

ZB# 99-9

Gerald Fioriti

52-1-73

#99-9 - Fioriti, Gerald A. & Norman B.

52-1-73

Area-

Prelim.

April 12, 1999.

Deed et.

Survey et.

Notice to Quit 5/2/99

Public Hearing:

May 24, 1999.

Granted

~~Varied~~

Refund

\$198.50

Wilson Jones - Computers - 818-408-2888 - 818-408-2889

DATE May 12, 1989 RECEIPT 039270

RECEIVED FROM Gerald Fronte

Address _____

Gift 50/10 DOLLARS \$ 50.00

FOR ZBA # 99-9

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	<u>4483</u>
AMOUNT PAID		CHECK	<u>50.00</u>
BALANCE DUE		MONEY ORDER	

Town Clerk

BY Dorothy N. Hansen
sh

© Wilson Jones, 1989

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Fioriti

FILE# 99-9

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00

*Paid 5/12/99
CK# 4482*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*Paid "
4483*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE ^{4/12/99-4} \$ 18.00
2ND PRELIMINARY- PER PAGE ^{5/24/99-3} \$ 13.50
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM MEETING: ^{4/12/99} \$ 35.00
2ND PRELIM. ^{5/24/99} \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 101.50

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT . \$ 198.50

Refund.

GERALD A. FIORITI
NOREEN B. FIORITI
 11 OAK HILL DR.
 ROCK TAVERN, NY 12575

50-247/219
 7372650

4483

DATE 5/12/99

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

Fifty and 00/100 DOLLARS

ZBA #99-9 orange county TRUST
 Middletown, NY 10940 Company Montgomery, NY 12549

MEMO variance application fee Green B7 out

@0219024751 7372650 4483

GERALD A. FIORITI
NOREEN B. FIORITI
 11 OAK HILL DR.
 ROCK TAVERN, NY 12575

50-247/219
 7372650

4482

DATE 5/12/99

PAY TO THE ORDER OF Town of New Windsor \$ 300.00

Three hundred and 00/100 DOLLARS

ZBA #99-9 orange county TRUST
 Middletown, NY 10940 Company Montgomery, NY 12549

MEMO escrow for variance Green B7 out

@0219024751 7372650 4482

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

Prelim.
April 12, 1999

#99-9

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: 4/1/99

APPLICANT: Gerald A. Norcia, B. Fioriti
11 Oak Hill Drive
Rock Tavern, New York 12575

496-1264

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 3/31/99

FOR : Detached two car garage

LOCATED AT: 11 Oak Hill Drive

ZONE: R-1

DESCRIPTION OF EXISTING SITE: 52-1-73

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-14 A (4) no accessory building shall project nearer to the street on which the principal building fronts than such principal building.

Louis J. Kuehn
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE: 2 Car Detached Garage

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD: Not permitted

Front yard

Accessory building in front yard

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 withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises GERALD A. & NOREEN B. Fioriti

Address 11 Oak Hill Dr Phone 914 496 1264

Mailing Address ROCK TAVERN NY 12575

Name of Architect _____

Address _____ Phone _____

Name of Contractor GERALD A. Fioriti / Bob Riffard, Bull Rd, Washingtonville / Tony Gizzi
46 Red Barn Rd
Pine Bush

Address 11 Oak Hill Dr ROCK TAVERN NY Phone 12575

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

FOR OFFICE USE ONLY

Building Permit # _____

1. On what street is property located? On the E side of Oak Hill Dr
and 2100 feet from the intersection of Oak Hill + Bull Rd
(N,S,E or W)

2. Zone or use district in which premises are situated R1 Is property a flood zone?
Y _____ N X

3. Tax Map Description: Section 52 Block 1 Lot 73

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Single Family Home b. Intended use and occupancy
2 car garage

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 24 Rear 24 Depth 24 Height 12 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 2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

Estimated cost 10,000 Fee _____

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.

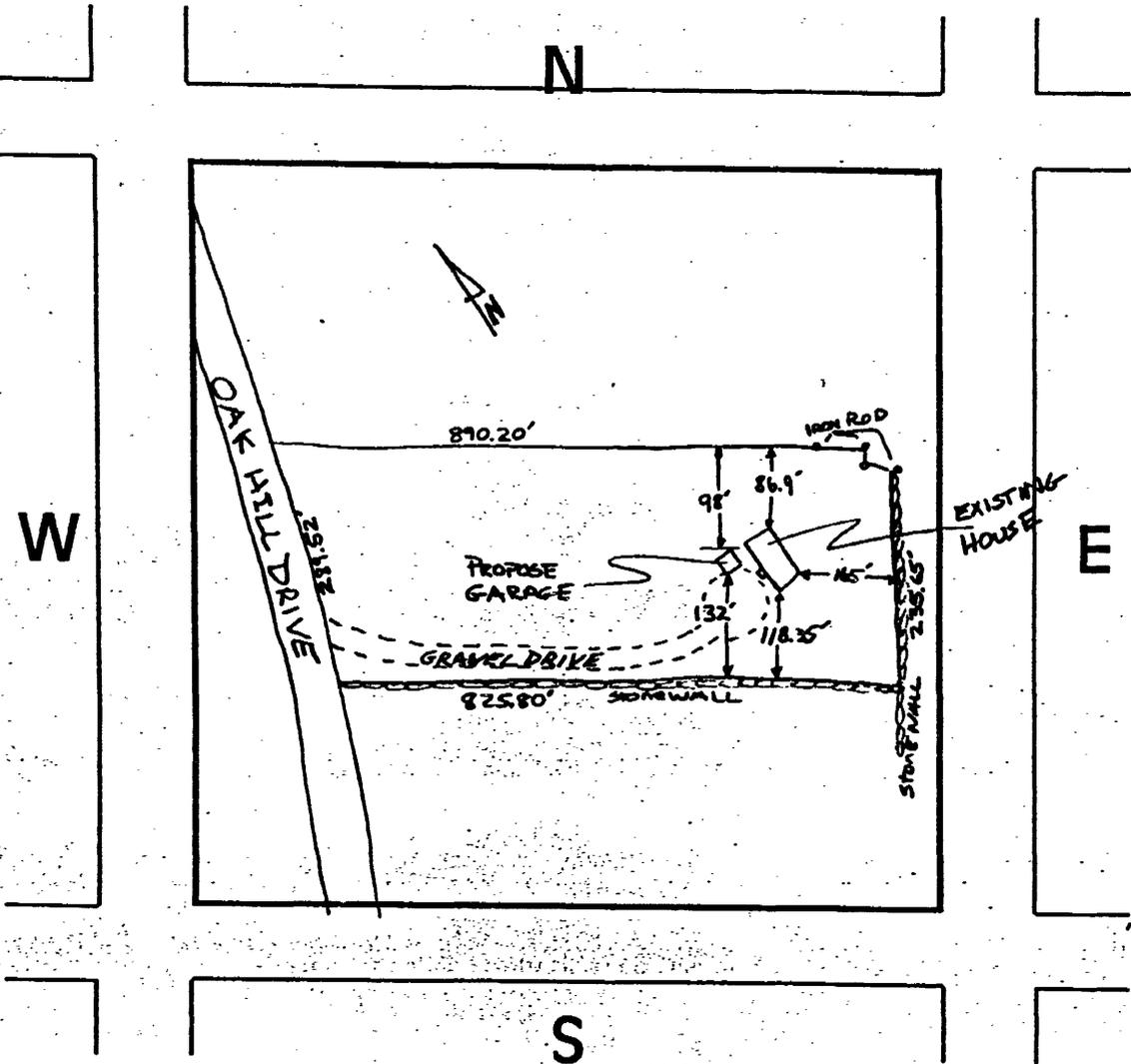
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein 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.

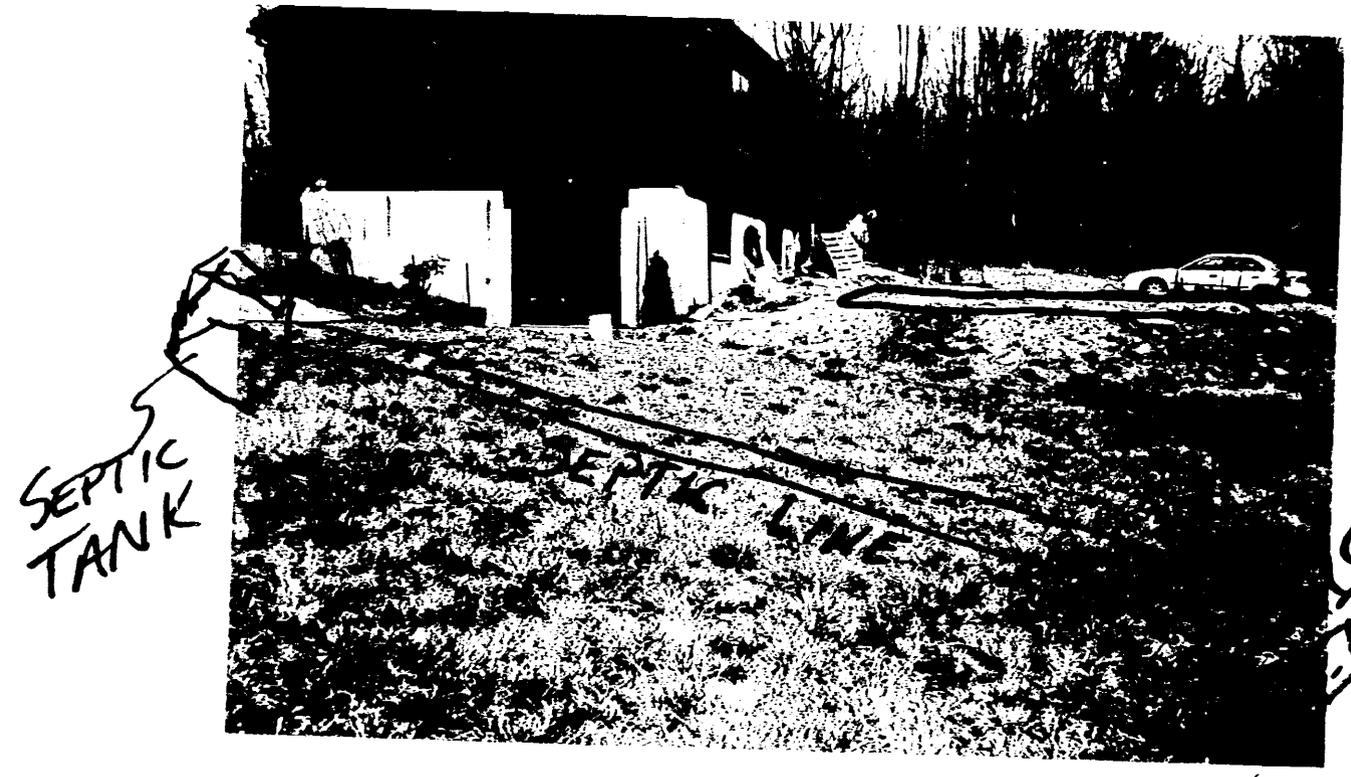

(Signature of Applicant)

11 Oak Hill Dr Rock Tavern NY
(Address of Applicant) 12575

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.





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

GERALD A. FIORITI

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#99-9.
-----X

WHEREAS, GERALD A. FIORITI, residing at 11 Oak Hill Drive, Rock Tavern, N. Y. 12575, has made application before the Zoning Board of Appeals for a variation of Section 48-14A(4) of the Supplemental Yard Regulations to permit construction of a two-car garage nearer to the street than the principal structure at the above location in an R-1 zone; and

WHEREAS, a public hearing was held on the 24th day of May, 1999 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 one spectator appearing at the public hearing; and

WHEREAS, one 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 residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The Applicant seeks a variance in order to construct a two-car garage between his residence and the primary roadway.

(c) The proposed garage, if allowed, will project closer to the road than is the main house.

(d) The property is a large, heavily-wooded property from which the house is not visible to motorists traveling on the adjacent roadway.

(e) The main house is located approximately 650 ft. from the roadway and cannot be seen from the roadway.

(f) The Applicant seeks to locate the garage in the most convenient place to the owners of the home. There is a driveway which enters into the premises from the road, forms a loop, and exits to the roadway in the same manner. The Applicant wishes to construct the garage on that driveway so that it will not have to be changed or reconstructed.

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

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

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

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

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 variation of Section 48-14A(4) of the Supplemental Yard Regulations to permit construction of a two-car garage nearer to the street than the principal structure at 11 Oak Hill

Drive 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: July 12, 1999.



Chairman

52-1-33.2
Thomas & Stephanie Colesanti
11 Cessna Drive
Washingtonville, NY 10992

52-1-33.3
David L. & Susan Gardineer
12 Cessna Drive
Washingtonville, N. Y. 10992

52-1-33.42
David & Kathryn Larkin
10 Cessna Drive
Washingtonville, N. Y. 10992

52-1-63
Timothy V. & Annette Quinn
6 Deer Hill Road
Rock Tavern, N. Y. 12575

52-1-65.1
Pallmore I. & Dorith A. Robinson
183 Moode Lane
Washingtonville, N. Y. 10992

52-1-65.2
Steven & Angela Hoffman
4 Deer Hill Road
Rock Tavern, N. Y. 12575

52-1-65.3
Enrique J. Calderin
Noreen R. Fee
7 Oak Hill Drive
Rock Tavern, N. Y. 12575

52-1-67.2
Lysandros & Peggy A. Mitsotakis
8 Oak Hill Drive
Rock Tavern, N. Y. 12575

52-1-67.3
Susan Voglio
10 Oak Hill Drive
New Windsor, N. Y. 12553

52-1-67.11
Karl Kuenneke
6 Oak Hill Drive
Rock Tavern, N. Y. 12575

52-1-68
Bernard N. & Rosemarie T. Kahn
14 Oak Hill Drive
Rock Tavern, N. Y. 12575

52-1-69
Gilbert Lester, Jr.
18 Oak Hill Drive
Rock Tavern, N. Y. 12575

52-1-70
Myle Donker III
69 Grand Street
Newburgh, N. Y. 12550

52-1-71
Mark S. & Kathleen B. Ridgeway
15 Oak Hill Drive
Rock Tavern, N. Y. 12575

52-1-72
Andrea L. & Heather H. Speirs
13 Oak Hill Drive
Rock Tavern, N. Y. 12575

52-1-74
Robert & Diane Durant
9 Oak Hill Drive
Rock Tavern, N. Y. 12575

56-1-19.15
Highview Estates of Orange County Inc.
P. O. Box 457
Washingtonville, NY 10992

56-1-19.21
Kevin & Valerie McPartland
255 Toleman Road
Washingtonville, NY 10992

56-1-46
Vincent & Jean Minuta
259 Toleman Road
Washingtonville, N. Y. 10992

PUBLIC HEARING:

FIORITI, GERALD

MR. NUGENT: Request for variation of Section 48-14A(4) of the Supplemental Yard Regulations to permit construction of a two-car garage nearer to the street than the principle structure at 11 Oak Hill Drive in an R-1 zone. Is there anyone here in regards to that? Let the record show that there's nobody in the audience.

Mr. Gerald Fioriti appeared before the board for this proposal.

MS. BARNHART: And Mr. Fioriti and I actually I sent out 19 notices addressed to property owners within 500 feet and we didn't get any responses.

MS. SPEIRS: I'm his neighbor.

MR. NUGENT: Would you like to speak on this?

MS. SPEIRS: Whatever Gerry has to do is fine with me, I have no problems with it.

MR. FIORITI: She's my closest neighbor.

MS. SPEIRS: It's not going to bother me.

MR. REIS: Could you state your name for the record?

MS. SPEIRS: Speirs, S-P-E-I-R-S, Andrea Lee and Heather H.

MR. KRIEGER: So the record should be amended to indicate there's one person in the audience who spoke in favor of the application.

MS. BARNHART: What's your address?

MS. SPEIRS: 13 Oak Hill Drive, Rock Tavern.

MS. BARNHART: Thank you.

MR. NUGENT: Okay, tell us what you're going to do for the record.

MR. FIORITI: I intend on putting a garage up between my house and the primary road, but I'm 650 some odd feet off the primary road on five acres of property. Miss Speirs is the only one who can see that area, so there's no detriment to any of my neighbors, the environment, there's no detriment to water runoff, I've got proper drainage in the area, I'm going to put a footing drain around the perimeter of the garage. I need to put it between my house and the garage because I've got a well on one side, a well line running on one side of the house and a septic tank and septic field on the other side so I'm kind of boxed into this area where the driveway is and have I hit all the criteria?

MR. KRIEGER: If you're going to put it in the rear of the house, you have to go over the well, driver would have to go over the well or septic?

MR. FIORITI: Correct, and it's an upward sloping rear and I've got a swale back there to take the drainage around the outside of the yard, it would start to cause problems with drainage by putting it back there.

MR. KRIEGER: Large heavily wooded property, it's not visible.

MR. KRIEGER: What's between your house and the road?

MR. FIORITI: Woods.

MR. KRIEGER: Would a motorist traveling on the road, can they see your house?

MR. FIORITI: No, my driveway comes on an angle down straight and an angle up, there's no line of sight.

MR. KRIEGER: Only thing they'd see is a driveway entrance, they miss it, they've missed the whole thing?

MR. FIORITI: Right, then they pull into Speirs and ask where we live.

MR. REIS: Your access to the garage is going to be the same coming off of your driveway this way?

MR. FIORITI: Yes, this comes up, loops around and that will be the door right there.

MR. TORLEY: Strikes me perhaps you might want to consider recommending to the Town Board changing the regulations when you're 600 feet from the road.

MR. FIORITI: You took the words right out of my mouth.

MR. BABCOCK: I don't think the rule was meant for a five acre lot like this, but rules are rules. That's what these gentlemen are here for.

MR. REIS: Accept a motion?

MR. NUGENT: Yes. You've got enough?

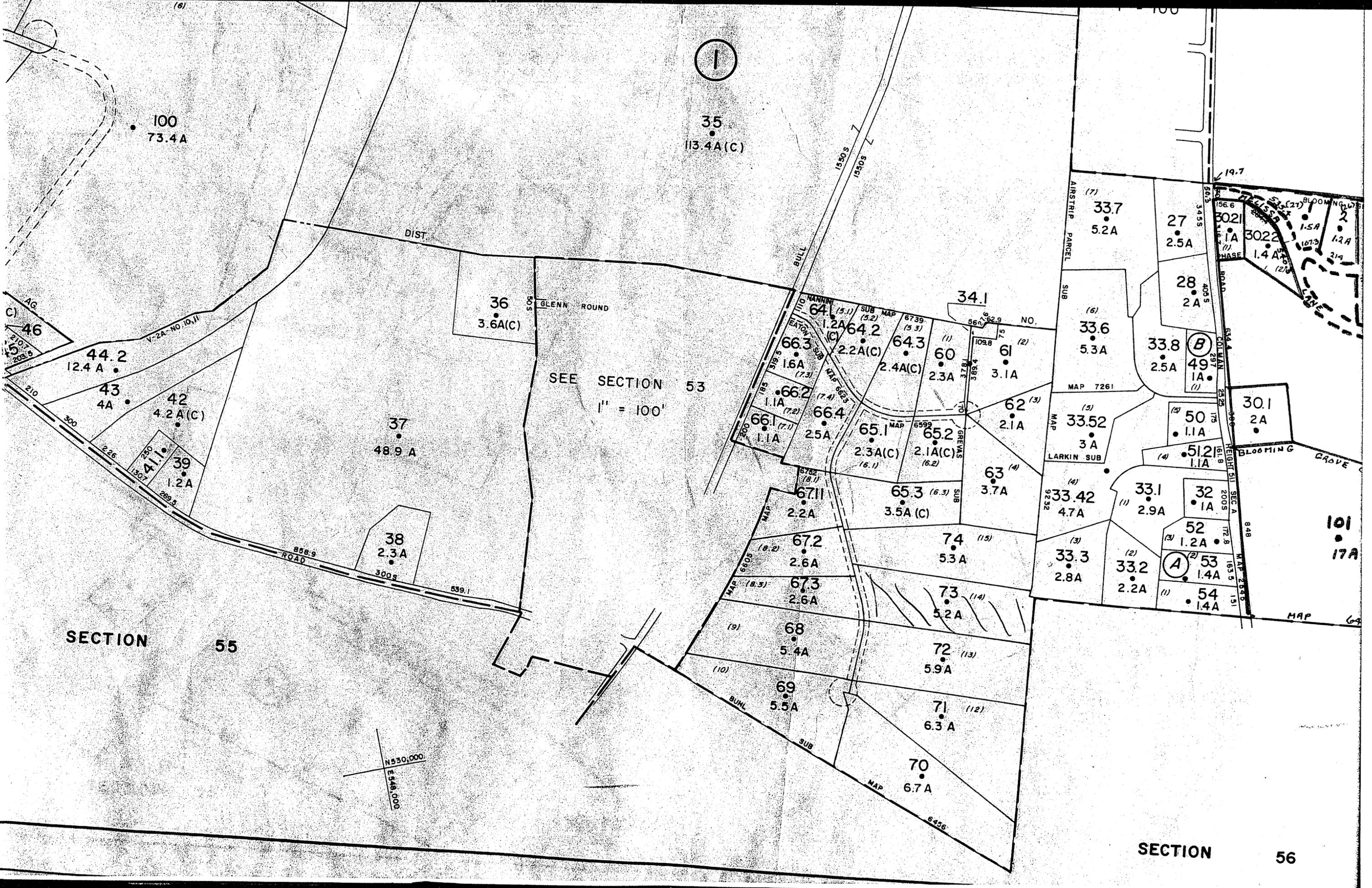
MR. KRIEGER: Yes.

MR. REIS: Move we approve the application of Mr. Fioriti for his requested variances.

MR. TORLEY: Second it.

ROLL CALL

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



SEE SECTION 53
1" = 100'

N 530,000
E 548,000

SECTION 55

SECTION 56

100
73.4A

35
113.4A(C)

36
3.6A(C)

37
48.9 A

38
2.3A

39
1.2A

46
12.4 A

43
4A

42
4.2A(C)

41
1.2A

64
1.2A(C)

64.2
2.2A(C)

64.3
2.4A(C)

60
2.3A

66.2
1.1A

66.4
2.5A

65.1
2.3A(C)

65.2
2.1A(C)

65.3
3.5A(C)

67.1
2.2A

67.2
2.6A

67.3
2.6A

68
5.4A

69
5.5A

34.1
3.1A

61
3.1A

62
2.1A

63
3.7A

74
5.3A

73
5.2A

72
5.9A

71
6.3A

70
6.7A

33.7
5.2A

27
2.5A

28
2A

33.6
5.3A

33.8
2.5A

49
1A

33.52
3A

50
1.1A

33.42
4.7A

33.1
2.9A

32
1A

33.3
2.8A

33.2
2.2A

52
1.2A

53
1.4A

54
1.4A

30.1
2A

101
17A

AG
207
203.5

V-2A-NO. 10, 11

210
300

2.26
230
1307
269.5

858.9
ROAD

300.8
539.1

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GLENN ROUND

BUHL

AIRSTRIPE PARCEL

NO. 7261

LARKIN SUB

9232

848

MAP 2545

MAP 69

156.6
1.5A
1.2A
1.4A
214
1.2A

3021
3022
1.4A

301
2A

32
1A

52
1.2A

53
1.4A

54
1.4A

MAP 69

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

In the Matter of the Application for Variance of

Norman B. & Gerald Liodi,
Applicant.

99-9.

**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 May 12, 1999, I compared the 19 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
12th day of May, 1999.

Deborah Green
Notary Public

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

Pls. publish immediately. Send bill to Ap. at 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. 9

Request of Gerald A. & Noreen B. Fioriti

for a VARIANCE of the Zoning Local Law to Permit:

Construction of detached two-car garage which will project nearer to street than principal building;

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

for property situated as follows:

11 Oak Hill Drive, Rock Tavern, NY 12575

known and designated as tax map Section 52, Blk. 1, Lot 23.

SAID HEARING will take place on the 24th day of May, 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

By: Patricia A. Barnhart, Secy.

LIBER 2286 PG 850

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

THIS INDENTURE, made the 27 day of April, nineteen hundred and eight
BETWEEN TED BUHL, residing at 1 Cornwall Avenue, Cornwall o
Hudson, Town of Cornwall, County of orange, State o
New York,

33 410

party of the first part, and

NOREEN FIORITI and GERALD FIORITI, residing at 41 L
Dale Acres, Washingtonville, New York,

party of the second part,

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

-----TEN-----

lawful money of the United States, and other good and valuable consideration
by the party of the second part, does hereby grant and release unto the party of the second part, the
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
lying and being in the

DEED

52-1-34

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York and designated as Lot # 14 on a subdivision map entitled " Ted Buhl - Bull Road" dated December 13, 1983, prepared by McGoey, Hauser & Grevas and filed in the Orange County Clerk's Office on January 11, 1984 as Map No. 6456.

TOGETHER with and SUBJECT to a Right-of-Way as shown on the afcresaid plat for ingress and egress and all ordinary purposes.

ALSO SUBJECT to a utility easement of record to Central Hudson Gas & Electric Corp.

This conveyance is subject to a Private Road Maintenance Declaration heretofore recorded in the Orange County Clerk's Office on January 23, 1984 in Liber 2274 at Page 344 the obligations of which shall run with the land and are hereby assumed by the Grantee herein as a condition of ownership of this lot.

2/
v/
This conveyance is made upon the express condition and restriction that no mobile home or trailer may be used or placed on the premises to be used for residential purposes.

TOGETHER with all my right, title and interest, if any, in and to a certain Lease made by Gino Nepola and Elizabeth Nepola as lessor and Gulf Oil Corp. as lessee dated April 6, 1981 and recorded August 27, 1981 in Liber 2202 at page 95, said Lease having been assigned by Gulf Oil Corp. to Atlantic Richfield Co. by Assignment dated July 1, 1982, to the extent that such Lease affects and burdens the herein described premises.

BEING a portion of premises conveyed by Gino Nepola to Ted Buhl by Deed dated January 19, 1984 and recorded in the Orange County Clerk's Office on January 23, 1984 in Liber 2274 at Page 341.

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:

X Norben Fioriti

NORBEN FIORITI

*X Gerald Fioriti by: Norben Fioriti
att'y in fact*

GERALD FIORITI

Ted Buhl

TED BUHL

LIBER 2286 PG 851

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

TED BUHL

TO

NOREEN FIORITI & GERALD FIORITI

SECTION

BLOCK

LOT

COUNTY OR TOWN TOWN OF NEW WINDS
COUNTY OF ORANGE

56-

RETURN BY MAIL TO:

Gerald Fioriti
41 Lincoln Day Acres
Washingtonville, N.Y.
Zip No.

Reserve this space for use of Recording Office.

RECEIVED
\$ 56.00
REAL ESTATE
JUN 19 1984
TRANSFER TAX
ORANGE
COUNTY
D.C.

LIBER 2286 PG 853

Orange County Clerk's Office, s.s.
Recorded on the 19th day
of June 1984 at 12:12
o'clock P.M. in Liber 2286
at page 853
and Examined.
Maura S. Murphy

(914) 294-6909
5085
6459
343-6678

Hardenburgh Abstract Company of Orange County, Inc.

12 SCOTCHTOWN AVENUE, GOSHEN, N.Y. 10924



REPRESENTATIVE FOR

american title insurance company

NWD-6

PRELIMINARY CERTIFICATE

NO. RD-33

Application of Gerald Fioriti and Noreen Fioriti owner's \$ 13,900.
(Name of attorney or firm applying for insurance) for lessee's \$ _____
policy insuring Gerald Fioriti and Noreen Fioriti mortgagee's \$ _____
(Name of party to be insured)

AMERICAN TITLE INSURANCE COMPANY certifies that the title to the premises described in Schedule A, subject to the encumbrances and defects noted in Schedule B, is insurable at this date on a valid conveyance, lease or mortgage by Ted Buhl

who acquired title by deed from Gino Nepola
dated 1/19/84 and recorded 1/23/84 in Liber 2274 at page _____

SCHEDULE A

All that certain tract of land lying and being in the County of Orange Town _____ of New Wind _____, State of New York, being more particularly described as follows:

See Attached

SCHEDULE B

1. Taxes, Water Rents, Assessments and other Municipal Charges

See Attached

Proof must be furnished that premises do not lie in an incorporated village or that all village taxes have been paid. Other will except "any and all village taxes, assessments and water rates and sales thereof."

2. Mortgages and Assignments thereof NONE

Mortgages:

Amount: \$

Dated:

Mortgages:

Amount:

Dated:

SCHEDULE B (continued)

3. Zoning Restrictions or Ordinances Imposed by any Governmental Body.
4. Restrictive Covenants, Easements, Agreements, and Consents, Including Set-Back Established Recorded Map. Terms and conditions on filed map. Private Road Maintenance Declaration in Liber 2274 Cp. 341. Grants in Liber 760 Cp. 220 and 2275 Cp. 373.
5. Survey - None. Subject to any state of facts which an accurate survey or personal inspection would disclose.
6. Judgments, Bankruptcies, Corporate Franchise Taxes and other State or Federal Liens. (set forth)
7. Other Encumbrances or Defects:

How Disposed of

- A. The Company does not insure that the buildings or other erections upon the premises herein, or with Federal, State and Municipal Laws, regulations and ordinances.
- B. No title to personal property will be insured nor has any search for chattel mortgages been made.
- C. No title is insured to any land lying in any street, road or avenue crossing or abutting the premises; but, unless hereinafter excepted, the rights of access to and egress from said premises is insured.
- D. Deeds and mortgages must contain the covenant required by the Lien Law as amended by laws of this State; but the covenant must be absolute and not conditional. The covenant is not required in deeds from referees or other parties appointed by a court for the sole purpose of selling property.
- E. The identity of parties at the closing of this title should be established to the satisfaction of the Company acting for this Company.
- F. When the transaction is an assignment of a mortgage or other lien, an estoppel certificate executed by the mortgagor and the fee and by the holders of all subsequent encumbrances must be obtained. When the transaction is a mortgage advanced should be reported to the Company.
- G. Rights of present tenants, lessees or parties in possession.
- H. Rights, if any, in favor of any electric light or telephone company to maintain guy wires extending from the premises to poles located on the roads on which said premises abut, but policy will insure, however, that there are no agreements of record in connection therewith, except as may be shown herein.
- I. Underground encroachments and easements, if any, including pipes and drains, and such rights of entry upon said premises to maintain, and repair the same, but policy will insure, however, that there are no agreements of record in connection therewith, except as may be shown herein.
- J. The exact acreage of the premises herein will not be insured.
- K. Riparian rights, if any, in favor of the premises herein are not insured.
- L. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow of water thereon, be excepted.
- M. No personal inspection of the premises has been made. Policy will except "Any state of facts which a personal inspection of the premises herein described would disclose."
- N. Loss or damage by reason of non-compliance with the Federal "Truth in Lending Act."
- O. Subject to Oil and Gas Lease in Liber 2202 Cp. 95, assigned in Liber 2239 Cp. 1124.
- P. Assignment of interest in Oil and Gas Lease to Teleson, Liber 2274 Cp. 350.

NOTE: New York State Real Property Transfer Report for the State Board of Equalization and Assessment each deed for recording.

The undersigned certifies to AMERICAN TITLE INSURANCE COMPANY that in his (its) opinion this Preliminary rectly reflects the status of the title to the property described in Schedule A, such opinion being based upon an examinatio
*prepared by _____

covering a period of at least sixty years (or from the date of certificate of prior insurance No. _____) of all public r
title to said real estate; that so far as is known to him (it) there is no dispute among attorneys of the local bar as to the valid
nor has any question been raised or adverse claim asserted with respect thereto; and that the title is not dependent upon
quent taxes or assessments.

This title is certified down to the 5th day of May, 1984, at _____ o'clock


JAMES V. RINALDI, SECRETARY

SCHEDULE "A"

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

BEING known as Lot No. 14 on a map entitled "Subdivision for Ted Buhl - Bull Road," Town of New Windsor, Orange County, New York, made by Elias D. Grevas dated 12/13/83 and filed in the Orange County Clerk's Office on 1/11/84 as Map No. 6456.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-9
Date: 5/12/99.

496-1264

I. ✓ Applicant Information:

- (a) GERALD A. & NOREEN B. FIORITI 11 Oak Hill Dr Rock Tavern NY 12575
(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) R1 11 Oak Hill Dr Rock Tavern 52-1-73 5.1 Acres
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R1
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1984
- (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: Yes, a temporary shed was put up in 1998 and will be taken down when the shed garage is finished

IV. Use Variance. NA

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

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

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

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

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

✓v.

Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-14A (4), ~~Table of~~ Supp. Yard Regs., ~~etc.~~

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>Garage in front yard</u>	<u>700 feet to Road</u>	<u>Allow Garage in front + 500 feet to the Road</u>
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:

Only one neighbor can see my proposed garage, and they are approx 400' away. It will not adversely effect anyone or anything in the neighborhood or district. The property slopes forward and I have a well on one side and a septic system on the other side of the house. I do not want to drive over either so I must place the garage between the house and the road. My driveway is 700' long and no one will even see it unless they are visiting.
(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: _____

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 4/14/99, 19.....

TOWN OF NEW WINDSOR

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

TO DR.

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

DATE		CLAIMED	ALLOWED
12/99	Zoning Board Mtg	75 00	
	MISC - 3		
	Maxwell - 4		
	Fioriti - 4 18.00.		
	Hecht - 2		
	Caccia - 2		
	NY Telephone / Petrone 6		
	21	94 50	
		<hr/>	
		169 50	

FIORITI, GERALD A.

Mr. Gerald Fioriti appeared before the board for this proposal.

MR. NUGENT: Request for construction for detached two-car garage in front yard of premises in variation of Section 48-14A(4) of Supplemental Yard Regulations for property located at 11 Oak Hill Drive in an R-1 zone.

MR. FIORITI: What I've got is 5.2 acre piece of property that's 848 feet deep where my house is situated is about 700 feet back and on one side, I've got a septic system, on the other side, I've got a well line, behind me is an upward slope and it's very wet, I've got a berm to divert water around the house. Now, I want to put a garage on so where can I put it I'm locked into somewhere in the front region of the house so unbeknownst to me, I filed an application to put my garage up in the one region and I got a denial because it can't be between the house and the primary road which is 700 feet away so I'm not sure what the basis for that is, if it's appearance or if it's something else, you can't even see my house from the road.

MR. NUGENT: That's made for smaller lots, really.

MR. TORLEY: Not many people are 700 feet from the road.

MR. FIORITI: If I can put it behind, I would.

MR. REIS: You've got to move your house.

MR. KANE: Basically, with the septic and because of the other line and the berm in the back yard, the only place that you can place it on your property right now is in that particular spot?

MR. FIORITI: It would be that or some other spot.

MR. KANE: But it would still require a front yard variance for it.

April 12, 1999

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MR. TORLEY: If it was just attached to the house, he wouldn't need a variance, would he?

MR. BABCOCK: No.

MR. TORLEY: If it was attached, you wouldn't have to bother, there's no way you can make it physically attach to the house.

MR. FIORITI: What's the legal requirement for attachment, if I put a 2 X 4 from the house to the garage, is that--

MR. REIS: You don't have enough side yard.

MR. FIORITI: I've got 240 feet sideways, but I've got septic on one side and well on the other.

MR. TORLEY: What does constitute making it attached?

MR. BABCOCK: Attached.

MR. TORLEY: Shares a common wall or breezeway?

MR. BABCOCK: You can use a breezeway.

MR. FIORITI: It doesn't lend itself to do that.

MR. KANE: It's probably cheaper to come for a variance than it is to build a breezeway.

MR. TORLEY: Except the variance you just chuck the money away, breezeway you've still got it.

MR. KANE: Will you be taking down any trees or whatever to put this in?

MR. FIORITI: No.

MR. KANE: Causing any type of drainage problems?

MR. FIORITI: No, no, a year ago, I had it all graded.

MR. KANE: And the berm in the back helped take care of it?

MR. FIORITI: Yes.

MR. KRIEGER: What's around you?

MR. FIORITI: Around my property?

MR. KRIEGER: Other houses?

MR. FIORITI: Yeah, it's residential, they are 5 and 6 acre lots, single family.

MR. KANE: Basically the neighbors can't see in into your property, it's covered with trees and that kind of stuff?

MR. FIORITI: Yeah, it's all treed.

MR. REIS: Off Bull Road?

MR. FIORITI: Yes.

MR. REIS: Accept a motion?

MR. NUGENT: I'll accept one.

MR. REIS: Make a motion we set up Mr. Fioriti for his requested variances.

MR. KANE: Second the motion.

ROLL CALL

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

MR. KRIEGER: Those are the criteria on which the State is required that the zoning board decide. So if you would address yourself to those criteria at the time of the public hearing, that would be helpful.

MR. FIORITI: How do I know when that is?

April 12, 1999

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MR. NUGENT: When you bring the paperwork back.

MR. TORLEY: Sir, you've got the right to do this, you're not compelled, if you want to change your mind and attach it, you can do that.

MR. FIORITI: Thank you.

TAX MAP DATA
 SECTION NO 52
 BLOCK NO 1
 LOT NO 73

NOTE:
 REFERENCE IS MADE TO A FILED SUBDIVISION MAP ENTITLED
 "TED BOHL - BULL ROAD SUBDIVISION PLAN" AND FILED IN THE
 ORANGE COUNTY CLERKS OFFICE AS MAP NO 6456

LANDS N/F
 ROBERT & DIANE DURANT
 LIBER 2280 - PAGE 447
 (LOT NO 15)

AREA = 5.012 ACRES
 (LOT NO 14)

LANDS N/F
 ANDREA L. SPIERS
 LIBER 2286 - PAGE 203
 (LOT NO 13)

AUGUST 25, 1992

TO: GERALDA FIORITI
 TO: NORREUR FIORITI
 TO: FLEET REAL ESTATE FUNDING CORP. ITS SUCCESSORS AND/OR ASSIGNS
 TO: AMERICAN TITLE INSURANCE COMPANY

I HEREBY CERTIFY THAT THIS IS AN ACTUAL SURVEY MADE IN THE FIELD AND THAT THERE
 ARE NO SURFACE ENCROACHMENTS OR VIOLATIONS OF THE DEED RESTRICTIONS
 AND THAT THE HOUSE... IS LOCATED WITHIN THE BOUNDS OF THE LOT

Robert D. Delaney
 ROBERT D. DELANEY, P.L.S.
 NEW YORK LICENSE # 35602

"Unauthorized alterations or addition to a survey
 map bearing a licensed land surveyor's seal is a
 violation of section 7209, sub-division 2, of the
 New York State Education Law."

"Only copies from the original of this survey
 marked with an original of the land surveyor's
 embossed seal shall be considered to be valid
 copies."

NOTE:
 REVISED 12-1-92 TO SHOW HOUSE AND WELL/SEPTIC

NOTE:
 THE PARCEL SHOWN HEREON IS SUBJECT TO ANY AND ALL EASEMENTS
 OR RIGHTS OF WAY OF RECORD

NOTE: OFFSETS TAKEN FROM FOOTINGS

ROBERT D. DELANEY
 PROFESSIONAL LAND SURVEYOR
 P.O. BOX 486
 MIDDLETOWN, N.Y.



SURVEY				REFERENCE
LANDS OF FIORITI				FILED NO
TOWN OF NEW WINDSOR				DATE
ORANGE COUNTY, N.Y.				MAP NO
DRAWN J.H.C.	CHECKED R.D.D.	SCALE 1" = 60'	DATE 6-27-92	

