

**ZB# 98-25**

**Paul Henault**

**52-1-30.1**

#98-25 Henault, Paul

52-1-30.1

Sec. 48-14A(4)

Prelim.

June 22, 1978.

Applicant has

Paperwork  
Need it

fees if  
public hearing

Public Hearing: 7/24/78

Aug. 10, 1978.

Area

Variance

Granted.

Refund:

\$ 194.00

Wilson Jones Corporation - 6785 North Dulles - Springfield, Virginia  
© Wilson Jones, 1989

DATE July 24, 1998 RECEIPT 065438

RECEIVED FROM Paul Hemaulet

Address Fifty 00/10

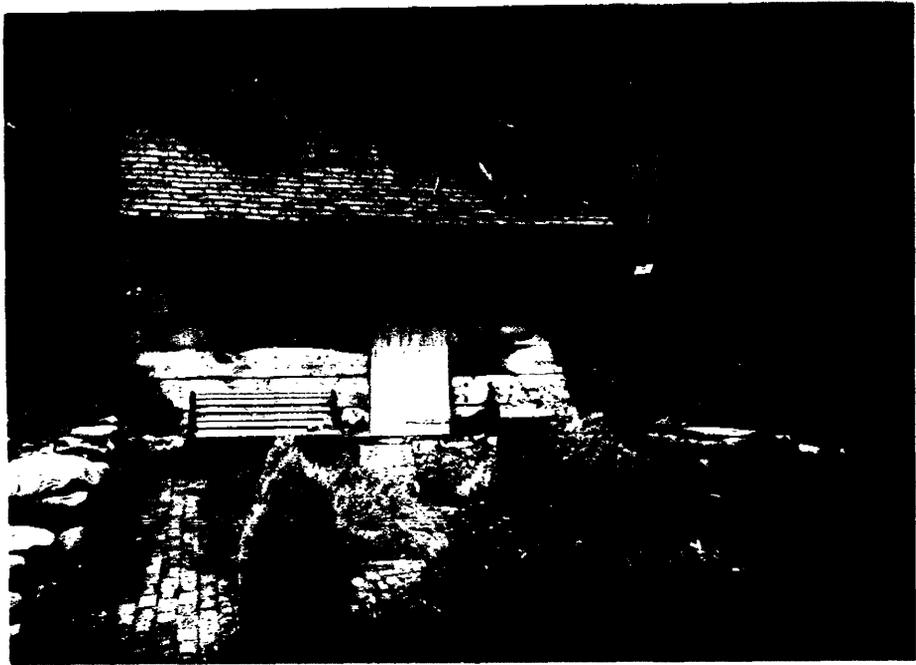
FOR ZBA # 98-25 DOLLARS \$50.00

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	<u>00 + 3031</u>
AMOUNT PAID		CHECK	<u>5000</u>
BALANCE DUE		MONEY ORDER	

Dorothy H. Hansen  
sh

BY Town Clerk





APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Henault Paul R.

FILE# 98-25

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA

USE

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

4  
Paid ck#  
3030 +  
7/24/98 3031

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

4

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 6/22/98 \$ 22.50  
2ND PRELIMINARY- PER PAGE ... 8/10/98 - 3 \$ 13.50  
3RD PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) PER PAGE ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 6/22/98 ..... \$ 35.00  
2ND PRELIM. .... 8/10/98 ..... \$ 35.00  
3RD PRELIM. .... \$ \_\_\_\_\_  
PUBLIC HEARING ..... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$ \_\_\_\_\_  
TOTAL ..... \$ 106.00

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_  
REFUND DUE TO APPLICANT .. \$ 194.00



HC

PAUL R. HENAULT  
PATRICIA M. HENAULT  
314 TOLEMAN RD.  
WASHINGTONVILLE, NY 10992

2-1/218

3030

PAY

to the order of

Town of New Windsor

\$300<sup>00</sup>

Three Hundred

Dollars



FLEET

27529 WASHINGTONVILLE  
WASHINGTONVILLE, NY 10992

For

Variance ZBA #98-25

Paul R. Henault

⑆02⑆3000⑆9⑆ 52950 ⑆02⑆⑆⑆ 3030

HC

PAUL R. HENAULT  
PATRICIA M. HENAULT  
314 TOLEMAN RD.  
WASHINGTONVILLE, NY 10992

29-1/213

3031

PAY

to the order of

Town of New Windsor

\$50<sup>00</sup>

Fifty

Dollars



FLEET

27529 WASHINGTONVILLE  
WASHINGTONVILLE, NY 10992

For

Variance ZBA #98-25

Paul R. Henault

⑆02⑆3000⑆9⑆ 52950 ⑆02⑆⑆⑆ 3031

In the Matter of the Application of

**PAUL HENAULT**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#98-25.

**WHEREAS, PAUL HENAULT, residing at 314 Toleman Road, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for variation of Section 48-14A(4) of the Supplemental Yard Regulations to allow existing shed to project closer to road than principal building at 314 Toleman Road in an R-1 zone; and**

**WHEREAS, a public hearing was held on the 10th day of August, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared on behalf of himself for this Application; and**

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

**WHEREAS, no one spoke in favor 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 containing one-family homes.

(b) There is an existing shed on the premises. The shed on the property was constructed approximately 12 years prior to the application.

(c) The property is unusual in that the residence on the property was constructed in approximately 1765. At that time, houses were then built to face south. Due to the location of the house on the property, it was undesirable to locate the shed in accordance with the zoning

regulations, as to do so would require placing it in the middle of the front yard of the premises.

(d) There are other similar sheds in the neighborhood.

(e) The shed does not create any runoff or water hazards.

(f) The shed does not create any ponding or accumulation of water or divert the course of water flow in any way.

(g) The shed is not built on the top of any easements for sewer or water.

(h) The shed does not interfere with a well or septic system.

(i) The property is surrounded by approximately 38 acres of protected lands.

**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 (approximately 25%) but nevertheless is warranted due to the peculiar nature and location of the real property and the house erected upon that property.

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 variation of Section 48-14A(4) of the Supplemental Yard Regulations to allow existing shed to project closer to the road than principal residence located at 314 Toleman Road in an R-1 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: October 26, 1998.

  
Chairman

Date 8/11/98, 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
<del>8/11/98</del>	Zoning Board Mtg	75.00	
	Misc - 3		
	N.W. Partners - 4		
	Kroll + Jasal - 8		
	Wine-Insulrush - 5		
	Vanleeuwen - 13		
	Mashhil, Inc - 10		
	Petrol mid Valley oil - 4		
	Henault - 3      13.50		
	Domingues - 3	<u>238.50</u>	
	53		
		313.50	

HENAULT, PAUL R.

Mr. Paul Henault appeared before the board for this proposal.

MR. NUGENT: I don't think there's anybody in the audience for Henault, just the applicant. Request for variation of Section 48-14A(4) of the supplemental yard regulations to allow existing shed to project closer to road than principal building at 314 Toleman Road in an R-1 zone.

MR. NUGENT: You're on.

MR. HENAULT: Basically, the neighbors, they all said they got the notices and they are perfectly fine with it. They wanted to know if there's anything they can do to speed it along, actually, so I don't know what else to say. You already have the pictures and you have a survey of where it's located.

MR. KRIEGER: How long has the shed been there?

MR. HENAULT: It's been there about 12 years.

MR. KRIEGER: Did you get a building permit for the shed when you put it up?

MR. HENAULT: No, I would presume that would be the next step.

MR. KRIEGER: Are there other similar sheds. Maybe not as nice, well constructed, but of that type in the neighborhood, other people have sheds?

MR. HENAULT: There are other people that have sheds, again, tin sheds, stuff like that, but--

MR. KRIEGER: They are utility sheds, I'm not asking whether they are as well constructed or as attractive, I presume you like yours better, but I'm just asking if there are other similar sheds in the neighborhood?

MR. HENAULT: Yes.

MR. KANE: Create any runoff or water hazards in the building of the shed?

MR. HENAULT: No.

MR. KRIEGER: Any ponding or collection of water?

MR. HENAULT: No.

MR. KRIEGER: Built over the top of easements, sewer or water?

MR. HENAULT: No.

MR. KANE: Any electrical?

MR. HENAULT: No, there's no electrical.

MR. TORLEY: How old is the main structure?

MR. HENAULT: 1765, as I stated the last time, one of the peculiarities of this is the houses then were built to face south which causes my house the side of the house to face the road which kind of caused a problem with the location of the shed, definitely didn't want it in the middle of my front yard.

MR. KRIEGER: Limit to where you could locate it.

MR. HENAULT: I was limited where I could locate the shed because of the situation of the house to the road.

MR. KRIEGER: How close are your neighbors to the property where the shed is?

MR. HENAULT: On that side of the road or across the road just on that side there are no neighbors, there is Biagini Development which surrounds my property and I'm surrounded by 38 acres of protected lands that no one can build on so there is really nothing to be concerned with.

MR. TORLEY: Entertain since there's no public, I guess we can entertain a motion.

August 10, 1998

48

MR. NUGENT: Yes.

MR. TORLEY: I move that we grant Mr. Henault his requested variance.

MR. KANE: Second the motion.

ROLL CALL

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

MR. KRIEGER: The next step you have to talk to him but not tonight.

MR. HENAULT: Okay.

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

*Prelim.*

*June 22, 1998*  
*#98-25*

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

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

DATE: 6/3/98

APPLICANT: Paul Henault  
314 Toleman Road  
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 6/3/98

FOR : Existing shed.

LOCATED AT: 314 Toleman Road

ZONE: R-1

DESCRIPTION OF EXISTING SITE: 52-1-30.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing shed projects closer to road than principal building.

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-1 USE: 48-14-A-4

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

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

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 voided. 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.

RECEIVED  
MAY 21 1998

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.

BUILDING DEPARTMENT

PLEASE PRINT CLEARLY  
FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Paul Henault

Address 314 Tolman Rd. Phone 496-7141

Mailing Address Washingtonville N.Y.

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

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

Name of Contractor \_\_\_\_\_

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

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

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

**BOX**  
**FOR OFFICE USE ONLY**  
 Building Permit # \_\_\_\_\_

1. On what street is property located? On the East side of Toleman Rd.  
(N, S, E or W)  
 and Between feet from the intersection of Cesna & Piper Drive
2. Zone or use district in which premises are situated Residential Is property a flood zone?  
 Y N
3. Tax Map Description: Section 52 Block 1 Lot 30.1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
  - a. Existing use and occupancy Owner/Residential
  - b. Intended use and occupancy Owner/Residential
5. Nature of work (check if applicable) New Bldg  Addition  Alteration  Repair  Removal  Demolition  Other
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front 14' Rear 14' Depth 9' Height 10' 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 \$100 Fee \_\_\_\_\_  
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.*

/ / 19

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspector: Frank Lisi  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 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.

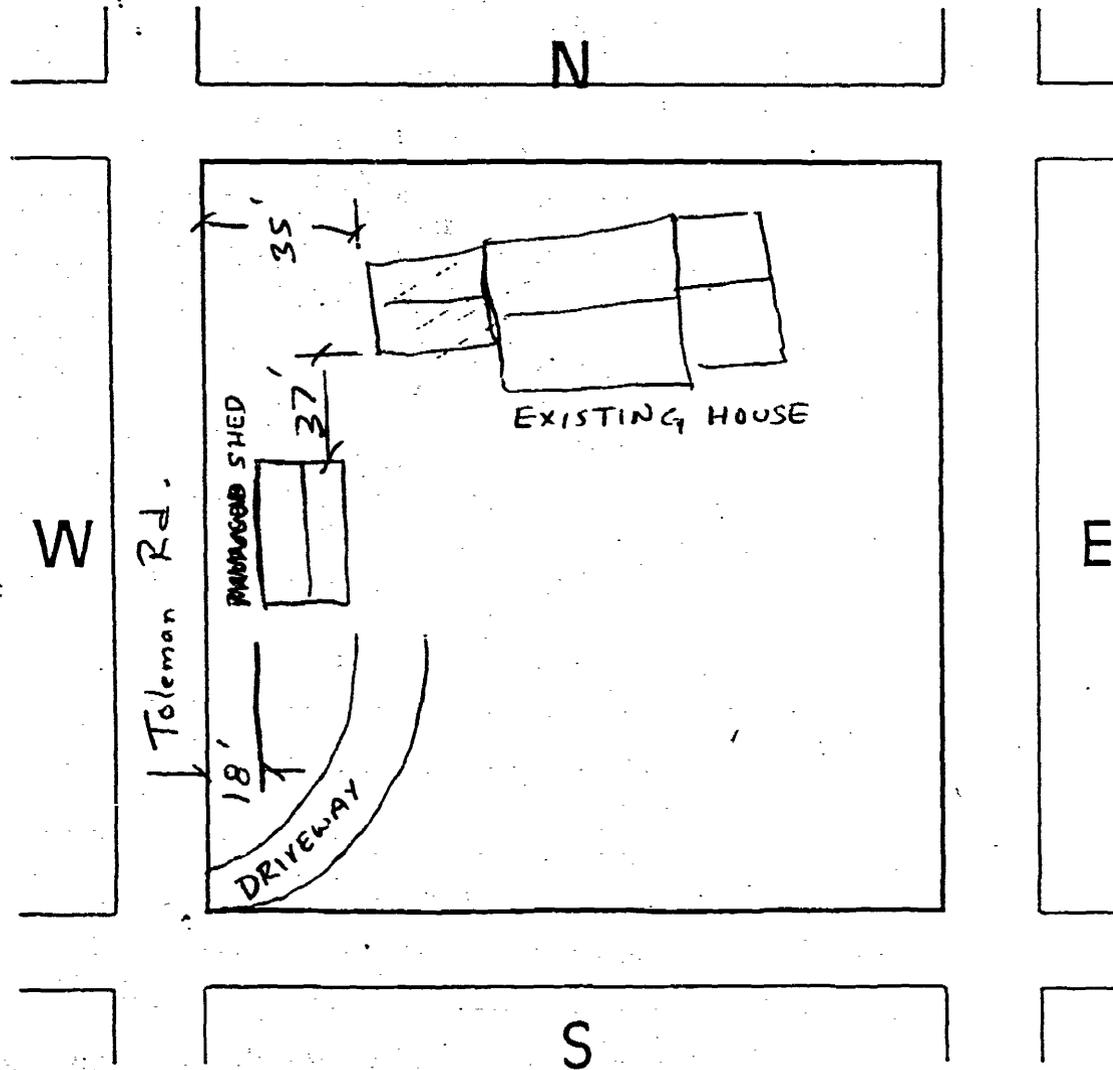
*Paul J. Hernandez*  
\_\_\_\_\_  
(Signature of Applicant)

314 Toleman Rd.  
\_\_\_\_\_  
(Address of Applicant)  
Washingtonville N.Y.

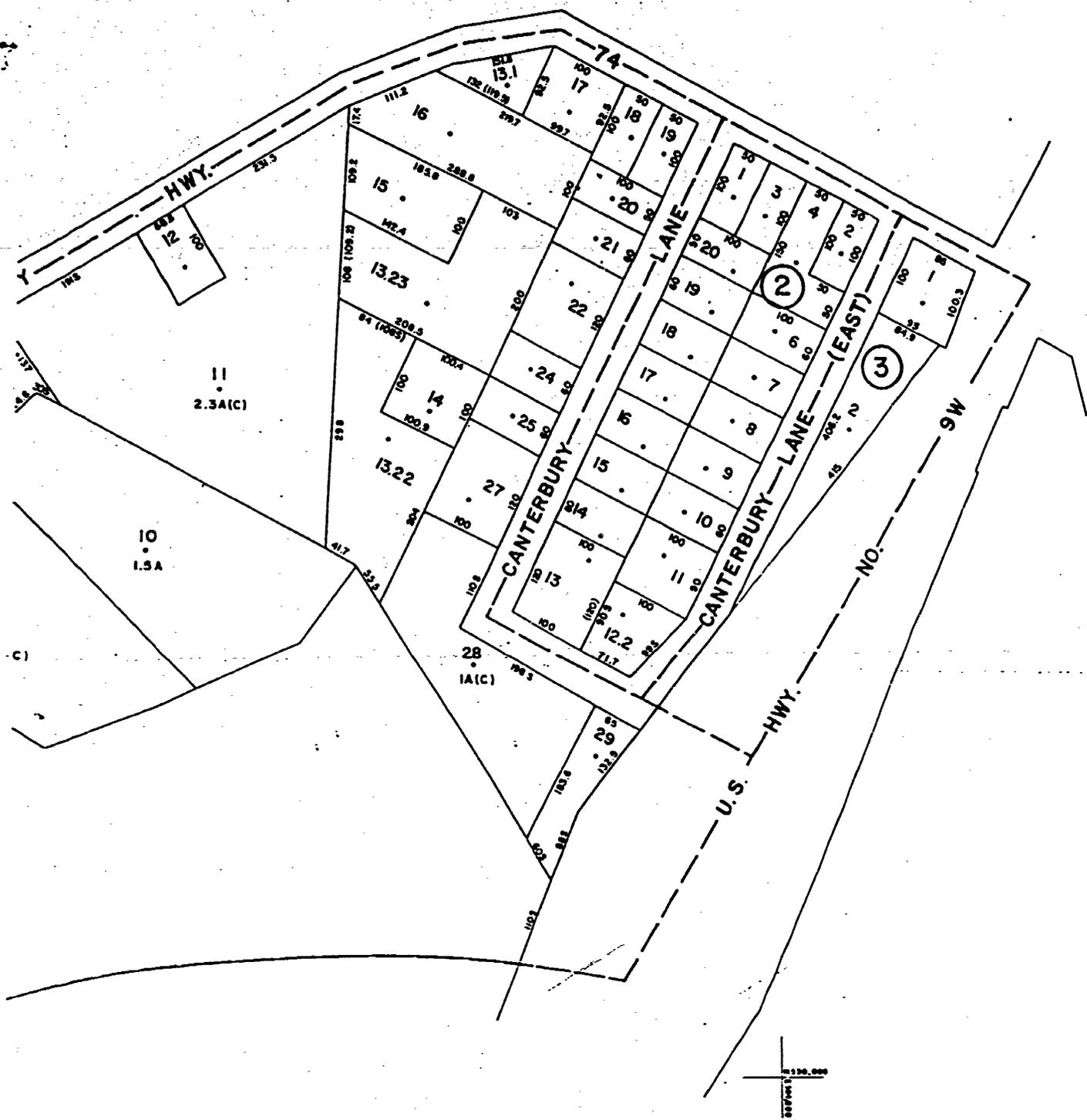
PLOT PLAN

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



SECTION 37



SECTION 37

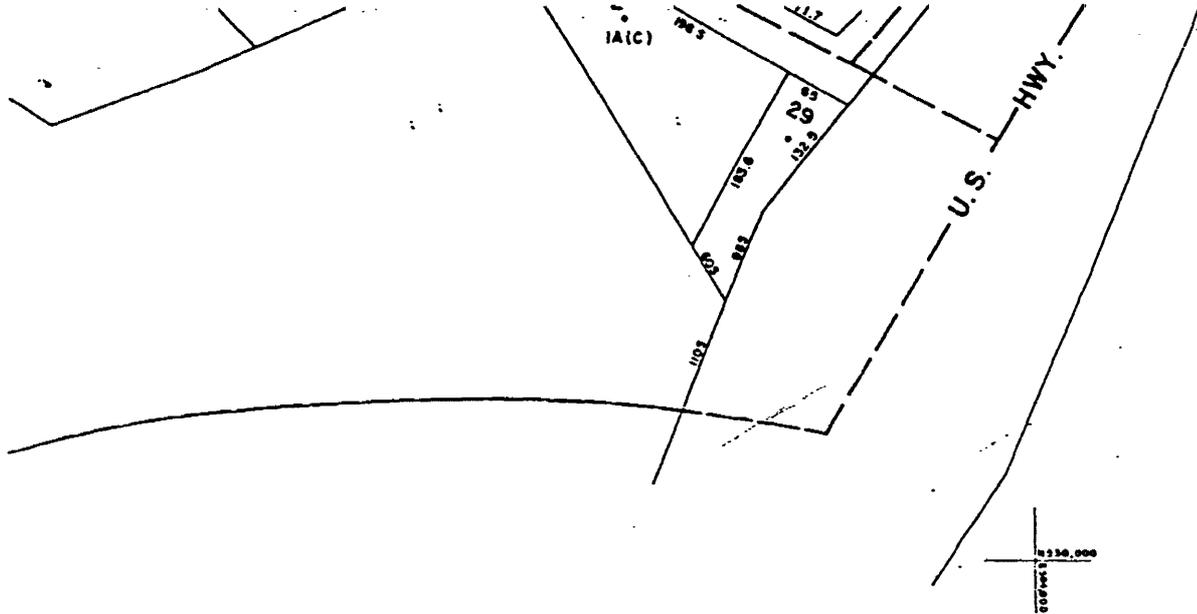
SECTION 37

ORANGE COUNTY~NEW YORK

TOWN OF NEW WINDSOR

ALL CORNWALL SCHOOL  
ALL VARS GATE FIRE

FILED PLAN BLOCK NO	2	2
FILED PLAN LOT NO	1-11	



SECTION 37

ALL CORNWALL SCHOOL  
ALL VALS GATE FIRE

FILED PLAN BLOCK NO	2	0
FILED PLAN LOT NO	117	
S.P.C. STATE HIGHWAYS	NY STATE HWY NO 17	
COUNTY HIGHWAYS	COUNTY HWY NO 1	
TOWN ROADS	TOWN RD 1	

# ORANGE COUNTY~NEW YORK

Photo No: 14 - 32,33 Date of Map: 9 - 24 - 67  
 Date of Photo: 3 - 1 - 65 Date of Revision: 3 - 1 - 93  
 Scale: 1" = 100'

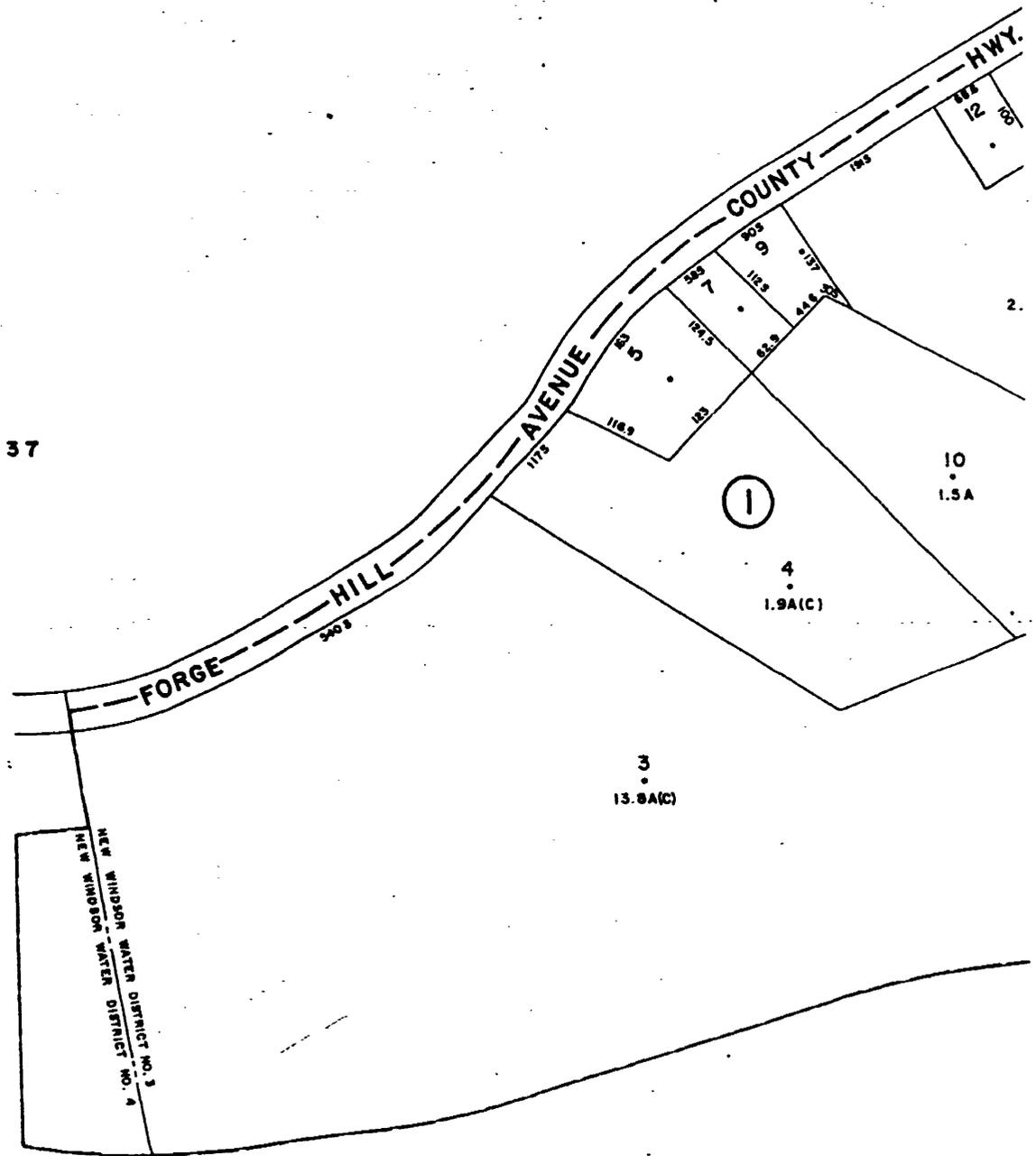
# TOWN OF NEW WINDSOR

Section No. 50





SECTION 37

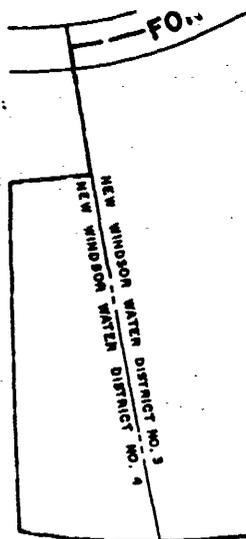


SECTION

LEGEND

STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO	FILED PLAN LOT NO
BLOCK & SECTION LINE	MATCH LINE	AREAS (Deed) 11 16, (Compuls) 11 6 MC	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (Deed) or (Sched) 7 3	COUNTY HIGHWAYS
PROPERTY LINE	GRID COORDINATE CENTERS		TOWN ROADS

WINDSOR



3  
13.8AC



SECTION

CORNWALL SCHOOL  
S GATE FIRE DISTRICT

FIRE DEPT.  
NO. 10824

WINDSOR

RES ONLY

CONVEYANCE

50

LEGEND

STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO. ④	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO. 32	FILED PLAN LOT NO.
BLOCK & SECTION LIMIT	BATCH LINE	AREAS (Deed) 11.16, (Calculated) 11.6AC	STATE HIGHWAYS N.Y. STAT.
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (Deed) 66 (Scaled) 750	COUNTY HIGHWAYS COUNTY
PROPERTY LINE	GRID COORDINATE CENTROS 0		TOWN ROADS TOWN



Peter & Frances Kania  
329 Toleman Rd.  
Washingtonville, NY 10992

Highland Operating LTD  
P.O. Box 479  
Washingtonville, NY 10992

Daniel Miller  
315 Toleman Rd.  
Washingtonville, NY 10992

Richard Burke  
293 Toleman Rd.  
Washingtonville, NY 10992

Donald & Kathryn Stringer  
287 Toleman Rd.  
Washingtonville, NY 10992

Walter Bohlin & Sally Chapman  
24 F Tanager Rd.  
Monroe, NY 10950

Donald & Carla Molinaro  
9 Cessna Dr.  
Washingtonville, NY 10992

Elizabeth Hyde  
301 Toleman Rd.  
Washingtonville, NY 10992

Edward Jr. & Ann Langbein  
9 Piper Dr.  
New Windsor, NY 12553

David & Kathryn Larkin  
10 Cessna Dr.  
Washingtonville, NY 10992

Elaine Race  
3870 N.E. 22 Terrace #15  
Lighthouse Point, Florida 11064



*Pls. publish immediately. Send bill to: Applicant @ below address.*

**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. 25

Request of Paul R. Henault

for a VARIANCE of the Zoning Local Law to Permit:

existing shed which projects closer to road  
than principal residence;

being a VARIANCE of Section 48-14 A (4) - Supplemental Yard Regs

for property situated as follows:

314 Toleman Road, New Windsor, N.Y.

known and designated as tax map Section 52, Blk. 1, Lot 30 .1.

SAID HEARING will take place on the 10<sup>th</sup> day of August, 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. Barnhart, Secy.

08.00  
05657A

THIS INSTRUMENT, made the 13<sup>th</sup> day of May, nineteen hundred and eighty-six  
BETWEEN

J. BARTON GOODWIN and ELIZABETH F. GOODWIN, his wife,  
residing at 112 West 78th Street, New York, New York 10024

party of the first part, and

PAUL R. HENAULT and PATRICIA M. HENAULT, his wife,  
residing at Box 33 Rte. 284, Westtown, New York 10998

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

(\$10.00) and other good and valuable consideration  
lawful money of the United States, paid

Ten dollars,

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the Town of New Windsor, County of Orange, State of New  
York, bounded and described as follows:

BEGINNING at a point on the Easterly side of the Town Road known as  
Toleman Road leading from Washingtonville to State Route #207, said  
point being North 13°21' East 848.0 feet from the Northwest corner  
of lands now or formerly of Carrol and the Southwest corner of lands  
of Harry J. Gegerson as described in deed Liber 1761, page 529 and  
filed in the Orange County Clerk's Office, and runs from thence  
along the Easterly side of Toleman Road, North 13°21' East 117.3  
feet to a point; thence still along the same North 15°30' East 182.7  
feet to a point; thence leaving said road and through the lands of  
Gegerson, South 75°21' East 290.0 feet to an iron marker; thence  
still through the same South 14°39' West 299.95 feet to an iron  
marker; thence still through the same North 75°21' West 290.0 feet  
to the place of beginning.

TAX MAP  
DESIGNATION

Dist.

Sec. 52

Blk. 1

Lot(s) 30.1

TOGETHER with the Right, Title and Interest of the Seller in and to  
the land lying in the bed of Toleman Road in front of and adjoining  
the said premises to the centerline thereof.

BEING the same premises conveyed to J. Barton Goodwin and Elizabeth  
F. Goodwin by deed dated June 4, 1982 and recorded in the Orange  
County Clerk's Office on the 7th day of June, 1982, in Liber 2223  
of Deeds at page 930.

SAID premises being further described by Survey No. 6930, dated  
April 23, 1986, prepared by Conrad & Close for the party of the  
second part, as follows:

ALL THAT TRACT OR PARCEL OF LAND, with the buildings  
and improvements erected thereon, situate in the Town of New  
Windsor, the County of Orange and the State of New York, being  
more particularly described as follows:

BEGINNING at a point in the existing center line of the public road known as Toleman Road, said point being located, North 18 degrees 05 minutes East 850.8 feet from a found iron spike in a stone wall on the southeasterly side of Toleman Road, said spike being on the division line between the lands now or formerly Gegerson (Liber 1761-529) on the north, and the lands now or formerly Carrol on the south; running thence along the existing center line of Toleman Road, North 15 degrees 14 minutes East 141.87 feet; thence still along the same, North 20 degrees 42 minutes East 158.57 feet to a corner; thence running along the lands now or formerly Gegerson and passing through a found iron rod on the easterly side of Toleman Road, South 70 degrees 05 minutes East 299.05 feet to a corner; thence continuing along the lands now or formerly Gegerson, South 19 degrees 55 minutes West 299.95 feet to a found iron rod located on the westerly side of a small stream; thence still along the lands now or formerly Gegerson, North 70 degrees 05 minutes West 289.63 feet to the point and place of BEGINNING. Containing 2.05 acres, more or less.

EXCEPTING AND RESERVING, for public use, that portion of the above described parcel, which lies in the bounds of the public road.

FURTHER EXCEPTING the rights, if any, of American Telephone & Telegraph, to that portion of the above described parcel which may lie in the bounds of a buried transcontinental cable right-of-way.

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 incumbered 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.

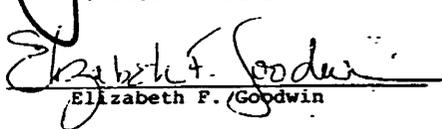
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:



  
Barton Goodwin

  
Elizabeth F. Goodwin

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. 25

Request of Paul R. Henault

for a VARIANCE of the Zoning Local Law to Permit:

existing shed which projects closer to road  
than principal residence;

being a VARIANCE of Section 48-14 A (4) - Supplemental Yard Regs.

for property situated as follows:

314 Toleman Road, New Windsor, N.Y.

known and designated as tax map Section 52, Blk. 1, Lot 30 .1.

SAID HEARING will take place on the 10<sup>th</sup> day of August, 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

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 98-25

Date: \_\_\_\_\_

I. Applicant Information:

- (a) Paul Henault 314 Toleman Rd. Washingtonville N.Y. 496-7141  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance  Sign Variance
- Area Variance  Interpretation

III. Property Information:

- (a) R-1 314 Toleman Rd. Washingtonville 52-1-30.1 2 acres.  
(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? 5/
- (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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:  
(a) Area variance requested from New Windsor Zoning Local Law, Section 48-14, ~~Section~~ Supp. Yard Regs. ~~Regs. 401~~ (Shed).  
A(4)

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only  
\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

The house is not oriented facing the road.  
making orientation of shed in relation to house normal/practical  
but causing shed to become closer to Rd. than the house.

(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 \_\_\_\_\_, \_\_\_\_\_ Regs.

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

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

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

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

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

VII. Interpretation. N/A

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

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

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

✓ VIII. Additional comments:

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

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

The shed is completely secluded from neighborhood.

✓ IX. Attachments required:

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓ Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- ✓ Two (2) checks, one in the amount of \$ 500.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: X 7/9/98

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

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

X Paul Herault  
(Applicant)

Sworn to before me this

24th day of July, 1998.

Patricia A. Barnhart  
XI. ZBA Action:

PATRICIA A. BARNHART  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 1999.

(a) Public Hearing date: \_\_\_\_\_

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

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

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

(ZBA DISK#7-080991.AP)



HENAULT, PAUL

MR. TORLEY: Request for variation of Section 48-14A(4) of the supplementary yard regulations where existing shed projects closer to road than principal structure at 314 Toleman Road in an R-1 zone.

Mr. Paul Henault appeared before the board for this proposal.

MR. HENAULT: This is a historic house.

MR. TORLEY: Historic shed.

MR. HENAULT: That is the thing I wanted it to blend in.

MR. TORLEY: Twelve inch wide boards?

MR. HENAULT: Yes, wood shingle roof. See why I don't want to move it? If you notice on one of the pictures I don't know who has it, here it is, part of the problem is old houses normally face south, so our house doesn't face the road, it is the side of the house, the road would be behind this, so the side of this house faces the road so in order to abide by the ordinance, I have to put my shed in front of the house.

MR. TORLEY: Tree line is so thick you can't see the shed from the road.

MR. HENAULT: There was a copy of the survey that you had somewhere, it's about, the shed's about 16 feet from the road.

MR. TORLEY: I go down Toleman Road, I never see it.

MR. HENAULT: You'll never see it.

MR. TORLEY: Mike, don't we need the, does he need a variance just for the regulations or does he have to have a footage?

MR. BABCOCK: No, it's just the regulations. The

footage is ten foot from my property line and he's over that, it projects closer to the street than the principal building. I see that you have a shed in the back yard too?

MR. HENAULT: That is existing when we bought the house, it's very old.

MR. BABCOCK: You're sure that they are talking about this shed?

MR. HENAULT: Yes, put this one up when I moved in there, this is about ten years old.

MR. BABCOCK: Okay.

MR. HENAULT: Everything else was pre-existing.

MS. OWEN: Is the shed located on any easements?

MR. HENAULT: No.

MS. OWEN: How about water or sewer lines?

MR. HENAULT: There isn't any.

MR. KANE: Accept a motion?

MR. TORLEY: Please.

MR. KANE: Move that we set up Mr. Paul Henault for his requested variance at 314 Toleman Road.

MS. OWEN: Second it.

ROLL CALL

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

MR. KRIEGER: You need to take one of those, those are the criteria which the state requires that the board must decide. So if you'd address yourself to those, it would be helpful.

MR. HENAULT: Just a quick question on the paperwork, I guess I need to or you need to get a list of my neighbors within 500 feet?

MS. BARNHART: You have to call the assessor's office and get the list, \$25.00 deposit.

\*

SARTORI, JOHN

Ms. Philomena DeSousa appeared before the board for this proposal.

MR. TORLEY: Request for 7 ft. side yard variance for existing pool/deck at 12 Farmstead Road in an R-4 zone.

MS. DESOUSA: My name is Philomena DeSousa, I'm with Kahn Better Homes and Gardens. This is a foreclosure house that Mr. Sartori had started preliminary years ago did not finish it. That is now owned by Delta Funding and we have a purchaser for the home and came up, there's no C.O.s and we'd like to get a variance on it. I do have some pictures of the deck, the engineer said it was sound and we should keep it, they were going to take it down. So that is what we're going for, it's been up for about ten years, I'd like to go for a variance on it.

MR. TORLEY: Mike, have any of your people went out to see this deck?

MR. BABCOCK: No, I don't think so.

MR. TORLEY: Well, go ahead and if you wish to proceed and the board agrees set you up for the public hearing, but you might want to have the building inspector take a look at the deck, see how much work it would take to bring it up to code, if it's out of code, you may find if it's ten years old, I'm looking at this thing, you may find it not really worth it, I'm not an expert but Mike's people are. So with the board's permission--

MS. DESOUSA: I had been over to see I guess left several messages I think the people purchasing it had called you too, I guess his engineer, Mr. Chu from across the river and I'm supposed to get his

certification that the pool was in sound working order, other than the pump other than the electrical too, the electric has to be done but everything else, construction wise it was up to he felt up to code.

MR. BABCOCK: They have had an engineer look at it is what she's telling us and everything looks fine except for the electrical which has got to be done by an electrical inspector.

MR. TORLEY: If the deck was going to fall down.

MS. DESOUSA: So, with his certification will you allow us to go any further with that?

MR. BABCOCK: Yes, you can continue.

MS. OWEN: Move we set up a motion that we set up John Sartori, actually, it's Delta Funding previous John Sartori for a public hearing.

MS. DESOUSA: Can I go for a little bit more than that 8 just to be absolutely sure?

MR. TORLEY: Please.

MS. DESOUSA: Because that is what Mr. Sartori was going for before, I'd like to extend it another foot.

MR. KRIEGER: You want to make sure you have enough space cause if you are successful in getting the variance and you find that you are an inch short, you're up the proverbial waterway without a means of propulsion.

MS. DESOUSA: So we'll have it doublechecked and I'd like to extend it to 8 feet.

MR. KANE: Second the motion.

ROLL CALL

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

June 22, 1998

17

MR. KRIEGER: These are the criteria on which the state has determined the board must decide. If you would address yourself to those criteria at the presentation, that would be helpful.