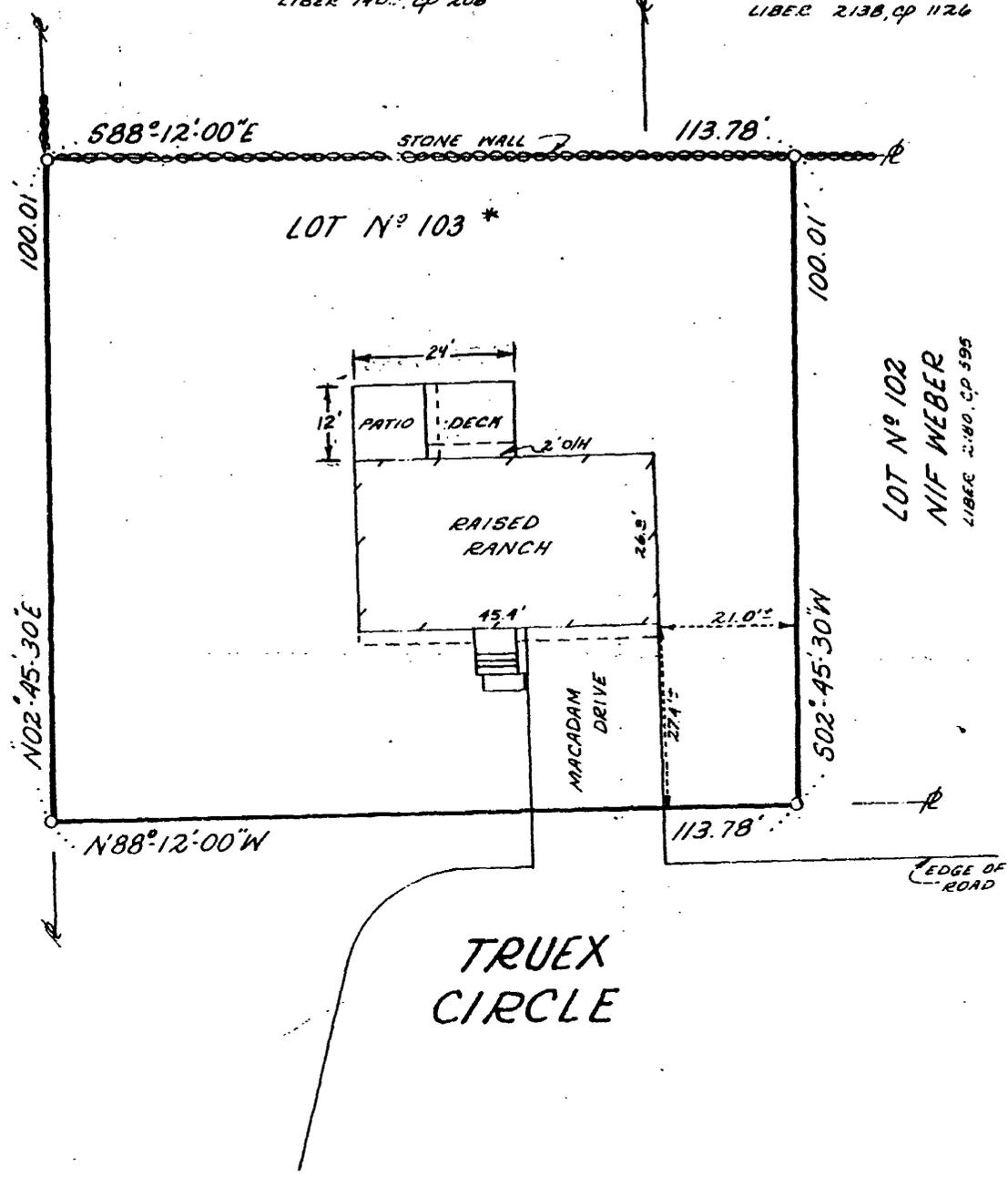


NIF CHRISTOPHIAN  
LIBER 140, CP 208

NIF PENELLA  
LIBER 2138, CP 1126

NIF GARDNER  
LIBER 2065, CP 142

LOT N<sup>o</sup> 102  
NIF WEBER  
LIBER 2180, CP 595



TRUEX  
CIRCLE

**MAP OF SURVEY**  
 OF LOT N<sup>o</sup> 103, ON A MAP ENTITLED  
**"AMOR HOMES"** \*

TOWN OF NEW WINDSOR  
SCALE: 1" = 20'

ORANGE COUNTY, N.Y.  
MAP 2, 1983

NOT TO SCALE

IT IS HEREBY CERTIFIED THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

CERTIFIED TO: INTER-COUNTY MORTGAGE CORPORATION  
COMMONWEALTH LAND & TITLE INSURANCE COMPANY  
BRIAN & BRIDGETTE VANDERMARS

\* FILED MAP N<sup>o</sup> 2598  
 FILED 12/17/70  
 JOB N<sup>o</sup> 83:077B

**PETER R. HUSTIS, L.L.S.**

33 HENRY STREET, BEACON, NEW YORK - 828 BROADWAY, NEWBURGH, NEW YORK



RECEIVED SEP 10 1997

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 under slab 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 BRIAN VANDER MAAS

Address 12 TRUAX CIRCLE Phone 914-562-2004

Mailing Address NEW WINDSOR NY 12553

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

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. \_\_\_\_\_

FOR OFFICE USE ONLY

Building Permit # \_\_\_\_\_

1. On what street is property located? On the N side of TRUEX CIRCLE  
and 400 feet from the intersection of TRUEX DRIVE  
(N,S,E or W)
2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y N ✓
3. Tax Map Description: Section 10 Block 1 Lot 15.3
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy SINGLE FAMILY b. Intended use and occupancy SINGLE FAMILY
5. Nature of work (check if applicable) New Bldg  Addition  Alteration  Repair  Removal  Demolition  Other
6. Is this a corner lot? NO EXISTING 12x24 DECKS
7. Dimensions of entire new construction. Front 24' Rear \_\_\_\_\_ Depth 12 Height 8' 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 500<sup>00</sup> Fee 850  
(To be Paid on this Application)
11. School District NEWBURGH

*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.*

9/10/97

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,  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 564-4618 523-4618  
(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.

Dion Charles Mason  
(Signature of Applicant)

12 TRUAX CIR NEW WINDSOR NY 12552  
(Address of Applicant)

PLOT PLAN

NOTE:

Local Ordinance

clearly and distinctly on the drawings.

N

W

E

S



NIF CHRISTOPHIAN  
LIBER 140, CP 208

NIF PENELLA  
LIBER 2138, CP 426

THIS BUILT UP  
HOUSE 8' x 12' on this lot

588°12'00"E

STONE WALL

113.78'

100.01'

LOT N<sup>o</sup> 103 \*

44'

32'

12'

PATIO

DECK

2' 0" H

RAISED RANCH

26.9'

15.4'

21.0'

MACADAM DRIVE

27.1'

100.01'

LOT N<sup>o</sup> 102  
NIF WEBER  
LIBER 2180, CP 595

N02°45'30"E

S02°45'30"W

N88°12'00"W

113.78'

EDGE OF ROAD

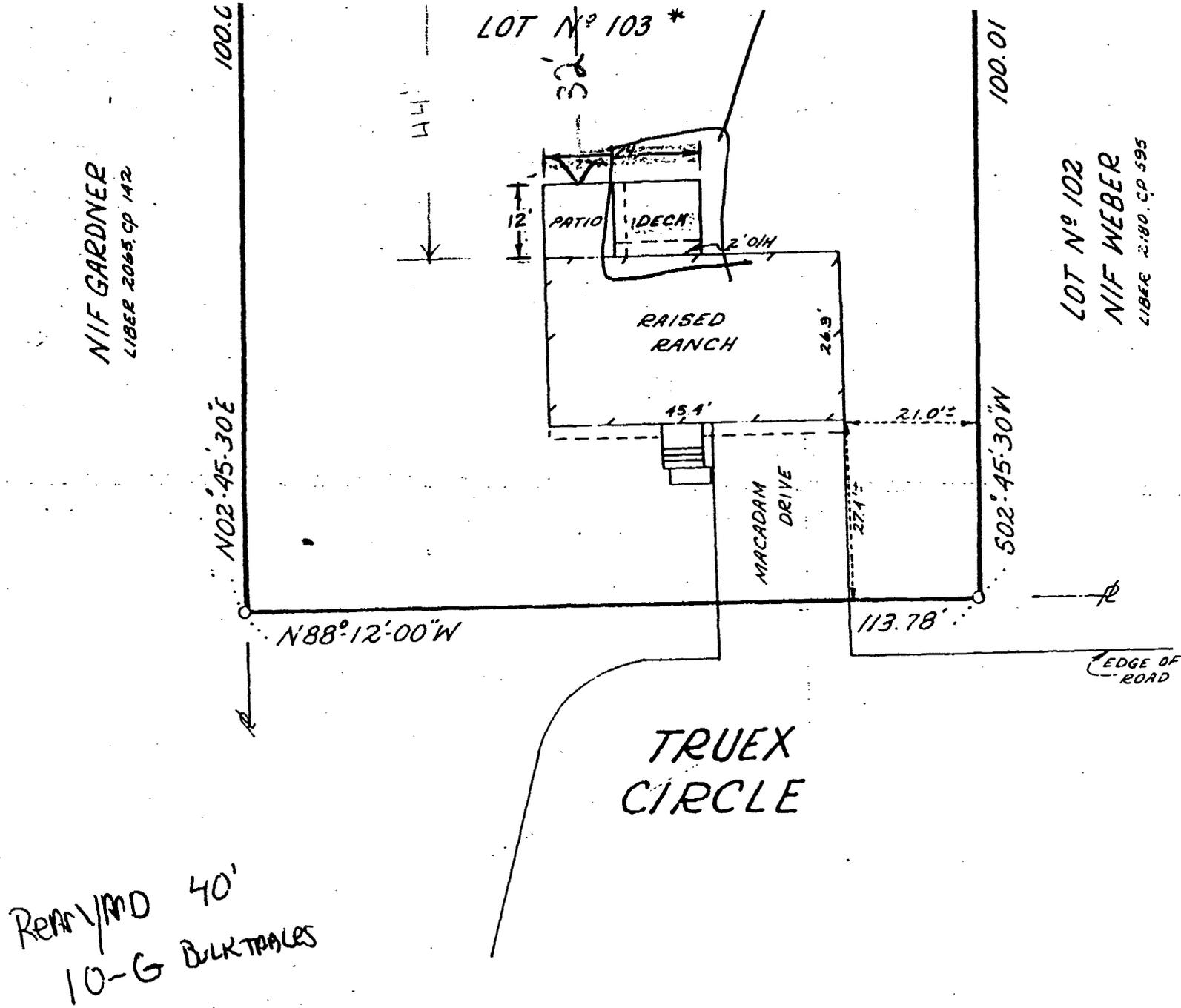
TRUEX  
CIRCLE

REAR YARD 40'  
10-G BULK TRAILER

# MAP OF SURVEY

OF LOT N<sup>o</sup> 103, ON A MAP ENTITLED

" 1400 110 150 " \*



**MAP OF SURVEY**  
OF LOT N<sup>o</sup> 103, ON A MAP ENTITLED  
"AMOR HOMES" \*

TOWN OF NEW WINDSOR  
SCALE: 1" = 20'

ORANGE COUNTY, N.Y.  
MAP 2, 1983

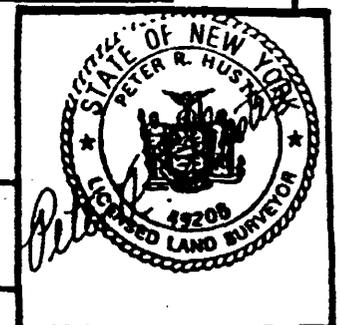
IT IS HEREBY CERTIFIED THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

CERTIFIED TO: INTER-COUNTY MORTGAGEE CORPORATION  
COMMONWEALTH LAND & TITLE INSURANCE COMPANY  
BRIAN & BRIDGETTE VANDERMAAS

\* FILED MAP N<sup>o</sup> 2598  
FILED 12/17/70  
JOB N<sup>o</sup> 83:0778

**PETER R. HUSTIS, L.L.S.**

33 HENRY STREET, BEACON, NEW YORK - 828 BROADWAY, NEWBURGH, NEW YORK

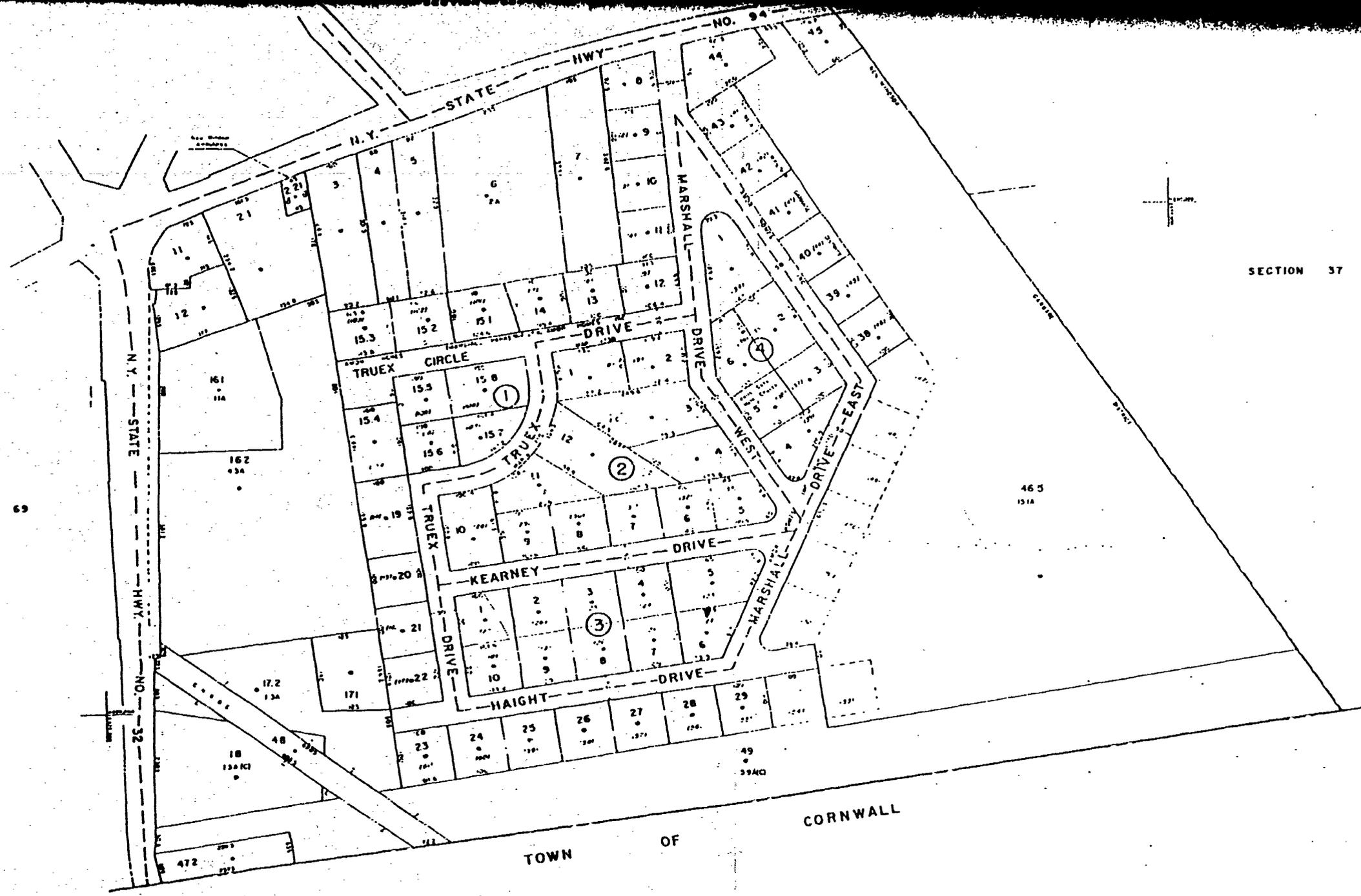


70-1-153

Deck 10x12 BUILT WITH HOUSE - LOOK 9-10-97

SECTION 69

SECTION 37



TOWN OF CORNWALL

ALL NEWBURGH SCHOOL DISTRICT  
'11 PLAN'S DATE FIRE 1 5 1917

AERO SERVICE  
CORPORATION  
FOR TAX PURPOSES ONLY  
NOT TO BE USED FOR CONVEYANCE

LEGEND			
1. ASH & CEDAR	2. PINE & SPRUCE	3. HARDWOOD	4. MIXED WOODS
5. OPEN SPACE	6. WATER	7. RAILROAD	8. POWER LINE
9. FENCE	10. DRIVE	11. TRAIL	12. EASEMENT
13. UNIMPROVED	14. IMPROVED	15. CONCRETE	16. ASPHALT
17. GRAVEL	18. SAND	19. CLAY	20. SILT
21. ROCK	22. COBBLES	23. BRICK	24. TILE
25. PLASTER	26. STUCCO	27. LIME	28. CEMENT
29. GYPSUM	30. SANDSTONE	31. GRANITE	32. MARBLE
33. SLATE	34. QUARTZITE	35. GNEISS	36. SCHIST
37. METAMORPHIC	38. IGGNEOUS	39. SEDIMENTARY	40. METEORIC

ORANGE COUNTY - NEW YORK

Photo No. 6-497,428 Date of Map 1-24-51  
 Date of Photo 3-1-51 Date of Revision 3-1-51  
 Scale 1" = 100'

TOWN OF NEW WINDSOR

Section No. 70

Pls. publish immediately. Send bill to the 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. 36

Request of Brian Vander Maas

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  
Reqs. - Col. G

for property situated as follows:

12 Truex Drive, New Windsor, N.Y.

known as tax lot Section 70 Block 1 Lot 15.3

SAID HEARING will take place on the 26th day of January,  
1998, 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. Bankart, Secy.

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

**In the Matter of the Application for Variance of**

Brian Vander Meas  
Applicant.

#97-36

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

**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, Windsor, N. Y. 12553.**

**That on January 8, 1998, I compared the 41 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then 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  
8<sup>th</sup> day of January, 1998.

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1999



1763

**TOWN OF NEW WINDSOR**  
**ASSESSOR'S OFFICE**  
555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553-6196  
Telephone: (914) 563-4633  
Fax: (914) 563-4693

41

November 10, 1997

Mr. Brian VanderMaas  
12 Truex Circle  
New Windsor, NY 12553

Re: Tax Map Parcel #70-1-15.3

Dear Mr. VanderMaas:

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 your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's office.

Sincerely,

*Leslie Cook*  
LESLIE COOK  
Sole Assessor

/po  
Attachments

cc: [REDACTED]

Mans Brothers Realty, Inc.  
PO Box 247  
Vails Gate, NY 12584 X

Angelo Rosmarino Enterprises, Inc.  
PO Box 392  
Vails Gate, NY 12584 X

Amerada Hess Corp.  
c/o Dean E. Cole, Mgr. Property Tax Dept.  
1 Hess Plaza  
Woodbridge, NJ 07095 X

FFCA Acquisition Corp.  
17207 North Perimeter Dr.  
Scottsdale, AZ 85255 X

S & S Properties, Inc.  
123 Quaker Road  
Highland Mills, NY 10930 X

Conna Corporation  
c/o Dairy Mart #6668  
One Vision Dr.  
Enfield, CT 06082 X

Franchise Realty Interstate Corp.  
c/o Colley & McCoy Co.  
PO Box 360  
Windham, NH 03087 X

Gardner, Fred &  
Slepoy, Andrew &  
Slepoy, William &  
Slepoy, Jacqueline X  
104 S. Central Ave., Room 20  
Valley Stream, NY 11580

Mobile Oil Corporation  
Property Tax Department X  
PO Box 290  
Dallas, TX 75221

Leonardo, Constantine X  
94-96 Maple St.  
Newburgh, NY 12550

Leonardo, Samuel X  
7 Dogwood Hills Rd.  
Newburgh, NY 12550

House of Apache Properties, LTD  
52 Elm St.  
Huntington, NY 11743

Hughes, Terry Scott  
18 Ellison Dr.  
New Windsor, NY 12553

Greer, Gregory P.  
PO Box 212  
Shields Road  
Cornwall, NY 12518

Panella, Emilio, As Trustee  
PO Box 473  
Vails Gate, NY 12584

VG Maximus, Inc.  
c/o Joseph Pisani  
203 Cambridge Ct.  
New Windsor, NY 12553

Driscoll, Michael J. & Nancy L.  
18 Marshall Dr.  
New Windsor, NY 12553

Edwards, Ronald & Edna  
20 Marshall Dr.  
New Windsor, NY 12553

Harris, Benjamin & Bella  
PO Box 780  
Cornwall, NY 12518

Abrams, Harold & Yvonne B.  
PO Box 462  
Vails Gate, NY 12584

Reynolds, Larry  
4 Truex Dr.  
New Windsor, NY 12553

Smith, Christopher S. & Deborah  
6 Truex Dr.  
New Windsor, NY 12553

Lekis, Edward F. & JoAnn M.  
PO Box 204  
Vails Gate, NY 12584

Melore, Philip M. & Christina M.  
10 Truex Circle  
New Windsor, NY 12553

Fernandez, Michael A. & Mary E. X  
9 Truex Circle  
New Windsor, NY 12553

Tosco, Salvatore & Carolina  
7 Truex Circle  
New Windsor, NY 12553

Bagarozzi, Michael &  
Sanchez, Grimalda X  
18 Truex Dr.  
New Windsor, NY 12553

Bencosme, Miguel & Barbara X  
16 Truex Dr.  
New Windsor, NY 12553

Wynder, Kenneth N. Jr. X  
14 Truex Dr.  
New Windsor, NY 12553

Gardner Plus 3  
104 So. Central Ave.  
Valley Stream, NY 11580 X

4 Acres LLC  
104 So. Central Ave.  
Valley Stream, NY 11580 X

Irizarry, Leonides, Jr. & Theresa J. X  
20 Truex Dr.  
New Windsor, NY 12553

Barton, Thomas W. & Dorothy B. X  
22 Truex Dr.  
New Windsor, NY 12553

Reed, Clarence & Zenobia B. X  
3 Truex Dr.  
New Windsor, NY 12553

Vail, Elizabeth R. X  
30 Marshall Dr.  
New Windsor, NY 12553

Coakley, Dennis & Rose Ann X  
6 Kearney Dr.  
New Windsor, NY 12553

Luongo, Angelo &  
Buckheit, Marian L. X  
8 Kearney Dr.  
New Windsor, NY 12553

Russell, Julian & Virginia  
15 Truex Dr.  
New Windsor, NY 12553 X

Neviso, Howard C. & Margaret Q.  
PO Box 92  
Vails Gate, NY 12584 X

TGS Associates, Inc. X  
15 East Market St.  
Red Hook, NY 12571

Abrams, Peter L. & Eileen X  
11 Truex Dr.,  
New Windsor, NY 12553

Date 11/6/47, 19.....

**TOWN OF NEW WINDSOR**

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

TO Frances Bith 168 North Drury Ln DR.  
Newburgh Ny 12550

DATE		CLAIMED	ALLOWED
10/27/47	Zoning Board Mtg	75 00	
	Misz - 1		
	Walsh - 4		
	Jeczko - 2		
	Vandermas - 2	89.00	
	Mobil Oil - 6		
	Polyworks - 9		
	Wannone - 3		
	Metaling - <del>2</del> 19		
	Franklin/Destinta - 8	243 00	
		<u>54</u>	
		<u>318 00</u>	

58.85  
TTA

LIBER 2251 PG 274

# This Indenture,

Made the 4th day of October Nineteen Hundred and eighty-two

Between WENDELL P. DORSEY and MARGAREE L. DORSEY, both residing at 12 Truex Circle, New Windsor, New York,

parties of the first part, and

<sup>K.</sup> BRIAN VANDER MAAS and <sup>A.</sup> BRIDGETTE VANDER MAAS, both residing at 156 Wayne Avenue, Suffern, New York 10901

parties of the second part,

Witnesseth that the parties of the first part, in consideration of

----- Ten Dollars ----- Dollars (\$10.00 )  
lawful money of the United States, and other good and valuable consideration paid by the parties of the second part, do hereby grant and release unto the parties of the second part, their heirs and assigns forever, all

THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, known as Lot 103, as shown on a map designated "Amor Homes" (Marshall Park), made by Theodora Jargstorff, 24, April, 1970, as Map #2598.

BEING a portion of the premises heretofore conveyed by Milton Fisher to Nicholas Grande by deed dated February 14, 1972, and recorded in the Orange County Clerk's Office on Feb. 16, 1972, in Liber 1898 of Deeds at page 1003.

BEING the same premises described in a deed from NFA Construction Co., Inc. to Edmund J. Wiatr, Jr. and Maryanne F. Wiatr dated January 21st, 1978, and recorded in the Orange County Clerk's Office on January 24th, 1978 in Liber 2090 of Deeds at page 274.

SUBJECT to grants of record to public utility corporations affecting said premises, if any.

SUBJECT to covenants and restrictions of record.

BEING the same premises described in a deed from Edmund J. Wiatr and Maryanne F. Wiatr to Wendell P. Dorsey, Jr. and Margaree L. Dorsey and recorded in the Orange County Clerk's Office on June 27, 1980 in Liber 2168 of Deeds at page 839.

Also described in a survey prepared by Peter R. Hustis, N.Y.S. Licensed Land Surveyor, dated May 2, 1983 as follows:

ALL that tract or parcel of land situate in the Town of New Windsor, County of Orange, and State of New York bounded and described as follows:

BEGINNING at a point, said point being the intersection of the Westerly line of Lot No. 102 (lands now or formerly Weber, liber 2180, cp. 595) with the Northerly line of Truex Circle as shown on a map entitled, "Amor Homes", said map being filed in the Orange County Clerk's office on December 17, 70, as map No. 2598, and running thence along said Northerly line of Truex Circle, North 88-12-00 West 113.78 feet; thence along lands now or formerly Gardner (Liber 2065, cp. 142), North 02-45-30 East 100.01 feet; thence along lands now or formerly Christopian (Liber 1406, cp. 208) and lands now or formerly Penella (Liber 2138, cp. 1126), along the mean of a stone wall South 88-12-00 East 113.78 feet; thence along the Westerly line of Lot No. 102, filed Map No. 2598, now or formerly Weber, (Liber 2180, cp. 595), South 02-45-30 West 100.01 feet to the point of beginning. Containing 0.26 of an acre of land.

SUBJECT to the existing easements and right of way of record, if any.

Together with the appurtenances and all the estate and rights of the parties 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, their heirs and assigns forever.

And the parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever.

And That, in Compliance with Sec. 13 of the Lien Law, the grantors 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 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 parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of

Wendell P. Dorsey, Jr.
WENDELL P. DORSEY JR.
Margaree L. Dorsey
MARGAREE L. DORSEY

State of New York Texas } ss. On this 4 day of Oct
County of Dallas } Nineteen Hundred and eighty-two
before me, the subscriber, personally appeared

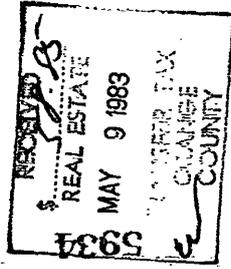
Wendell P. Dorsey, Jr. and Margaree L. Dorsey

to me personally known and known to me to be the same persons described in and who executed the within instrument, and they have acknowledged to me that they executed the same.



Donna Julow
Notary Public

My commission expires 9-16-85



Ad

Covenant Against Grantor with Lien Cleasant

WENDELL P. DORSEY, JR.
and
MARGAREE L. DORSEY

TO

BRIAN VANDER MAAS
and
BRIDGETTE VANDER MAAS

Dated. October 4 1982

Orange County Clerk's Office, S.S.
Recorded on the 19th at 1:08 PM
of 1982 at 1:08 PM
9'clock at 1:08 PM
and Examined at page 274
M. J. Murphy

LIBER 2251 PG 275
JEFFREY R O'H
710 BROADWAY
NEWBURGH, N.Y 12550
SAUNDERS AND MCADAM
ATTORNEYS AT LAW
50 MAIN STREET - P.O. BOX 287
WALDEN-NEW YORK 12586

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 97-36

Date: 1/7/98

I. Applicant Information:

- (a) BRIAN VANDER MAAS, 12 TRUFX CIRCLE, 914-562-2004  
(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  Sign Variance
- Area Variance  Interpretation

III. Property Information:

- (a) R-4 12 TRUFX CIRCLE 70-1-15.3 .26 ± ACRE  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? C
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1983
- (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: 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) \_\_\_\_\_

<sup>MA</sup> (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.

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(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. G.

<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'</u>	<u>32'</u>	<u>8'</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 DECK IN QUESTION IS NECESSARY TO EXIT THE REAR OF DWELLING. IT IS PROPORTIONATE AND IN PERSPECTIVE TO THE OTHER DECKS ON THE SAME STREET. IT WOULD NOT HAVE ANY ADVERSE EFFECT ON ANY NEIGHBORING PROPERTIES BE IT COSMETICALLY OR OTHERWISE.

(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: \_\_\_\_\_

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**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)**

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. 36

Request of Brian Vander Maas

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:

12 Truex Drive, New Windsor, N.Y.

known as tax lot Section 70 Block 1 Lot 15.3

SAID HEARING will take place on the 26th day of January,  
1998, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent  
Chairman