

ZB# 98-6

Edward Miele

67-4-4

Prelim.

Jan. 26, 1978

Need for
Title Policy and
Motion to School

^{P.H.}
Notice to Sentinels on 2/4/78.

Public Hearing:

Apr. 13, 1978.

Area Variance
Approved.

Refund

\$185.00

#98-6- Miele, Edward

R-3

Area - 67-4-4.

Wilson Jones • Carbonless • SUGAR-NCR Duplicate • 5107NCL Tripartite
© Wilson Jones, 1983

DATE March 25, 1998 RECEIPT 341094

RECEIVED FROM Ed Miale Excavating + Landscaping

Address A after canal 100 DOLLARS \$ 50.00

FOR ZBA Application Fee (98-6)

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	
AMOUNT PAID	<u>#1815</u>	CHECK	<u>450.00</u>
BALANCE DUE		MONEY ORDER	

Town Clerk
BY Dorothy J. Hansen



Write

© W. W. Jones, 1983

BALANCE
DUE

CHECK
MONEY
ORDER

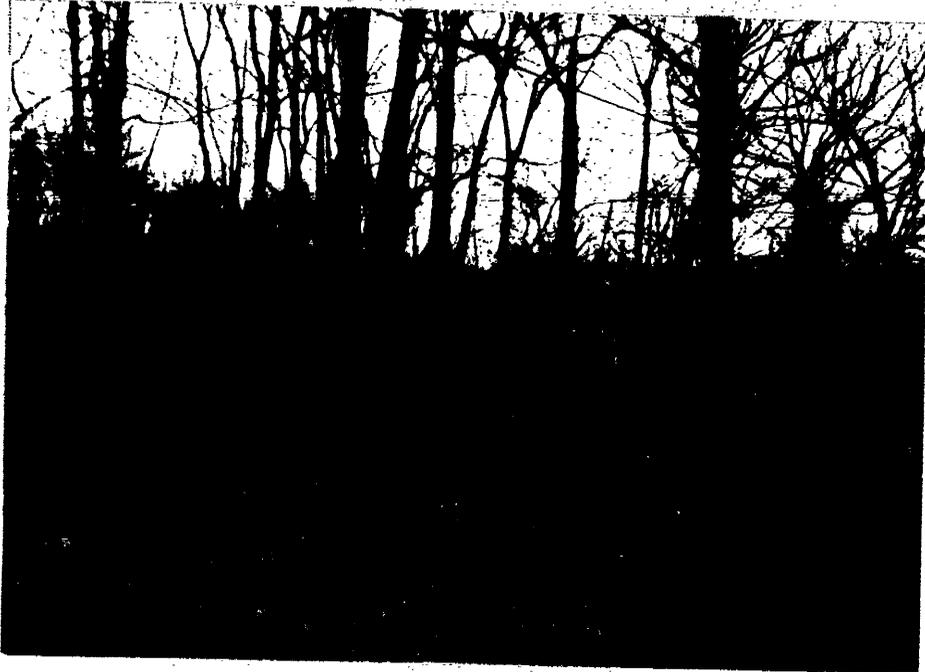
BY

Dorothy J. Jones





#98-6 - Milled, Edwards
R-3 Area - 67-4-4



R-3

Area -

67-4-4.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Miek, Edw.

FILE# 98-6.

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA

USE _____

APPLICATION FOR VARIANCE FEE.....\$ 50.00

* * *

ESCROW DEPOSIT FOR CONSULTANT FEES.....\$ 300.00

*paid - 3/24/98
ck 4895
paid #4894
3/24/98.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 1/24/98-4 ..\$ 18.00

2ND PRELIMINARY- PER PAGE 4/13/98-6 ..\$ 27.00

3RD PRELIMINARY- PER PAGE.....\$ _____

PUBLIC HEARING - PER PAGE.....\$ _____

PUBLIC HEARING (CONT'D) PER PAGE.....\$ _____

TOTAL.....\$ 45.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 1/26/98.....\$ 35.00

2ND PRELIM. 4/13/98.....\$ 35.00

3RD PRELIM.....\$ _____

PUBLIC HEARING.....\$ _____

PUBLIC HEARING (CONT'D).....\$ _____

TOTAL.....\$ 70.00

MISC. CHARGES:

.....\$ _____

TOTAL.....\$ 115.00

LESS ESCROW DEPOSIT.....\$ 300.00

(ADDL. CHARGES DUE).....\$ _____

REFUND DUE TO APPLICANT. \$ 185.00

Date 4/28, 1998

TOWN OF NEW WINDSOR

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

TO Edward Miele DR.

P.O. Box 116
Southfields, NY 10975

DATE

CLAIMED

ALLOWED

4/28

Refund of Escrow # 98-6-ZBA

\$ 185.00

Approved: Patricia A. Bankat
ZBA

ED MIELE EXCAVATING & LANDSCAPING
P. O. BOX 116
SOUTHFIELDS, NY 10975

50-235-618
219
0251006821

4894

DATE MAR. 20, 1978

PAY TO THE ORDER OF Town of New Windsor \$ 300⁰⁰

THREE HUNDRED & 00/100 DOLLARS

THE BANK OF NEW YORK

Orange Terrace
Tombago Park, NY 10967

MEMO Expense ZBA #98-6 Ed Miele

⑆021902352⑆ ⑆0251006821⑆ 4894

ED MIELE EXCAVATING & LANDSCAPING
P. O. BOX 116
SOUTHFIELDS, NY 10975

50-235-618
219
0251006821

4895

DATE MAR. 20, 1978

PAY TO THE ORDER OF Town of New Windsor \$ 50⁰⁰

FIFTY & 00/100 DOLLARS

THE BANK OF NEW YORK

Orange Terrace
Tombago Park, NY 10967

MEMO Application ZBA 98-6 Ed Miele

⑆021902352⑆ ⑆0251006821⑆ 4895

In the Matter of the Application of

EDWARD MIELE

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#98-6.

WHEREAS, EDWARD MIELE, Station Street, P. O.Box 116, Southfields, N Y. 10975, has made application before the Zoning Board of Appeals for a 10.65 ft. lot width variance on Lot #2 in a minor subdivision located on Riley Road in an R-3 zone; and

WHEREAS, a public hearing was held on the 13th day of April, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared along with James Licata, Esq. and Patrick Brady, P. E. for this Application; and

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

WHEREAS, one person asked questions concerning the impact on his water supply and the water drainage; 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) This is a proposed three-lot subdivision in a residential neighborhood containing one-family homes, said subdivision also to contain one-family homes. The variance request is caused by a change in the Town Zoning Code as to where lot width may be measured to determine whether the required width is present.

(b) Under the prior old code requirements, no variance would be necessary but because of the peculiar shape of one of the lot which is proposed a variance of approximately 10% lot width is necessary.

(c) The property contains a drainage ditch affecting the water drainage.

(d) Even if the variance is granted, the Applicant will be required to have approval of the New Windsor Planning Board before construction and the Applicant understands that all questions affecting water drainage will be addressed by the Planning Board.

(e) The proposed variance is sought for the middle lot as it is the Applicants' intention to remove the variance as far as possible from the neighbors.

(f) The lot, although not rectangular in shape, would provide ample road frontage even if the variance is approved.

(g) The property is served by well and public sewer.

(h) There are owners of one-family homes on either side of the property in question but its rear is adjacent to a railroad right-of-way.

(i) The Applicant acknowledged that another public hearing would be required in the Planning Board application and that the question of water drainage would be heard by the Planning Board together with the questions or comments of any neighbors.

(j) If the variance is granted, the Applicant proposes relocating a drainage ditch to bring it along the property line, and give the Town the necessary easements to clean it out if necessary.

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 not 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 10.65 ft. lot width variance for Lot. #2 in a minor subdivision located on Riley Road in an R-3 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: June 08, 1998.

/s/ James Nugent
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

98-6

Date: 3/20/98

I. Applicant Information:

- (a) EDWARD MIELE, P.O. Box 116 SOUTHFIELDS N.Y. 10975, 351-2826
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) JAME LICATA ESQ., 10 CUTLER COURT SUFFERN N.Y. 10901, 362-1236
(Name, address and phone of attorney)
- (d) PATRICK BEARY P.E., P.O. Box 482 WALDEN N.Y. 12586, 778-4006
(Name, address and phone of contractor (engineer) architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) R-3 RILEY ROAD 67-4-4 2.57 acres
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NO
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 6/29/94
- (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: NO

IV. Use Variance. N/A

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

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

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

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

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. D.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width <u>100 FT</u>	<u>89.35 FT</u>	<u>10.65 FT</u>
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
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:

(SEE ATTACHED)

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

VI. Sign Variance:

N/A

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

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

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

VII. Interpretation.

N/A

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

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

VIII. Additional comments:

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

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

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

(ZBA DISK#7-080991.AP)

**NARRATIVE
APPLICATION OF EDWARD MIELE
TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

The Applicant seeks to subdivide property consisting of 2.57 acres in an R-3 zone. The Applicant is required to seek one variance on one lot (Lot 2) for minimum lot width. The present zoning requirements require 100 feet and the Applicant has 89.35 feet. I have been informed by my engineer that recent changes in the Town Zoning Code requires that he not be allowed to measure the width of the lot anywhere within the building envelope. I understand that this zone change was made in order to avoid the approval of what are known as flag lots. The subdivision we are requesting does not contain any flag lots and under the old Zone Code, the Applicant would be able to construct the three lots without any variances. As noted the one variance of approximately 10% of the lot width cannot be considered significant. The Applicant would like the Board to be aware of the following:

1. The variance requested is not substantial. In reviewing the requested variance, the variance is not substantial in relationship to the requirements of the present Code.
2. There will not be a significant increase in population density if the variance is granted. Without the variance, the Applicant would be able to construct two homes. Since these are one family homes, one additional home would not significantly increase the population density.
3. There will be no change in the character of the neighborhood and no substantial detriment to any adjoining property owners. The Applicant has arranged for the underwidth lot to be in the middle and not abutting any present property owners. The homes in this area are mainly pre-existing one family of a similar type contemplated for construction by the Applicant.
4. The difficulty that presently exists cannot be alleviated by any other method other than a variance. The difficulty alleged was not self-created by the Applicant.
5. The interest of justice will be served by the granting of these variances.
6. The variances, if granted, would not cause any adverse aesthetic, environmental or ecological impact on the property or the surrounding area and neighborhood.

4/13/98 Public Hearing: Miele, Edw. #98-6.

Name: Jim Duffy address:

Duffy 30 Riley Rd. - No objection

Date 4/27/98, 19.....

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
11/17/98	ZBA Mtg (Denise Prownick)	75 00	
	Misc - 3		
	Bagarozzi - 4		
	Kreisberg - 4		
	Cilani - 3		
	Reddings - 18		
	Simon - 4		
	Miele - 6 27.00.		
	42	189 00	
	<i>James Vincent</i>	264 00	

MIELE, EDWARD

MR. NUGENT: Referred by P.B. for 10.65 ft. lot width variance for Lot #2 in minor subdivision located on Riley Road in an R-3 zone.

Mr. James Licata, Esq. and Mr. Patrick Brady appeared before the board for this proposal.

MR. LICATA: Hello. I've never been before you before. My name is Jim Licata. I'm an attorney representing the applicant. This is Mr. Pat Brady the engineer. We've submitted an application with a detailed narrative. I will give you a little presentation about what we plan to do. I'll try to go back and forth. When I first came in, I couldn't figure out who was who.

MR. TORLEY: She's the important one, the secretary.

MR. NUGENT: We're going to follow you.

MS. BARNHART: I just have the biggest mouth.

MR. TORLEY: You said that, I didn't.

MR. NUGENT: Lot #2.

MR. LICATA: Right. What we need is one variance. We don't consider the variance substantial, it's approximately a 10 percent variance. The reason we need this variance is the change in the code that occurred. I understand that you changed your code to discourage or for lack of a better word discourage the formation of flag lots. These are not flag lots. But the change in the code for the town precludes us from measuring our lot width anywhere within the envelope. So if you were to move back towards the back of Lot 2, you'll see that we have 141-plus feet of lot width. Under the old code, we would be able to measure it back in the middle of the lot and we'd have more than 100 feet.

MR. KRIEGER: So in other words, you wouldn't need a variance under the old code.

MR. LICATA: Correct. My understanding from my engineers that that law was not created to stop this kind of construction, but I guess you had a proliferation of flag lots in the town which many towns

are trying to discourage. Just to go through the narrative and the formality. The variance is actually 10.65 feet, approximately 10 percent. The variance is not substantial. There would not be significant increase in population density. There would still be two one-family, you'd have three. There's no other way to alleviate this problem other than granting of a variance. And unless you have some other questions.

MR. KRIEGER: It's a one-family house in a neighborhood of one-family houses?

MR. LICATA: Yeah.

MR. TORLEY: Is one structure existing now?

MR. BRADY: Yes.

MR. TORLEY: The middle one?

MR. LICATA: No.

MR. BRADY: This one here there is an existing currently which would be removed. The current structure has an existing well and is also connected to the sewer.

MR. TORLEY: And this is a drainage ditch which would be --

MR. LICATA: We were before the planning board and they made a referral here. They cannot proceed with final site plan approval unless we address the variance problem.

MR. KANE: And you need a variance closer to Riley Road on the front end of Lot 2?

MR. NUGENT: Just this one corner?

MR. KANE: This place right here where it's 89.3.

MR. NUGENT: Just this one corner?

MR. BRADY: We're seeking a variance of the lot width.

MR. NUGENT: The whole lot width.

MR. BRADY: Correct.

MR. TORLEY: It's a front and rear.

MR. KANE: The front.

MR. NUGENT: Just the front.

MR. BRADY: Actually, where the house is shown we do have the 100 foot lot width required.

MR. LICATA: What we tried to do is put the variance in the middle lot to keep the variance away from the neighbors. So in essence we have conforming lot, conforming lot and the center lot requires the variance so it doesn't impose on any of the other lots.

MR. KRIEGER: So the appearance would be consistent.

MR. BRADY: Correct.

MR. TORLEY: So all the lots are basically in excess of the minimum requirements for the area?

MR. LICATA: Yes. I think the requirement is 32,500 and one is approximately 10 percent more than that and the others are even more substantial. The middle lot you're addressing is over 40,000.

MR. NUGENT: You don't have water but you have sewer?

MR. BRADY: Correct. Public sewer and individual wells.

MS. BARNHART: For the record, there were 57 addressed envelopes with the hearing notices sent out to adjacent property owners on March the 25th.

MS. OWEN: Are there houses on both sides of these lots?

MR. BRADY: Yes.

MR. LICATA: Yes. One of the neighbors is here.

MR. BRADY: And to the rear of the property is the old railroad bay.

MR. NUGENT: Are there any further questions by the board?

MR. KANE: Not at this time.

MR. NUGENT: At this time, I'd like to open it up to the public. If the gentleman would like to speak, please sign this pad for me, please.

MR. DUFFY: Jim Duffy. All I'd like to know if he's going to take away from our well, you know, what I'm saying, with three houses next to me. Plus we have a water problem going all the way to Benedicts Lake. I don't know if you guys are aware of it, but I went to you a couple times. Up here there's a lake and the dams breaking. If that dam breaks, you're going to lose a lot of houses.

MR. TORLEY: Do you want to see a map?

MR. LICATA: Yes, we showed him that outside.

MR. DUFFY: I'm right here. This is the road across the street, and the lake up here and the water all goes to here. Now, if he builds here, all that water's going to come to my house.

MR. TORLEY: There's a draining ditch that goes this way.

MR. DUFFY: There's a drainage ditch that comes off your town road across the street -- goes right down to his property right back here.

MR. TORLEY: You still have to go to the planning board on this; correct?

MR. BRADY: Correct.

MR. DUFFY: See, I don't know; I've never done this before.

MR. TORLEY: So at the planning board you could probably --

MR. BRADY. Yes, we informed Mr. Duffy.

MR. TORLEY: The planning board is the one that really handles water drainage.

MR. DUFFY: Okay, who do I talk to?

MR. LICATA: Well, there is another public hearing that is required under the law, so as a next-door neighbor he definitely will receive a notice.

MR. DUFFY: That's my only question. Thank you.

MR. NUGENT: Thank you. Close the public hearing and open it back up to the board.

MR. KANE: I have no further questions.

MR. NUGENT: The only one that I have that this gentleman just brought up: Are you going to interrupt any water course in the construction of these three house?

MR. BRADY: Well, there will be a drainage ditch that will be relocated, but if anything it will be an improvement to the site. I will show you. Currently now there's an existing culvert that crosses Riley on the northeast portion of the property. And here's the existing course. It comes down and spreads out and runs along the old railroad bay. Now, what we plan to do, I've spoken to Mark Edsall the Town engineer, we're going to relocate this ditch down and bring it along the property line and give the town, they need the necessary easements. Currently, if this drainage ditch gets blocked, the town has no right to go and clean, so one of our offers was to give them a drainage easement.

MR. NUGENT: Is there a substantial elevation difference between where these houses are going to be located and that water course?

MR. BRADY: This ditch currently is only about a half foot deep. The change in grading it from the front to rear is 300 to --

MR. TORLEY: 292?

MR. BRADY: 288 down to the back corner.

MR. NUGENT: 12 feet.

MR. BRADY: So it's a 12foot difference in the elevation. This area back here gets wet seasonally, but it doesn't encroach upon the area of the proposed wells.

MR. NUGENT: Okay. Do you understand that? I've got a whole thing of pictures here for it.

MR. REIS: Who's going to be responsible for the culvert?

MR. BRADY: The town. It's a town culvert but currently there's no easements through the property for any kind of maintenance purposes. But it is a town owned culvert.

MR. REIS: Did you say that there was going to be an easement created?

MR. BRADY: Yes. We've offered to the town a drainage easement for maintenance purposes ingress and egress.

MR. KANE: Andy, if we grant approval, is there any way to word it as such to make sure the that planning board pays attention to drainage on this property so that it doesn't infringe on other properties?

MR. KRIEGER: Yes, plus the fact I'm also the attorney for them. I would say that's a major concern of the planning board.

MR. KANE: Okay.

MS. BARNHART: Are we ready for a motion?

MR. NUGENT: If everybody is finished questions, yes.

MS. OWEN: I make a motion that we approve the variance for Mr. Edward Miele for a 10.65 foot lot width variance.

MR. NUGENT: Do I hear a second?

MR. KANE: Second the motion.

ROLL CALL

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

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

Prelim:
Jan. 26, 1998
7:30 pm

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

98-06.

PLANNING BOARD FILE NUMBER: 97-31

DATE: 17 SEPT 97

APPLICANT: EDWARD MELE
STATION ST. P.O. BOX 116
SOUTH FIELDS N.Y. 10975

Pat Brady, P.E.

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 3 SEPT 97

FOR (SUBDIVISION - ~~SITE PLAN~~)

LOCATED AT RILEY RD.

ZONE R-3

DESCRIPTION OF EXISTING SITE: SEC: 67 BLOCK: 4 LOT: 4

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

LOT WIDTH VARIANCE FOR LOT 2.



MARK A. EDSALL P.E. For
MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTSPROPOSED OR
AVAILABLEVARIANCE
REQUEST

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>R-3</u> USE <u>A-9</u>		
MIN. LOT AREA	<u>32670 SF</u>	<u>> REQ'D</u>
MIN. LOT WIDTH	<u>100 FT</u>	<u>89.35 FT (L&T)</u>
REQ'D FRONT YD	<u>35 FT</u>	<u>AS REQ'D</u>
REQ'D SIDE YD.	<u>15 FT</u>	<u>AS REQ'D</u>
REQ'D TOTAL SIDE YD.	<u>30 FT</u>	<u>AS REQ'D</u>
REQ'D REAR YD.	<u>40 FT</u>	<u>AS REQ'D</u>
REQ'D FRONTAGE	<u>60 FT</u>	<u>AS REQ'D</u>
MAX. BLDG. HT.	<u>35 FT</u>	<u>35 MAX</u>
FLOOR AREA RATIO	<u>N/A</u>	<u>N/A</u>
MIN. LIVABLE AREA	<u>1000 SF</u>	<u>> 1000 SF</u>
DEV. COVERAGE	<u>15 %</u>	<u>< 15 %</u>
O/S PARKING SPACES	<u>N/A</u>	<u>N/A</u>

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

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

MIELE, EDWARD SUBDIVISION (97-31) RILEY ROAD
(CONTINUED)

Mr. Patrick Brady appeared before the board for this proposal.

MR. PETRO: This application proposes subdivision of 2.57 acre parcel into three single family residential lots. The plan was reviewed on concept basis only. Riley Road, this is brand new, we haven't seen this.

MR. BRADY: That is correct.

MR. PETRO: Go ahead.

MR. BRADY: Good evening, Mr. Chairman, members of the board, my name is Patrick Brady, engineer for the applicant. We have had about three work shop sessions with Mr. Edsall and this is the final, not the final but what the last workshop we discussed coming up with three lots fronting on Riley Road. This parcel is located on the easterly side of Riley Road about a hundred feet north of Birch Drive. There's sewer within Riley Road which we can have access to, there's no public water, however, these sites will have to have private wells. Currently, there's an existing small dwelling on lot 2, if you can see would be in the driveway of the proposed driveway for lot 2.

MR. PETRO: That is why there's an existing well, you're going to utilize that well?

MR. BRADY: We intend to so and plus, there's an existing sewer service for that existing house so what we'd be looking for two new sewer laterals and two new individual wells. Unfortunately, the lot frontage on this parcel is 285 feet and we make the road frontage but at the 35 foot front setback we don't have the required lot width for lot 2. And I have a bulk table in the lower left and you can see that that width is 89.35 feet, we're shy by 10.7, approximately, so we're requesting a variance for the lot width.

MR. PETRO: Does that shyness come from the front yard setback or at the road?

MR. BRADY: At the front yard setback. Under the road frontage we're allowed to have--

MR. EDSALL: 60 for frontage.

MR. BRADY: --60 foot frontage.

MR. PETRO: Why not move the house back further?

MR. BRADY: I had made a sketch with that but since the workshop--

MR. EDSALL: It used to be that you can measure your lot width at the front yard setback or at the building line which that particular definition promoted flag lots, cause you had a choice. So the town board changed it. Now you have to measure it at the front yard setback. So for this lot, it just doesn't meet.

MR. PETRO: So we can't move the house back?

MR. EDSALL: You can move it anywhere you want but still needs a variance.

MR. PETRO: What's the setback, 45?

MR. BRADY: 35.

MR. PETRO: So wherever 35 feet comes measure that, that is where the house is from that and that is what you're going to--

MR. EDSALL: Exactly.

MR. BRADY: At the front setback, I put the dimension back where the house is, we have the required hundred foot but under the new zoning requirements, you can't set that line as part of the subdivision.

MR. PETRO: This is one of the subdivisions that the old rule would have worked.

MR. BRADY: Yes.

MR. EDSALL: And I don't think that this particular layout is something that was intended to be corrected against, it was more the multiple flag lot arrangements.

MR. PETRO: No, I understand.

MR. LANDER: On lot 1, we have existing drainage course, what are we going to do with that?

MR. BRADY: Well, that will most likely redirect the ditch, probably bring it down along the property line, that will be at the next subdivision after we go to the ZBA.

MR. PETRO: Conceptually, does anyone have a problem?

MR. LANDER: No.

MR. PETRO: Motion to approve.

MR. LANDER: So moved.

MR. LUCAS: Second it.

MR. PETRO: Motion has been and seconded that the New Windsor Planning Board grant final approval to the Miele minor subdivision on Riley Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. STENT	NO
MR. LUCAS	NO
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. Once you have received that, it's been placed on the map, you can then reappear before this board for further review. Thank you.

MR. BRADY: Thank you very much.



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

October 29, 1997

Patrick Brady, P.E.
PO Box 482
Walden, NY 12586

Re: Tax Map Parcel: 67-4-4

Dear Mr. Brady:

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 \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerks office.

Sincerely,

L. Cook / (cad)

LESLIE COOK
Sole Assessor

/cad

Attachments

cc: Pat Barnhart, ZBA

McDonnell, William & Margaret
P.O. Box 995
Waitsfield, Vermont 05673

Wilson Sam & Carrie
61 Riley Rd.
New Windsor, NY 12553

Harris Bryant & Ella Mae & Kevin B.
701 Pennsylvania Avenue, NW
Washington, DC 20004

Johnson Floyd C.
P.O. Box 662
Newburgh, NY 12550

Peterson Alton & Alice
53 Riley Road
New Windsor, NY 12553

Sayegh, Joseph
41 Riley Road
New Windsor, NY 12553

Barasky David & Helen
35 Riley Road
New Windsor, NY 12553

Mula Alice Mary
Box 282
Vails Gate NY 12584

Bywater William G.
18 North Plank Rd.
Newburgh, NY 12550

Pavri Berzelius S. & Beroz B.
107 Birch Drive
New Windsor, NY 12553

Bacon Ann L.
26 Duncan Lane
Cornwall, NY 12520

Harnett William R. & Lynn A.
27 Riley Road
New Windsor, NY 12553

Morin John C. Jr. & Elizabeth P.
10 Ash Street
New Windsor, NY 12553

Belle Pierre P. III
2 Belle Court
New Windsor, NY 12553

Gadbois John R. & Lorraine J.
7 Ash Street
New Windsor, NY 12553

Mock George C. & Delores N.
19 Riley Road
New Windsor, NY 12553

McCaster Rufus
15 Riley Road
New Windsor, NY 12553

McCarthy Paul & Donna
58 Riley Road
New Windsor, NY 12553

Stahl Andrew A. Jr.
54 Riley Road
New Windsor, NY 12553

Trizinsky Leonard T. & Patricia D.
50 Riley Road
New Windsor, NY 12553

Duffy James E.
30 Riley Road
New Windsor, NY 12553

Mugnano Pasquale & Anna M. & Virginia
28 Riley Road
New Windsor, NY 12553

Rieber Kay Etal
43 Knox Dr.
New Windsor, NY 12553

Beltempo Anastasia
16 Riley Road
New Windsor, NY 12553

Messina Angela
P.O. Box 530
Castle Point, NY 12511

Chidgey Leonard & Carol
1160 Route 94
New Windsor, NY 12553

Hopkins George & Edna
1156 Route 94
Vails Gate, NY 12584

Castelo Joseph
P.O. Box M2108
Hoboken, NJ 07030

Erie Properties Corp.
401 South Water Street
Newburgh, NY 12550

Jobson Allan & Linda
P.O. Box 655,
Vails Gate, NY 12584

Young Gary A. & Sharon P.
Box 104
Vails Gate, NY 12584

Hudson Valley Drilling
1104 Route 94
Salisbury Mills, NY 12577

First Venture Of New Windsor, Inc.
720 Route 208
Gardiner, NY 12525

Route 94 Properties, Inc.
71 High Avenue
Nyack, NY 10960

Peterson Vernon & Brenda
1132 Route 94
Vails Gate, NY 12584

Collins Beth H. Hyatt Fritz R.
614 Union Avenue
NewWindsor, NY 12553

County Of Orange
255-275 Main Street
Goshen, NY 10924

Barnes Luke F.
Box 725 Garland St.
New Windsor, NY 12553

Collini Ferdinando & Angela
1095 Route 94
Vails Gate, New York 12584

Waltke, Robert
Beecher Hill Road, Box 137A
Wallkill, NY 12589

Hei-San Kwok
35 Dewitt Street
Middletown, NY 10940

Cruver Steven M.
P.O. Box 74
Salisbury Mills, NY 12577

Mule Robert & Victoria
10 Maurice Lane
New Windsor, NY 12553

Romor Leasing Co. Inc.
P.O. Box 1656
Wappingers Falls, NY 12590

Naclerio Frederick & Christine
408 Carlton Circle
New Windsor, NY 12553

Bates Kenneth E. & Patricia
P.O. Box 294
Vails Gate, NY 12584

Cola Hugo & Dolores
40 Corbett Road
Montgomery, NY 12549

Syvertsen Leif Finn
P.O. Box 225
Cornwall, NY 12518

Sweeney Leslie M. & Elizabeth P.
373 Undercliff Avenue
Edgewater NJ 07020

Reed Harvey & Ruby E.
P.O. Box 185
Vails Gate, NY 12584

Dantas Allen & Kitty
590 Little Britain Road
New Windsor, NY 12553

Gordnier Terry & Leslie A.
72 Riley Road
New Windsor, NY 12553

Fitzpatrick Richard & Marie
68 Riley Road
New Windsor, NY 12553

Mayer Richard G. & Karen E.
1113 Route 94
New Windsor, NY 12553

Champagne Linda J.
45 Riley Rd.
New Windsor, NY 12553

Federal National Mortgage Assoc.
1900 Market St.
Philadelphia, PA 19103

Andreas Lewis Y. & Asunta H.
40 E. Parmenter St.
Newburgh, NY 12550

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

In the Matter of the Application for Variance of

Edward Miele

Applicant.

98-4.

**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 Mar. 25, 1998, I compared the 57 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
27th day of March, 1998.

Deborah Green
Notary Public

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

Pls. publish immediately - Send bill to applicant at P.O. Box 116 Southfields, NY 10975

**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. 6

Request of EDWARD MIELE

for a VARIANCE of the Zoning Local Law to Permit:

AN AREA VARIANCE TO ALLOW A MIN. LOT WIDTH OF 89.35 FT (100 FT REQUIRED).

being a VARIANCE of Section 48-12 - Table of Bulk Reqs. Col. D

for property situated as follows:

EASTERLY SIDE OF RILEY ROAD

known and designated as tax map Section 67, Blk. 4, Lot 4.

SAID HEARING will take place on the 13th day of April, 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

By: Patricia A. Banhart,
Secy.

PRELIMINARY MEETING

MIELE, EDWARD

MR. NUGENT: Request foot 10.65 ft. lot width variance for lot #2 in minor subdivision located on Riley Road in an R-3 zone.

Mr. Patrick Brady appeared before the board for this proposal.

MR. BRADY: Good evening, my name is Patrick Brady, I'm the engineer for the applicant, I just brought a couple plans. We were before the planning board for sketch plan approval and they declined us and referred us to the ZBA, lot 2, the middle lot is the lot in question, what we're short on is the lot width criteria. At the front setback, we have a lot width of 89.35 which we need required lot width of 100. We're seeking a variance for 10.65 feet on lot 2. I know the zoning law had changed about a year ago where they used to set the lot width at where the house was going to be set but they were trying to eliminate flag lots and speaking with Mark Edsall, he felt that this, the intention of the change in the zoning wasn't to eliminate this type of, by setting the front yard at the lot width at the front set back.

MR. NUGENT: Are these the actual layouts where the houses are going to set or just--

MR. BRADY: Well, these are how they are shown, but they could be set back, you know, I don't see it a problem if the restriction was say to have them set back that far.

MR. TORLEY: But the actual lines are the building lines?

MR. BRADY: Yes.

MR. NUGENT: What is it?

MR. BRADY: These dashed lines is the building envelope, you know, for the bulk.

MR. NUGENT: What I was getting at was the reason for my question was that if the houses are set at that particular spot, do we have enough setbacks from the building to the property line?

MR. BRADY: Well, if they move closer.

MR. TORLEY: That is what the dashed line is.

MR. NUGENT: That is 15 foot whatever it is?

MR. BABCOCK: Yeah, house can go anywhere within that dashed line, Jim.

MR. NUGENT: Okay.

MR. TORLEY: And he's just drawn the shared driveway just the way they draw drew it on there.

MR. BRADY: There is separate driveways but that is shown that this lot can be developed.

MR. REIS: Do lots 1 and 3 exist at this time?

MR. BRADY: No, it's all one parcel right now, it's 2.57 acres and there's an existing dwelling, it's an old kind of shackish type of house, but it's on what's shown as lot 2 on this plan and that is to be removed and new houses constructed.

MR. KRIEGER: Mike, the lot width now is measured at the street, right?

MR. BABCOCK: That's correct.

MR. KRIEGER: So it doesn't matter whether he moves the house back or not, doesn't help him in terms of lot width?

MR. BABCOCK: That's correct.

MR. KRIEGER: In the old criteria, would he be, how would he stand?

January 26, 1998

4

MR. BABCOCK: He'd still need a variance.

MR. BRADY: I was under the impression the old criteria the planning board could set the lot width at wherever the house was, you know, if you moved the house back 40 feet, if you had the hundred foot lot width that was okay. On the current zoning it's now the front setback.

MR. BABCOCK: I think where the house is sitting now you would have needed it but like he said--

MR. KRIEGER: He could have moved it under the old system?

MR. BABCOCK: That's correct, he can move it back far enough where he can get the hundred foot if he doesn't have that now.

MR. BRADY: Currently where this house is now it's a hundred feet where it's shown but at the front setback it's 89.

MR. BABCOCK: Okay.

MR. NUGENT: Any further questions by the board?

MR. TORLEY: No.

MR. REIS: Michael, do you see this as a negative in any way?

MR. BABCOCK: No.

MR. REIS: Accept a motion?

MR. NUGENT: Yes.

MR. REIS: Make a motion we set up Mr. Edward Miele for requested variance on lot number 2.

MR. TORLEY: Second it.

ROLL CALL

January 26, 1998

5

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

MS. BARNHART: Mr. Brady, here's your paperwork.

MR. KRIEGER: When you come back, I will need to look at the deed and title policy and I'm sure you're aware of the criteria but take these down, those are the criteria set forth in the state law and those are the criteria upon which the ZBA must decide. So if you would address yourself to those, that would be helpful. And I'm sure they'll want to see pictures as well of the four views of the lot.

MR. BRADY: Okay.

MR. TORLEY: I would appreciate it if you don't already have flagged out where those are, stick some flags for the boundaries for the pictures.

MR. KRIEGER: Markers so they can see.

MR. BRADY: We can flag up the property.

MR. KRIEGER: Otherwise, it's just a picture of trees. It's not too helpful.

MR. BRADY: Okay, thank you very much.

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

PRINT OR TYPE: BLACK INK ONLY

EDWARD L. MIELE as executor
of the estate of **ONIELLO MIELE**
TO
EDWARD L. MIELE

SECTION 67 BLOCK 4 LOT 4

RECORD AND RETURN TO:
(Name and Address)

WILLIAM F. SMITH, ESQ
65 W. RAMAPO ROAD (Route 202)
GANNENVILLE, NY 10923

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 59090 DATE 6-29-94 AFFIDAVIT FILED 19

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

- BG20 Blooming Grove _____
- CH22 Chesler _____
- CO24 Cornwall _____
- CR28 Crawford _____
- DP28 Deepark _____
- GO30 Goshen _____
- GR32 Greenville _____
- HA34 Hamplonburgh _____
- HI36 Highlands _____
- MK38 Minisink _____
- ME40 Monroe _____
- MY42 Montgomery _____
- MH44 Mount Hope _____
- NT48 Newburgh (T) _____
- NW48 New Windsor
- TU50 Tuxedo _____
- WL52 Walkkill _____
- WK54 Warwick _____
- WA56 Wawayanda _____
- WO58 Woodbury _____
- MN09 Middletown _____
- NC11 Newburgh _____
- PJ13 Port Jervis _____
- 8999 Hold _____

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

CHECK CASH _____ CHARGE _____
MORTGAGE TAX \$ _____
TRANSFER TAX \$ -E-
ED. FUND \$ 5.00
RECORD. FEE \$ 14.00
REPORT FORMS \$ 30.00
CERT. COPIES \$ _____

JOAN A. MACCHI
Orange County Clerk
by: P. W. Wainwright
ORANGE COUNTY CLERK'S OFFICE S.S.
Recorded on AUG 10 1994
at 2:50 O'clock _____ M.
In Liber/Film 4089 Deed
at page 77 and examined.
Joan A. Macchi
County Clerk

W. Smith
RECEIVED
REAL ESTATE
276 \$ -E-
AUG 10 1994
TRANSFER TAX
ORANGE COUNTY
(AW)

Recorded Courtesy Of:
AFFIRMATIVE ABSTRACT INC.
P.O. Box 4552
NEW WINDSOR, NEW YORK 12553-4552
(914) 562-0162

LIBER **4089** PAGE **77**

ORG 08/10/94 02:50:11 37442 44.00
***** EDUCATION FUND: 5.00 *****
DEED CONTROL NO: 59090 .00 *
***** SERIAL NUMBER: 000276 *****

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 follows:

BEGINNING at a point in the southeasterly line of Riley Road at the most northerly corner of the lands of Mae Maceli, formerly (Gerow), the said point of beginning being a distance of 680.12 feet measured on a course S 40° 50' W along said line of Riley Road from a point in range with the southerly line of Dean Hill Road and runs thence along the northerly line of said Maceli lands, being along the center of a stone fence S 40° E 361.35 feet to a point on the westerly right of way line of the Erie Railroad; thence along the said westerly R.O.W. line of Erie R.R. Co. N 40° 41-1/2' E 342.40 feet to the southerly line of lands of Luther Herring and Frances Herring; thence along said line N 49° 09' W 355.90 feet to a point in said southeasterly line of Riley Road; thence along said line S 40° 50' W 285.01 more or less to the point or place of beginning.

CONTAINING 2-566/1000 acres, be the same more or less and BEING A PORTION of Parcel #1, heretofore conveyed by George Parcs to Michael Condon and Mary M. Condon, by deed dated December 1, 1952 and recorded in the Orange County Clerk's Office on December 2, 1952 in Liber 1252 of Deeds at Page 259.

SUBJECT to the right of public to use the land within bounds of Riley Road for highway purposes.

SUBJECT to pole line rights of records.

SUBJECT to restrictions and covenants of record, if any, and subject to such state of facts as an accurate survey and personal inspection of said premises may disclose Being and intended to be the same premises conveyed to transferor's decedent by deed recorded November 4, 1963 in liber 1650 of Deeds at Page 1139 in the Orange County Clerk's office.

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

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

that he is the
of _____

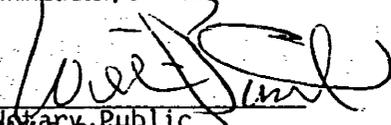
_____, the corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed
to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corpora-
tion, and that he signed his name thereto by like order.

Acknowledgement by Personal Representative or Trustee

State of New York ss.:
County of Rockland

On this 29 day of June, 19 94 before me personally
came Edward L. Miele to me known to be the Executor of the
last will and testament of Oniello C. Miele *, late of
Rockland County, deceased; or ~~Administrator of the goods,
chattels and credits of _____, late of _____
County, deceased; or Trustee of _____~~ and
known to me to be the person described in and who executed the
foregoing instrument and acknowledged that he executed the
same as such Executor, or Administrator, or Trustee.

*a/k/a Oniello Miele


Notary Public
WILLIAM F. SMITH
Notary Public, State of New York
No. 4833073
Residing In Rockland County
Commission Expires March 30, 1995
April

Acknowledgment by Attorney in Fact

State of New York
County of _____ ss.:

On this _____ day of _____, 19____, before me personally came

to me personally known to be the person described and appointed
attorney in fact in such and by a certain power of attorney executed
by _____

dated _____, 19____, and recorded in the Office of the Clerk of
_____ County on the _____ day of _____, 19____, (or to be recorded in the
Office of the _____ of _____ County simultaneously with the
foregoing instrument) and acknowledged to me that he had execute
the foregoing instrument as the act of the said _____

Executor's Deed

TITLE NO. _____
Edward L. Miele as Executor of the Last
Will and Testament of Oniello C. Miele
a/k/a Oniello Miele
TO

Edward L. Miele

SECTION _____
BLOCK _____
LOT _____
COUNTY OR TOWN Orange

Recorded At Request of _____
RETURN BY MAIL TO:

AFFIRMATIVE ABSTRACT INC.
P.O. Box 4552
New Windsor, New York 12553

William F. Smith, Esq.
65 W. Ramapo Rd. (Route 202)
Garnerville, NY 10923
Zip No. _____

**BRADY
ENGINEERING**

**POST OFFICE BOX 482
WALDEN, N.Y. 12586-0482**

Civil/Environmental Services

(914) 778-4006

March 20, 1998

**Ms. Patricia A. Barnhart, Secretary
Town of New Windsor Zoning Board of Appeals
555 Union Avenue
New Windsor, N.Y. 12553**

**Re: Area Variance - Edward Miele, Riley Road
Designated as Sec. 67, Blk 4, Lot 4 as shown on the
Town of New Windsor Tax Map.**

Dear Ms. Barnhart:

In response to the preliminary Zoning Board meeting, I have provided the following documents:

- * Five (5) sets of the proposed Sketch Plat;**
- * Three (3) of the completed Zoning Board Application;**
- * A notice of Public Hearing;**
- * Envelopes with names/address of adjacent property owners, stamped and ready for notice to be inserted;**
- * A copy of the referral from the Planning Board;**
- * An Application Fee made out for \$ 50.00;**
- * An Escrow Fee made out for \$ 300.00;**
- * A copy of the deed;**
- * Photographs of the existing premises from several angles.**

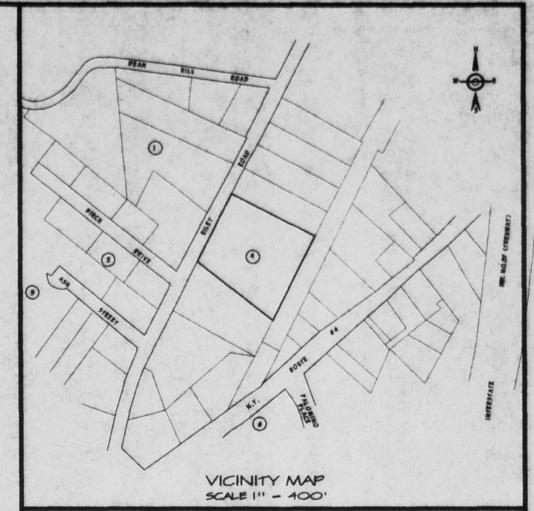
This information is submitted so that we may be scheduled for the next available Zoning Board meeting for public hearing.

Thank you for your time and consideration in this matter. If you have any questions please feel free to call anytime.

Respectfully submitted,

Patrick F. Brady, P.E.

cc: Edward Miele



- NOTES:**
1. THIS IS A SUBDIVISION OF LOT 4, BLK 4, SEC. 67, AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP.
 2. AREA OF TRACT: 2.97 ACRES
 3. ZONING DISTRICT: R-5
 4. NUMBER OF LOTS: 3
 5. RECORD OWNER: EDWARD MIELE
STATION ST. P.O. BOX 116
SOUTHFIELDS, N.Y. 10975
 6. APPLICANT: EDWARD MIELE
STATION ST. P.O. BOX 116
SOUTHFIELDS, N.Y. 10975
 7. TOPOGRAPHY: DATUM - APPROX. U.S.G.S., BASED ON SPOT ELEVATION OF 301.0', LOCATED AT THE INTERSECTION OF DEAN HILL ROAD AND RILEY ROAD AS SHOWN ON CORNWALL QUADANGLE. CONTOUR INTERVAL - 2 FEET.
 8. WATER SUPPLY: PRIVATE WELLS
 9. SANITARY SEWAGE DISPOSAL: PUBLIC SEWER
 10. THIS PLAT DOES NOT CONFLICT WITH THE COUNTY OFFICIAL MAP AND HAS BEEN APPROVED IN THE MANNER SPECIFIED BY SECTION 259K OF THE GENERAL MUNICIPAL LAW.

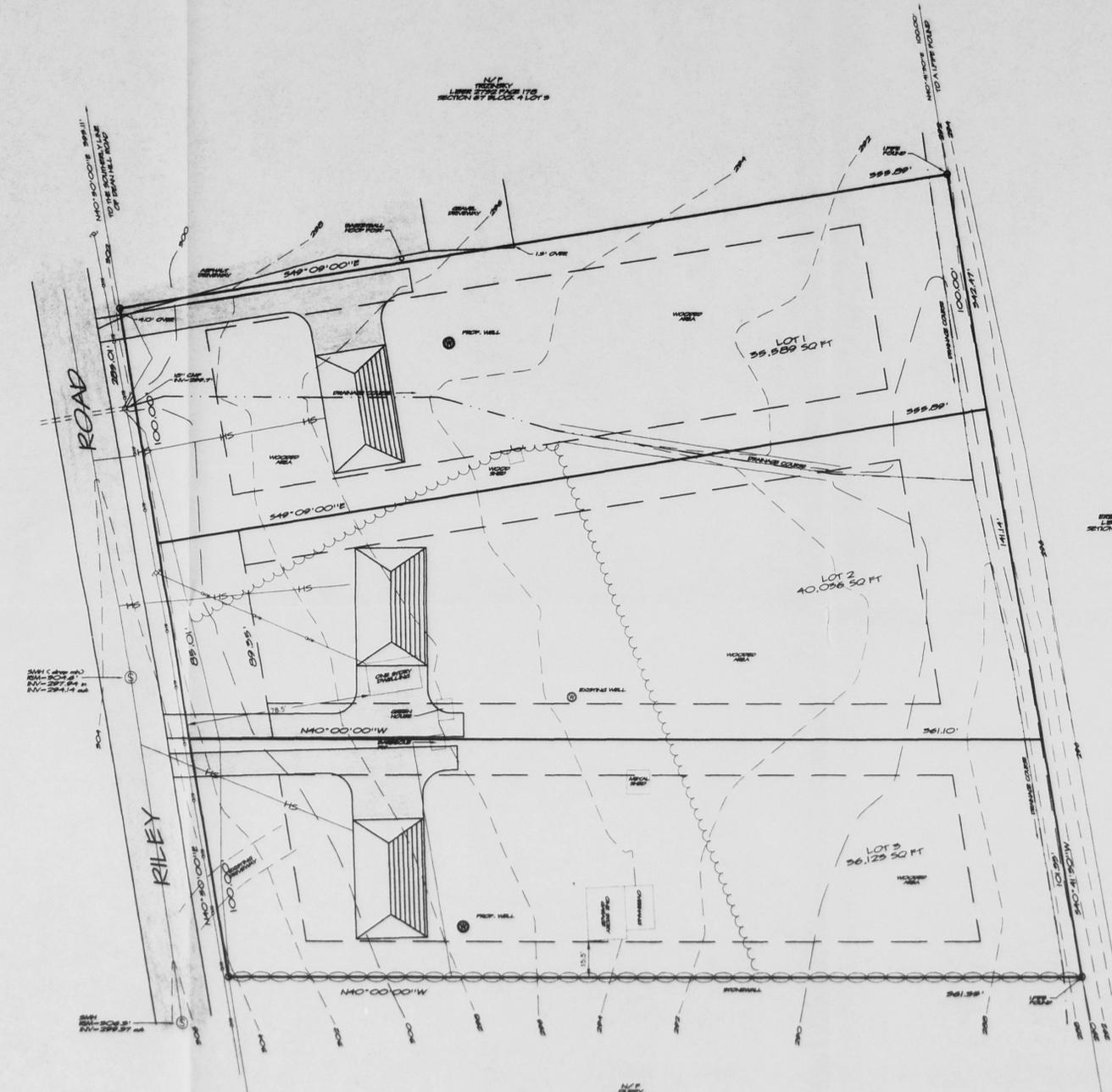
REVISIONS	

TOWN OF NEW WINDSOR APPROVAL

SKETCH SUBDIVISION PLAT
FOR
EDWARD MIELE
LOCATED IN
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK
GRAPHIC SCALE

BRADY ENGINEERING
CONSULTING ENGINEER
POST OFFICE BOX 482, WALDEN, N.Y. 12986
TEL./FAX (914) 778-4006

DATE: 900-96
REV: SEP. 2, 1997
SCALE: 1" = 30'
PAGE: 1 of 1



CERTIFICATION:
I HEREBY CERTIFY ONLY TO THE PARTIES LISTED BELOW THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON DECEMBER 20, 1996 AND HAS BEEN PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE ESTABLISHED BY THE N.Y.S. ASSOC. OF PROFESSIONAL LAND SURVEYORS, INC.
THIS CERTIFICATION DOES NOT RUN WITH TITLE TO THE LAND AND IS SUBJECT TO ANY STATE OF FACTS A TITLE SEARCH MAY REVEAL.
EDWARD L. MIELE

UNAUTHORIZED ALTERATION OR ADDITION TO THIS PLAN IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS PLAN IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS MAP NOT HAVING THE EMBOSSED SEAL OF THE ENGINEER SHALL NOT BE VALID.

STEVEN P. DRABEK, P.L.S.
N.Y.S. LIC. # 49806

PATRICK P. BRADY, P.E.
N.Y.S. LIC. # 72790

TABLE OF ZONING REQUIREMENTS: R-5 ONE-FAMILY DETACHED DWELLING W/ CENTRAL SEWER	PROVIDED LOT 1	PROVIDED LOT 2	PROVIDED LOT 3
MIN. LOT AREA	32,670 SQ FT	39,986 SQ FT	36,129 SQ FT
MIN. LOT WIDTH	100 FT	100 FT	100 FT
MIN. FRONT YARD	35 FT	35 FT	35 FT
MIN. SIDE YARD	15 FT	15 FT	15 FT
MIN. TOTAL SIDE YARDS	30 FT	30 FT	30 FT
MIN. REAR YARD	40 FT	40 FT	40 FT
MIN. STREET FRONTAGE	60 FT	60 FT	60 FT
MAX. HEIGHT	35 FT MAX.	35 FT MAX.	35 FT MAX.
MIN. LIVING AREA	1000 SQ FT MIN.	1000 SQ FT MIN.	1000 SQ FT MIN.
MAX. DEV. COVERAGE	15 %	15 % MAX.	15 % MAX.

LOT 2 REQUIRES A MIN. LOT WIDTH VARIANCE.