

ZB# 97-37

Robert Jaczko

70-1-17.1

#97-31-Jaczko, Robt.

Area

70-1-17.1

Prlein.

Oct. 27, 1997.

written
out 4/17/97.

Deed ✓

Title Report ✓

Fees: 50.00 ✓

300.00 ✓

Photos ✓ notices to
submitted - 11/13

Public Hearing:

Dec. 8, 1997.

Area Variances
Granted

Refund: \$ 198.00

Wilson-Jones - Columbus - 5165-NCR Division - 516774-CJ, Typewriter

MADE IN U.S.A.
© Wilson-Jones, 1986

DATE Nov. 14, 1997 **RECEIPT** 6772498
 RECEIVED FROM Robert W Jaczko, Sr.
 Address _____
Fifty 00/100 DOLLARS \$50.00
 FOR ZBA # 97-37

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	#2653
AMOUNT PAID		CHECK	5000
BALANCE DUE		MONEY ORDER	

Town Clerk
 BY Dorothy H. Nansen
wh



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Slaczko, Robert

FILE# 97-37

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

Parcel
CK # 2653
11/13/97

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

CK # 2654
11/13/97

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE *10/27/97* \$ 9.00
2ND PRELIMINARY- PER PAGE *12/8/97* \$ 22.50
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: *10/27* \$ 35.00
2ND PRELIM. *12/8/97* \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING. \$ _____
PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 101.50

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

Refund

ROBERT W. JACZKO, SR.
CAROLYN S. JACZKO
P. O. BOX 231, HAIGHT DR.
VAILS GATE, NY 12584

2654

11/13/1997

28-1213

Pay to the order of Town of New Windsor \$ 300⁰⁰/_{xx}
Three hundred and No/₁₀₀ Dollars

FLEET BANK
VAILS GATE 27522
VAILS GATE, NY 12584

For ZBA #97-37

Robert W. Jaczko, Sr.

⑆021300019⑆ 52299 10525⑈ 2654

ROBERT W. JACZKO, SR.
CAROLYN S. JACZKO
P. O. BOX 231, HAIGHT DR.
VAILS GATE, NY 12584

2653

11/13/1997

28-1213

Pay to the order of Town of New Windsor \$ 50⁰⁰/_{xx}
FIFTY and No/₁₀₀ Dollars

FLEET BANK
VAILS GATE 27522
VAILS GATE, NY 12584

For ZBA #97-37

Robert W. Jaczko, Sr.

⑆021300019⑆ 52299 10525⑈ 2653

CORRESPONDENCE

JACZKO

MR. NUGENT: The first order of business is a correspondence received from the Jaczko for an extension of their variance. I have a letter here, if I can find it, you all have the letter, you all had a chance to read it? I'll accept a motion.

MR. TORLEY: I move we grant Jaczko their request for extension.

MR. KANE: Second the motion.

ROLL CALL

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

MR. TORLEY: That would be for one year.

MS. BARNHART: It's from a year from the date of the formal decision, you got that, which was January 26, 1998.

MR. NUGENT: Actually, until January, 2000.



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (914) 563-4630
Fax: (914) 563-4693

file

November 10, 1998

**Robert W. & Carolyn S. Jaczko
P. O. Box 231
Vails Gate, N. Y. 12584**

Re: ZBA Application #97-38

Dear Robert and Carolyn:

Please be advised that the Zoning Board of Appeals at its November 9, 1998 meeting acted on your request to extend the above-entitled variance for one year. Therefore, the variance will expire on January 26, 2000.

Very truly yours,

**Patricia A. Barnhart
Secretary to the ZBA**

/pab

cc: Building Inspector Babcock

Robert W. & Carolyn S. Jaczko
PO Box 231
Veils Gate NY 12584

Rec'd.
ZBA 11/6/98 (PMS)
Tel: (914) 561-6062

ZBA
11/9/ agenda.

November 5, 1998

New Windsor Zoning Board of Appeals
555 Union Avenue
New Windsor NY 12553

Ext. to
to 1/26/2000

Re: Variance # 97-37
70-1-17.1

Gentlemen:

The above area variance was granted on January 26, 1998 for our residence at 18 Haight Drive, New Windsor in order to provide sufficient side and front yard to construct an attached garage.

Although we acquired a building permit on June 18, 1998, we have been unable to start construction. Because of unexpected surgery and the unavailability of the builder it is doubtful whether we can start the addition before winter. For this reason, we are requesting an extension on this variance until the fall of 1999.

Sincerely,



Robert W. Jaczko, Sr.

In the Matter of the Application of

ROBERT JACZKO

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#97-37

WHEREAS, ROBERT JACZKO, 18 Haight Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 3 ft. side yard and 2.8 ft. front yard variance in order to construct an attached garage to residence at the above residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 8th day of December, 1997 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 on Applicant's 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 property is commonly known as a bi-level or raised ranch, one family home.

(c) The variances are sought for the purposes of constructing an attached garage.

(d) If the variances are granted, the attached garage will not create any ponding of water or will it interfere with any septic, well or sewer easement.

(e) The variances, if granted, would permit the construction of a garage on top of existing blacktop driveway which is already an impervious surface thereby creating no change in the drainage of water.

(f) The variances, if granted, would permit the construction of a garage which is consistent with the neighborhood.

(g) The variances, if granted, would permit the construction of a garage which will extend farther toward the road than the present building but not farther than the walkway adjoining the present building, thus creating no visual impact.

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 variances requested are not substantial in relation to the Town regulations but nevertheless is warranted.

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.

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 variances 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 request for a 3 ft. side yard and a 2.8 ft. front yard variance for construction of an attached garage

to the residence located at the above-referenced property in an R-4 zone as sought by the Applicants 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: January 26, 1998.

/s/ James Nugent

Chairman

Date 12/19/97 19.....

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

TO Frances Roth 168 North Drury La DR
Newburgh NY 12550

DATE		CLAIMED	ALLOWED
12/19/97	Toning Board Mtg	75.00	
	Misc. - 3		
	Brooks - 7		
	Akers - 1		
	Gannone - 5		
	Gaccho - 5, 22.50.		
	Garcia - 5	117.00	
	26	<u>192.00</u>	

JACZKO, ROBERT

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

MR. NUGENT: Request for 3 ft. side yard ^{4 2.8' front yard} variance to construct an attached garage at 18 Haight Drive in an R-4 zone. Let the record show there is no one in the audience for this.

MS. BARNHART: Let me tell you how many I sent out, I sent out 38 notices to adjacent property owners.

MR. NUGENT: Nobody cares. You must be a good neighbor.

MR. REIS: No negative responses?

MS. BARNHART: No.

MR. NUGENT: No negative responses. Okay.

MR. KANE: You have to tell us again Bob for the record what you want to do.

MR. JACZKO: Okay, all right, I want to add on a garage, I think I left a picture before but I don't know.

MR. NUGENT: Yeah, you did, I'm passing them around.

MR. JACZKO: Where the existing garage underneath the house is, I want to house two cars and a garden tractor with a plow and a snow blower attached to it, that is why I needed the extra width for the two cars on that side.

MR. KRIEGER: This house is commonly what's known as a bi-level?

MR. JACZKO: Yes.

MR. KRIEGER: It's in a residential neighborhood, right?

MR. JACZKO: Yes, I guess it's residential, yes.

MR. BABCOCK: Yes.

MR. KANE: With the construction of the attached garage are you going to be creating any water hazards, additional runoff removing any trees, any environmental conditions?

MR. JACZKO: No.

MR. KRIEGER: Creating any ponding of water, building it on top of a septic or well?

MR. JACZKO: No.

MR. KRIEGER: Sewer easement?

MR. JACZKO: No, it's basically going on top of a blacktop driveway, as you can see in the picture.

MR. KRIEGER: So the place where it is proposed to be built is now blacktop?

MR. JACZKO: Yes.

MR. KRIEGER: So it won't cause any change in the drainage because it's already an impervious surface?

MR. JACZKO: Right.

MR. KANE: The construction of the garage won't change the flavor of the neighborhood?

MR. JACZKO: No, I think it's an improvement, actually.

MR. REIS: Bob, the garage will not extend any further out towards the street than the dwelling, is that right?

MR. JACZKO: No, no, it's on the opposite side of the house and it's private.

MR. NUGENT: No, he meant towards the street.

MR. JACZKO: No, no.

MRS. JACZKO: Yes, it will, we're going out a little bit.

MR. JACZKO: Three feet or five feet, something like that.

MRS. JACZKO: It's our own property, it's not town road, it's our own road.

MR. BABCOCK: The house is 31 feet now and the garage is proposed to be 29 feet.

MR. KRIEGER: So it will be two feet closer?

MR. BABCOCK: That's correct.

MR. TORLEY: What's the front yard?

MR. BABCOCK: With the overhang of the garage, it's the same, isn't it--

MR. JACZKO: I think we changed that, Mike.

MR. BABCOCK: It's right here with the overhang, you lined it up with the back of the house.

MR. BABCOCK: Mr. Chairman, I didn't consider it because looking at the plans they have the lines on the plan show existing planters and sidewalks that stick out even further than the garage, so I didn't realize that at the time that the garage even stuck out farther than the house.

MR. NUGENT: That is not a public road.

MRS. JACZKO: No, but it's a property line.

MR. KRIEGER: So the garage stuck out two feet farther than the face of the house but not as far as the walkway on the front of the house?

MR. BABCOCK: That's correct.

MR. TORLEY: The walkway is landscaping, not building so--

MR. KANE: So you'll need to add a two foot front yard variance.

MR. KRIEGER: Right.

MR. TORLEY: We can do that at this point.

MR. KRIEGER: Yes, Larry, the answer to your question is yes.

MR. REIS: If it's coming forward, he'd probably need a variance.

MR. BABCOCK: I understand exactly we can add that at this point.

MR. KRIEGER: Yes, it's also relevant in terms of its impact on the neighborhood so it is relevant for two reasons.

MR. BABCOCK: He's saying it's 31 foot here and 29 foot here, 31.2, what do you, what are you thinking that the jog is more than two foot, is that what you're saying?

MR. JACZKO: Could be three.

MRS. JACZKO: This is the overhang part, he is going 31 feet to the overhang part so the bottom part is back further so we have got another two feet from there.

MR. BABCOCK: It's 31.2 feet to the very front of the house, it's a bi-level which has a two foot cantilever so at the garage level the house sticks back two more feet, you know what I mean, the house is here and sticks back so actually, this juts out from the front of your house probably closer to four foot.

MRS. JACZKO: Exactly.

MR. BABCOCK: From the house but the canopy above it sticks out also so you walk underneath the canopy and go into the garage. You're not putting door here?

MR. JACZKO: No, not there, in the front.

MR. BABCOCK: So I'll just add.

MRS. JACZKO: So what do you consider the front of the house is actually the front of the house, not the back part but the overhang part so it is two feet the variance.

MR. BABCOCK: Yeah, it's two foot, 2.8 feet.

MR. NUGENT: Bobby, give this to Mike please to make the changes, make a minor adjustment.

MR. BABCOCK: I wrote it in, Mr. Chairman.

MR. NUGENT: Everybody understands what we're doing here?

MR. REIS: We're adding a two foot eight inch.

MR. NUGENT: As far as for a front yard variance. Any further questions? I'll accept a motion.

MR. REIS: Make a motion that we grant Robert Jaczko his necessary variances for a three foot side yard and two foot eight inch front yard.

MR. KANE: Second the motion.

ROLL CALL

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

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

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: 09/11/97

APPLICANT: Robert Jaczko
18 Haight Drive
New Windsor, New York 12553

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

FOR : To construct a 28' X 28' Garage

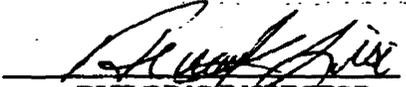
LOCATED AT: 18 Haight Drive

ZONE: R-4

DESCRIPTION OF EXISTING SITE: ***70-1-17.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed attached garage exceeds minimum 15' side yard set - back.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: F-10

REQ'D. SIDE YD: 15'

12'

3'

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

FRONT YARD

31.2

REVISED 12-8-97

29.0

2.8 FT

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

RECEIVED JUN 10 1981

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 a 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 board 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 permit 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 ROBERT W. SR & CAROLYN S. JACZKO

Address 18 HAIGHT DR Phone (914) 561-6062

Mailing Address PO BOX 231, VAILS GATE NY 12584

Name of Architect MICHAEL J. SIANO

Address PO BOX 231, VAILS GATE NY 12584 Phone (914) 561-6062

Name of Contractor LARRY BARNES

Address GARLAND AVE, CORNWALL NY Phone (914) 534-5740

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

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

FOR OFFICE USE ONLY

Building Permit # _____

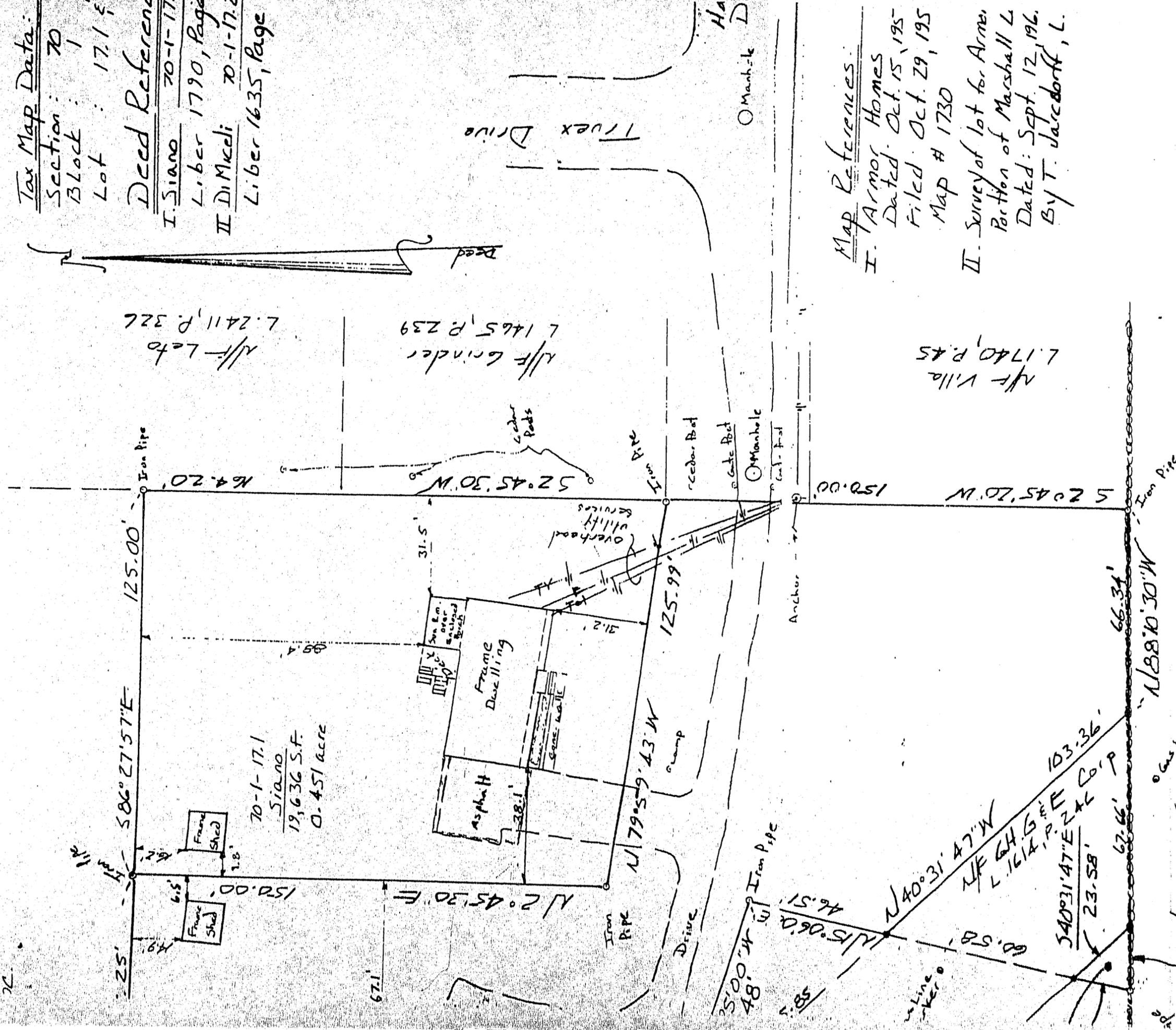
1. On what street is property located? On the WEST ^{end} _{side of} HAIGHT DR
(N,S,E or W)
and 50 feet from the intersection of HAIGHT DR + TRUAX DR.
2. Zone or use district in which premises are situated Residential R-4 Is property a flood zone? Y N ✓
3. Tax Map Description: Section 70 Block 1 Lot 17.1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy Residence b. Intended use and occupancy Residence
5. Nature of work (check if applicable) New Bldg Addition Alteration Repair Removal Demolition Other GARAGE
6. Is this a corner lot? No 28x26 GARAGE
7. Dimensions of entire new construction. Front 26 Rear 26 Depth 28 Height 13' No. of stories 1
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Tubs _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost \$12,500.00 Fee \$50
(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.

will need complete plans after variance is approved

Tax Map Data:
 Section: 70
 Block: 1
 Lot: 17.1 & 17.2

Deed Reference:
 I. Siano 70-1-17.1
 Liber 1790, Page
 II DiMicali 70-1-17.2
 Liber 1635, Page



Map References:
 I. Armor Homes
 Dated: Oct. 15, 195
 Filed: Oct. 29, 195
 Map # 1730
 II. Survey of lot for Arme,
 Portion of Marshall L
 Dated: Sept. 12, 196.
 By T. Jarcoboff, L.

n/f Haber
 L. 2905, P. 269

1. Unauthorized alteration or addition to a survey map bearing a licensed land seal is a violation of section 7209, sub-division 2 of the N.Y. State Education L
2. Only copies from the original of this survey marked with an original of the land inked seal or his embossed seal shall be considered to be valid true copies.
3. Certifications indicated herein signify 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. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed herein, and to the assignees of lending institution. Certifications are not transferable to additional institutions or subsequent owner.

Underground improvements or encroachments, if any, are not shown hereon.

Patrick T. Kennedy, L.S.
 219 DuSassault Ave. New Windsor, N.Y. 12551

SCALE 1"=30'	DRAWN BY
DATE Oct. 31, 1990	Survey of Lands for
	REVISI

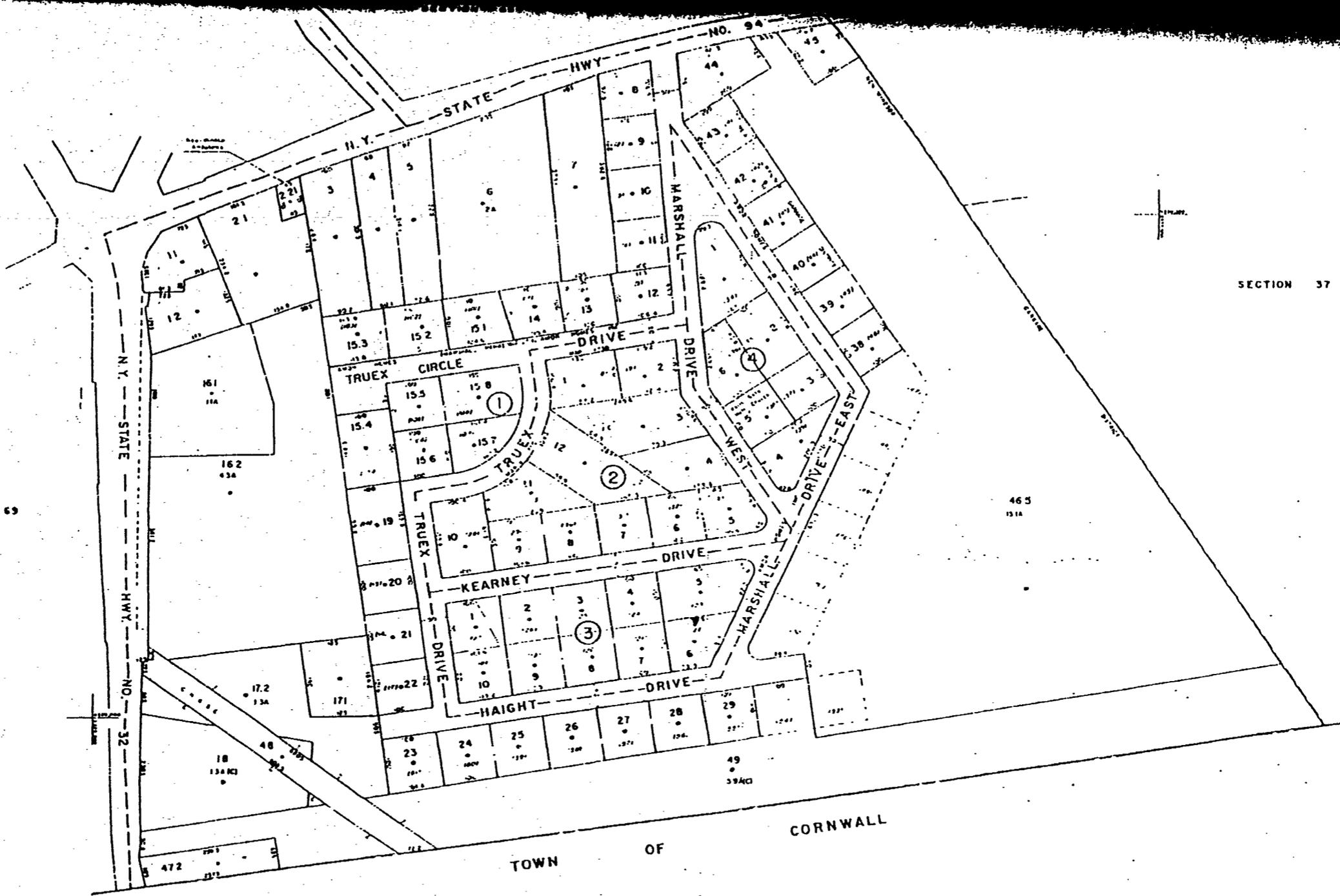
Michael J. Siano & Carolyn Siano
 Anthony J. DiMicali and Vincenza V. DiMicali



REGISTERED 1990

SECTION 69

SECTION 37



ALL NEWBURN SCHOOL DISTRICT
SEE PLAN'S DATE TIME 2 5 1957

AERO SERVICE
 CORPORATION
 100 WEST 42ND STREET
 NEW YORK 36, N.Y.
FOR TAX PURPOSES ONLY
 NOT TO BE USED FOR CONVEYANCE

LEGEND			
<input type="checkbox"/> ASSESSOR'S OFFICE <input type="checkbox"/> CITY PLANNING DEPT. <input type="checkbox"/> FIRE DEPT. <input type="checkbox"/> POLICE DEPT. <input type="checkbox"/> WATER DEPT. <input type="checkbox"/> ZONING DEPT.	<input type="checkbox"/> OTHER PLANNING AGENCY <input type="checkbox"/> ZONING DEPT. <input type="checkbox"/> WATER DEPT. <input type="checkbox"/> POLICE DEPT. <input type="checkbox"/> FIRE DEPT.	<input type="checkbox"/> FIRE DEPT. <input type="checkbox"/> POLICE DEPT. <input type="checkbox"/> WATER DEPT. <input type="checkbox"/> ZONING DEPT.	<input type="checkbox"/> CITY PLANNING DEPT. <input type="checkbox"/> ZONING DEPT. <input type="checkbox"/> FIRE DEPT. <input type="checkbox"/> POLICE DEPT. <input type="checkbox"/> WATER DEPT.

ORANGE COUNTY-NEW YORK
 Photo No. 8-691-990 Date of Map 3-25-57
 Date of Photo 3-1-57 Date of Revision 3-1-57
 Scale 1" = 100'

TOWN OF NEW WINDSOR
 Section No. 70

As published asap. Send bill to Applicant @ 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. 37

Request of ROBERT W. SR + CAROLYN S. JACZKO

for a VARIANCE of the Zoning Local Law to permit:

AN ATTACHED GARAGE to be constructed
w/ insufficient side yard;

being a VARIANCE of Section 48-12-Table of Use
Bulk Regs - Col. F.

for property situated as follows:

Located between Haight Dr, and Route 32.
Known as 18 Haight Dr. also

known as tax lot Section 70 Block 1 Lot 17.1

SAID HEARING will take place on the 8th day of December,
1997, 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 C. Barnhart, Secy.



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

38

November 4, 1997

Robert & Carolyn Jaczko
PO Box 231,
Vails Gate, NY 12584

Re: Tax Map Parcel #70-1-17.1

Dear Mr. & Mrs. Jaczko:

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 \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's office.

Sincerely;

Leslie Cook
LESLIE COOK
Sole Assessor

/po
Attachments

cc: Pat Barnhart, ZBA

Gonzalez, Joseph J. & Gertrude M.
15 Haight Dr.
New Windsor, NY 12553

McDonald, John E., Jr. & Barbara
13 Haight Dt.
New Windsor, NY 12553

Vazquez, Alexander
226 Nieto Ave.
Long Beach, CA 90803

Lenko, George & Paraskevi
9 Haight Dr.
New Windsor, NY 12553

Dr. Morton Haber
Tower Hill Rd.
Tuxedo, NY 10987

Central Hudson Gas & Elec. Corp.
284 South Avenue
Poughkeepsie, NY 12603

Knox Village, Inc.
2375 Hudson Terrace
Fort Lee, NJ 07024

Coakley, Dennis & Roseann
6 Kearney Dr.
New Windsor, NY 12553

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

Benjamin Harris Realty, Inc.
PO Box 780
Cornwall, NY 12518

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

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

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

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

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

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

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

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

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

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

DiMeceli, Josephine &
Siano, Carolyn
PO Box 283
Vails Gate, NY 12584

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

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

Leto, Deborah B. & Kevin J.
24 Truex Dr.
New Windsor, NY 12553

Grinder, Norman W. & Mary Ellen
26 Truex Dr.
New Windsor, NY 12553

Villa, Frank J. & Margaret I.
PO Box 556
Vails Gate, NY 12584

DeFeo, Elaine M.
PO Box 246
Vails Gate, NY 12584

Velazquez, David & Raquel
5 Kearney Dr.
New Windsor, NY 12553

Estrada, Maria N.
83-40 Britton Ave., Apt. 3L
Elmhurst, NY 11373

Cos, Andrew J. & Janet
4 Haight Dr.
New Windsor, NY 12553

Dodson, Leonard
8 Haight Dr.
New Windsor, NY 12553

Moody, Robert W. & Maxine P.
PO Box 224
Vails Gate, NY 12584

Pushman, Albert Jr. & William
Box 158
Vails Gate, NY 12584

Carione, John & Louise
333-335 Blooming Grove Tpke.
New Windsor, NY 12553

Dahlin, Raymond G. & Jean M.
Box 508
Vails Gate, NY 12584

Pushman, William J. & Marion L.
2609 Route 32
Vails Gate, NY 12584

Pushman, Albert & Josephine
PO Box 158
Vails Gate, NY 12584

Gardner, Fred &
Slepoy, Andrew & William & Jacqueline
104 S. Central Avenue
Valley Stream, NY 11580

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

97-37.

Date: 11/13/97.

I. Applicant Information:

- (a) ROBERT W. & CAROLYN S. JACZKO, PO BOX 231, 18 HAIGHT DR, VAILS GATE NY 12584
(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 18 HAIGHT DR 70-1-17.1 125' x 164'
(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? 1968
- (e) Has property been subdivided previously? YES
- (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: Tool Shed located in back left corner of property.

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.

~~I will not create a detriment to the nearby properties as~~

(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. F.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>15'</u>	<u>12'</u>	<u>13'</u>
Reqd. Rear Yd. _____	_____	_____
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:

There will not be a substantial change to the property because the neighboring house is approximately 100' away. The size of the garage is needed to house 2 cars, garden tractor with snow blower, and lawn tractor. There will not be any adverse effects on the neighborhood as the house is located on a private road.

(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

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.)

There are no underground lines in this area, and
no trees need to be removed.

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: Nov. 13, 1997.

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.

Robert W. Goffe, Jr.
(Applicant)

Sworn to before me this
13th day of November, 1997.

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, 1999.

(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)

**ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE**

PRINT OR TYPE: BLACK INK ONLY

CAROLYN JACZKO, f/k/a Carolyn Siano

TO
CAROLYN JACZKO and
ROBERT W. JACZKO, SR.

SECTION 70 BLOCK 1 LOT 17.1

RECORD AND RETURN TO:
(Name and Address)

PAUL L. MARKS, ESQ.
526 Gidney Avenue
Newburgh, New York 12550

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 50108 DATE 12-30-94 AFFIDAVIT FILED _____ 19____

INSTRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

- BG20 Blooming Grove _____
- CH22 Chester _____
- CO24 Cornwall _____
- CR26 Crawford _____
- DP28 Deerpark _____
- GO30 Goshen _____
- GR32 Greenville _____
- HA34 Hamptonburgh _____
- HI36 Highlands _____
- MK38 Minisink _____
- ME40 Monroe _____
- MY42 Montgomery _____
- MH44 Mount Hope _____
- NT46 Newburgh (T) _____
- NW48 New Windsor
- TU50 Tuxedo _____
- WL52 Wallkill _____
- WK54 Warwick _____
- WA56 Wawayanda _____
- WO58 Woodbury _____
- MN09 Middletown _____
- NC11 Newburgh _____
- PJ13 Port Jervis _____
- 9999 Hold _____

SERIAL NO. _____
Mortgage Amount \$ _____
Exempt Yes _____ No _____
3-6 Cooking Units Yes _____ No _____
Received Tax on above Mortgage
Basic \$ _____
MTA \$ _____
Spec. Add. \$ _____
TOTAL \$ _____
JOAN A MACCHI

CHECK CASH _____ CHARGE _____
MORTGAGE TAX \$ _____
TRANSFER TAX \$ exempt
RECORD. FEE \$ 5
REPORT FORMS \$ 11
CERT. COPIES \$ 30

Orange County Clerk

by: _____
ORANGE COUNTY CLERK'S OFFICE S.S.
Recorded on JAN 4 1995
at 1:39 O'Clock P M.
In Liber/Film 4160 de d
at page 312 and examined.

Joan A Macchi
County Clerk
LIBER 4160 PAGE 312

RECEIVED
4
3
2
1
REAL ESTATE
JAN 4 1995
TRANSFER TAX
ORANGE COUNTY
MLV

ORANGE COUNTY CLERKS OFFICE 461 MLV
RECORDED/FILED 01/04/95 01:39:39 PM

FEES 41.00 EDUCATION FUND 5.00

SERIAL NUMBER: 004306
DEED CNTL NO 50108 RE TAX .00

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 30th day of December, nineteen hundred and ninety-four
BETWEEN

CAROLYN JACZKO, f/k/a Carolyn Siano, residing at
P.O. Box 231, Haight Drive,
Vails Gate, New York 12584

party of the first part, and

CAROLYN JACZKO and ROBERT W. JACZKO, SR., husband and
wife as tenants by the entirety, residing at
P.O. Box 231, Haight Drive,
Vails Gate, New York 12584

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part 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, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point, which point is 302 feet from the Northwesterly corner of grantor's property at its intersection with the easterly line of Rte. 32, thence continuing southerly S. 86° 27' 57" E for a distance of 125' to a point; thence southerly S 2° 45' 30" W for a distance of 164.20' to a point; thence northerly 78° W for a distance of 125' more or less to a point; thence northerly N 2° 45' 30" E for a distance of 150" more or less to the point or place of beginning.

BEING a portion of the premises heretofore deeded by Amor Homes Corporation to Anthony DiMiceli and Vincenza DiMiceli by deed dated March 20, 1963 and recorded in the Orange County Clerk's Office on March 22, 1963 in Liber 1635 of Deeds at page 640.

SUBJECT, however, to an easement for the construction of water lines and sewer lines under or above said property which sewer lines may be installed by the sellers, their heirs, assigns or representatives. The Grantees herein are given an easement for the use of a proposed fifty foot roadway leading to Haight Drive. Such easement shall run with the land forever. The Grantees in consideration of this easement agree to share equally with other property owners upon the proposed fifty foot roadway cost of the maintenance of the easement including snow removal, repairs and surfacing.

BEING the same premises described in a deed dated the 23rd day of April, 1992, from Michael J. Siano and Carolyn Siano to Carolyn Siano, recorded in the Orange County Clerk's Office in Liber 3602 of Deeds at page 273.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; 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 party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part 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.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Carolyn Jaczko
CAROLYN JACZKO

LIBER 4160 PAGE 313

Zip No. 12550

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE.

LIBER 4160 PAGE 314

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the 30th day of December 19 94, before me personally came Carolyn Jaczko

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

R. J. Malley
Notary Public
4767706
Orange Co., NY
Expires 7-31-96

STATE OF NEW YORK, COUNTY OF

ss:

On the _____ day of _____ 19 _____, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No. _____

that he is the _____ of _____

_____, 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.

STATE OF NEW YORK, COUNTY OF

ss:

On the _____ day of _____ 19 _____, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

ss:

On the _____ day of _____ 19 _____, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. _____

that he knows _____

_____ to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

WITH COVENANT AGAINST GRANTOR'S ACTS

SECTION 70
BLOCK 1
LOT 17.1
COUNTY OR TOWN New Windsor

TITLE NO.

CAROLYN JACZKO, f/k/a Carolyn Siano

TO
CAROLYN JACZKO and
ROBERT W. JACZKO, SR.

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
SECURITY TITLE AND GUARANTY COMPANY

CHARTERED 1928 **ST** IN NEW YORK

PAUL L. MARKS, ESQ.
 526 Gidney Avenue
 Newburgh, New York 12550

Zip No. 12550

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 4160 PAGE 314

SEARCH

File No. 201-59.....
Siano

GOSHEN ABSTRACT CORPORATION DOES HEREBY CERTIFY, *That it has caused the Indices and Dockets in the County Clerk's Office of Orange County, N. Y., to be searched for Deeds, General Assignments, uncancelled Mortgages and Mortgages to Loan Commissioners, executed by, and uncancelled Lispendens, Collectors' Bonds, Sheriff's Certificates of Sale, Orders Appointing Receivers, Insolvent Assignments, Foreclosure by Advertisement, Homestead Exemptions, Contracts for Building Loans, Conditional Sales Contracts for three years past and Federal Tax Liens docketed during the period or periods stated, and for liens filed pursuant to Sect. 150-a C. P. A. and, since February 26, 1936, for Notices filed under Article 10-B of the Lien Law, against the following person or persons, corporation or corporations:*

- Anthony J. DiMiceli from March 16, 1968 to March 22, 1968.
- Vincenza V. DiMiceli from March 16, 1968 to March 22, 1968.
- ✓ Michael J. Siano from ✓ March 16, 1968 to ✓ July 22, 1968.
- ✓ Carolyn Siano from ✓ March 16, 1968 to ✓ July 22, 1968.

and also that it has caused the Dockets of Mechanics' Liens in said office, to be searched for uncancelled Mechanics' Liens docketed against

Same names and dates as above.

and also that it has caused the Dockets of Judgments, in said office to be searched for unsatisfied Judgments and Transcripts of Judgments docketed against

Same names and dates as above.

and finds as follows affecting lands in the Town of New Windsor, County of Orange, State of New York, as described in a Deed, Anthony DiMiceli and Vincenza DiMiceli, husband and wife to Michael J. Siano and Carolyn Siano, husband and wife, dated February 28, 1968 and recorded in the Orange County Clerk's Office on March 22, 1968 in Liber 1790 of Deeds at page 496.

Dated, Gosben, N. Y. July 22, 19 68

SF

Mortgage recorded in Liber 1436 mp. 515 is still open and unassigned of record and contains no additional Marginal Notes.

(Release filed March 4, 1968
L 1789 P 65)

MICHAEL J. SIANO and
CAROLYN S. SIANO,
husband and wife

to

MIDDLETOWN SAVINGS BANK

MORTGAGE

Dated April 16, 1968
Ack. April 16, 1968
Rec. April 17, 1968
Liber 1511 mp. 319

Given to secure \$16,700.00 to be paid on the 1st day of April 1968, with interest thereon at the rate of 6%. The sum of \$100.13 is to be paid on the 1st day of each month hereafter, beginning on the 1st day of May, 1968, etc. Contains clause relative to additional payments to be applied toward payment of taxes, etc., according to a certain bond or obligation bearing even date herewith, etc.

MORTGAGES

Same premises by same description, same reference, subject to same easement etc. as in Liber 1790 cp. 496.

Being the same premises described in a deed from Anthony DiMiceli and Vincenza DiMiceli, his wife, to Michael J. Siano and Carolyn Siano, his wife, dated February 28, 1968 and recorded in the Orange County Clerk's Office March 22, 1968, in Book 1790 of Deeds at page 496.

CONTAINS LIEN LAW TRUST COVENANT.

Contains Open End Mortgage Clause.

NOTE: Building and Loan Agreement filed in the Orange County Clerk's Office on April 17, 1968.

CERTIFICATE

The foregoing search made for and certified only to
SEYMOUR FEINMAN, ESQ.
by Goshen ABSTRACT CORPORATION.

John E. Bach

President

**PREVIOUS
DOCUMENT
IN POOR
ORIGINAL
CONDITION**

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

TOWN OF NEW WINDSOR

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

TO Frances Roth 168 North Drury La DR.
Newburgh Ny 12550

DATE		CLAIMED	ALLOWED
10/27/47	Zoning Board Mtg	75 00	
	Misc - 1		
	Walsh - 4		
	Jaczko - 2 * 9.00		
	Vandermas - 2		
	Mobil Oil - 6		
	Polyworks - 9		
	Hannone - 3		
	Metaling - 2 14		
	Franklin/Destinta - 8 <u>54</u>	<u>243 00</u>	
		<u>318 00</u>	

October 27, 1997

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JACZKO, ROBERT

MR. NUGENT: Request for 3 ft. side yard variance to construct a 26 x 28 attached garage at 18 Haight Drive in an R-4 zone.

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

MR. JACZKO: What we want to do us build on an attached garage.

MR. NUGENT: Similar to what he just did.

MR. JACZKO: Ours is attached.

MS. OWEN: What development is your house in?

MRS. JACZKO: It's in the back of Marshall Drive.

MR. REIS: Opposite the Vails Gate Firehouse?

MRS. JACZKO: It's not at development, it's at the very top.

MR. NUGENT: Bob, you want to come up here, where do you want to build this, right here?

MR. JACZKO: On this side.

MR. TORLEY: Where it says asphalt?

MR. BABCOCK: Yes, right on the edge of the house so they come right up the driveway and go straight into the garage.

MR. JACZKO: Now what were doing is going back and forth.

MR. TORLEY: Is there a garage there now?

MR. JACZKO: Yes, it's under the house, you have to go back and forth, it's small.

MR. TORLEY: Which side is the 28 foot?

October 27, 1997

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change your mind about that?

MR. VANDERMAAS: Yeah, I'm just going to leave that.

MS. BARNHART: All right, I will cross that off.

MR. NUGENT: Accept a motion.

MR. TORLEY: I move we set up Mr. Brian Vandermaas for his requested variance.

MS. OWEN: Second it.

ROLL CALL

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

MR. NUGENT: The attorney would like to give you something.

MR. KRIEGER: When you come back, if you'd address yourself to the criteria set forth on that sheet, I would appreciate it, since those are the criteria on which the Zoning Board of Appeals must act according to state law. I'd like to see your deed and title policy when you come back. I don't need to keep them, I just need to see them. I will give them right back to you.

MR. VANDERMAAS: Thank you.