

**ZB# 97-42**

**Frank Diaz**

**58-2-3.1**

Pelam

Nov. 10, 1997  
Notice to Seize and 1/24/98.4  
No Show  
Photos requested.4

Nov. 24, 1997.  
① copy of your deed 4  
② Title Policy  
③ proxy here 4. lookout

Public Hearing:  
Feb. 9, 1998.

Area Variance  
Granted.

Refund: \$ 198.50

# 97-42 - Diaz, Frank  
58-2-3.1 Area

RECEIPT 340947

DATE Jan. 26, 1998

RECEIVED FROM Frank Diaz

Address

Fifty 00/100 ————— DOLLARS \$50.00

FOR ZBA #97-42

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	ck# 279
AMOUNT PAID		CHECK	50.00
BALANCE DUE		MONEY ORDER	

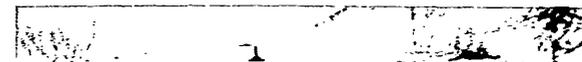
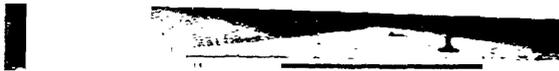
Town Clerk

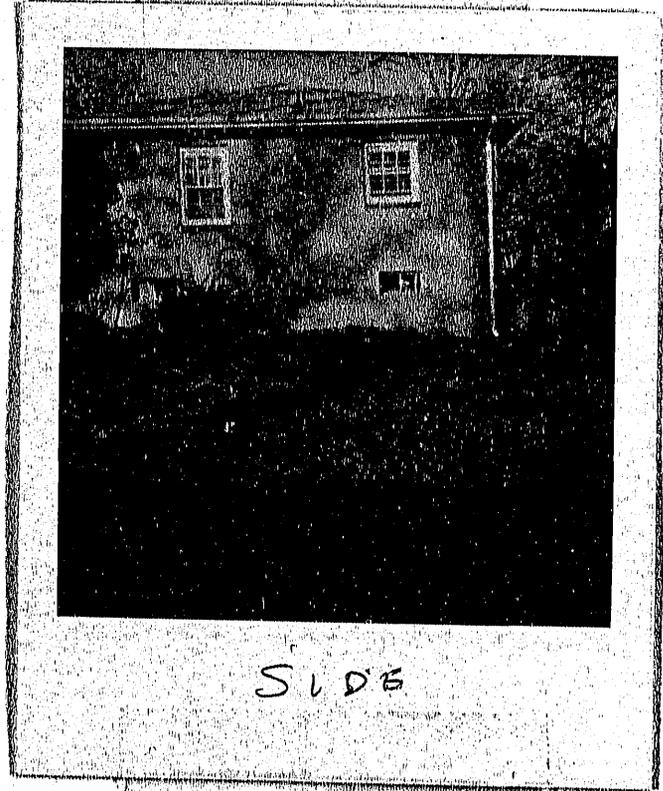
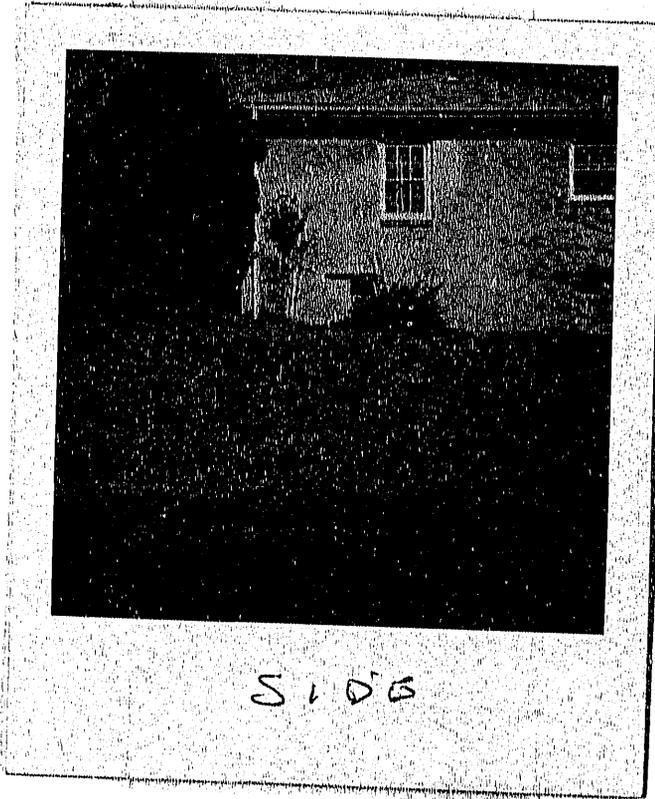
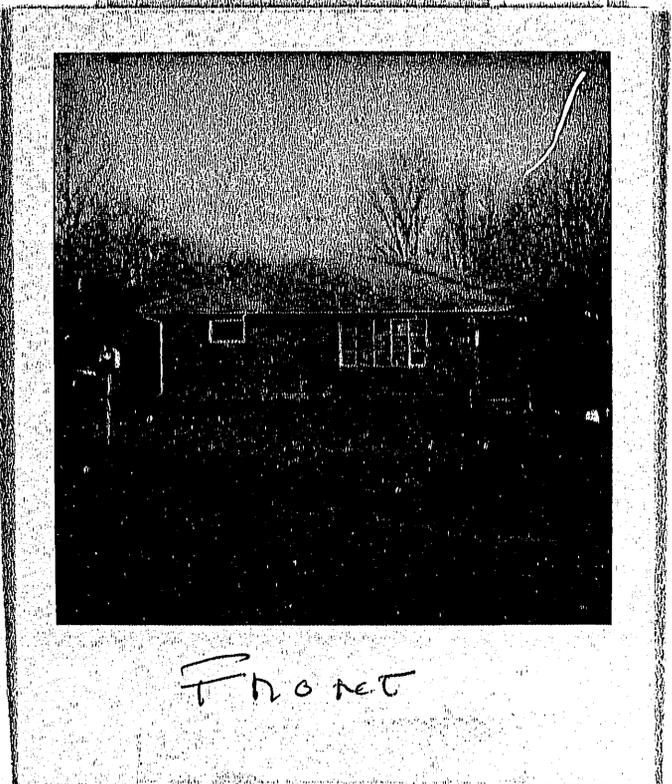
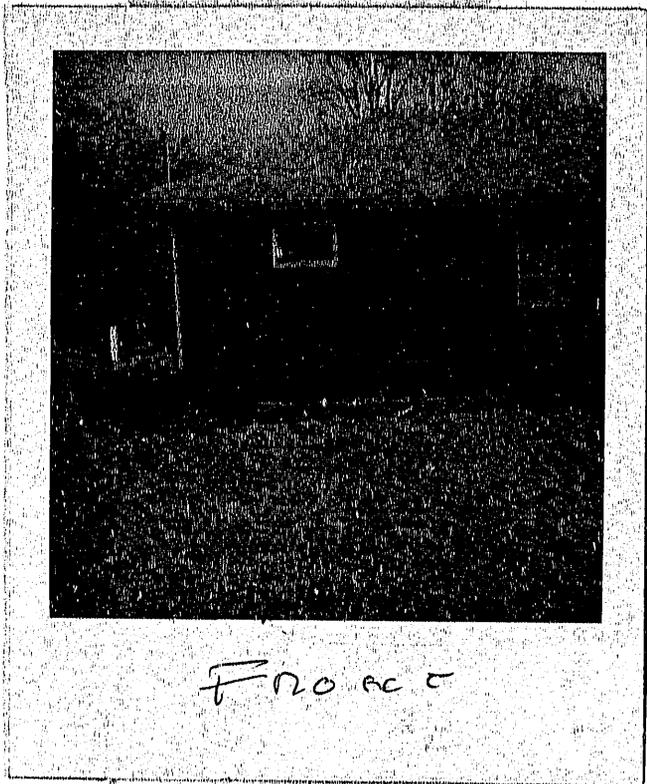
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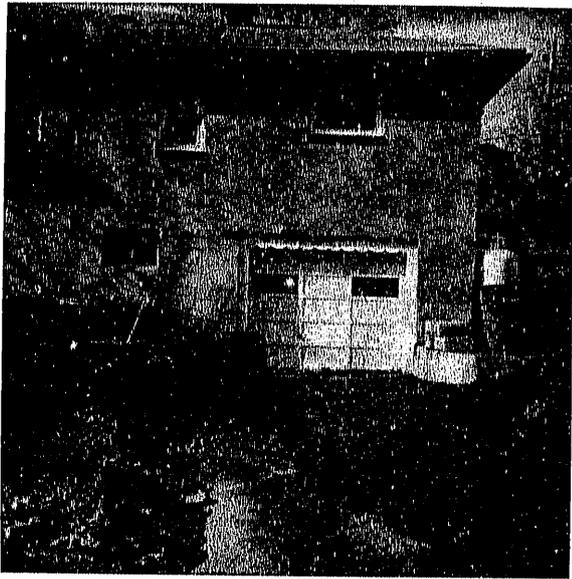
FRONT



FRONT



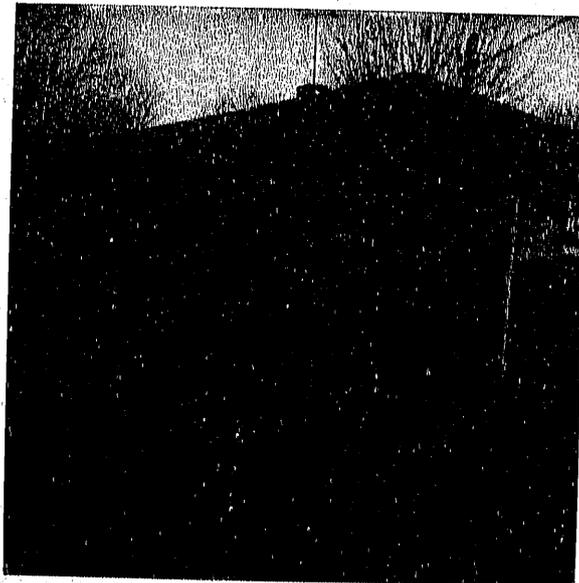




Back



Back



Discrepancy S.O.B

#99-42 - Diaz, Frank  
58-2-3,1  
Over

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

**APPLICANT:** Diaz, Frank  
\_\_\_\_\_

**FILE#** 97-42

**RESIDENTIAL:** \$50.00  
**INTERPRETATION:** \$150.00

**COMMERCIAL:** \$150.00

**AREA**

**USE** \_\_\_\_\_

**APPLICATION FOR VARIANCE FEE** .....

\$ 50.00 paid  
ck # 279

**ESCROW DEPOSIT FOR CONSULTANT FEES** .....

\$ 300.00 paid  
# 280  
1/26/98

**DISBURSEMENTS:**

**STENOGRAPHER CHARGES: \$4.50 PER PAGE**

**PRELIMINARY MEETING-PER PAGE** 1/24/97 - 4/1/98 \$ 18.00  
**2ND PRELIMINARY- PER PAGE** 2/9/98 - 3/1/98 \$ 12.50  
**3RD PRELIMINARY- PER PAGE** ..... \$ \_\_\_\_\_  
**PUBLIC HEARING - PER PAGE** ..... \$ \_\_\_\_\_  
**PUBLIC HEARING (CONT'D) PER PAGE** ..... \$ \_\_\_\_\_

**TOTAL** ..... \$ 31.50

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

**PRELIM. MEETING:** 1/24/97 ..... \$ 35.00  
**2ND PRELIM.** 2/9/98 ..... \$ 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



FRANK DIAZ  
220 OLD NYACK TPKE., APT. 3B  
SPRING VALLEY, NY 10977

0280  
10-4/220  
BRANCH 434

11/1/98

PAY TO THE ORDER OF The Town of New Windsor \$ 300.00  
Three Hundred DOLLARS

**Met Bank**  
Manufacturers and Farmers Trust Company - Buffalo, N.Y. 14209  
Hudson Valley Division  
Spring Valley Office

FOR EX 2BA #97-42 Fuel

⑆022000046⑆11000910983908⑈ 0280

FRANK DIAZ  
220 OLD NYACK TPKE., APT. 3B  
SPRING VALLEY, NY 10977

0279  
10-4/220  
BRANCH 434

11/1/98

PAY TO THE ORDER OF The Town of New Windsor \$ 50.00  
Fifty DOLLARS

**Met Bank**  
Manufacturers and Farmers Trust Company - Buffalo, N.Y. 14209  
Hudson Valley Division  
Spring Valley Office

FOR EX FOR ROAD 2BA #97-42 Fuel

⑆022000046⑆11000910983908⑈ 0279

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

**FRANK DIAZ**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#97-42.  
-----X

**WHEREAS, FRANK DIAZ, 290 Lake Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 7 ft. side yard variance in order to construct an addition to his residential dwelling located at the above residence in an R-4 zone; and**

**WHEREAS, a public hearing was held on the 9th day of February, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared along with Robert A. Nixon, Esq. before the Board 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 variance sought to make an addition to the one-family dwelling would consist of a master bedroom, bath, extension on dining room, laundry room and two-car garage.

(c) No trees or shrubs will have to be removed in order to construct the addition, if allowed.

(d) The addition, if allowed, would not interfere with the course of any drainage of

water or create any ponding or collection of water.

(e) The house is serviced by municipal sewer, with which the addition would not interfere.

(f) The house has a well but the proposed addition would not interfere in any way with this.

(g) If the proposed addition is permitted, the house will not be inconsistent with the other houses in the neighborhood. And, in fact, this house would still be smaller than the one next door.

**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, outweighs 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 a 7 ft. side yard variance for construction of an addition 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: April 13, 1998.

  
Chairman



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 97-42

Date:      /      / 98

I. Applicant Information:

- (a) FRANK DIAZ, No. 290 Lake Road, New Windsor, NY 12533 - (914) 496-3084  
(Name, address and phone of Applicant) (Owner)
- (b) N / A  
(Name, address and phone of purchaser or lessee)
- (c) ROBERT A. NIXON, Esq., 19 Beyers Road, Middletown, NY 10941 (914) 361-1101  
(Name, address and phone of attorney)
- (d) CHARLES T. BROWN, 1025 Union Avenue, Newburgh, NY 12550 (914) 567-9061  
(Name, address and phone of ~~contractor/engineer~~/architect)

II. Application type:

- Use Variance  Sign Variance
- Area Variance  Interpretation

III. Property Information:

- (a) R-4 290 Lake Road, New Windsor, NY 12533 58-2-3.1 0.81 +  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 05/02/97
- (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: \_\_\_\_\_  
No and None Proposed  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use Variance.

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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 USA 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 Ft.</u>	<u>8 Ft.</u>	<u>7 Ft.</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:

Granting the area variance will enhance and improve applicant's living conditions; health, safety and welfare of the neighborhood will not be adversely affected due to the nature of the variance. It will not deprive or interfere or cause any detriment to the neighboring properties. It will only serve to improve the character of the neighborhood and increase market values.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

(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.

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VIII. Additional comments:

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



(b) Variance: Granted (\_\_\_) Denied (\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

(ZBA DISK#7-080991.AP)

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

TO ..... Frances Roth ..... DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550 .....

DATE		CLAIMED	ALLOWED
2/9/98	Zoning Board Mtg	75 00	
	Misc. - 3		
	Simon - 5		
	Sharma - 7		
	Brooks - 4		
	Diaz - 3 @ 13.50		
	Metzger 3 / 25 pgs	<u>112 50</u>	
		187 50	

DIAZ, FRANK

MR. NUGENT: Request for 7 ft. side yard variance for construction of addition to residential dwelling located at 290 Lake Road in an R-4 zone.

MS. BARNHART: Is there anyone in the audience with reference to Mr. Diaz's application?

MR. KRIEGER: Let the record reflect there is nobody.

Robert A. Nixon, Esq. and Mr. Frank Diaz appeared before the board for this proposal.

MR. NIXON: My name is Robert A. Nixon, I'm an attorney and I represent Mr. Diaz, who is the owner and applicant herein. Before the meeting, I would like to submit to the board two consents of property owners both on the right south side and the north side of the property to make it part of the application.

MR. KRIEGER: Would at least one of them be the one next to where the proposal is?

MR. NIXON: That is right, I got both just to the other side too.

MS. BARNHART: There were 38 addressed envelopes with the hearing notice that we sent out on January 28, 1998 for the record.

MR. NIXON: For the record, I'd like to make one observation. In going over the application that was submitted it says construction of an addition of 21 by 30 feet to a one-family dwelling. Actually, the plans being submitted shows it's 21.3 by 32.

MR. DIAZ: Did you have the original plans?

MR. NIXON: I just wanted to make that distinction.

MR. KANE: Does that in any way change the request for a 7 foot side yard variance?

MR. NIXON: No, that is the important part, I realize

that. So the reason for this application of course Mr. Diaz wants to put an addition to his present dwelling and that additional consist of adding a master bedroom and bath, extending the dining room, adding a laundry room and two car garage, that is the nature of this addition. He feels that it would add to the aesthetic value of his property, would give him a better accommodations and of course there will be no off-street parking, if he puts a two car garage, so I think it will not be in any way out of the ordinary with the character of the neighborhood. I don't think it would adversely affect existing and surround market values. I think it would improve it because Mr. Diaz is spending quite a sum of money to make this addition, of course, the taxes will go up and the Town of New Windsor will also make some money on it. So I don't think there's any adverse effect whatsoever with respect to the granting of this application.

MR. KANE: With the building of the addition, are you going to be cutting any trees down?

MR. DIAZ: No.

MR. KANE: Would this create runoff of water or water hazard?

MR. DIAZ: No, it all goes back from the house about a hundred feet up behind the house and I have sewage, I don't have septic.

MR. KRIEGER: It won't be over top of any sewer easement, will it?

MR. DIAZ: It comes out of the sewer, sewage line, but I would have to tap into--

MR. KRIEGER: But the building won't sit on top?

MR. DIAZ: No.

MR. KANE: You don't have any easement?

MR. DIAZ: No, no easement and the well's on the side of the driveway.

MR. KRIEGER: So this won't interfere with the well?

MR. DIAZ: No.

MR. KRIEGER: And it's a one family home in a neighborhood of one family home, correct?

MR. NIXON: Yes.

MR. KRIEGER: If this proposed addition is permitted, it won't make the house inconsistent with the other houses in the neighborhood?

MR. DIAZ: No, it won't, because the house next door is 2,500 square feet, mine is 2,200.

MR. KRIEGER: It will still be smaller than the one next door, it won't change the appearance in any way?

MR. DIAZ: No, nothing at all.

MR. KRIEGER: Okay.

MR. REIS: Accept a motion?

MR. NUGENT: No further questions, yes.

MR. REIS: I make a motion that we pass Mr. Diaz's request for 7 foot side yard variance to construct the addition.

MR. KANE: Second the motion.

ROLL CALL

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

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

Krelem.  
Nov. 10, 1997  
7:30 pm.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION #99-42

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

DATE: 10/9/97

APPLICANT: Frank Diaz  
290 Lake Road  
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/9/97

FOR : To construct 21' X 30' Addition

LOCATED AT: 290 Lake Road

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 58-2-3.1 Existing one family house.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed 21' X 30' addition will exceed Minimum 15' side yard set back.

  
BUILDING INSPECTOR

PERMITTED 15'

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE: F-9

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

8'

7'

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

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

10/6

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 Frank Diaz

Address 290 LAKE RD Phone 914-496-3089

Mailing Address \_\_\_\_\_

Name of Architect CHARLES T. BROWN NEWBURGH NY 12550

Address 1025 UNION AVENUE Phone 914-567-9061

Name of Contractor OWNER

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

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

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

Frank Diaz

FOR OFFICE USE ONLY

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

1. On what street is property located? On the \_\_\_\_\_ side of 290 Lake RD  
(N,S,E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_
2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_
3. Tax Map Description: Section 58 Block 2 Lot 3.1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
  - a. Existing use and occupancy \_\_\_\_\_
  - b. Intended use and occupancy A-1
5. Nature of work (check if applicable) New Bldg  Addition  Alteration  Repair  Removal  Demolition  Other
6. Is this a corner lot? No 21 X 30 (ADDITION)
7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories 1
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 15,000 Fee \$ 310.00 134 5/8  
(To be Paid on this Application)
11. School District Washingtonville

*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.*

1 / 19  
APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANCE 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 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

REFER TO:

Planning Board  Highway Dept  Sewer  Water  Zoning Board of Appeals

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

  
(Signature of Applicant)

290 LAKE RD  
(Address of Applicant)

PLOT PLAN

NOTE:

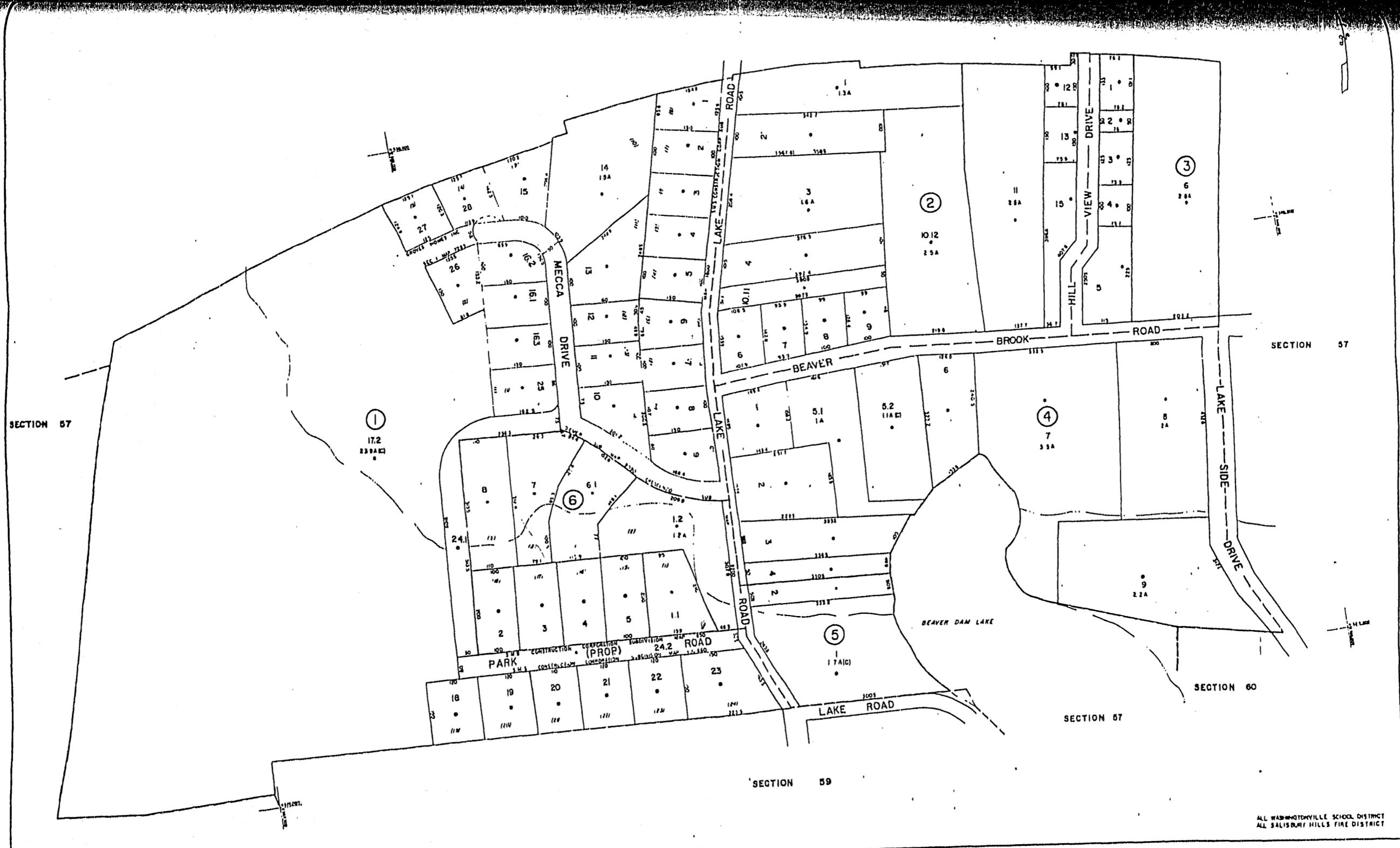
Locate all buildings and indicate all setback dimensions. Applicant must indicate the building line or lines

N

W

E

S



SECTION 57

SECTION 57

SECTION 60

SECTION 59

Prepared by  
**AERO SERVICE CORPORATION**  
 200 WEST 100TH STREET  
 NEW YORK, N.Y. 10024  
**FOR TAX PURPOSES ONLY**  
 NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	1st MAP DISSEP. HD	FILED PLAN RIDGE HD
CITY TOWN OR VILLAGE	SECTION LINE	2nd MAP PARSELL HD	FILED PLAN LOT HD
WATER	WATER LINE	3rd MAP	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	4th MAP	COUNTY HIGHWAYS
PROPERTY LINE		5th MAP	TOWN ROADS

**ORANGE COUNTY-NEW YORK**  
 Photo No. 8-498,489 Date of Map 9-24-81  
 Date of Photo 3-1-85 Date of Revision 3-1-81  
 Scale 1:1000

**TOWN OF NEW WINDSOR**  
 Section No. 58

ALL WASHINGTONVILLE SCHOOL DISTRICT  
 ALL SALISBURY HILLS FIRE DISTRICT

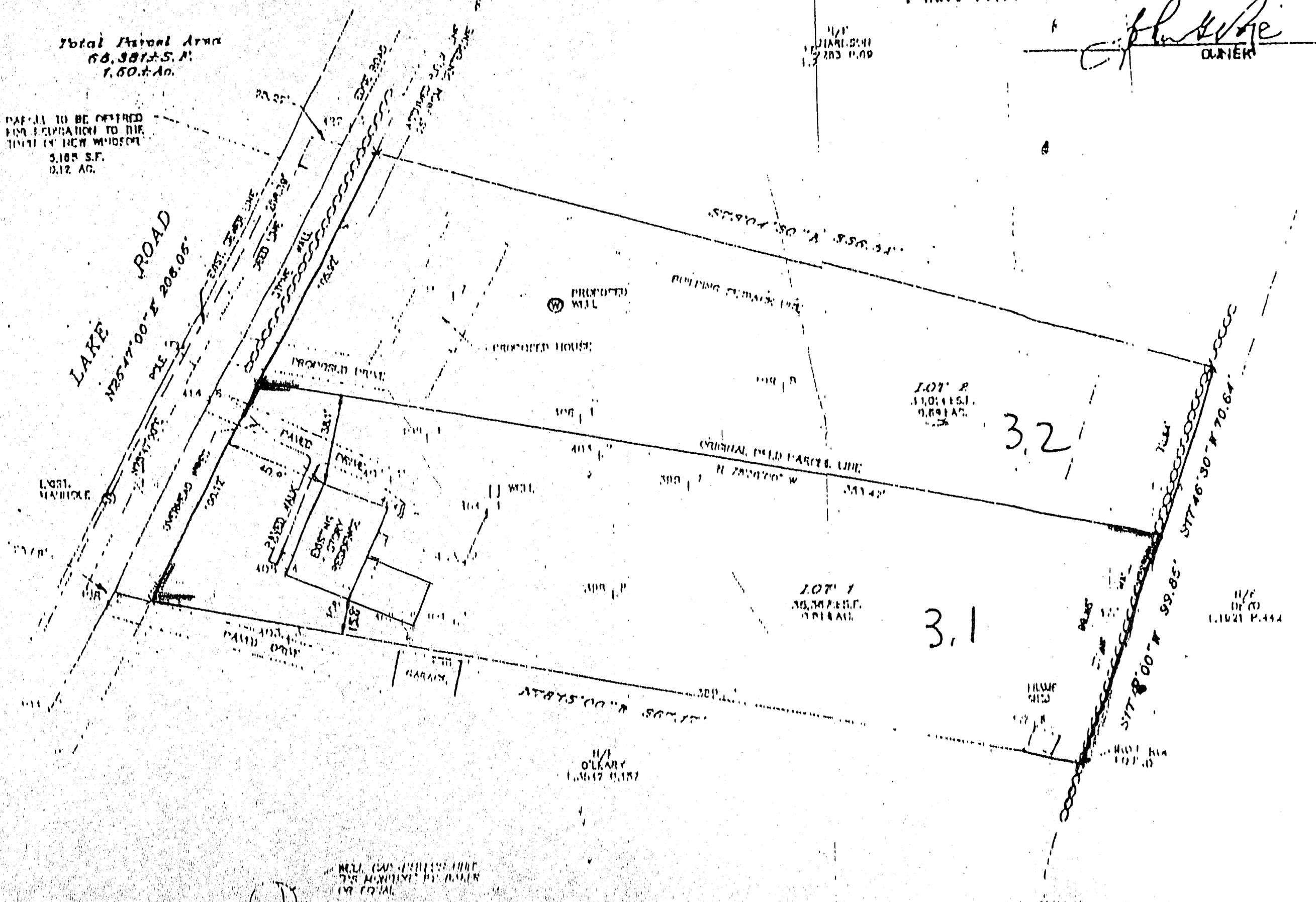
OWNER'S CONSENT:  
I have reviewed this plan and find it acci

*[Signature]*  
OWNER

Total Parcel Area  
68,381 ± S.F.  
1.56 ± AC.

PARCEL TO BE OFFERED  
FOR RELOCATION TO THE  
TRAIL BY NEW HUDSON  
3,165 S.F.  
0.12 AC.

LAKE ROAD  
N25°17'00" E 206.05'



LOT 2  
11,011 ± S.F.  
0.25 ± AC.

3.2

LOT 1  
38,370 ± S.F.  
0.88 ± AC.

3.1

11/2  
11/20  
1,1021 P.444

11/2  
O'LEARY  
1,1017 P.157

WELL (CONVERTIBLE) AND  
PUMP (CONVERTIBLE) TO BE  
RELOCATED

BY A SURVEYOR LICENSED AND BOUND TABLES

2/9/98 meeting  
for

Tin

**PUBLIC NOTICE OF HEARING**  
**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. 97-42

Request of FRANK DIAZ

for a VARIANCE of the Zoning Local Law to Permit:

Construction of an additional 21' x 30' to a one-family dwelling, adding master bedroom and bath; extending diningroom; adding laundry room and two (2) car garage, with insufficient sideyard;

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

for property situated as follows: East side of Lake Road, distant 305 Ft. north of Beaver Brook Road, New Windsor, New York 12533.

known and designated as tax map Section 58, Blk. 2, Lot 3.1.

SAID HEARING will take place on the 9th day of February, 1998 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

JAMES NUGENT  
Chairman

As adjoining property owner ( south side of subject property ), I have no objections to the above variance, and in fact, I am in favor of the Board granting Mr. Diaz' application.

*Timothy J. O'Leary*

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

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

Frank Diaz

**Applicant.**

#91-42.

**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 1/28/98, I compared the 38 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**  
28<sup>th</sup> day of January, 1998.

Mary Ann Hotaling  
**Notary Public**

**MARY ANN HOTALING  
Notary Public, State of New York  
No. 01H05062877  
Qualified in Orange County  
Commission Expires July 8, 1998**



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

38

January 19, 1998

Mr. Frank Diaz  
290 Lake Road  
New Windsor, N. Y. 12553

**Re: Tax Parcel: 58-2-3.1**

Dear Mr. Diaz:

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  
Sole Assessor

/pab  
Attachment

cc: Pat Barnhart, ZBA

Frances C. Johnson  
291 Lake Road  
Salisbury Mills, N. Y. 12577

Dederick H. & Susan Kieck  
283 Lake Road  
Salisbury Mills, N. Y. 12577

Paul J. & Mary Ann Messina  
279 Lake Road  
Salisbury Mills, N. Y. 12577

Michael J. & Catherine Peraino  
275 Lake Road  
Salisbury Mills, N. Y. 12577

Richard R. & Anne Marie Shorey  
271 Lake Road  
Salisbury Mills, N. Y. 12577

Michael J. & A. Tracey McGuinness  
267 Lake Road  
Salisbury Mills, N. Y. 12577

Lawrence D. & Kathleen A. Rossini  
319 Hickory Avenue  
New Windsor, N. Y. 12553

Michael E. & Lisa M. Hall  
2 Mecca Drive  
New Windsor, N. Y. 12553

Warwick Savings Bank  
% Mrs. Frances Gorish  
18 Oakland Avenue  
Warwick, N. Y. 10990

Michael & Joy Morgese  
12 Mecca Drive  
New Windsor, N. Y. 12553

Mark A. Lavinski  
8 Mecca Drive  
Salisbury Mills, N. Y. 12577

Leonard W. & Frances Duckworth  
20 Mecca Drive  
Salisbury Mills, N. Y. 12577

Louis L. Dolhy  
Mary & Ann Salony  
232 Seymour Avenue  
Scranton, PA 18505

Charles McPherson  
14 Mecca Drive  
Salisbury Mills, N. Y. 12577

Keith D. & Glenda A. Chipperfield  
13 Mecca Drive  
Salisbury Mills, N. Y. 12577

Stephen C. & Karen E. Spellman  
15 Mecca Drive  
Salisbury Mills, N. Y. 12577

The Warwick Savings Bank  
18 Oakland Avenue  
Warwick, N. Y. 10990

Timothy & Karen Sheehan  
17 Mecca Drive  
Salisbury Mills, N. Y. 12577

James E. & Katherine J. Kelly  
302 Lake Road  
Salisbury Mills, N. Y. 12577

Brian E. & Karen A. McDonald  
298 Lake Road  
Salisbury Mills, N. Y. 12571

Patrick G. & Dolores M. Monobe  
294 Lake Road  
Salisbury Mills, N. Y. 12577

Timothy J. O'Leary  
286 Lake Road  
Salisbury Mills, N. Y. 12577

Joseph J. & Roxana Pantano  
1 Beaver Brook Road  
New Windsor, N. Y. 12553

Tommy R. & Ethel D. Kingery  
5 Beaver Brook Road  
New Windsor, N. Y. 12553

Robert F. & Grace Roe  
9 Beaver Brook Road  
New Windsor, N. Y. 12553

Carlos Domingues  
46 Candlestick Hill Road  
Newburgh, N. Y. 12550

Allen Deyo  
284 Lake Road  
New Windsor, N. Y. 12553

Christopher & Valerie Davy  
27 Beaver Brook Road  
New Windsor, N. Y. 12553

Mark G. Carey  
436 Beaver Brook Road  
New Windsor, N. Y. 12553

Robert & Marianne Gellman  
21 Hillview Drive  
New Windsor, N. Y. 12553

Mark A. & Maxine A. Goulet  
P. O. Box 344  
Salisbury Mills, N. Y. 12577

Michael & Donna Marie Cacamis  
9 Hillview Drive  
New Windsor, N. Y. 12553

Edward W. Jr. & Dorothy Nixon  
P. O. Box 41  
Salisbury Mills, N. Y. 12577

Gerald & Maureen McHugh  
412 E. 81st Street  
New York, N. Y. 10028

Francis G. Coleman  
431 Lake Road  
New Windsor, N. Y. 12553

Francis G. & Emma Jean MacPherson  
61 Vidi Drive  
Salisbury Mills, N. Y. 12577

Daniel D. & Patricia A. Ryan  
301 Lake Road  
Salisbury Mills, N. Y. 12577

Consolidated Rail Corporation  
6 Penn Center Plaza  
Philadelphia, PA 19103

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY**

**THIS INDENTURE**, made the 2nd day of May, nineteen hundred and ninety-seven  
**BETWEEN**

JOHN G. POJE, residing at RD#4, Box 430, New Windsor, N.Y. 12553  
FRANK T. POJE, residing at 92 Hopkins Avenue, Staten Island, N.Y. 10306

party of the first part, and

FRANK DIAZ, residing at 220 Old Nyack Turnpike, Spring Valley, N.Y.

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

**SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF.**

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.

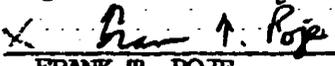
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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:

  
.....  
JOHN G. POJE

X   
.....  
FRANK T. POJE

## SCHEDULE A

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, more particularly bounded and described as Lot No. 1 as shown on a certain subdivision map prepared for John G. Poje and Frank T. Poje, made by Grevas & Hildreth, P.C., dated January 26, 1995 and filed in the Orange County Clerk's Office on May 12, 1995 as Map No. 76-95.

Being and intended to be a portion of the same premises conveyed to John G. Poje and Frank T. Poje from Julia Poje by Deed dated July 14, 1987 and recorded in the Office of the Orange County Clerk on July 23, 1987, in Liber 2756, Page 202.

STATE OF NEW YORK, COUNTY OF Orange

ss:

On the 2nd day of May 1997, before me personally came

JOHN G. POJE

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

  
NOTARY PUBLIC

BRIAN G. GILMARTIN  
Notary Public, State of New York  
No. 02614735383  
Qualified in Orange County  
Commission Expires April 30, 1999

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 Richmond

ss:

On the 31st day of March 1997, before me personally came

FRANK T. POJE

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

FRANK T. POJE  
NOTARY PUBLIC, State of New York  
No. 02614735383  
Qualified in Richmond County  
Commission Expires April 30, 1997

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.

**Bargain and Sale Deed**

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

SECTION 58

BLOCK 2

LOT 3.1

COUNTY OR TOWN New Windsor

JOHN G. POJE and FRANK T. POJE

TO

FRANK DIAZ

RETURN BY MAIL TO:

ROBERT NIXON, ESQ.  
19 BEYERS ROAD  
MIDDLETOWN, NEW YORK

Zip No. 10941

Reserve this space for use of Recording Office.

Date 12/3/97, 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
11/24/97	Zoning Board Mtg	75 00	
	Misc - 1		
	Rentoff - 6 27.00		
	Diaz - 4 18.00		
	Toyota - 7		
	Mobil Oil - 24	189 00	
	42		
		264 00	

PRELIMINARY MEETING:

DIAZ, FRANK

MR. NUGENT: Request for 7 ft. side yard variance to construct addition at 290 Lake Road in an R-4 zone.

Mr. Frank Diaz appeared before the board for this proposal.

MR. DIAZ: Do you have the prints?

MR. NUGENT: Yes, well, I have got something here.

MS. OWEN: Where is Lake Road?

MR. DIAZ: Right off 94, Beaver Dam.

MR. BABCOCK: Beaver Dam Lake.

MR. NUGENT: Mr. Diaz, you want to come up here and explain this to us so we all understand what you're doing? This is the little drawing that you are talking about?

MR. DIAZ: Just the corner, if you look at the drawing, it's recessed one foot into the building already, there's a cement wall. What I am doing is recessing in the foot already so this is 16'8" so this probably will be like 10'8", just that small corner that is all there is.

MR. NUGENT: What's he need, 15 foot, Mike?

MR. BABCOCK: Yes, if you notice on the survey his house doesn't sit square with the property and with the property line, so the farther he goes out, the closer he gets to the property line is where his problem is.

MR. TORLEY: Does this come under the non-conforming lot size out there?

MR. BABCOCK: Not this particular lot, no.

MR. DIAZ: I go back 367 feet.

MR. TORLEY: Down quite a ways.

MR. DIAZ: Yes.

MS. OWEN: What's next door to you?

MR. DIAZ: There's a, the guy has a house about 60 feet away and the little thing there's a garage separate from his house.

MR. NUGENT: He knows what you want to do?

MR. DIAZ: Yeah, he knows, both of them.

MR. KANE: Frank, when you come in for the public hearing, take some pictures of the back yard so we can see the area.

MR. DIAZ: Sure.

MR. NUGENT: Mike, would you like to see this?

MR. TORLEY: Doublecheck your measurements, if you ask for 7 foot side yard, turns out you need 7 foot 6 inch, you have to start over from scratch.

MR. DIAZ: No, I already had the blueprint surveyed.

MR. TORLEY: Doublecheck, make sure, anybody can make a mistake, you don't want to do this twice.

MR. DIAZ: Should I get a new survey?

MR. KRIEGER: No, just as long as you're sure.

MR. TORLEY: We're going to use your measurements.

MR. KANE: What they are trying to point out if you ever go to sell the house and use a different surveyor and it's six inches off, you have to do it all again.

MR. DIAZ: Do I see my engineer?

MR. KRIEGER: Assuming that it was granted the first

time may not be granted the second time.

MR. NUGENT: He may have done that already for you, I would just doublecheck to be absolutely sure.

MR. DIAZ: Then you want pictures?

MR. TORLEY: Yes.

MR. KRIEGER: All four exposures so that the members of the board can see them. You understand that the procedure is they have a preliminary hearing by law before the zoning board acts it must have a public hearing. This is not discretionary, they have to do it so--

MR. KANE: Accept a motion?

MR. NUGENT: Yes.

MR. KANE: I move that we set up Mr. Frank Diaz for requested variance at 290 Lake Road.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. KRIEGER: I'm going to give you, she gave you or we'll give you the application. The sheet I gave you are the criteria under which the Zoning Board of Appeals must decide by law. If you would address yourself to those criteria in making a presentation, it would be helpful and also, I would like to see a copy of your deed and title policy at the public hearing. You don't need to make a separate copy, I will look at yours and give it right back to you.

MR. DIAZ: So I come back when?

MS. BARNHART: As soon as you fill out your paperwork.

November 24, 1997

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Read that sheet.

MR. DIAZ: Thank you.