

ZB# 98-54

Allen Dantas

13-1-6

Prelim.

Nov. 23, 1998

11/20 - Bill H. delivered notice to ~~Sevina~~ ^{Sevina}

Public Hearing;

~~File 7-1998~~ ?

Notice to Sevina 12/17/98

Need Amended ^{letters} _{out}

Notice of Denial 12/17/98

Public Hearing:

Jan. 11, 1999.

Area Variances

Approved

Refund: \$180.50

#98-54 Kantas, Allan

Area.

13-1-6

10/15/98 10:00 AM

RECEIPT

DATE *November 26, 1998*
RECEIVED FROM *Walter, Whitehome Village, Inc.*

Address *St. Ives and Co/100* DOLLAR \$ *50.00*
FOR *Joining Board Application Fee # 98-54*

ACCOUNT		HOW PAID	
RECEIVED		CASH	<i>#5875</i>
PAID		CHECK	<i>50.00</i>
ADJUST		MONEY	
DUES		OTHER	

T. Aaron Clark
Northrup H. Harrison

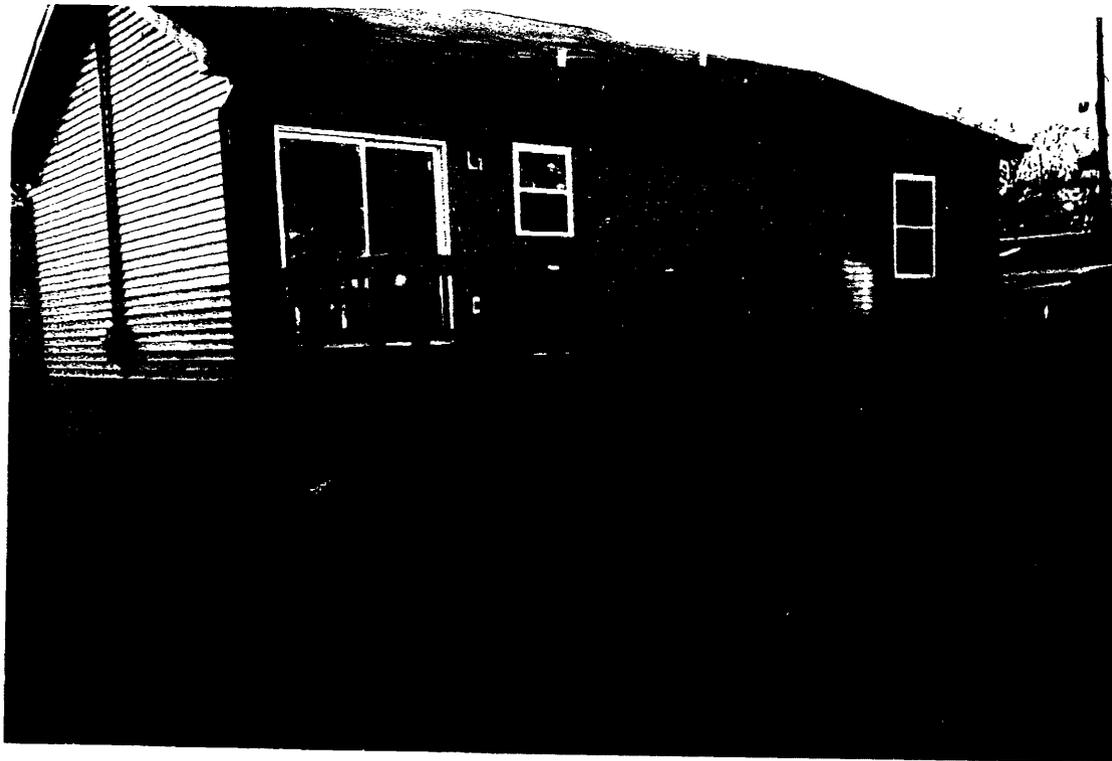


0 11 48-54

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	788.15
AMOUNT PAID		CHECK	50.00
BALANCE DUE		MONEY ORDER	

Town Clerk

BY Dorothy H. Hanson





100
X
1000000000

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Dantas, Allen

FILE# 98-54

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

paid 11/20/98

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*eks # 8815
98816*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 4/23/99-7 \$ 31.50

2ND PRELIMINARY- PER PAGE 1/11/99-4 \$ 18.00

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE \$

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 49.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 11/23/98 \$ 35.00

2ND PRELIM. 1/11/99 \$ 35.00

3RD PRELIM. \$

PUBLIC HEARING \$

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$

TOTAL \$ 119.50

LESS ESCROW DEPOSIT \$ 300.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT \$ 180.50



Walter's Mobile Home Village, Inc.
 Ph. 914-264-1993
 928 Little Britain Road
 New Windsor, NY 12553

8815

50-584
219 47

DATE Nov 20, 98

PAY TO THE ORDER OF Town of New Windsor

\$ 50.00

fifty dollars and ⁰⁰/₁₀₀

DOLLARS

PREMIER NATIONAL BANK

56 RT. 17K
 NEWBURGH, NY 12550

FOR ZBA - #98-54

Kathy Barton

⑈008815⑈ ⑆021905841⑆ 1493 004897⑈



Walter's Mobile Home Village, Inc.
 Ph. 914-264-1993
 928 Little Britain Road
 New Windsor, NY 12553

8816

50-584
219 47

DATE Nov 20, 98

PAY TO THE ORDER OF Town of New Windsor

\$ 300.00

three hundred dollars and ⁰⁰/₁₀₀

DOLLARS

PREMIER NATIONAL BANK

56 RT. 17K
 NEWBURGH, NY 12550

FOR ZBA #98-54

Kathy Barton

⑈008816⑈ ⑆021905841⑆ 1493 004897⑈

In the Matter of the Application of

ALLEN DANTAS

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#98-54.

WHEREAS, ALLEN DANTAS, residing at 958 Little Britain Road, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for 6 ft. side yard and 1.7 ft. rear yard for existing one-family residence, and 8.7 ft. side yard and 7.2 ft. rear yard variance for existing garage located at 64 Clancy Avenue in an R-4 zone; and

WHEREAS, a public hearing was held on the 11th day of January, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, William Hildreth, L.S. appeared on behalf of the Applicant; 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) This is a one-family home located in an R-4 zone also in a neighborhood containing one-family homes.

(b) The portion of the Town where the premises is located is one of the oldest portions and the lots in that area are exceptionally small with the dwellings much closer together than would be allowed for new construction under the current Zoning Local Law.

(c) The building lot was purchased by the present owner in 1966 and is a pre-existing, non-conforming lot with respect to area and street frontage.

(d) In 1988 the owner of the premises was issued a building permit for construction of a single-family home.

(e) When the house was actually constructed it was discovered that it encroached slightly on the required side yard and rear yard setbacks.

(f) The setbacks for the garage accessory structure are also less than mandated by the local law.

(g) The house was constructed so that it is no closer, and in many cases, farther from the road than are neighboring structures and in size the house is approximately equal or consistent with the other houses in the neighborhood.

(h) There have been no complaints, formal or informal, about this property.

(i) The garage is built on a foundation and is fixed making it very difficult to relocate.

(j) There is a paved driveway leading to the garage so if it were moved the driveway would also have to be relocated.

(k) The size of the lot is unusually small so that the buildings were located in the best practical spot considering that smaller size.

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 variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 6 ft. side yard and 1.7 ft. rear yard variance for existing residence and 8.7 ft. side yard and 7.2 ft. rear yard variance for an existing detached garage at the 64 Clancy Avenue 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: April 12, 1999.



Chairman

Date 1/25/98, 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
1/11/99	Tossing Board Mtg	75 00	
	Misl - 3		
	Brigi - 3		
	Caguino/Mellick - 3		
	Mans - 10		
	Owest/Dairy Mart - 22		
	Dantas - 4 18.00		
	Pellegrino - 3		
	<u>58</u>	261 00	
	<i>James Mergen</i>	<u>336 00</u>	

DANTAS, ALLEN

MR. NUGENT: Let the record show no one's her.

Mr. William Hildreth appeared before the board for this proposal.

MR. NUGENT: Request for 6 ft. side yard and 1.7 ft. Rear yard variance for existing one-family residence, plus 8,7 side yard and 7.2 ft. rear yard variance for existing detached garage at 64 Clancy Avenue in R-4 zone.

MR. HILDRETH: Mr. Chairman, with your permission, rather than have Pat hand out her maps, can I hand out these? In going over my notes for tonight, I left one of the side yard corrections off the bulk table. Is that all right?

MR. NUGENT: Yes.

MR. HILDRETH: I'm a land surveyor who prepared this plan that's finally correct and I'm representing the owner, Mr. Dantas for the variance application before the board. This property is on Clancy Avenue in the R-4 zone. Clancy Avenue to the west of Carroll Street is a dead-end, it's just about in the middle between the end of the road and Carroll Avenue. It's 6,920 square feet. Mr. Dantas bought the property in 1966 as a pre-existing, non-conforming lot with respect to area and street frontage, I believe, pardon me, lot width. It was vacant except for the framed garage in the northwest corner that was the only structure on the property. He was issued a building permit in August, 1988 for construction of a single family home and following construction, and during the final survey for the house location, it was discovered that the side yard on the right side of the house was deficient and although the rear yard to the house is more than the 40 foot required with the construction of the deck, we need a rear yard variance for the deck as well. Rear yard setback is 40 feet, the deck is at 38.3 which makes it a 1.7 foot variance. Because it's a non-conforming lot, the side yard requirement in that zone is 12 feet, he's got 11.4, which is .6 foot

variance. We have added the garage, even though it was pre-existing to the application for the protection of the owner in the event he wants to refurbish, reconstruct or whatever. So, since we're making the application, we decided to do that. The setback requirement for an accessory structure is ten feet. However, it was pre-existing. So we've got 1.4 foot and 2.8 foot setback. The variances requested are not substantial and the house and the lot itself are not out of character with the neighborhood. If you are familiar with it, in fact, even though it's a non-conforming lot for square footage and area, it's not one of the smallest lots in that neighborhood. And Allen did build the house farther back from the street than several of the other ones that are within the area. And the house itself size wise conforms to the other houses in the neighborhood. So, that's it, it's side yard and rear yard on the house and setbacks for the existing garage.

MR. REIS: The deck is complete?

MR. HILDRETH: Everything that you see is in and complete, the only thing holding up the C.O. is this business tonight, I believe, Mike.

MR. KRIEGER: When did he apply for the building permit?

MR. HILDRETH: August of '98.

MR. REIS: That hasn't caused any kind of problem with the neighbors being closer or--

MR. HILDRETH: Not that I am aware of and Pat, what was it, 33 or 38 notices sent out?

MS. BARNHART: 36 on December 17th.

MR. REIS: No responses?

MS. BARNHART: No.

MR. HILDRETH: And I've had no problem with the office and I've talked to Allan and he got no calls at the

house.

MR. KRIEGER: Does the building department have any complaints on record about this?

MR. BABCOCK: No.

MR. HILDRETH: I believe there's pictures if the board wants to see what he built, actually a nice house.

MR. REIS: The garage built, is that on concrete foundation?

MR. HILDRETH: Not sure, either way, it's got a foundation of some kind, but I'm not sure if it's on concrete block or poured concrete.

MR. REIS: To move it would be difficult?

MR. HILDRETH: Yes, it's fixed, it's on a foundation of some kind.

MR. KRIEGER: There's a driveway leading up to it?

MR. HILDRETH: Correct, we're showing a paved driveway.

MR. KRIEGER: If it were to be moved not only would it have to be moved, the driveway would have to be?

MR. HILDRETH: It would make it difficult to get into it if it was moved, yes.

MR. KRIEGER: Because it's a small lot, the whole idea was to take up as little space as possible.

MR. HILDRETH: Yeah, I suspect that's why the side yard, the attempted 12 feet was missed because he was trying to give himself as much room as he could for the driveway on the other side of the house to get into the garage.

MR. TORLEY: Mike, we don't have a problem with, I have no problem with this variance, just a couple housekeeping things, there's no problem with developmental coverage?

January 11, 1999

43

MR. BABCOCK: No, this is a non-conforming lot and there's no coverage allowance.

MR. TORLEY: It's got an underground propane tank, any codes on that?

MR. BABCOCK: There is no problem with that.

MR. REIS: I'll make a motion that we grant Allen Dantas requested variances at 64 Clancy Avenue.

MS. OWEN: Second it.

ROLL CALL

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

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

98-54

Date: _____

- I. Applicant Information: ALLEN & KITTY DANTAS
- (a) 958 LITTLE BRITAIN ROAD, NEW WINDSOR, N.Y. 12553 564-1993
(Name, address and phone of Applicant) (Owner)
- (b) N/A
(Name, address and phone of purchaser or lessee)
- (c) GENE GROBSTEN, Esq. 10 LITTLE BRITAIN RD. NEWBURGH, N.Y. 12550 562-2990
(Name, address and phone of attorney) WILLIAM B. HILDRETH, L.S.
- (d) 407 SOUTH PLANK ROAD, UNIT 3 NEWBURGH, N.Y. 12550 566-6650
(Name, address and phone of ~~contractor/engineer/architect~~ SURVEYOR)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) R-4 64 CLANCY AVENUE 13-1-6 6920 S.F.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? PI
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? Oct. 1996
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? N/A
- (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:
NONE NOW
NONE PROPOSED

IV. ~~Use Variance.~~

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

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

~~_____

_____~~

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

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes ___ No 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 48-26, ~~Table of E 5,7~~ ~~Regs., Col.~~ and Section 48-14 A1B

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
<u>GAR</u> Reqd. Side Yd. <u>10'</u> <u>12'</u>	<u>1.3'</u> <u>11.4'</u>	<u>8.7'</u> <u>0.6'</u>
<u>GAR</u> Reqd. Rear Yd. <u>10'</u> <u>40'</u>	<u>2.8'</u> <u>38.3'</u>	<u>7.2'</u> <u>1.7'</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:

THERE IS NO FEASIBLE WAY TO COMPLY WITH BULK REQUIREMENTS, OTHER THAN VARIANCES, DUE TO THE SIZE OF THE LOT. VARIANCES REQUESTED ARE 10% OR LESS OF THE REQUIRED DIMENSIONS. THERE ARE NO ADVERSE EFFECTS OR IMPACTS BY THE VARIANCES TO THE NEIGHBORHOOD. THE SITUATION IS NOT SELF-CREATED IN THAT A BUILDING PERMIT WAS ISSUED FOR A HOUSE THAT COULD NOT FIT WITHIN THE REQUIRED SETBACKS GARAGE IS PRE-EXISTING

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

VI. Sign Variance:

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

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

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

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

VII. Interpretation.

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

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

VIII. Additional comments:

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

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

(c) Restrictions or conditions: _____

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

(ZBA DISK#7-080991.AP)

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

<p>1. APPLICANT /SPONSOR <u>ALLEN DANTAS</u></p>	<p>2. PROJECT NAME <u>ALLEN DANTAS & KITTY DANTAS SITE PLAN</u></p>
<p>3. PROJECT LOCATION: Municipality <u>TOWN OF NEW WINDSOR</u> County <u>ORANGG</u></p>	
<p>4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>64 CLANCY AVENUE</u> <u>TAX MAP SECTION 13 BLOCK 1 LOT 6</u></p>	
<p>5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration</p>	
<p>6. DESCRIBE PROJECT BRIEFLY: <u>NEWLY CONSTRUCTED SINGLE FAMILY RESIDENCE AND EXISTING GARAGE REQUIRE AREA VARIANCES IN ORDER TO OBTAIN CERTIFICATE OF OCCUPANCY</u></p>	
<p>7. AMOUNT OF LAND AFFECTED: Initially <u>0.16</u> acres Ultimately <u>0.16</u> acres</p>	
<p>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <u>ZONE BULK REQUIREMENTS FOR SIDE YARD AND REAR YARD SET BACK CAN NOT BE MET</u></p>	
<p>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:</p>	
<p>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <u>TOWN OF NEW WINDSOR BUILDING DEPARTMENT</u> <u>CERTIFICATE OF OCCUPANCY</u></p>	
<p>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval <u>TOWN OF NEW WINDSOR BUILDING DEPARTMENT</u> <u>BUILDING PERMIT NO. 9084</u></p>	
<p>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE</p>	
<p>Applicant/sponsor name: <u>ALLEN DANTAS</u></p>	<p>Date: <u>11/30/98</u></p>
<p>Signature: <u>William R. Hillard, C.S. (PREPARER)</u></p>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # _____

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF NEW YORK)

COUNTY OF ORANGE)

SS.:

ALLEN PANTAS

, deposes and says:

I am the OWNER of a certain parcel of land within the TOWN OF NEW WINDSOR designated as tax map SECTION 13 BLOCK 1 LOT 6. I HEREBY AUTHORIZE WILLIAM B. HILDRETH, L.S. of GREVAS & HILDRETH, L.S., P.C. (company name) to make an application before the ZONING BOARD OF APPEALS as described in the within application.

Dated: 20 NOVEMBER 1998.

Allen Pantas

(Signature of Owner)

Sworn to before me this

20th day of November, 1998.

Ruth J. Eaton

Notary Public
RUTH J. EATON

Notary Public, State of New York
Qualified in Orange County
No. 4673512

Commission Expires October 31, 2000

(ZBA DISK#1-060895.PXY)

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 98-54

Request of ALLEN DANTAS

for a VARIANCE of the Zoning Local Law to permit:

LESS THAN THE REQUIRED SIDE YARD AND REAR YARD
SETBACK FOR SINGLE FAMILY RESIDENCE AND GARAGE

being a VARIANCE of Section 48-26 ES, 7 AND
SECTION 48-14 A1B

for property situated as follows:

64 CLANCY AVENUE

known as tax lot Section 13 Block 1 Lot 4.

SAID HEARING will take place on the 11th day of JANUARY,
1999, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT
Chairman

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

NOTICE OF DISAPPROVAL OF CERTIFICATE OF OCCUPANCY

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

DATE: November 17, 1998

APPLICANT: Allen Dantas
958 Little Brittan Road
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing one family house.

LOCATED AT: 64 Clancy Avenue

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 13-1-6

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing house does not meet minimum rear and side yard set-backs.


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: R-4 USE: 48-26-E-5, 7

MIN. LOT AREA: 6732 sq. ft.

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD: 12'

11'.4Ft

.6Ft

REQD. TOTAL SIDE YD:

REQ'D REAR YD: 40'

38'.3Ft

1.7Ft

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**

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: 11/24/98

**APPLICANT: Allen Dantes
958 Little Brittan Road
New Windsor, New York 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing detached garage.

LOCATED AT: 64 Clancy Avenue

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 13-1-6

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Existing garage does not meet minimum side and rear yard set-backs.**


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

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

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD: 10Ft

1.3Ft

8.7Ft

REQD. TOTAL SIDE YD:

REQ'D REAR YD: 10Ft

2.8Ft

7.2Ft

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

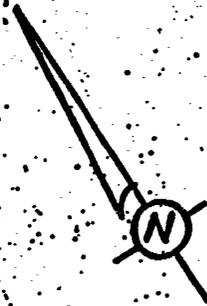
MIN. LIVABLE AREA:

DEV. COVERAGE:

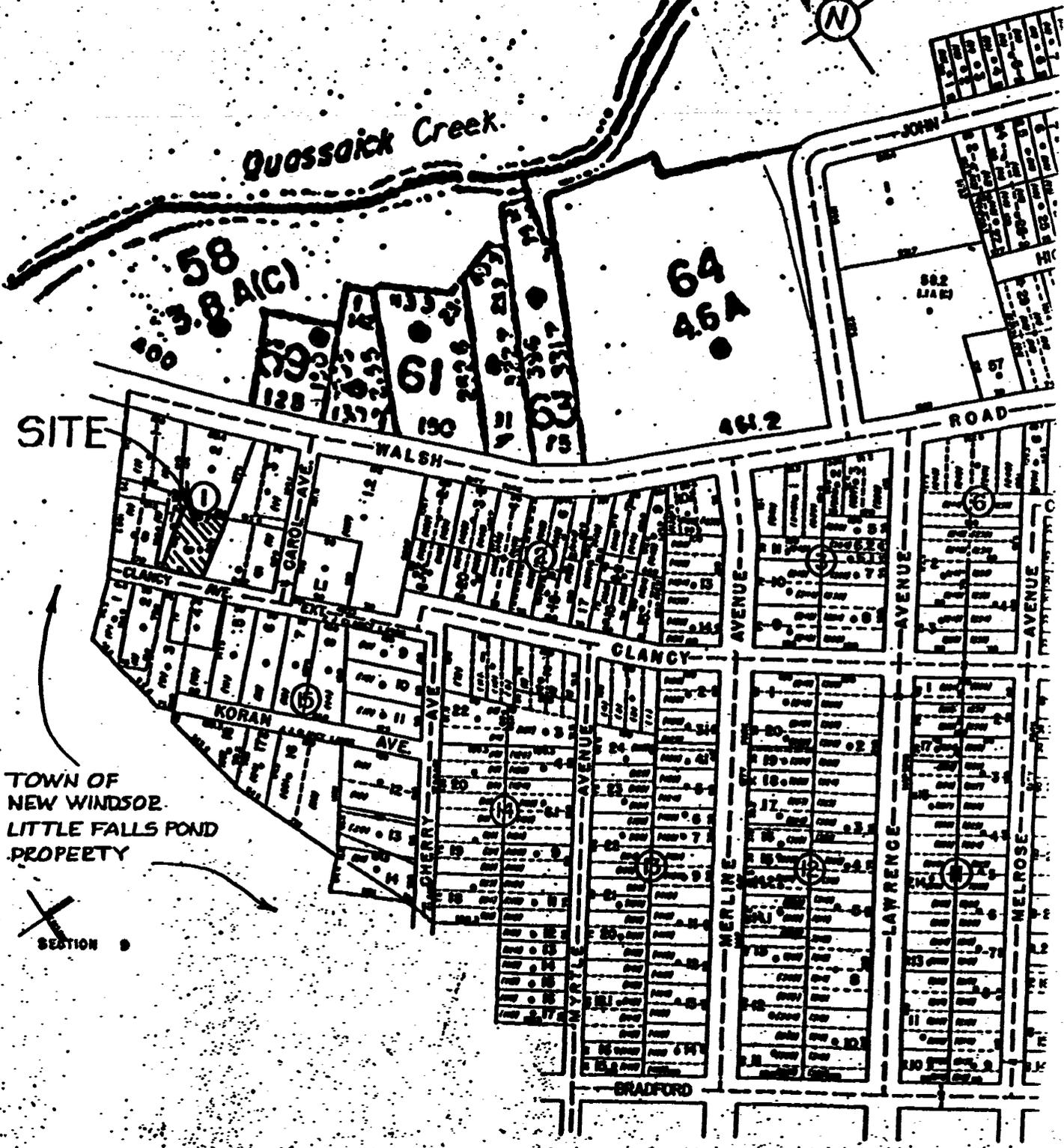
cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

TOWN OF NEW WINDSOR
TAX MAP SECTIONS 13 & 9

SCALE: 1" = 200' ±



Quassaick Creek



SITE

TOWN OF
NEW WINDSOR
LITTLE FALLS POND
PROPERTY



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



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

Gregory Sherwood
 Dawn Sherwood
 TO
 Allan DANTAS
 Kitty DANTAS

SECTION 12 BLOCK 1 LOT 6

RECORD AND RETURN TO:
(Name and Address)

Gene Grubstein &
 10 Little Britain Road
 Newburgh NY 12550

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

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

PROPERTY LOCATION

- | | |
|--------------------------------|-------------------------------|
| ___ 2089 BLOOMING GROVE (TN) | ___ 4289 MONTGOMERY (TN) |
| ___ 2001 WASHINGTONVILLE (VLG) | ___ 4201 MAYBROOK (VLG) |
| ___ 2289 CHESTER (TN) | ___ 4203 MONTGOMERY (VLG) |
| ___ 2201 CHESTER (VLG) | ___ 4205 WALDEN (VLG) |
| ___ 2489 CORNWALL (TN) | ___ 4489 MOUNT HOPE (TN) |
| ___ 2401 CORNWALL (VLG) | ___ 4401 OTISVILLE (VLG) |
| ___ 2800 CRAWFORD (TN) | ___ 4800 NEWBURGH (TN) |
| ___ 2800 DEERPARK (TN) | ___ 4800 NEW WINDSOR (TN) |
| ___ 3089 GOSHEN (TN) | ___ 5089 TUXEDO (TN) |
| ___ 3001 GOSHEN (VLG) | ___ 5001 TUXEDO PARK (VLG) |
| ___ 3003 FLORIDA (VLG) | ___ 5200 WALLKILL (TN) |
| ___ 3005 CHESTER (VLG) | ___ 5489 WARWICK (TN) |
| ___ 3200 GREENVILLE (TN) | ___ 5401 FLORIDA (VLG) |
| ___ 3489 HAMPTONBURGH (TN) | ___ 5403 GREENWOOD LAKE (VLG) |
| ___ 3401 MAYBROOK (VLG) | ___ 5405 WARWICK (VLG) |
| ___ 3689 HIGHLANDS (TN) | ___ 5600 WAWAYANDA (TN) |
| ___ 3801 HIGHLAND FALLS (VLG) | ___ 5889 WOODBURY (TN) |
| ___ 3889 MINISINK (TN) | ___ 5801 HARRIMAN (VLG) |
| ___ 3801 UNIONVILLE (VLG) | |
| ___ 4089 MONROE (TN) | |
| ___ 4001 MONROE (VLG) | |
| ___ 4003 HARRIMAN (VLG) | |
| ___ 4005 KIRYAS JOEL (VLG) | |

CITIES

- ___ 0900 MIDDLETOWN
 ___ 1100 NEWBURGH
 ___ 1300 PORT JERVIS
 ___ 8000 HOLD

NO. PAGES 2 CROSS REF _____
 CERT. COPY _____ AFFT. FILED _____

PAYMENT TYPE: CHECK
 CASH _____
 CHARGE _____
 NO FEE _____

CONSIDERATION \$ 12,000.-
 TAX EXEMPT _____

MORTGAGE AMT \$ _____
 DATE _____

MORTGAGE TYPE:
 ___ (A) COMMERCIAL
 ___ (B) 1 OR 2 FAMILY
 ___ (C) UNDER \$10,000.
 ___ (E) EXEMPT
 ___ (F) 3 TO 6 UNITS
 ___ (I) NAT.PERSON/CR.UNION
 ___ (J) NAT.PER-CR.UNI OR 2
 ___ (K) CONDO

Joan A Macchi

JOAN A. MACCHI
 Orange County Clerk

RECEIVED FROM: Houza

LIB 4469 33

LIBER 4469 PAGE 33

ORANGE COUNTY CLERK'S OFFICE 49532 HCD
 RECORDED/FILED 10/17/96 11:29:02 AM
 FEES 41.00 EDUCATION FUND 5.00
 SERIAL NUMBER: 002311
 DEED CNTL NO 61296 RE TAX 48.00

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

BARGAIN & SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS

THIS INDENTURE, made the 8th day of October, nineteen hundred and ninety six

BETWEEN GREGORY SHERWOOD and DAWN SHERWOOD, his wife, 115 Clancy Avenue, New Windsor, New York 12553

party of the first part, and ALLEN DANTAS and KITTY DANTAS, his wife, both residing at 590 Little Britain Road, New Windsor, New York 12553

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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

BEGINNING at a point in the easterly line of Clancy Avenue Extension at the southwesterly corner of lands heretofore conveyed by Carmen A. Gallage and Elizabeth Gallage to John Skipski and Mary Skipski by deed dated June 10, 1954, and recorded in the Orange County Clerk's Office on June 22, 1954, in Liber 1310 of Deeds at page 5, and by correction deed dated June 15, 1957, from the same grantors to the same grantees, which was recorded in the Orange County Clerk's Office on the 16th day of September, 1957, in Liber 1439 of Deeds at page 264, and runs thence from said point of beginning along the southerly line of Skipski lands North 65° 06' east for 98.6 feet to a point at the southwesterly corner of lands of Carmen A. Gallage and Elizabeth Gallage thence along the westerly line of said lands North 31° 47' West 70.18 feet to a point; thence through the lands of said John Skipski and Mary Skipski South 65° 06' West for 105.05 feet to a point in the easterly line of Clancy Avenue Extension; thence along said line South 36° 01' East 71.0 feet to the point or place of beginning.

SAID property more fully described pursuant to a recent survey dated May 31, 1996 made by Grevas & Hildreth, P.C. as follows:

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange, State of New York, being more particularly described as follows:

BEGINNING at a point in the northeasterly line of Clancy Avenue, Extension, said point being 79.96' as measured along said line in a southeasterly direction from its intersection with the northwesterly line of lot No. 4 as shown on a map entitled "Subdivision of Lands of John J. Clancy", dated 1940, running thence the following courses:

1. Along lands now or formerly Sherwood, N 63° 42' 34" E 102.90' to a point;
2. Along lands now or formerly Burgoa, S 32° 57' 18" E 70.18' to a point;
3. Along lands now or formerly Hulse, S 65° 06' 00" W 99.54' to a point in the northeasterly line of Clancy Avenue Extension;

4. Along said line, N 36° 01' 00" W 68.27' to the point or place of beginning.

BEING and INTENDED to be the same premises described in that certain deed dated May 4, 1988 made by Bruce Wolfe to Gregory Sherwood and Dawn Sherwood, the grantors herein, and recorded in the Orange County Clerk's Office in Liber 2957 at page 97.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

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

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

IN PRESENCE OF:

Gregory Sherwood
GREGORY SHERWOOD.

Dawn Sherwood
DAWN SHERWOOD

STATE OF NEW YORK, COUNTY OF ORANGE

On the 8th day of October, 1998 before me personally came Gregory Sherwood and Dawn Sherwood, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

David Bernz
Notary Public

DAVID BERNZ
NOTARY PUBLIC, State of New York
No. 0285026441
Qualified in Dutchess County
Commission Expires 3/28/98

RETURN BY MAIL TO:

Gene Grobstein, Esq.
10 Little Britain Road
Newburgh, New York 12550

**PREVIOUS
DOCUMENTS
IN POOR
ORIGINAL
CONDITION**



Town of New Windsor

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

Assessors Office

November 25, 1998

Allen Dantas
958 Little Britain Rd.
New Windsor, NY 12553

Re: 13-1-6

Dear Sir:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge of this service is \$55.00, minus your deposit of \$25.00.

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

Sincerely,

LESLIE COOK
Sole Assessor

/jdh
Attachments



9-1-45.1

Group Nine LP
C/o: KLM Industries, Inc.
1585 Monroe Tpke.
Stevenson, CT 06491

9-1-55

The Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

9-1-58

H.C. Davis Boilerworks Inc.
3 Susan Dr.
Newburgh, NY 12550

9-1-59

Brian M. Cullinane
217 Walsh Ave.
New Windsor, NY 12553

9-1-60

Arthur G. Glynn
68 Walsh Ave.
New Windsor, NY 12553

9-1-61

Omega Select Properties, Inc.
Att: Anthony DeRienzo
8 Algonquin Dr.
Newburgh, NY 12550

9-1-62

Ellen W. Thompson
227 Walsh Ave.
New Windsor, NY 12553

9-1-63

F.T. Realty Holding Corp.
C/o: Fred E. Thompson
135 Walsh Ave.
New Windsor, NY 12553

13-1-1

John Maskeyi
C/o Ann Maskey
210 Walsh Ave.
New Windsor, NY 12553

13-1-2

Jorge Burgoa
492 Liberty St.
Newburgh, NY 12550

13-1-3

Lawrence J. Padavano Jr.
C/o: Sophie Padavano
Box 321 Quaker St.
Wallkill, NY 12589

13-1-5

Walter J. Hulse
60 Clancy Ave.
New Windsor, NY 12553

13-1-7

Greg & Dawn Sherwood
115 Clancy Ave.
New Windsor, NY 12553

13-2-1.11

54 David L. Sunderlin
Clancy Ave.
New Windsor, NY 12553

13-2-1.21

Michael & Elena M. Colandrea
5 Sylvia St.
Newburgh, NY 12550

13-2-2

Carmen Monaco
292 Prospect Hill Rd.
Wallkill, NY 12589

13-2-3

Mary G. Faricellia
C/o Carmen Monaco
292 Prospect Hill Rd.
Wallkill, NY 12589

13-2-4

Wm. & Iris Bessette
128 Walsh Rd.
New Windsor, NY 12553

13-2-18

Faricellia Ltd.
650 Blooming Grove Tpke.
New Windsor, NY 12553

13-14-1

John L. & Janet Duda
45 Clancy Ave.
New Windsor, NY 12553

13-14-2

Richard S. Bucci
2 Myrtle Ave.
New Windsor, NY 12553

13-14-20

Dorothea & Richard Makarewicz
11 Cherry Ave.
New Windsor, NY 12553

13-14-22.1

Hector M. & Catherine F. Bonet
9 Cherry Ave.
New Windsor, NY 12553

13-15-1

Christopher Eachus & Kimberly Sanders
67 Clancy Ave.
New Windsor, NY 12553

13-15-10

Albina J. Bugiada Smith
4 Cherry Ave.
New Windsor, NY 12553

13-15-4

Lawrence H. & Roberta J. Brock
61 Clancy Ave.
New Windsor, NY 12553

13-15-5

Michael & Wilma Pettine Jr.
59 Clancy Ave.
New Windsor, NY 12553

13-15-3

Wilson & Conklins Modern Vending
14 Koran Ave.
New Windsor, NY 12553

13-15-7

Victor M. Domingues
55 Clancy Ave.
New Windsor, NY 12553

13-15-9

John Spignardo, Etal.
51 Clancy Ave.
New Windsor, NY 12553

13-15-11
Leonard & Evelyn Cavicchio
6 Cherry Ave.
New Windsor, NY 12553

13-15-12
Loretta Jones & Cheryl Garziona
8 Cherry Ave.
New Windsor, NY 12553

13-15-13
Donald & Lucille Dell
12 Cherry Ave.
New Windsor, NY 12553

13-15-14
Kevin & Lisa Cannon
14 Cherry Ave.
New Windsor, NY 12553

13-15-17
Janet M. Radulski
9 Koran Ave.
New Windsor, NY 12553

13-15-18
Willibaldo & Hortencia Cruz
11 Koran Ave.
New Windsor, NY 12553

Pls. publish by Dec. 30, 1998. Send bill to: Allen Dantas
958 Little Brit. Rd.
N.W.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York, will hold a Public Hearing
pursuant to Section 48-34A of the Zoning Local Law on the
following Proposition:

Appeal No. 98-54

Request of ALLEN DANTAS

for a VARIANCE of the Zoning Local Law to permit:

LESS THAN THE REQUIRED SIDE YARD AND REAR YARD
SETBACK FOR SINGLE FAMILY RESIDENCE AND GARAGE

being a VARIANCE of Section 48-26 E5,7 AND

SECTION 48-14 A1B

for property situated as follows:

64 CLANCY AVENUE

known as tax lot Section 13 Block 1 Lot 4.

SAID HEARING will take place on the 11th day of JANUARY,
1999, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT
Chairman

By: Patricia G. Barnhart, Secy.

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

In the Matter of the Application for Variance of

Allen Dantas

Applicant.

98-54.

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 Dec. 17, 1998, I compared the 36 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
17th day of Dec., 1998.

Mary Ann Hotaling
Notary Public

MARY ANN HOTALING
Notary Public, State of New York
No. 01HO5062877
Qualified in Orange County
Commission Expires July 8, 2000

Date 12/2/95, 19.....

TOWN OF NEW WINDSOR

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

Frances Roth
168 N. Drury Lane

TO Newburgh, N.Y. 12550 DR.

DATE		CLAIMED	ALLOWED
11/23/95	Zoning Board Mtg	75 00	
	Minutes		
	Misc - 2		
	Itshovitch - 6		
	Bila - 7		
	Antoniao Dantas - 7 31.50.		
	Vanderessen - 3		
	Cerevas - 5	135 00	
	/30		
		210 00	

DANTAS, ALLEN

Mr. William Hildreth appeared before the board for this proposal.

MR. NUGENT: Request for 8 inch side yard and 9 in. rear yard variances for existing single-family residence located at 64 Clancy Avenue in an R-4 zone.

MR. HILDRETH: My name is Bill Hildreth, I'm a land surveyor with Grevas and Hildreth. I prepared the plan that I hope you guys passed out. I didn't bring extras and I'm representing Alan Dantas who is the owner of this property.

MR. KRIEGER: Off the record.

(Discussion was held off the record)

MR. HILDRETH: The map was misread when the form was filled out, I never put anything down on the map in inches, it's in feet and tenths and it was written down in inches, I'm here to correct that.

MR. NUGENT: They laid the house out incorrectly.

MR. HILDRETH: No, no, no, the inches that were written down are incorrect because it's in tenths. I'll explain. This piece of property is located in an R-4 zone and Clancy Avenue, purchased by Mr. Dantas in 1998, it was vacant except for the garage that shows up in the northwest corner. That garage was on the property when he bought it, the lot is substandard in terms of square footage and lot width and as a result, the building that he put on there would not fit on the lot within the current side yard restrictions and although the rear yard to the house is met, he put an eight foot deck on the back which punched him out into the rear yard a little bit, an eight foot deck is just all that will, I mean he couldn't put a smaller deck and have it serviceable, it's a walk outdoor. So he needs a variance for side yard and rear yard and in going through the zoning regulations, I also realized that the development coverage isn't met, but it's a

function of the fact that the lot's less than half the square footage that the permitted lot would be, so I have included in my paperwork and on the map the development coverage for the board to consider. It's a newly constructed house, it's only 24 x 40, the current side yard offset is 11.4 feet, I believe the variance or the denial was filled out based on a side yard of 12 feet, Mike, the zone actually requires 15.

MR. BABCOCK: That's one of the crazy things, in the substandard lot, if the lots are 50 and less than 80, it's only a 12 yard setback, 12 foot setback.

MR. HILDRETH: That I wasn't aware of.

MR. NUGENT: That's where we get the eight inches?

MR. HILDRETH: It should actually be .8 feet, now the difference between eight inches and .8 feet is very small.

MR. BABCOCK: Are we more or less?

MR. HILDRETH: You're less, .8 feet is more than eight inches, is the total still 30 though cause in that zone, it's 1530.

MR. BABCOCK: Yes.

MR. HILDRETH: They still need a variance for total side yard of three feet as well, I can correct the bulk tables to go from 11.4 to 12 which actually reduces the amount of the variance, the percentage of the variance that is required for the side yard. Rear yard would actually be 1.7 feet, their was a little math mistake there, even if you look at inches cause the rear yard should be 40 feet.

MR. BABCOCK: Right, we're saying it's 38 foot three inches.

MR. TORLEY: So those are the three variances that are involved, side yard which would be one side and total rear yard and development coverage.

MR. NUGENT: Hold it, I only got two.

MR. HILDRETH: I know, I just explained that the development coverage, although it was not written up.

MR. NUGENT: You want to throw that in, too?

MR. HILDRETH: Yes, I do.

MR. BABCOCK: What we'll do, Mr. Chairman, is that I understand what Bill is saying now when they calculated, they calculated instead of inches, well they did calculate in inches instead of point inches, so we're going to have to redo the whole thing, every one of them and give you correct numbers and the developmental coverage will be added and the required total side yard will be added to it. I'm going to have to get together with Bill and get those numbers from him and I'll give it to Pat tomorrow, if that's acceptable to the board.

MR. NUGENT: Not a problem.

MR. HILDRETH: Lot area and lot width are pre-existing substandard, so they don't enter into it, all right, front yard setback again, Mike, correct me if I am wrong, but in that zone for substandard lots as long as the house isn't any farther in front or toward the street than other homes, it's okay.

MR. BABCOCK: Yeah.

MR. HILDRETH: This house is 27.8 feet back from the street, the two directly across the street are 25 and 23 and one right next door is at 10.5, so it's farther back than those three. I have also submitted pictures although you can't tell measurements from pictures you can see how houses line up and where this sets, it's farther back than anything else so front yard should not enter into it.

MR. BABCOCK: No.

MR. HILDRETH: That takes care of the variances, Mr. Dantas is out of town, I've had him sign and had his

signature notarized on forms, I have already submitted them and if the board wants to set it up for a December 7 public hearing, the only thing I need is my list of names to notify, it has been requested and the deposit has been made. So just a function of do we get that in time to make the ten days, depending if we get that done, I'd just as soon set it up for a public hearing, if we don't, we're in January.

MR. BABCOCK: Mr. Chairman, I just have a copy of the regulations for this particular lot in there and it says may be developed with each side with 12 foot so you don't need a total side yard.

MR. HILDRETH: We need one side yard.

MR. BABCOCK: Right and on the substandard lot, apparently, the town board took in consideration this developmental coverage and there's no requirement for such.

MR. HILDRETH: We can leave that out.

MR. BABCOCK: On a 5,000 square foot lot, you'd need developmental coverage on every lot variance.

MS. BARNHART: Don't you have to address the frame garage?

MR. BABCOCK: Yes.

MR. HILDRETH: Pre-existing, he bought it that way.

MS. BARNHART: Because it's too close.

MR. BABCOCK: I think we can do that is what I'm saying, no, that's pre-existing, that's been there forever.

MR. NUGENT: Only thing you're really short on is the eight inches on one side.

MR. BABCOCK: Well, it's different than eight inches because we, he read the survey, it's 38.3, we thought it was 38 foot three inches.

MR. HILDRETH: We need 1.7 feet of variance for the rear yard.

MR. NUGENT: That's it.

MR. HILDRETH: Correct, 1.7 feet, we need .6 feet on one side, our total side now if I understand Mike correctly is okay, we only need a total of 24, we have a total of 27.

MR. BABCOCK: So you don't need total.

MR. HILDRETH: We need one side yard of .6 feet.

MR. TORLEY: And the rear yard.

MR. HILDRETH: And the rear yard.

MR. TORLEY: You say the garage has been there before zoning?

MR. BABCOCK: Yes.

MR. HILDRETH: I don't know about before zoning, Mike could say so for sure.

MR. TORLEY: If you've got to come in for this, we charge you the same amount for the extra, more than one.

MR. HILDRETH: I've got to come, it doesn't matter to me.

MR. TORLEY: In that case, I see no down side in including the garage.

MR. HILDRETH: So I'll include accessory building.

MR. TORLEY: In case the garage burns down, there's no question about putting the same one up.

MR. KRIEGER: There's a down side, what happens if he doesn't get it, he's given up his pre-existing non-conforming use.

MR. TORLEY: We can't take it away from something that he already has, is that right, we can't take it away, all we can do is--

MS. BARNHART: Nobody can prove that it's been there before zoning. Right now, it's a question mark.

MR. TORLEY: I would suggest given the status of this entire structure, the property rather, that you go ahead and include the garage accessory building.

MR. HILDRETH: I'd be happy to at no risk to the applicant. If there's a risk in doing so, I would just as soon discuss it with him.

MR. TORLEY: If you fail the variances, the applicant would have to remove the building anyway.

MR. HILDRETH: We're talking about the new house.

MR. TORLEY: If you fail those variances, you have to tear out half the wall, so I don't think you'll have any problem.

MR. HILDRETH: I didn't either.

MR. KRIEGER: Then my suggestion is if you want to set him up for a public hearing, set him up for it all and he can proceed, give him an opportunity before the public hearing to talk to his client and he can proceed on that portions which he wants to.

MR. BABCOCK: I think also the real determination on that is we'll check with the assessor's office, see what year she says it was built and apparently, I would assume they did that when they wrote this denial, I assume that, I don't have that information.

MR. TORLEY: 40 years old?

MR. HILDRETH: Somewhere in the neighborhood, clapboard siding.

MR. TORLEY: I would then move that we set up Mr.

November 23, 1998

21

Dantas for his requested variances for both side yard, rear yard and accessory building setback requirements.

MR. REIS: Second it.

ROLL CALL

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

N/F
MASKEY
L.2123 P.1097
SEC 13 BLOCK 1 LOT 1

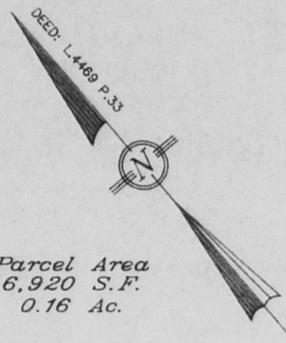
N/F
BURGOA
L.3628 P.298
SEC 13 BLOCK 1 LOT 2

N/F
PADAVANO
L.3512 P.239
SEC 13 BLOCK 1 LOT 3

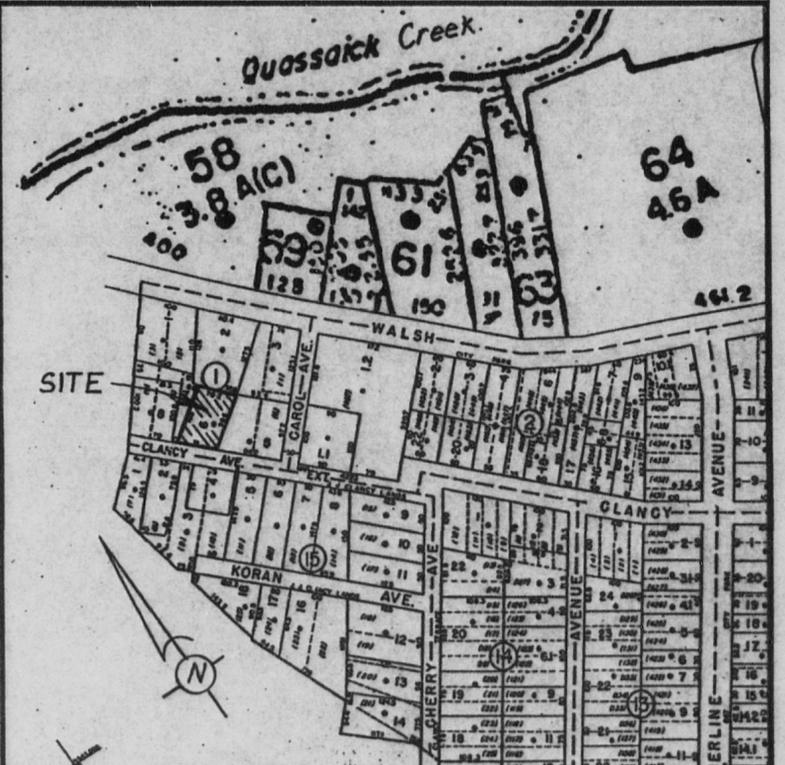
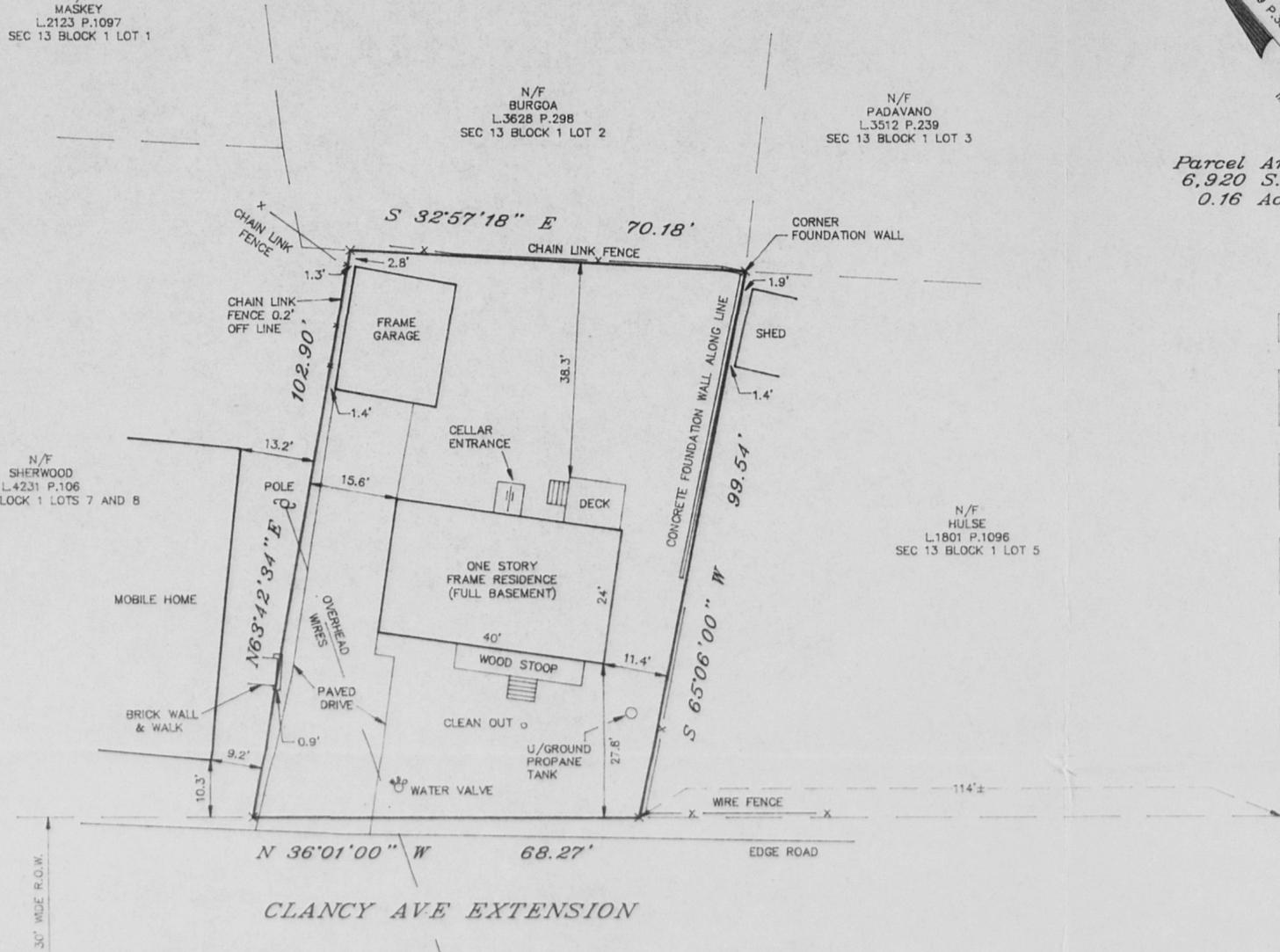
N/F
SHERWOOD
L.4231 P.106
SEC 13 BLOCK 1 LOTS 7 AND 8

N/F
HULSE
L.1801 P.1096
SEC 13 BLOCK 1 LOT 5

Parcel Area
6,920 S.F.
0.16 Ac.



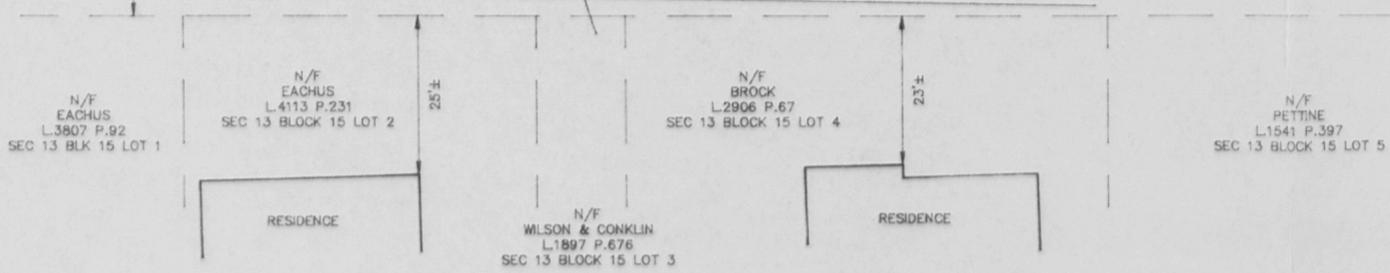
CAROL AVENUE



LOCATION PLAN SCALE: 1" = 200'

NOTES

1. BEING LANDS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAPS AS SECTION 13 BLOCK 1 LOT 6. DEED OF RECORD: LIBER 4469 PAGE 33
2. PROPERTY OWNER: ALLEN AND KITTY DANTAS
958 LITTLE BRITAIN ROAD
NEW WINDSOR, N.Y. 12553
3. PROPERTY ZONE: R-4 COLUMN A 10
4. BOUNDARY AND EXISTING INFORMATION SHOWN HEREON RESULTED FROM SURVEYS PERFORMED UNDER THE SUPERVISION OF THE UNDERSIGNED, THE LATEST OF WHICH WAS COMPLETED ON 19 NOVEMBER 1998.
5. OFFSETS SHOWN ARE AT RIGHT ANGLES TO THE PROPERTY LINES, UNLESS OTHERWISE NOTED.
6. UNAUTHORIZED ALTERATION OR ADDITION TO A PLAN BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.
7. ONLY COPIES FROM THE ORIGINAL OF THIS PLAN, MARKED WITH AN ORIGINAL LAND SURVEYOR'S INKED SEAL, SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

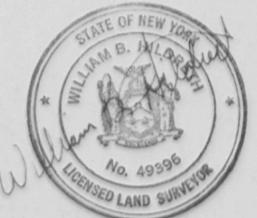


R-4 ZONE BULK REQUIREMENTS FOR NON-CONFORMING LOTS

	REQUIRED	PROVIDED
LOT AREA	15,000 S.F.	6,920 S.F. *
LOT WIDTH	100'	68' *
FRONT YARD SETBACK	35'	27.8' **
SIDE YARD SETBACK	12' / 2'	11.4' / 27.0' ***
REAR YARD SETBACK	40'	38.3' ***
STREET FRONTAGE	60'	68.27'
BUILDING HEIGHT	35'	1 STORY
LIVEABLE FLR. AREA	1000 S.F.	1400 S.F. ±
DEV. COVERAGE		N/A
ACCESSORY BUILDING (GARAGE) *		
SIDE YARD SETBACK	10'	1.3' ***
REAR YARD SETBACK	10'	2.8' ***

* PRE-EXISTING CONDITION
** PERMITTED PER SEC 48-14C.(3)
*** VARIANCE REQUIRED

ZONING BOARD APPROVAL



Grevas & Hildreth P.C. LAND SURVEYORS
407 SOUTH PLANK ROAD UNIT 3, NEWBURGH, N.Y. 12550
TEL: (914) 566-6650

PLAN FOR: **ALLEN DANTAS & KITTY DANTAS**

TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK

REVISIONS: ACAD-DANTZBA

DATE	DESCRIPTION	TOWN OF NEW WINDSOR
11/30/98	REV. PER ZBA PRELIM. MTG.	Drawn: WBH
		Checked:
		Scale: 1"=20'
		Date: 20 Nov. 1998
		Job No: 98-023

SITE PLAN