

**ZB# 98-50**

**Joseph Ryan**

**58-1-2**

Prelim.

Nov. 9, 1998.

Notice to Serivind 9/3/99.

Public Hearing:

Sept. 27, 1999.

(~~Excluded~~)

Granted

\$ 189.50

Refund

#98-50 - Ryan, Joseph + Amy

Area

58-1-2

DATE Sept 7, 1999 RECEIPT 134284

RECEIVED FROM Joseph Ryan

Address \_\_\_\_\_

Eighty 00/100 DOLLARS \$50<sup>00</sup>

FOR ZBA # 98-50

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	1293
AMOUNT PAID		CHECK	50 <sup>00</sup>
BALANCE DUE		MONEY ORDER	

Town Clerk

BY Dorothy H. Nansen

Wilson-Jones - Cashiers - 8184-ACR Cashiers - 8184-ACR

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APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Ryan, J.S. & Amy

FILE# 98-50

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE     

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

*Paid ck# 1293  
9/4/99*

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

*paid ck.  
# 1294*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 11/9/98 - 5 \$ 22.50

2ND PRELIMINARY- PER PAGE 9/27/99 - 4 \$ 18.00

3RD PRELIMINARY- PER PAGE.....\$     

PUBLIC HEARING - PER PAGE.....\$     

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

TOTAL.....\$ 40.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 11/9/98.....\$ 35.00

2ND PRELIM. 9/27/99.....\$ 35.00

3RD PRELIM.....\$     

PUBLIC HEARING.....\$     

PUBLIC HEARING (CONT'D).....\$     

TOTAL.....\$ 70.00

MISC. CHARGES:

.....\$     

TOTAL.....\$ 110.50

LESS ESCROW DEPOSIT.....\$ 300.00

(ADDL. CHARGES DUE).....\$     

REFUND DUE TO APPLICANT.....\$ 189.50



JOSHUA RYAN  
 AMES RYAN  
 SUSSEX COUNTY, NY 12571  
 Date: 9/17/97  
 Pay to the Order of: Forum of New Windsor \$ 50.00  
Twenty Dollars

KeyBank National Association  
 Chester, New York 10618  
 1-800-922-2000

For: 914-497-7390 ZBA\*98-50 Army Ryan

@021906934: 323010036123\* 1293

JOSHUA RYAN  
 AMES RYAN  
 SUSSEX COUNTY, NY 12571  
 Date: 9/19/97  
 Pay to the Order of: Forum of New Windsor \$ 300.00  
Three hundred Dollars

KeyBank National Association  
 Chester, New York 10618  
 1-800-922-2000

For: 914-497-7390 ZBA\*98-50 Army Ryan

@021906934: 323010036123\* 1294

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

**JOSEPH RYAN**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#98-50.  
-----X

**WHEREAS, JOSEPH RYAN, residing at 287 Lake Road, New Windsor, N.Y. 12553, has made application before the Zoning Board of Appeals for a 6,790 sq. ft. lot area and 1 ft. 6 in. side yard variances for an existing one-family residence at the above residence in an R-4 zone; and**

**WHEREAS, a public hearing was held on the 27th day of September, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared for this Application; and**

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

**WHEREAS, the spectator spoke in favor of 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 residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The Applicant seeks variances for a single-family residence which has been constructed with insufficient lot area and side yard.

(c) The property was purchased by the present owner from Orange County at tax sale approximately 4 ½ years ago. After the purchase the owner discovered that there was no C.O. or building permit.

(d) The structure does not cause any drainage problems nor does it divert water run off, cause any ponding of water, or damage to any neighbor's property.

(e) If anything was built on that lot, a variance would be required because of the small size and configuration of the lot.

(f) There have been no complaints formal or informal concerning this property.

(g) The house is not on top of nor does it interfere in any way with any water or sewer easements.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.

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

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

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum 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 variances.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 6,790 sq. ft. lot area and 1 ft. 6 in. side yard variances to allow an existing single-family residence at the above address in an R-4 zone, as sought by the Applicant in accordance

with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

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

Dated: November 22, 1999.

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Chairman

Date 10/19/99, 19.....

**TOWN OF NEW WINDSOR**

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

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

TO ..... DR.

DATE		CLAIMED	ALLOWED
7/99	Zoning Board Mtg	75 00	
	Misc - 2		
	Aldridge - 3		
	VGB Assoc. - 5		
	Maurice - 3		
	Jennings - 6		
	Johnson - 5		
	Ryan - 4 \$181.00		
	TAS Assoc. - 13		
	Conteong Industrial Park - 4	202 50	
	45	277 50	

RYAN, JOSEPH & AMY

MR. TORLEY: Request for 6,790 square foot lot area and 1 ft. 6 in. side yard variances for an existing one-family residence at 287 Lake Road in an R-4 zone.

Mr. Joseph Ryan appeared before the board for this proposal.

MR. TORLEY: Is there any member of the audience who wishes to speak to this?

MS. BARNHART: According to my records here, I have an affidavit that says that we sent out on September 7, 35 addressed envelopes to adjacent property owners.

MR. TORLEY: Okay.

MR. RYAN: Okay, I have, I purchased an existing one-family house from Orange County, it was a tax foreclosure, approximately 4 1/2 years ago. And when I went for a, to refinance the home, I had discovered that there was no original C.O. or permit taken out on the house at all. There was a permit taken out in 1971 for the addition of the garage but there was no C.O.

MR. KANE: No idea how old the house is, Mike?

MR. BABCOCK: 1972 was the garage, I don't have that.

MR. KANE: Do we know how long it's been on the tax rolls?

MR. RYAN: No. There was a neighbor familiar with the town road, Henry Specht, he's been in that area since 1965 and he's saying that the house itself has been there as long as he's been there.

MR. TORLEY: None of our tax maps, et cetera, would show this as being in existence before zoning or the garage obviate the grandfather clause anyway.

MR. BABCOCK: Well, I would assume that they did check those records, that's why he's here tonight because the records aren't clear that if the house was built in

1957, he wouldn't even be here to talk about it, if we knew that, or could verify that, that's probably the problem, we don't know.

MR. TORLEY: Obviously, if the house has been there since at least mid '60's, we can assume that there's been no problems with water runoff or damage to the neighbors' properties.

MR. RYAN: No.

MR. KANE: Any house or anything built on that particular lot, Michael, would need the square foot lot variance?

MR. BABCOCK: Yes.

MR. KANE: One foot six inch side yard variance is the minimum that you need?

MR. BABCOCK: Yes.

MR. KRIEGER: There are no complaints on file with respect to this?

MR. BABCOCK: No.

MR. KRIEGER: You, Mr. Ryan, are not aware of anybody complaining about this?

MR. RYAN: No.

MR. TORLEY: At this point, I'll open the meeting to the public and if there's anyone that would like to speak.

MS. FRANCES JOHNSON: Frances Johnson, 291 Lake Road, Salisbury Mills, I'm Mr. Ryan's neighbor to his immediate north where the fence in question comes into play and we have absolutely no problems with that and there's been absolutely no problems with his house since I have been there and I have been there since 1992 before he moved into that house and I just thought you should know about that.

MR. TORLEY: Thank you. Does anyone else wish to speak? If not, I'll close the public hearing and open it back up to the board members.

MR. KANE: House doesn't infringe on any, encroach on any easements or anything like that?

MR. RYAN: No.

MR. KANE: Not over any sewage pipes?

MR. RYAN: No.

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. KANE: I move that we--

MS. BARNHART: Excuse me a minute, I've got something about a shed on here. This os supposed to be here? Are you going for a variance for a shed also, Mr. Ryan? There's two separate notices of disapproval here and we're only acting on one just for the lot area and side yard. On here, he's only asking for side yard and lot area, so this is an additional variance that we haven't dealt with. The note covers everything.

MR. BABCOCK: Mr. Chairman, there was, it was done at the same preliminary both of them were acted on at the same preliminary.

MR. KANE: So the public notice went out, correct?

MS. BARNHART: Yes, public notice is good, we just have to add it on to the motion.

MR. KANE: Mr. Ryan, the shed itself, how long has the shed been up on the property?

MR. RYAN: About three years.

MR. KANE: And no complaints, formal or informal, on the shed, not creating drainage problems, runoff, anything like that?

MR. RYAN: No.

MR. TORLEY: It would be economically unfeasible for you to move the shed that wouldn't require a variance?

MR. RYAN: Yes.

MR. KANE: I move that we approve the requested variances by Mr. Ryan.

MR. MCDONALD: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

MR. TORLEY: That would be for the lot area, front yard, rear yard and shed.

MR. CANE: Lot area and side yard variances and the variances for the shed.

9/27/99 Public Hearing - Ryan, Jos. & Amy #99-~~90~~

Name:

Address:

FRANCES JOHNSON

291 LAKE RD SALISBURY Vt

no.

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

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

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

**DATE: 10/15/98**

**APPLICANT: Joseph & Amy Ryan  
287 Lake Road  
New Windsor, New York 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/14/98**

**FOR : Existing shed**

**LOCATED AT: 287 Lake Road**

**ZONE: R-4**

**DESCRIPTION OF EXISTING SITE: 58-1-2**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Existing shed does not meet minimum rear yard set-back.**

*Brook Hill*  
BUILDING INSPECTOR

PERMITTED 10'

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE:

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

2'-11"

7'-1"

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

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

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

Prelim.  
Nov. 9, 1998.  
#98-50

**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.**

(1) Lot Area  
(2) Sidelys  
(3) near "

DATE: October 15, 1998

APPLICANT: Joseph & Amy Ryan  
287 Lake Road  
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: October 14, 1998

FOR : existing one family house.

LOCATED AT: 287 Lake Road

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 58-1-2

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing one family house does not meet minimum lot area.
2. Existing one family house does not meet minimum yard set-back.

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE:           USE:

MIN. LOT AREA: (9-C) 21,790 sq. ft.   15,000 sq. ft.                   6,790 sq. ft.

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD: (9-F) 15'                   13'-6"                   1'-6"

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



ALL WASHINGTONVILLE SCHOOL DISTRICT  
ALL SALISBURY MILLS FIRE DEPARTMENT

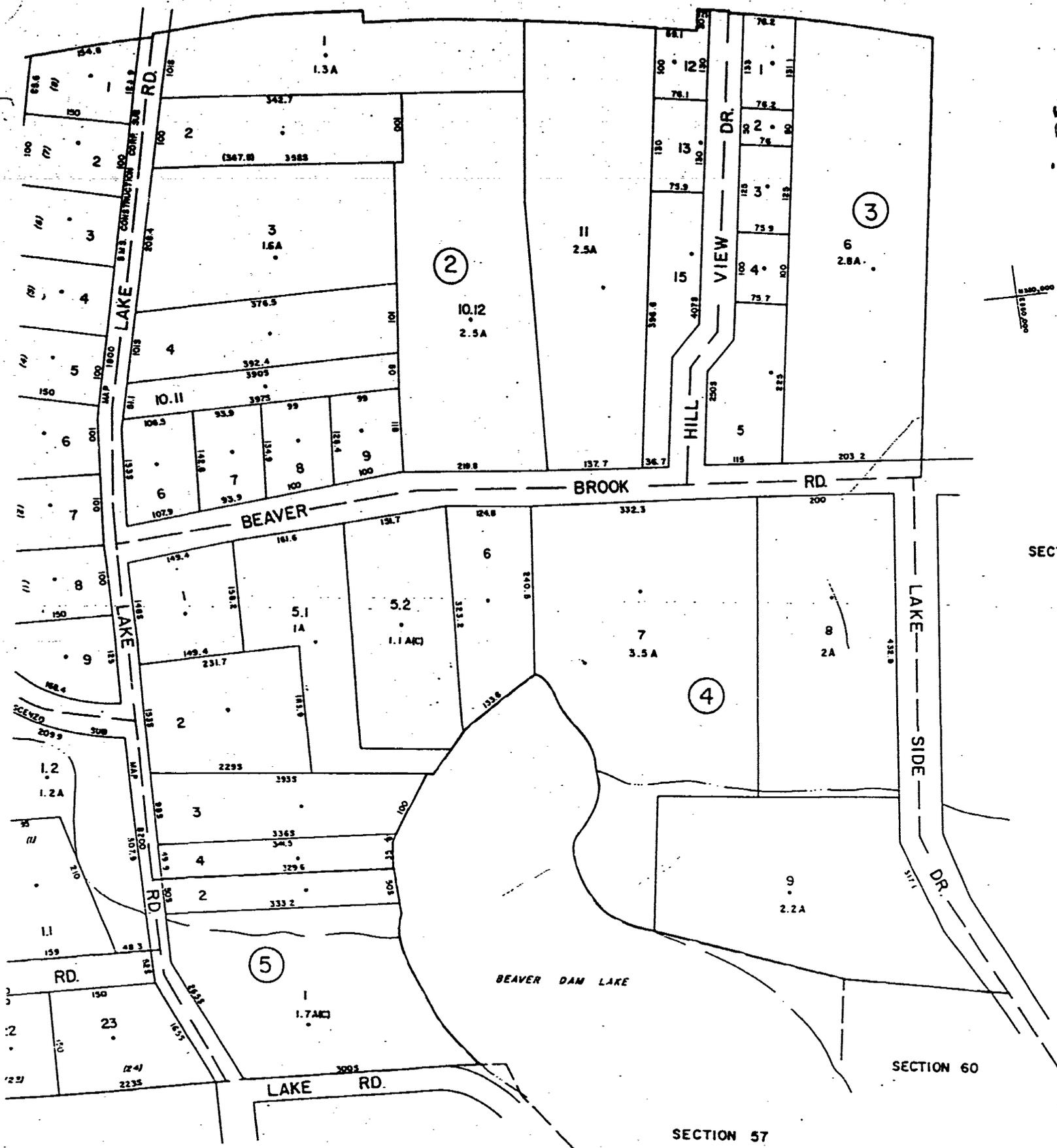
NEW WINDSOR

58

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 LIMIT	MATCH LINE	AREAS	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS	COUNTY HIGHWAYS
PROPERTY LINE	GRID COORDINATE CENTROID		TOWN ROADS

SECTION 57



SECTION 59

SECTION 57

SECTION 60

FILED PLAN BLOCK NO	② ②
FILED PLAN LOT NO	1117
STATE HIGHWAYS	N. Y. STATE HIGHWAY NO. 17
COUNTY HIGHWAYS	COUNTY HIGHWAY NO. 4
TOWN ROADS	TOWN ROAD NO. 1

# ORANGE COUNTY - NEW YORK

Photo No. 8-498,499

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 58

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. 50.

Request of Joseph & Amy Ryan

for a VARIANCE of the Zoning Local Law to Permit:

existing single-family residence w/ less than the allowable lot area, side & rear yards;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs - Cols. C, F, G.

for property situated as follows:

287 Lake Road, New Windsor, N.Y. 12553

known and designated as tax map Section 58, Blk. 1, Lot 2.

SAID HEARING will take place on the 27<sup>th</sup> day of Sept, 1999 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

# 98-50

Date: 8-18-99

I. Applicant Information:

- (a) JOSEPH AND Amy RYAN 287 LAKE RD. 497-7390  
(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) RA 287 LAKE ROAD 58-1-2 15,000 sq.ft.  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1996
- (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: 10'x16' SHED WHICH DOES NOT MEET MINIMUM REAR YARD SET-BACK.
- \_\_\_\_\_
- \_\_\_\_\_

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.

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

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

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. C, B, F.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>21,790 sq. FT</u>	<u>15,000 sq. FT.</u>	<u>6,790 sq. FT.</u>
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>15'</u>	<u>13'-6"</u>	<u>1'-6"</u>
Reqd. Rear Yd. <u>10'</u>	<u>2'-11"</u>	<u>7'-1"</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

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

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

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

HOUSE  
THE GARAGE HAS BEEN EXISTING SINCE 1971.  
WE PURCHASED THE HOUSE FROM ORANGE COUNTY TAX  
FORECLOSURES.  
THE SHED WAS EXISTING WHEN WE PURCHASED  
THE HOUSE. (ALSO)

(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



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

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

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

(ZBA DISK#7-080991.AP)

Date 11/12/98, 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

B		CLAIMED		ALLOWED	
98	Zoning Board Mtg	75	00		
	Misc - 1				
	Zaccho - 1				
	Pellegrino - 6				
	Bonura - 2				
	Ryan - 5      22.50.				
	Carvas - 3				
	Jannotti - 2				
	Amanatides - 3				
	23	103	50		
		178	50		

RYAN, JOSEPH & AMY

MR. NUGENT: Request for 6,790 square feet lot area, 1 ft. 6 in. side yard, 6 ft 1 in. rear yard variances for existing residence at 287 Lake Road in an R-4 zone.

Mr. and Mrs. Ryan appeared before the board for this proposal.

MR. RYAN: We had purchased this property at a county tax sale, we had went to the town to do an addition on the house and found out there was no original C.O. issued for the house, no permit issued, so we had to have structural engineer come in and survey the property, we just got the survey and found out that the shed is too close on a corner of the property.

MR. KANE: So, how did the county get away with selling it without a C.O.?

MR. NUGENT: How did they do that? You can't move the shed at all? Is it on a permanent foundation?

MR. RYAN: It's on piers, I guess it can be moved, the cement piers are in the ground. We got a C.O. for the shed.

MS. BARNHART: But they still need lot area, right?

MR. NUGENT: Needs lot area, I'm just wondering if we can reduce any of it, that's all.

MR. RYAN: Where the shed is sitting now to move it we have trees.

MR. KANE: All the variances in here are for the existing home, has nothing to do with the shed?

MR. BABCOCK: Two of them are the square lot area and the side yard is for the house and the rear yard is for the shed.

MR. NUGENT: It would be very helpful when you come for the public hearing to bring photographs so we can see how the shed looks.

MR. KRIEGER: The shed and the house and both.

MR. KANE: How old is the home now, approximately?

MR. RYAN: Approximately, 30 years.

MR. TORLEY: This doesn't come under the sub size lots?

MR. BABCOCK: No.

MR. NUGENT: It's 100 x 150, that's not a small lot.

MR. BABCOCK: There's sewer in this area and no water, that's why there's no town water, that's why.

MR. NUGENT: You need 23,000.

MR. KRIEGER: If there were town water, it would be okay?

MR. BABCOCK: Yes.

MR. KRIEGER: So he falls in the--

MR. BABCOCK: Non-conforming lot.

MR. TORLEY: How old did you say the house was?

MR. KANE: Approximately 30 years ago.

MR. RYAN: There's a man who thinks the house has been there 35 years and the house was built by the owner same time his house was built.

MR. TORLEY: That would eliminate the need for the shed variances but if the house predated zoning.

MR. BABCOCK: Built in 1973, according to our records.

MR. NUGENT: Never got a C.O..

MR. BABCOCK: Well, possibly we get that information from the assessor's office and, you know, if they are not sure, they just go by what information they have

also, so it doesn't necessarily mean that is exactly when it was built.

MR. RYAN: I think there was a permit applied for the garage but never a C.O. The permit for the garage is before '73 so I don't know when it was built.

MR. KANE: In either case--

MR. TORLEY: I'm just saying this is your option, if you can demonstrate that the house was put up before '68, right?

MR. BABCOCK: '66.

MR. TORLEY: If you can show that the house was put up before then and were willing to move the shed, you wouldn't have to come back and spend any money. Otherwise, if you are going to come for a variance for the shed, it doesn't matter.

MR. KANE: The way it's going, they'd have a tough time proving it because the tax assessor's office goes back to '73, it's difficult to find out, so he might as well come and take care of it and get it done, basically, the tax records are one of the key things.

MR. KRIEGER: Plus the fact without having a finding by this board, they get, if the board just simply says yeah, it predates, don't worry about it, without having a finding here, when they go to refinance it, sell it, whatever, undoubtedly the lending institution involved wanted to see something besides gee whiz, trust me on this.

MR. BABCOCK: Mr. Chairman, the reason they are saying 1973 is because this letter has the wrong section, block and lot on it, so this letter is not for this house and that's the problem.

MS. BARNHART: We have 58-1-2.

MR. BABCOCK: This letter is 58-1-12.

MR. TORLEY: Doublecheck. With that, Mr. Chairman, I

would move we set them up for the public hearing and let them, just gives you the right but not obligation to have the public hearing, gives you a chance to talk to Mike and the assessors, see what you want to do.

MR. NUGENT: We can do that, absolutely, do I have a second?

MR. KANE: Second the motion.

ROLL CALL

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

MS. BARNHART: Here's the paperwork in case you need it.

MR. KRIEGER: If you decide to go forward with the area variance, these are the criteria on which the board must decide, according to state law, so if you would address yourself to those criteria in your presentation, that would be helpful.

MR. KANE: What they are saying basically is that the tax records that Michael got were not for your property, if you can prove that the building has been there before 1966, then you predate zoning, you're grandfathered in, you don't need these variances. But as our attorney pointed out, the banks may not accept that, they may want something in writing, so maybe it would behoove you to get the variance anyway.

MR. TORLEY: If your house does predate zoning and you're willing to move the shed, then you can talk to Mike and he can give you a letter saying this house predates zoning.

MR. BABCOCK: We know that part of the house does not predate zoning, there's a building permit here for 1972 for addition of the garage.

MR. RYAN: That is the part that is too close.

November 9, 1998

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MR. KANE: They need the variance then.





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

August 30, 1999

Joseph & Amy Ryan  
287 Lake Road  
Salisbury Mills, NY 12577

35

Re: Tax Map Parcel #58-1-2

Dear Mr. & Mrs. Ryan:

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

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

Sincerely,

Leslie Cook  
Sole Assessor

/lc  
Attachments

cc: Pat Barnhart, ZBA

FRANCES C JOHNSON X  
291 LAKE ROAD  
SALISBURY MILLS, NY 12577

LOUIS L & MARY & SALONY ANN  
DOLHY X  
232 SEYMORE AVENUE  
SCRANTON, PA 18505

FRANK DIAZ X  
290 LAKE ROAD  
SALISBURY MILLS, NY 12577

DEDERICK H JR & SUSAN KIECK X  
283 LAKE ROAD  
SALISBURY MILLS, NY 12577

CHARLES MCPHERSON X  
14 MECCA DRIVE  
SALISBURY MILLS, NY 12577

PATRICK G & CHRISTINE &  
DOLORES M MONROE X  
294 LAKE ROAD  
SALISBURY MILLS, NY 12577

MICHAEL J & CATHERINE PERAINO X  
275 LAKE ROAD  
SALISBURY MILLS, NY 12577

KEITH D & GLENDA A CHIPPERFIELD X  
13 MECCA DRIVE  
SALISBURY MILLS, NY 12577

TIMOTHY J O'LEARY X  
286 LAKE ROAD  
SALISBURY MILLS, NY 12577

RICHARD R & ANNE MARIE SHOREY X  
271 LAKE ROAD  
SALISBURY MILLS, NY 12577

STEPHEN C & KAREN E SPELLMAN X  
15 MECCA DRIVE  
SALISBURY MILLS, NY 12577

JOSEPH J & ROXANA PANTANO X  
1 BEAVER BROOK ROAD  
NEW WINDSOR, NY 12553

MICHAEL J & TRACY MCGUINNESS X  
267 LAKE ROAD  
SALISBURY MILLS, NY 12577

VINCENT GATTO X  
11 MECCA DRIVE  
SALISBURY MILLS, NY 12577

TOMMY R & ETHEL D KINGERY X  
5 BEAVER BROOK ROAD  
NEW WINDSOR, NY 12553

LAWRENCE D & KATHLEEN ROSSINI X  
319 HICKORY AVENUE  
NEW WINDSOR, NY 12553

BRUCE G & MARY E OSTRANDER X  
17 MECCA DRIVE  
SALISBURY MILLS, NY 12577

ROBERT F & GRACE ROE X  
9 BEAVERBROOK ROAD  
NEW WINDSOR, NY 12553

WARWICK SAVINGS BANK X  
C/O FRANCES GORISH  
18 OAKLAND AVENUE  
WARWICK, NY 10990

SCOTT & KERRI ANN DAVIES X  
18 MECCA DRIVE  
SALISBURY MILLS, NY 12577

DOMINICK & BERNADINE FORTE X  
15 BEAVER BROOK ROAD  
NEW WINDSOR, NY 12553

MICHAEL & JOY MORGESSE X  
6 MECCA DRIVE  
SALISBURY MILLS, NY 12577

JOSEPH E & CYNTHIA E JORDAN X  
16 MECCA DRIVE  
SALISBURY MILLS, NY 12577

ALLEN DEYO X  
21 BEAVER BROOK ROAD  
NEW WINDSOR, NY 12553

MARK A LAVINSKI X  
8 MECCA DRIVE  
SALISBURY MILLS, NY 12577

JAMES E & KATHERINE J KELLY X  
302 LAKE ROAD  
SALISBURY MILLS, NY 12577

ANTHONY L & SUSAN HILINSKI X  
2 BEAVER BROOK ROAD  
NEW WINDSOR, NY 12553

LEONARD & FRANCES DUCKWORTH X  
10 MECCA DRIVE  
SALISBURY MILLS, NY 12577

BRIAN E & KAREN A MCDONALD X  
298 LAKE ROAD  
SALISBURY MILLS, NY 12577

FRANCIS G COLEMAN X  
431 LAKE ROAD  
NEW WINDSOR, NY 12553

FRANCIS G & EMMAJEAN  
MACPHERSON  
61 VIDI DRIVE  
SALISBURY MILLS, NY 12577

DANIEL D & PATRICIA A RYAN  
301 LAKE ROAD  
SALISBURY MILLS, NY 12577

STEVEN GERSPACH  
42 MATTHEWS LANE  
WASHINGTONVILLE, NY 10992

CONSOLIDATED RAIL CORP  
6 PENN CENTER PLAZA  
PHILADELPHIA, PA 19103

PAUL J & MARYANN MESSINA  
279 LAKE ROAD  
SALISBURY MILLS, NY 12577