

ZB# 01-50

John Baker

12-1-36

#01-50 - Baker, John

Area 12-1-36.

Prelim.

Sept. 24, 2001

Public Hearing:

Nov. 26, 2001.

Granted

Refund
\$203.00

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Baker, John

FILE# 01-50

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

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

* * *

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

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE	9/24/01 - 3	\$	<u>13.50</u>
2ND PRELIMINARY- PER PAGE	11/24/01... 3	\$	<u>13.50</u>
3RD PRELIMINARY- PER PAGE		\$	<u> </u>
PUBLIC HEARING - PER PAGE		\$	<u> </u>
PUBLIC HEARING (CONT'D) PER PAGE		\$	<u> </u>
TOTAL		\$	<u>27.00</u>

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING:	9/24/01	\$	<u>35.00</u>
2ND PRELIM.		\$	<u> </u>
3RD PRELIM.		\$	<u> </u>
PUBLIC HEARING.	11/24/01	\$	<u>35.00</u>
PUBLIC HEARING (CONT'D)		\$	<u> </u>
TOTAL		\$	<u>70.00</u>

MISC. CHARGES:

.....	\$	<u> </u>
TOTAL	\$	<u>97.00</u>

LESS ESCROW DEPOSIT	\$	<u>300.00</u>
(ADDL. CHARGES DUE)	\$	<u> </u>
REFUND DUE TO APPLICANT	\$	<u>203.00</u>

*Paid ck. # 23491 10/4/01.
Paid ck. 23492 10/4/01.*

-----X

In the Matter of the Application of

JOHN BAKER

#01-50.

MEMORANDUM OF
DECISION
GRANTING AREA
VARIANCE

-----X

WHEREAS, JOHN BAKER, 35 Hillside Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 7 ft. rear yard variance for a proposed enclosure of existing deck on the above parcel in an R-4 zone; and

WHEREAS, a public hearing was held on the 26th day of November, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared for this Application; and

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

WHEREAS, none of the spectators spoke in favor of or in opposition to this 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 property includes an existing open deck which the Applicant seek to enclose.

(c) The deck has been in existence for at least 20 years.

- (d) The deck is similar in size to other decks in the neighborhood.
- (e) The deck does not create any water hazards, divert the flow of water or cause ponding or collection of water or interfere with any well or septic System.
- (f) No complaints have been made either formally or informally about the deck.
- (g) The deck does not encroach on any water, sewer or other easements .

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

1. The requested 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 are 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, outweigh the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 7 ft. rear yard variance for an existing deck to be enclosed at the

above location 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

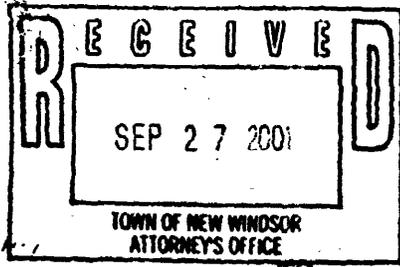
RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicants.

Dated: February 25, 2002.



Chairman

Date 11/23/01



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
1/24/01	Zoning Board Mtg	75 00	
	Misc - 6		
	Batsakis - 3		
	Langer - 2		
	Baker - 3		
	DiMiceli - 2		
	Bela/Orange Cty Trust - 5		
	Corbett - 3		
	Mans - 9	148 50	
	<u>33</u>		
		223 50	

BAKER, JOHN

MR. TORLEY: Request for 7 ft. rear yard variance for proposed enclosure of existing deck at 35 Hillside Avenue in an R-4 zone.

Mr. and Mrs. John Baker appeared before the board for this proposal.

MRS. BAKER: We want to enclose our existing deck.

MR. BAKER: We're not going out any farther, just enclose the deck, only thing behind us is Central Hudson, we're not bordering anybody else's property.

MRS. BAKER: We're 7 feet short of the easement.

MR. TORLEY: Easement?

MRS. BAKER: Well, the property line, should be 40 feet from the property line.

MR. KANE: Are you expanding the existing deck to put the enclosure?

MRS. BAKER: No.

MR. KANE: Dug the same footprint?

MR. BAKER: Same measurements, just an enclosure.

MR. KANE: Building permit on that deck, Mike?

MR. BABCOCK: Apparently not, Mr. Chairman, there's papers to indicate that the existing plot plan for the deck shows that it's 45 feet from the rear yard so there may have been at some point in time, I don't see any dates on this paperwork here and that may have been a guesstimate on somebody's part.

MR. KANE: Basically, you're cleaning up the deck and everything?

MR. BABCOCK: That's correct.

MR. TORLEY: You have 33 feet plus or minus on this sketch plan. We grant variances based upon the data you give us, if you ask for a 7 foot variance and it turns out that you need seven foot six inch variance, sometimes banks catch that and get very upset, now we have to start the whole process over again.

MRS. BAKER: According to our report from the building inspector, they show we have 33 feet.

MR. KANE: We just want to make sure of the numbers when you go to the public hearing.

MRS. BAKER: I understand.

MR. KANE: Any complaints about your deck either formally or informally?

MR. BAKER: No.

MR. KANE: How long has it been existing?

MRS. BAKER: At least 20 years or more.

MR. MC DONALD: It's not over an easement or anything, is it, water or sewer?

MR. BAKER: No.

MRS. BAKER: No, we were abutting Central Hudson's property on a wooded area.

MR. BAKER: It's not even used.

MRS. BAKER: They run lines through it.

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. KANE: I move we set up Mr. John Baker at 35 Hillside Avenue for a public hearing on his requested variances.

MR. REIS: Second it.

September 24, 2001

10

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

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

cc: Denise
Straley

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 9/6/01

APPLICANT: John Baker
35 Hillside Avenue
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Proposed enclosure of existing rear deck

LOCATED AT: 35 Hillside Avenue

ZONE: R-4 Sec/ Blk/ Lot: 12-1-36

DESCRIPTION OF EXISTING SITE: Existing one family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing rear deck does not meet minimum rear yard set-back of 40ft.

COPY


BUILDING INSPECTOR

PERMITTED 40ft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: G-8

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

33ft

7ft

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 underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. 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. Call 24 hours in advance, with permit number, to schedule 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 here is no fee for this.

RECEIVED

APR 11 2001

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: BP 2001-889

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Baker

Address 35 Hillside Ave New Windsor NY Phone 561-0526

Mailing Address Same

Name of Architect _____

Address _____ Phone _____

Name of Contractor Vinul Tech INC Call

Address 55' Edge Park Dr. POK NY 12103 Demise Phone 454 0037

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

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the South side of Hillside Ave
(N,S,E or W)
and _____ feet from the intersection of _____

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

3. Tax Map Description: Section 12 Block 1 Lot 36

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy single family b. Intended use and occupancy single family

5. Nature of work (check if applicable) New Bldg Addition Alteration Repair Removal Demolition Other

6. Is this a corner lot? _____ enclosed deck

7. Dimensions of entire new construction. Front 18' Rear wall of house Depth 12' Height 8' No. of stories 1

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor 1

Number of bedrooms N/A Baths N/A Toilets N/A Heating Plant: Gas N/A Oil N/A
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

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

10. Estimated cost \$ 21,400 - Fee _____

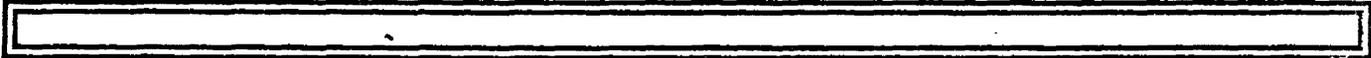
CH# 23335

____/____/____
date

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. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

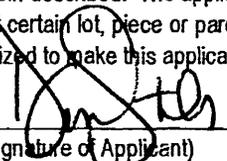
Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



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)

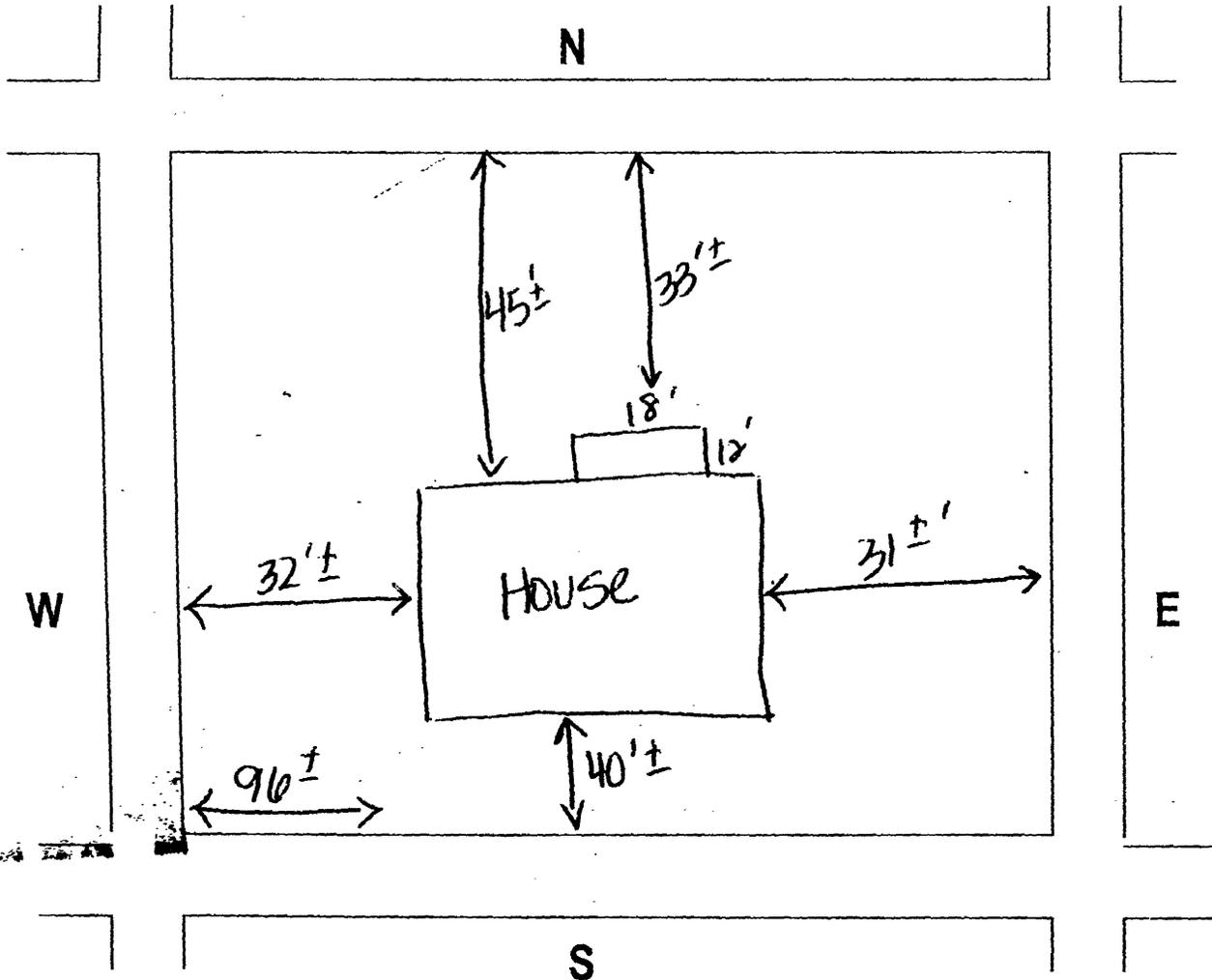
55 Page Park Dr. POK NY 12603
(Address of Applicant)

(Owner's Signature)

(Owner's Address)

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:





L SIDE

ANTONELLI LANDS SECTION 1

ANTONELLI SUB MAP

PILLITTERI SUB MAP

COUNTY

HWY.

NO.

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100 MAP

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # 01-50

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF)

COUNTY OF)

SS.:

John Baker, being duly sworn, deposes and says: I am the owner of 35 Hillside Ave, the record owner of a certain parcel of land within the TOWN OF NEW WINDSOR designated as tax map SECTION 12 BLOCK 1 LOT 36. I HEREBY AUTHORIZE Denise Straley of Vinyl Tech (company name) to make an application before the ZONING BOARD OF APPEALS as described in the within application.

Dated: 10-11-01.

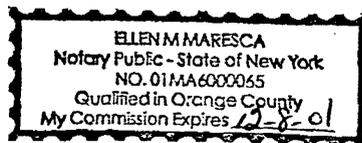
John Baker
(Signature of Corporate Officer)
Title: OWNER

Sworn to before me this

11 day of Oct, 2001.

Elen M Maresca
Notary Public

(ZBA DISK#1-012996.CP)



Deed

JOHN J. BAKER, JR. and
PHYLLIS Y. BAKER

TO

←
JOHN J. BAKER, III and
LOUISE M. BAKER

Dated, March 23rd 19 59

Orange County Clerk's Office, s.s.
Recorded on the .. 27th .. day
of .. March .. 19 59 at .. 9 ..
o'clock .. A.M. in Liber 1496
.. Wills .. at page .. 168
and Examined.

A. E. ... Clerk

LAW OFFICES
DOMINICK & FOGARTY
NEWBURGH, N.Y.

LIBER 1496 PAGE 171

This Indenture,

Made the *23rd* day of March, nineteen hundred and fifty-nine

Between JOHN J. BAKER, JR., and PHYLLIS Y. BAKER, husband and wife, each residing at Hillside Avenue, (no street number) in the Town of New Windsor, County of Orange and State of New York,

parties of the first part, and

JOHN J. BAKER, III and LOUISE M. BAKER, husband and wife, each residing at Hillside Avenue (no street number) in the Town of New Windsor, County of Orange and State of New York,

parties of the second part:

Witnesseth, that the parties of the first part, in consideration of

-----TEN----- Dollars,
lawful money of the United States,

does hereby grant and release unto the parties of the second part, paid by the parties of the second part, their heirs and assigns forever,

All that certain parcel of land situate in the Town of New Windsor, County of Orange and State of New York, more particularly described as follows:

BEGINNING at a point in the southwesterly line of Hillside Avenue, said point being 800 feet northwesterly of the northwesterly side of Windsor Highway and running south 38 degrees 25 minutes west 100 feet to a point; thence north 49 degrees 2 minutes west 100 feet to a point; thence north 38 degrees 25 minutes east 100 feet to a point in the southwesterly line of Hillside Avenue; thence south 49 degrees 2 minutes east 100 feet to the point or place of beginning. Being and intended to be lots Nos. 41 and 42 as shown on a sub-division of Antonelli's lands made by Theodore Jargstorf, L. S., revised July, 1940 and filed in the Orange County Clerk's Office July 31, 1940.

SUBJECT, however, to the following restrictions and conditions:

FIRST: No swine, goats or cattle shall be kept upon the property hereby conveyed.

SECOND: Said lots or any portion thereof shall not be used for trade, manufacture or business of any kind whatever except the keeping of tourists.

THIRD: No building shall be erected or kept on any lot within 25 feet of the curb line of Hillside Avenue and no dwelling shall be erected on said property which costs less than \$2500.00.

FOURTH: No outside toilets of any kind shall be erected or maintained on said property.

FIFTH: No garage shall be erected that shall cost less than \$100.00 and the same shall not be erected within 60 feet of the lot front of the lot hereby conveyed.

Together with the appurtenances and all the estate and rights of the parties of the first part, in and to the said premises.

To have and to hold the premises herein granted unto the part of the second part, their heirs and assigns forever.
as tenants by the entirety

And said parties of the first part covenant as follows:

First. That said parties of the first part are seized of the said premises in fee simple, and have good right to convey the same;

Second. That the part of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances;

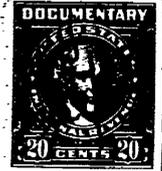
Fourth. That the parties of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth. That said parties of the first part will forever warrant the title to said premises.

Sixth. The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That 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 that they 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.

In Witness Whereof the parties of the first part have hereunto set their hand and seals the day and year first above written.

In the Presence of



John J. Baker, Jr.
L.S.
JOHN J. BAKER, JR.

PHYLLIS Y. BAKER
Phyllis Y. Baker
L.S.

State of New York

County of Orange

ss.:

On the
FIFTY-NINE

23

day of March

, nineteen hundred and

before me personally came
JOHN J. BAKER, JR. and PHYLLIS Y. BAKER

, to me known

to be the individual s described in, and who executed, the foregoing instrument, and
acknowledged that they executed the same.

Joseph P. Fogarty

JOSEPH P. FOGARTY
Notary Public, State of New York
Residing in Orange County
Commission Expires March 30, 1960

LIBER 1496 PAGE 170

SUBJECT to the rights of the Central Hudson Gas and Electric Corporation and the New York Telephone Company as set forth in grants of record.

BEING: the same premises conveyed to the parties of the first part herein by ROCCO M. VALLENZANO and ISABELLE VALLENZANO, by deed dated February 2, 1953 and recorded in the Office of the Clerk, of the County of Orange on February 4, 1953 in Liber 1257 of deeds on page 473.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

31

October 2, 2001

Denise Straley
C/o Vinyl Tech

Re: 12-1-36 John Baker III (35 Hillside Avenue)

Dear Ms Straley:

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

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

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

Sincerely,


Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA

4-1-56
Ann Lease ✓
366 Union Avenue
New Windsor, NY 12553

4-1-57
Town of New Windsor ✓
555 Union Avenue
New Windsor, NY 12553

9-1-6, 12-1-4 & 12-1-48 ✓
Central Hudson Gas & Electric Corp.
284 South Avenue
Poughkeepsie, NY 12601

9-1-7.2
Frank & Rose Giordano ✓
46 Hillside Avenue
New Windsor, NY 12553

9-1-8 & 12-1-13
Archie & Gloria Jean Antonelli ✓
28 Hillside Avenue
New Windsor, NY 12553

9-1-9 & 12-1-12 ✓
Josephine DiPaolo
32 Hillside Avenue
New Windsor, NY 12553

9-1-11
Andre & Anna Honch ✓
4 Hillside Avenue
New Windsor, NY 12553

9-1-12.2
Angelina Talmadge ✓
C/o Bernie Calandrea
13 Veronica Avenue
New Windsor, NY 12553

9-1-13
Roman Catholic Church of St. Joseph ✓
6 St. Joseph Place
New Windsor, NY 12553

12-1-1
Andrew & Catherine Moglia ✓
C/o Catherine Lorgan
56 Hillside Avenue
New Windsor, NY 12553

12-1-2.1 & 12-1-3
Andrew & Catherine Moglia ✓
14 Little Lane Road
Newburgh, NY 12550

12-1-6
Chris Doogan ✓
48 Hillside Avenue
New Windsor, NY 12553

12-1-7
Aldo Aciego ✓
44 Hillside Avenue
New Windsor, NY 12553

12-1-9.1
Paul Simmons ✓
40 Hillside Avenue
New Windsor, NY 12553

12-1-10 & 12-1-11
Samuel & Kathryn Sorbello ✓
34 Hillside Avenue
New Windsor, NY 12553

12-1-14
Kevin & Ellen Mann ✓
24 Hillside Avenue
New Windsor, NY 12553

12-1-16
Philomena Guariglia-Mahood ✓
20 Hillside Avenue
New Windsor, NY 12553

12-1-18.1
Samuel & Madelyn Acquaro ✓
16 Hillside Avenue
New Windsor, NY 12553

12-1-19
Jaron Buthakurn ✓
12 Hillside Avenue
New Windsor, NY 12553

12-1-27 & 12-1-49
Frank Antonelli Sr. ✓
John Antonelli
170 Windsor Highway
New Windsor, NY 12553

12-1-28 & 12-1-29
Joseph & Rose Ann Cubito ✓
15 Hillside Avenue
New Windsor, NY 12553

12-1-30
Joseph & Carmela DeLeonardo ✓
1647 Roland Avenue
Wantagh, NY 11793

12-1-31 & 12-1-32
Gino & Ella Cracolici ✓
23 Hillside Avenue
New Windsor, NY 12553

12-1-33
Jamie & Wilma Anzalone ✓
27 Hillside Avenue
New Windsor, NY 12553

12-1-34 & 12-1-35
Bernard McCullom ✓
31 Hillside Avenue
New Windsor, NY 12553

12-1-38
Anthony & Rose Damiano ✓
39 Hillside Avenue
New Windsor, NY 12553

12-1-39 & 12-1-40
John & Ellen Antonelli ✓
43 Hillside Avenue
New Windsor, NY 12553

12-1-41
Mark Walters ✓
Harry & Janice Walters
364 Union Avenue
New Windsor, NY 12553

12-1-42
Frank & Barbara Antonelli ✓
360 Union Avenue
New Windsor, NY 12553

12-1-44.1
William Schwartz ✓
356 Union Avenue
New Windsor, NY 12553

12-1-46.1

Jonle Enterprises, Inc. ✓
354 Union Avenue
New Windsor, NY 12553

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#965-2001

10/05/2001

ZBA 01-50
Vinyl Tech, Inc.
220 Manchester Road
Poughkeepsie, NY 12603

Received \$ 50.00 for Zoning Board Fees on 10/05/2001. Thank you for stopping by
the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

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

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

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

Appeal No. 50.

Request of John Baker

for a VARIANCE of the Zoning Local Law to Permit:

Construction of deck enclosure w/ less than the allowable rear yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs. - Col. G

for property situated as follows:

35 Hillside Avenue, New Windsor, NY 12553.

known and designated as tax map Section 12, Blk. 1 Lot 36.

PUBLIC HEARING will take place on the 26th day of November, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torkey
Chairman

By: Patricia A. Corsetti, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

01-50.

Date: 10/4/01.

- I. ✓ Applicant Information: 55 Page Park Dr. 845. 454-0037
- (a) Denise Straley Poughkeepsie, NY 12603 John Baker
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Vinyl Tech -55 Page Park Dr. Poughkeepsie NY 12603 845-454-0037
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. ✓ Property Information:

- (a) R-4 35 Hillside Ave 12-1-36 50x100 ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? UW.
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO.
- (d) When was property purchased by present owner? _____.
- (e) Has property been subdivided previously? _____.
- (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: N/A.
- _____
- _____
- _____

IV. Use Variance. N/A

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

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

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

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

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

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 ft.</u>	<u>33 ft.</u>	<u>7 ft.</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:

(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

