

ZB# 03-41

Joseph DeCelestino

78-3-11

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 9-8-03

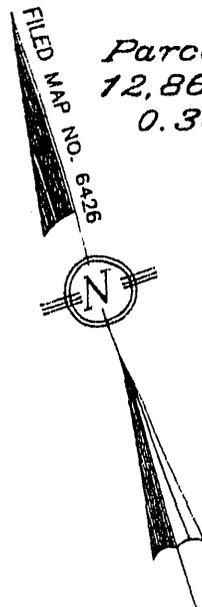
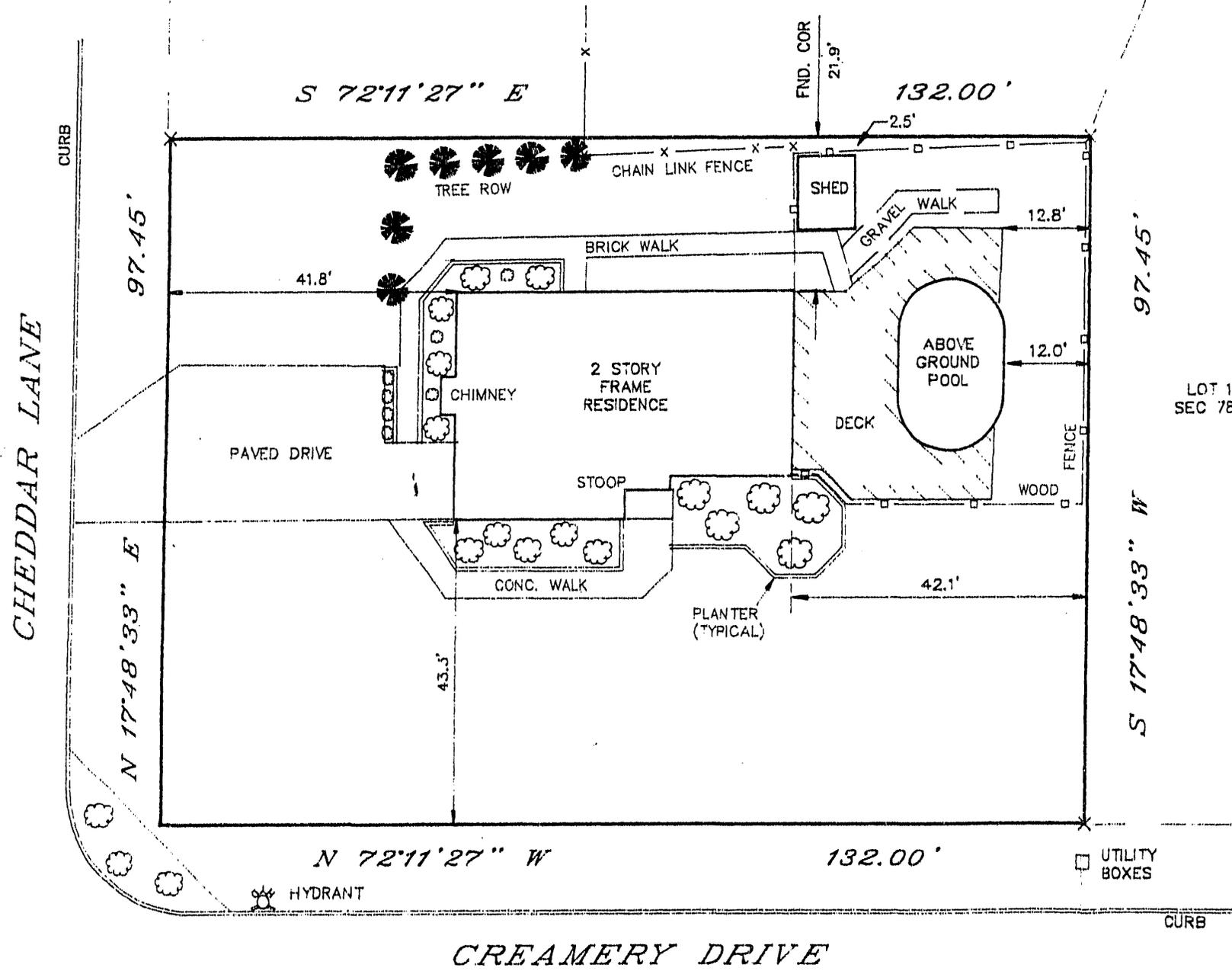
ZBA # **03-41** JOSEPH DeCELESTINO
AREA - 14 CHEDDAR LN. (78-3-11)

562-5259

Sept. 8th meeting - P.H.

LOT 99; F.M.6426
SEC 78 BLK 3 LOT 12

Parcel Area
12,863 S.F.
0.30 Ac.



LOT 101; F.M. 6601
SEC 78 BLK 3 LOT 17

GENERAL NOTES

1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.
2. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, MARKED WITH AN ORIGINAL LAND SURVEYOR'S INKED SEAL, SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
3. CERTIFICATION SHALL RUN ONLY TO THE PERSONS FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF, TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON AND IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SPECIAL NOTES

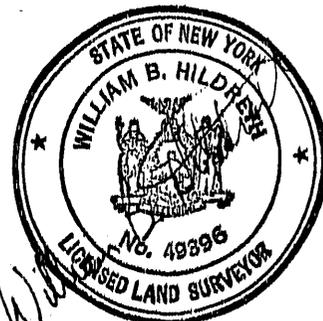
1. BEING LOT NO. 100 AS SHOWN ON A MAP ENTITLED "BUTTER HILL SECTION 3", SAID MAP HAVING BEEN FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON 6 DECEMBER 1983 AS MAP NO. 6426.
2. TAX MAP DESIGNATION: SECTION 78 BLOCK 3 LOT 11
STREET ADDRESS: 14 CHEDDAR LANE
PROPERTY ZONE: R-4
3. OFFSETS SHOWN ARE AT RIGHT ANGLES TO THE PROPERTY LINES, UNLESS OTHERWISE NOTED.
4. NO CERTIFICATION IS MADE FOR ITEMS NOT VISIBLE AT GROUND SURFACE AT THE TIME OF SURVEY.
5. THIS PLAN WAS PREPARED PRIOR TO THE RECEIPT OF A TITLE REPORT OR ABSTRACT OF TITLE AND IS THEREFORE SUBJECT TO EASEMENTS AND OTHER GRANTS NOT VISIBLE, IF ANY.

CERTIFICATION

I hereby certify that this plan resulted from an actual field survey of the indicated premises completed on 22 July 2003 performed in accordance with the code of practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc., and is, to the best of my knowledge and belief, correct.

CERTIFIED TO: Joseph R. DeCelestino
Joanne DeCellstino

03-41



William B. Hildreth Land Surveying, P.C. 407 SOUTH PLANK ROAD UNIT 3, NEWBURGH, N.Y. 12550 TEL: (845) 866-8650		SURVEY FOR: JOSEPH R. DeCELESTINO & JOANNE DeCELESTINO	
REVISIONS: DATE DESCRIPTION ACAD: BH100		TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK	
		Drawn: WBH	
		Checked:	
		Scale: 1"=20'	
		Date: 23 July 2003	
		Job No: 03-050	
BOUNDARY/LOCATION SURVEY			

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

1 of 2

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: **July 31, 2003**

APPLICANT: **Joseph DeCelestino**
14 Cheddar Lane
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: **July 31, 2003**

FOR : **Existing Pool Deck**

LOCATED AT: **14 Cheddar Lane**

ZONE: **CL Sec/Blk/ Lot: 78-3-11**

COPY

DESCRIPTION OF EXISTING SITE: **78-3-11**

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. **Existing attached pool deck does not meet minimum 40' rear yard set-back. This is a corner lot.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: CL USE: G Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

40'

12'

28'

REQ'D FRONTAGE:

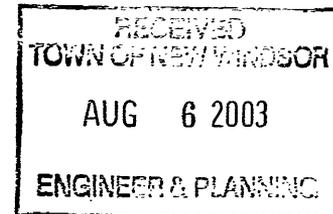
MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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



APPROVED

03-41

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, 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 pond 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 percolation 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.

FOR OFFICE USE ONLY:
Building Permit #: PA 2003-0859

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

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

Owner of Premises Joseph & Anne DeCelestino

Address 14 Cheddar Lane Phone # 845 562 5259

Mailing Address New Windsor NY Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

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

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 _____ side of _____
(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 78 Block 3 Lot 11

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

a. Existing use and occupancy _____ b. Intended use and occupancy _____

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

6. Is this a corner lot? Yes

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories Deck

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

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

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

10. Estimated cost _____

Fee

\$50.00

ck # 0648

PAID

____/____/____
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 Liel & Louis Krysheer
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

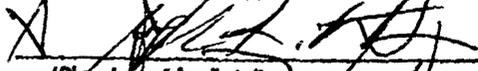
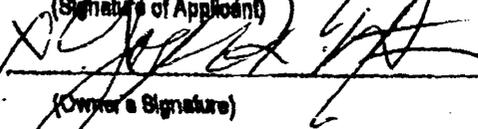
Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted 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.

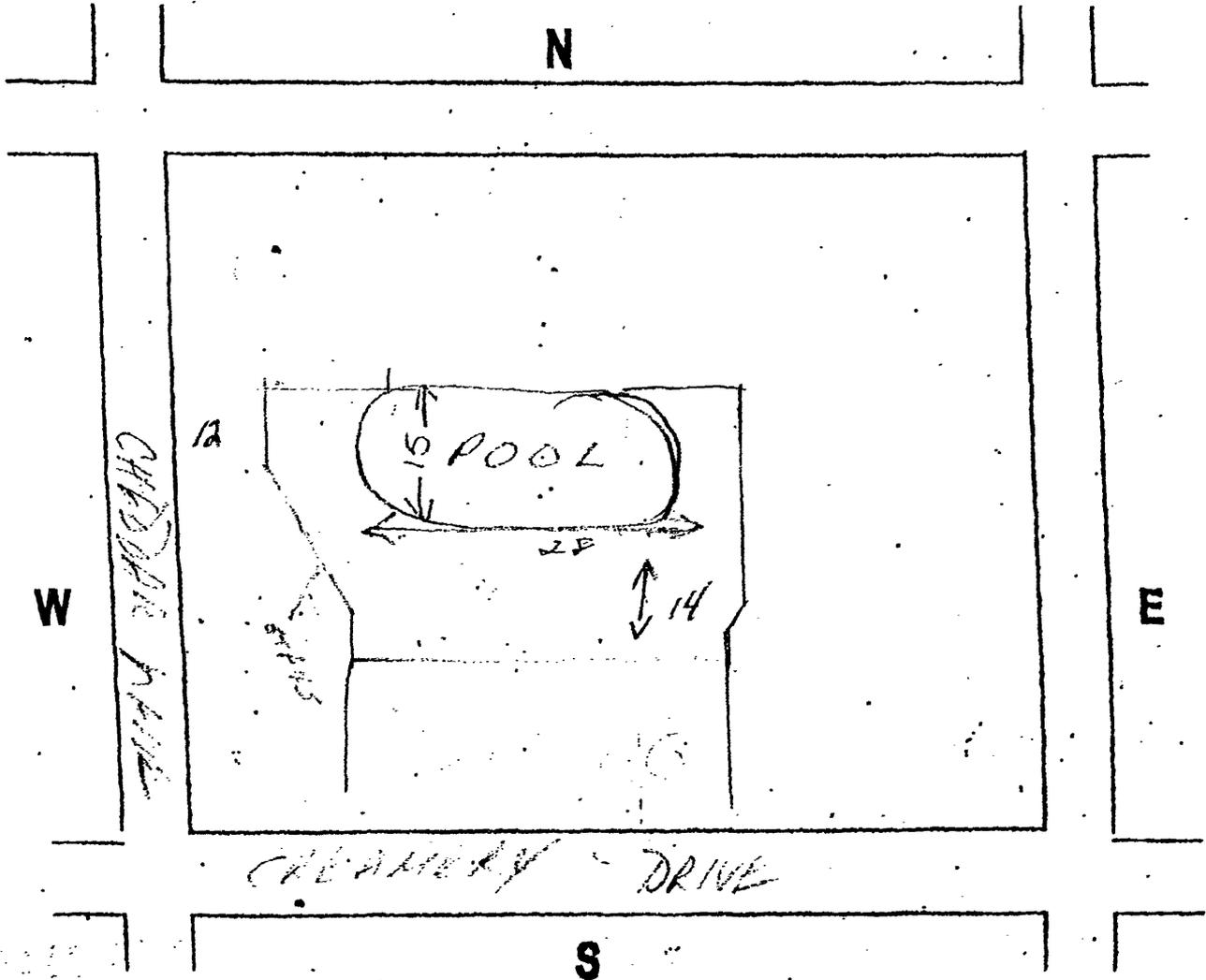
X 
(Signature of Applicant)
X 
(Owner's Signature)

14 CHEDDAR LANE - NEW WINDSOR
(Address of Applicant) NY 12553

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.



2 of 2

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 (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: July 31, 2003

APPLICANT: Joseph DeCelestino
14 Cheddar Lane
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: July 31, 2003

FOR : Existing Shed

LOCATED AT: 14 Cheddar Lane

ZONE: CL Sec/Blk/ Lot: 78-3-11

DESCRIPTION OF EXISTING SITE: 78-3-11

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing shed does not meet minimum 10' side yard set-back. This is a corner lot.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: CL USE: 48-14-A-1-B Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

12
10'

2.5'

9.5'

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE: -

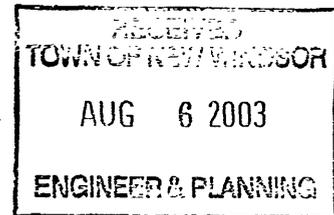
MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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



03-41

journey

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 re-inspected 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, 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 pond 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.

FOR OFFICE USE ONLY:
Building Permit #: *A 2003-0856*

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

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

Owner of Premises Joseph & JoAnne DeCelestino

Address 14 Cheddar Ln Phone # 562 5259

Mailing Address New Windsor NY Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

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

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 _____ side of _____
(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 78 Block 3 Lot 11

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

a. Existing use and occupancy _____ b. Intended use and occupancy _____

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

6. Is this a corner lot? Yes

Shed

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

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

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

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

10. Estimated cost _____ Fee \$50.00
ck #8648

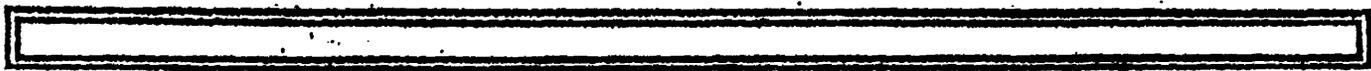
PAID

____/____/____
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 Krysheer
New Windsor Town Hall
655 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 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 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.

[Handwritten Signature]

(Signature of Applicant)
[Handwritten Signature]

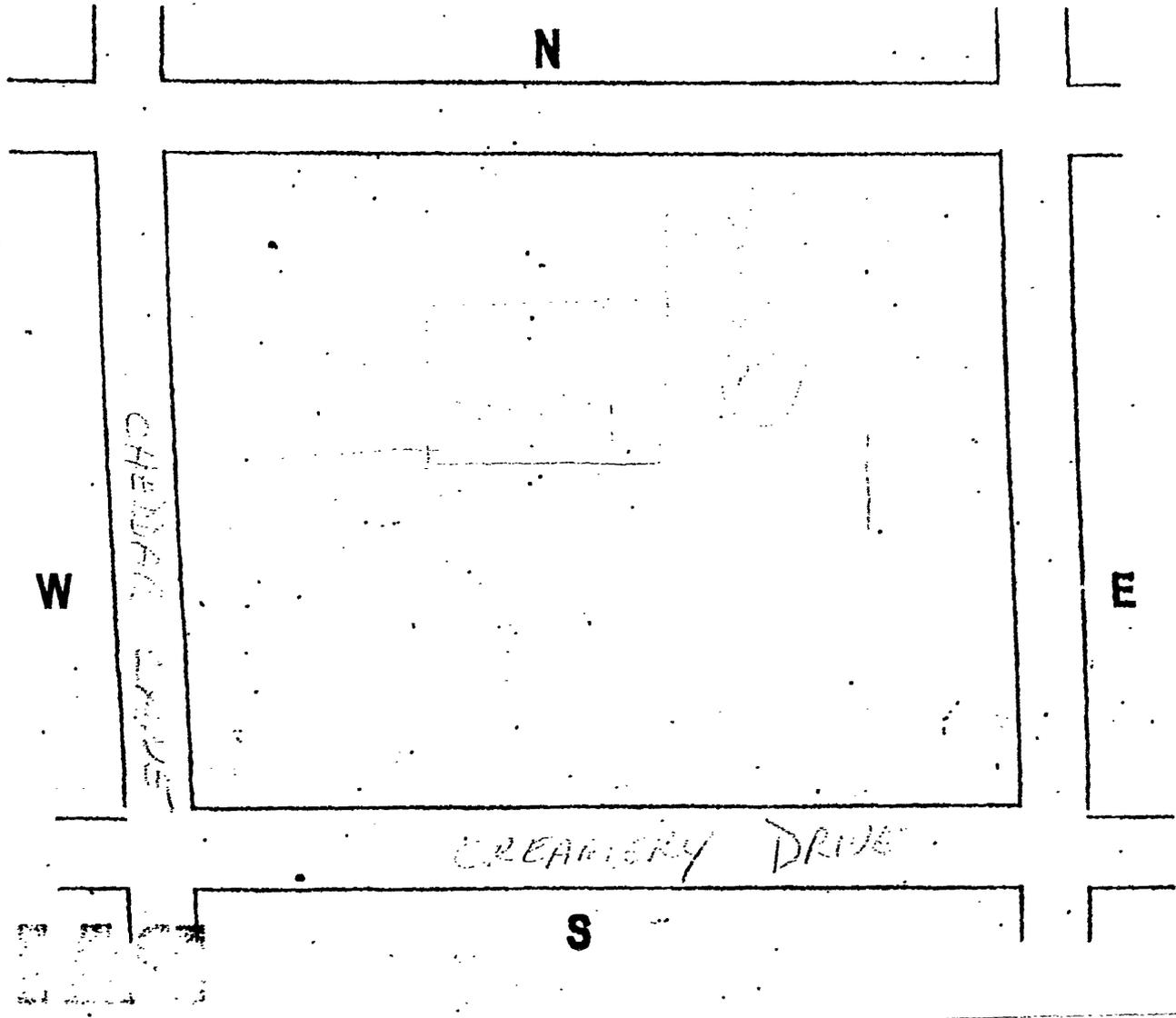
(Owner's Signature)

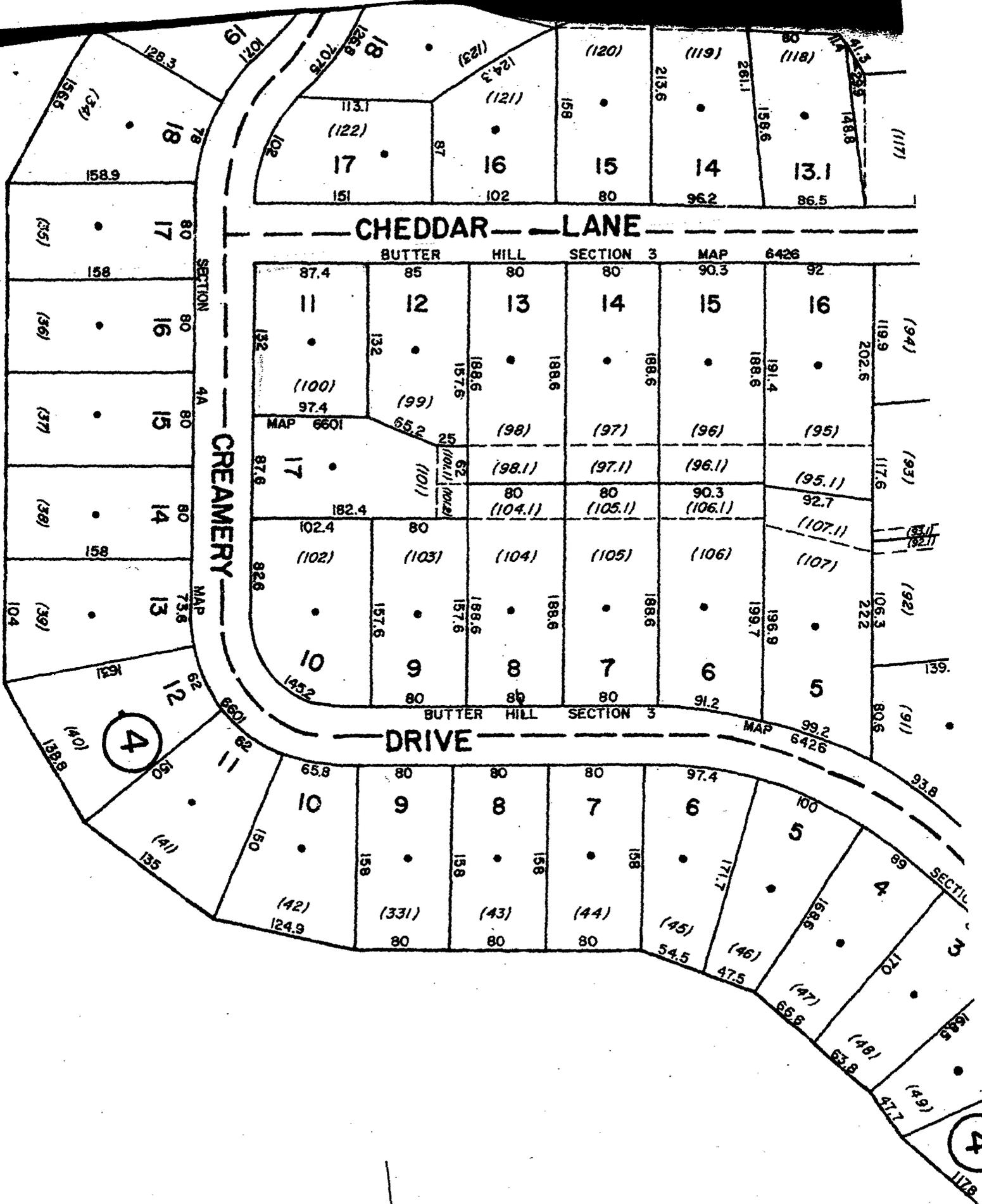
14 Cheddarside New Windsor

(Address of Applicant)
14 Cheddarside New Windsor

PLOT PLAN

NOTE: Locate all buildings and indicate all setback dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





CHEDDAR LANE

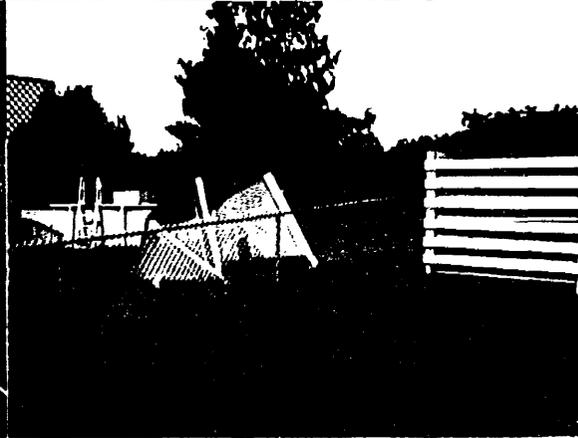
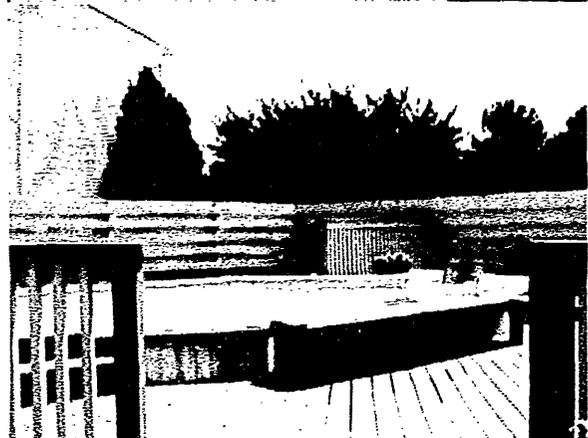
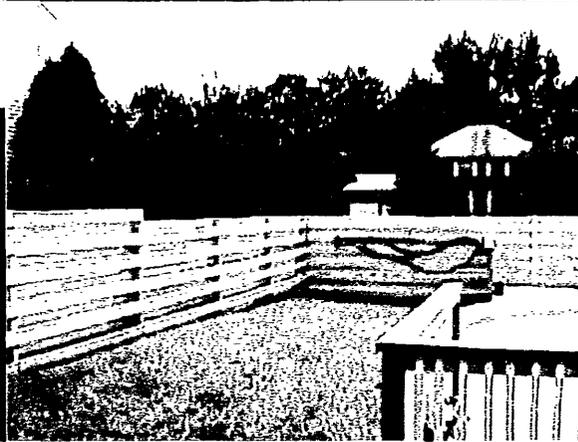
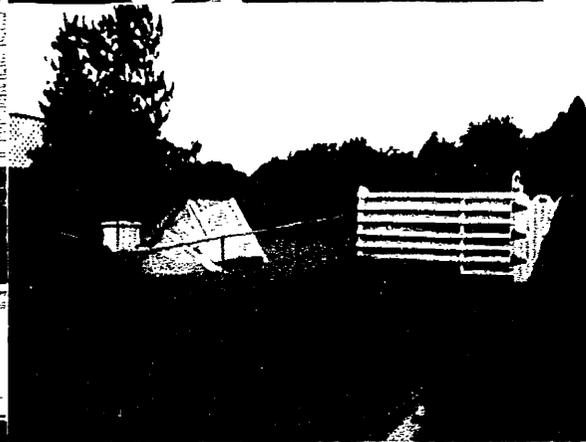
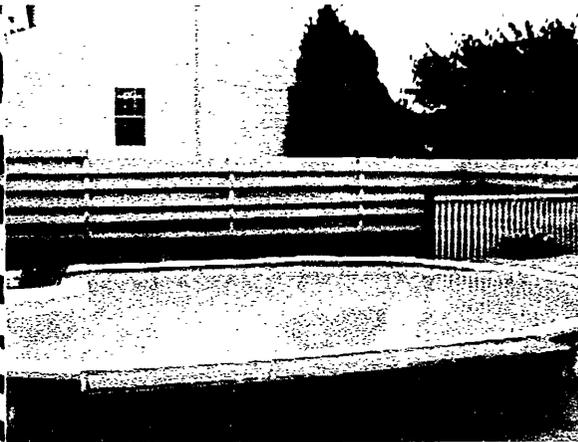
CREAMERY DRIVE

DRIVE



4

4





Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

January 8, 2004

Mr. & Mrs. Joseph DeCelestino (Or Present Owners of)
14 Cheddar Lane
New Windsor, New York, 12553

SUBJECT: REQUEST FOR VARIANCE #03-41

Dear Mr. & Mrs. DeCelestino (or Present Owner):

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

JOSEPH & JO ANNE DE CELESTINO

AREA

CASE #03-41

WHEREAS, Mr. & Mrs. Joseph DeCelestino, owner(s) of 14 Cheddar Lane, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 28 ft. Rear Yard Setback for existing pool deck and; 9.5 ft. Side Yard Setback for existing shed in a CL Zone; and

WHEREAS, a public hearing was held on September 8, 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

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

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

WHEREAS, no one spoke in favor of 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 published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The deck and shed have been in existence for 12 or more years. During their existence, no complaints, either formal or informal, have been received about the shed or deck.

- (c) Both the shed and deck are similar in size and appearance to other sheds and decks in the neighborhood.
- (d) The property is located on the corner of two intersecting streets, although, it visually appears to have only one front yard.
- (e) The property has a very small back yard and therefore, both the shed and deck were located in the only feasible areas on the property.
- (f) Neither the building of the deck or erecting the shed has caused any ponding or collection of water or caused any runoff.
- (g) No trees or substantial vegetation were removed in order to construct the shed or the deck.
- (h) Neither the shed or the deck are located on top of any easements for 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(s) 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 that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) 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(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) 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(s).

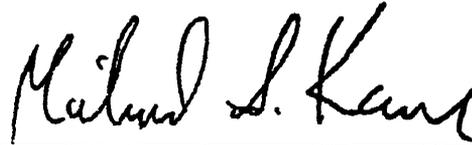
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 28 ft. Rear Yard Setback for existing pool deck and; 9.5 ft. Side Yard Setback for existing shed in a CL Zone; and 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/or Building Inspector and Applicant.

Dated: September 8, 2003



Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: SEPTEMBER 12, 2003
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 203.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #03-41

NAME: JOSEPH DE CELESTINO

ADDRESS: 14 CHEDDAR LANE

NEW WINDSOR, NY 12553

THANK YOU,

MYRA

L.R. 9-12-03



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #03-41 TYPE: AREA

APPLICANT:
JOSEPH DECELESTINO

TELEPHONE: 562-5259

RESIDENTIAL:	\$ 50.00	CHECK #8674
COMMERCIAL	\$ 150.00	CHECK #
INTERPRETATION	\$ 150.00	CHECK #

ESCROW: RESIDENTIAL \$300.00 CHECK #8675

* * * * * * * * * * * * *

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> \$4.50 / PAGE	<u>ATTORNEY</u> FEE
PRELIMINARY:	<u>3</u>	PAGES	\$ <u>13.50</u>
2 ND PRELIMINARY:	—	PAGES	\$ <u> </u>
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>13.50</u>
PUBLIC HEARING:	—	PAGES	\$ <u> </u>
	TOTAL:		
		\$ <u>27.00</u>	\$ <u>70.00</u>

* * * * * * * * * * * * *

ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>97.00</u>
AMOUNT DUE:	\$ <u> </u>
REFUND DUE:	\$ <u>203.00</u>

L.R. 9-12-03

JOSEPH & JO-ANNE DE CELESTINO (#03-41)

Mr. and Mrs. Joseph DeCelestino appeared before the board for this proposal.

MR. KANE: Request for 28 ft. rear yard setback for existing pool deck and 9.5 ft. side yard setback for existing shed all at 14 Cheddar Lane on a corner lot in a CL zone. Explain to us what you want to do.

MR. DE CELESTINO: What we did. We have a shed, we put a shed in the only place we could put it on the property because we have a corner in Butterhill, virtually have no back yard, used it on our side yard, and we have a deck going to the pool.

MR. KANE: How long has the deck and shed been in existence?

MR. DE CELESTINO: Deck probably 12 years.

MRS. DE CELESTINO: Thirteen, take it from me, fourteen.

MR. KRIEGER: Close enough.

MR. DE CELESTINO: And the shed probably 10.

MRS. DE CELESTINO: Twelve.

MR. KANE: Approximately 9, 10, 11, 12 years old. The deck and shed, any complaints formally or informally about either deck or the shed?

MR. DE CELESTINO: Never.

MR. KANE: The sizing of the deck and the shed similar to in nature and appearance to other decks and sheds in the neighborhood?

MR. DE CELESTINO: Absolutely.

MR. KANE: Any water hazards, runoffs from it?

MR. DE CELESTINO: No.

MR. KANE: Cutting down any trees?

MR. DE CELESTINO: There were no trees.

MR. KANE: At this point, we'll open it up to the public and I'll ask if there's anybody here in the public for this particular meeting?

MR. KRIEGER: Over top any easements?

MR. DE CELESTINO: No easements.

MR. KANE: Seeing no one here, I'll ask Myra about the, I'll close the public portion of the hearing and bring it back to Myra.

MS. MASON: On the 19th day of August, 51 addressed envelopes were mailed out, no responses.

MR. REIS: What brings you to the ZBA?

MR. DE CELESTINO: We're looking to possibly sell our home.

MR. KANE: Were there any easements running through your property?

MR. DE CELESTINO: No, none at all.

MR. KANE: Gentlemen?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

September 8, 2003

17

MR. REIS: Make a motion that we grant the DeCelestinos their requested variances at 14 Cheddar Lane.

MR. MC DONALD: Second it.

ROLL CALL

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

JOSEPH & JO-ANNE DECELESTINO (#03-41)

MR. KANE: Request for 28 ft. rear yard setback for existing pool deck and 7.5 ft. side yard setback for existing shed all at 14 Cheddar Lane on a corner lot in a CL zone.

Ms. Jo-Anne DeCelestino appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MS. DECELESTINO: I'm requesting a variance for an existing shed and deck. My situation is very similar to the first couple that was here in that I live in Butterhill Estates and I have a corner lot which is a very long ballfield. If you take a look at the survey that I provided, you'll see that we nestled the shed in the least offensive area that we could figure out how to put it, and the deck, we kind of went halfway around the pool with and I have pictures up there if you want to take a peak.

MR. KANE: How old is the shed?

MS. DECELESTINO: Shed is about 11 years old.

MR. KANE: And the deck itself?

MS. DECELESTINO: A little older, about 13 years old.

MR. KANE: Any complaints formally on informally about either?

MS. DECELESTINO: No, none at all.

MR. REIS: What brings you to the ZBA?

MS. DECELESTINO: Because we're going to put our home on the market, it's on the market now and if we sell it, I know I need it.

MR. REIS: Very good, thank you.

MR. KANE: The deck and the shed are both similar in size in the situation as other decks and sheds in the neighborhood?

MS. DECELESTINO: Yes.

MR. KANE: You didn't create any water hazards or runoffs with the building of either?

MS. DECELESTINO: No.

MR. KANE: No easements?

MS. DECELESTINO: No.

MR. BABCOCK: Mr. Chairman, also the side yard requirements for the shed, the paperwork went in as ten foot, it should go in as 12 foot and that would increase the variance to 9.5.

MR. KANE: You have to talk to Frank.

MR. BABCOCK: I will.

MR. KANE: Do you understand what we just said?

MS. DECELESTINO: Well, I was listening when you did the first couple and I thought you were going to say the same thing again.

MR. KANE: Butterhill is different than the rest of the town, I live there too and I've been here, yeah, we're 12 foot.

MS. DECELESTINO: It's a real sticky place to get things done.

MR. KANE: So what we did is we changed your side yard request from 7.5 to 9.5 to make up the difference and that's okay with you?

MS. DECELESTINO: Whatever you need is fine with us.

MR. KANE: Any questions?

MR. REIS: No questions. Accept a motion?

MR. KANE: Sure.

MR. REIS: I make a motion that we set up Joseph and Jo-Anne DeCelestino for a public hearing on their requested variances at 14 Cheddar Lane.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

August 19, 2003

Joseph DeCelestino
14 Cheddar Lane
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-41

Dear Mr. & Mrs. DeCelestino:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

14 Cheddar Lane
New Windsor, NY

is scheduled for the September 8th, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm ✓
Sent 8/19

PUBLIC HEARING NOTICE
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. 03-41

Request of JOSEPH DE CELESTINO

for a VARIANCE of the Zoning Local Law to Permit:

**Request for: 28 ft. Rear Yard Setback for existing pool deck and;
9.5 ft. Side Yard Setback for existing shed**

being a VARIANCE of Section 48-14-A-1-B and bulk tables for CL (use G)

for property located at: 14 CHEDDAR LANE - NEW WINDSOR, NY

known and designated as tax map Section 78 Block 3 Lot 11

**PUBLIC HEARING will take place on SEPTEMBER 8, 2003
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**


Michael Kane, Chairman



Town of New Windsor

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

Assessor's Office

August 13, 2003

Joseph DeCelestino
14 Cheddar Lane
New Windsor, NY 12553

Re: 78-3-11 ZBA#03-41

Dear Mr. DeCelestino:

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 \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley baw

J. Todd Wiley, IAO
Sole Assessor

JTW/baw
Attachments

CC: Myra Mason, ZBA

37-1-39
N & C Land Corp.
29 Harris Lane
Cornwall, NY 12518

78-2-19
Anthon Ramotan
54 Creamery Drive
New Windsor, NY 12553

78-3-6
Eugene & Shirley Riefenhauser
36 Creamery Drive
New Windsor, NY 12553

78-2-10
Daniel & Joyce Dickens
18 Buttermilk Drive
New Windsor, NY 12553

78-2-20
Daniel & Jill Strauss
56 Creamery Drive
New Windsor, NY 12553

78-3-7
Mark & Janet Baskerville
38 Creamery Drive
New Windsor, NY 12553

78-2-11
Michael & Dorothy De Palma
20 Buttermilk Drive
New Windsor, NY 12553

78-2-21
Anthony & Robin Carriere
4 Guernsey Drive
New Windsor, NY 12553

78-3-8
Herbert & Ella Wroten
40 Creamery Drive
New Windsor, NY 12553

78-2-12.1
Frank & Linda Corio
22 Buttermilk Drive
New Windsor, NY 12553

78-2-22
Andrew & Jean Marie Faraone
6 Guernsey Drive
New Windsor, NY 12553

78-3-9
Bruce & Eillen Eisele
42 Creamery Drive
New Windsor, NY 12553

78-2-13.1
Robert & Sandra Di Marino
3 Cheddar Lane
New Windsor, NY 12553

78-2-23
Carlos Castro Jr. & Paula Andino
8 Guernsey Drive
New Windsor, NY 12553

78-3-10
Osmond Brown & Mary Chisholm
44 Creamery Drive
New Windsor, NY 12553

78-2-14
James & Lisa Jurgens
5 Cheddar Lane
New Windsor, NY 12553

78-3-1
Paul & Mary Distasio
24 Buttermilk Drive
New Windsor, NY 12553

78-3-12
Mark & Elizabeth Ojeda
12 Cheddar Lane
New Windsor, NY 12553

78-2-15
Ramon & Patricia Kinol
7 Cheddar Lane
New Windsor, NY 12553

78-3-2
Francis & Diana Fitzpatrick
26 Buttermilk Drive
New Windsor, NY 12553

78-3-13
James & Stacey Gillick
10 Cheddar Lane
New Windsor, NY 12553

78-2-16
Susan Westfall
9 Cheddar Lane
New Windsor, NY 12553

78-3-3
John J Freeman III
28 Buttermilk Drive
New Windsor, NY 12553

78-3-14
Michael & Anne McGuire
8 Cheddar Lane
New Windsor, NY 12553

78-2-17
Richard & Josephine Romano
11 Cheddar Lane
New Windsor, NY 12553

78-3-4
Richard & Veronica Doran
30 Buttermilk Drive
New Windsor, NY 12553

78-3-15
Jaime & Nancy Palermo
6 Cheddar Lane
New Windsor, NY 12553

78-2-18
Julio & Fatima Ramos
52 Creamery Drive
New Windsor, NY 12553

78-3-5
Thomas & Carol Classey
34 Creamery Drive
New Windsor, NY 12553

78-3-16
Michael & Susanne Giannotti
4 Cheddar Lane
New Windsor, NY 12553

78-3-17
Thomas & Vickie Murray
46 Creamery Drive
New Windsor, NY 12553

78-4-5
George & Donna Reilly
41 Creamery Drive
New Windsor, NY 12553

78-4-6
Raymond & Cynthia Browne
43 Creamery Drive
New Windsor, NY 12553

78-4-7
Roy & Sally West
45 Creamery Drive
New Windsor, NY 12553

78-4-8
Mario Delgado
47 Creamery Drive
New Windsor, NY 12553

78-4-9
John & Gale Moore
49 Creamery Drive
New Windsor, NY 12553

78-4-10
Barbara & Frank Denome
51 Creamery Drive
New Windsor, NY 12553

78-4-11
Dana Wayne & Deborah Gould Tice
53 Creamery Drive
New Windsor, NY 12553

78-4-12
Andrew & Susan Di Giugno
18 Old Hemlock Drive
New Windsor, NY 12553

78-4-13
Ronald & June Quadagno
57 Creamery Drive
New Windsor, NY 12553

78-4-14
Alexander Allen & Millicent Miller
59 Creamery Drive
New Windsor, NY 12553

78-4-15
Steffen & Lynn Duzink
c/o Eastern Originals Inc.
350 5th Ave Suite 1021
New York NY 10118

78-4-16
Christopher & Barbara Hobe
63 Creamery Drive
New Windsor, NY 12553

78-4-17
Steven & Aileen Gazzillo
65 Creamery Drive
New Windsor, NY 12553

78-4-18
Jay & Nancy Brown
67 Creamery Drive
New Windsor, NY 12553

78-4-19
Victor & Deborah Maldonado
69 Creamery Drive
New Windsor, NY 12553

78-4-20
Thomas & Laura Casey
71 Creamery Drive
New Windsor, NY 12553

78-6-12
Nicole Paul Michel
117 Varick Homes
Newburgh, NY 12550

78-7-1
James & Diane Golon
73 Creamery Drive
New Windsor, NY 12553

78-7-2
Gerald & Karen Jeter
75 Creamery Drive
New Windsor, NY 12553

78-7-3
Denise & Carlton Cimmerer III
77 Creamery Drive
New Windsor, NY 12553

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: AUGUST 12, 2003 PROJECT NUMBER: ZBA# 03-41 P.B. # _____

APPLICANT NAME: JOSEPH DeCELESTINO

PERSON TO NOTIFY TO PICK UP LIST:

JOSEPH DeCELESTINO
14 CHEDDAR LANE
NEW WINDSOR, NY 12553

TELEPHONE: 562-5259

TAX MAP NUMBER:	SEC. <u>78</u>	BLOCK <u>3</u>	LOT <u>11</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	BLOCK _____	LOT _____

PROPERTY LOCATION: 14 CHEDDAR LANE
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____



NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX



AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 8676

TOTAL CHARGES: _____

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: AUGUST 7, 2003

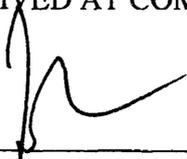
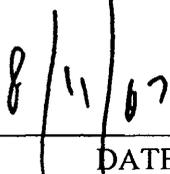
FOR: **03-41 ESCROW**

FROM: **JOSEPH DeCELESTINO**
14 CHEDDAR LANE
NEW WINDSOR, NY 12553

CHECK NUMBER: **8675**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA #03-41
Application Fee

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

RECEIPT
#766-2003

08/11/2003

Decelestino, Jo An
14 Cheddar Ln
New Windsor, NY 12553

**Received \$ 50.00 for Zoning Board Fees, on 08/11/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



RESULTS OF Z.B.A. MEETING OF: August 2003

PROJECT: Joseph De Celestino ZBA # 03-41
P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A ___ N ___
RIVERA _____
MCDONALD _____ CARRIED: Y ___ N ___
REIS _____
MINUTA _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A ___ N ___
RIVERA _____
MCDONALD _____ CARRIED: Y ___ N ___
REIS _____
MINUTA _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A ___ N ___
RIVERA _____
MCDONALD _____ CARRIED: Y ___ N ___
REIS _____
MINUTA _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A ___ N ___
RIVERA _____
MCDONALD _____ CARRIED: Y ___ N ___
REIS _____
MINUTA _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) RS S) RV VOTE: A 3 N 0
RIVERA A
~~MCDONALD~~ A
REIS A CARRIED: Y N _____
~~MINUTA~~
KANE A

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A ___ N ___.

RIVERA _____
MC DONALD _____ CARRIED: Y ___ N _____.
REIS _____
MINUTA _____
KANE _____

Shed 11 yrs old
Deck 14 yrs old
Change 7.5 to 9.5 setback



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

August 6, 2003

Joseph & Jo-Anne DeCelestino
14 Cheddar Lane
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-41

Dear Mr. & Mrs. DeCelestino:

This letter is to inform you that you have been placed on the August 11th, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

14 Cheddar Lane
New Windsor, NY 12553

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

03-41



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

**

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

RECEIVED
TOWN OF NEW WINDSOR
AUG 6 200
ENGINEER & PLANNING

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

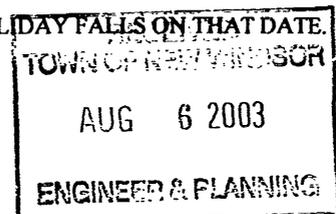
IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

*** * MUST READ AND SIGN * ***

<p>I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow/posted).</p> <p><i>Stephanie Neale</i> 8-5-03</p> <p>SIGNATURE DATE</p>
--

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST - ONE MEETING PER MONTH ONLY)





**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

Aug 6, 2003
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. **Owner Information:** Phone Number: (845) 562 5259
Joseph & JoAnne Deleestivo Fax Number: ()
(Name)
14 Cheddar Lane New Windsor N.Y 12553
(Address)

II. **Purchaser or Lessee:** Phone Number: ()
Fax Number: ()
(Name)
(Address)

III. **Attorney:** Phone Number: ()
Fax Number: ()
(Name)
(Address)

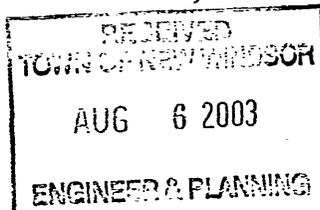
IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
Fax Number: ()
(Name)
(Address)

V. **Property Information:**

Zone: CL Property Address in Question: 14 Cheddar Lane, New Windsor, N.Y.
Lot Size: 3 Tax Map Number: Section 78 Block 3 Lot 11
a. What other zones lie within 500 feet? z
b. Is pending sale or lease subject to ZBA approval of this Application? yes
c. When was property purchased by present owner? 1984 - 1986
d. Has property been subdivided previously? NO If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? No

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



03-41

COMPLETE THIS PAGE

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

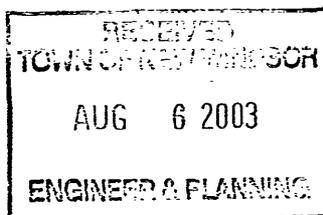
Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
<i>SHED</i> Reqd. Side Yd.	10'	2.5'	7.5'
<i>DECK</i> Reqd. Rear Yd.	40'	12'	28'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

**PLEASE NOTE:
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE
OF SUBMITTAL.**



COMPLETE THIS PAGE
03-41

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

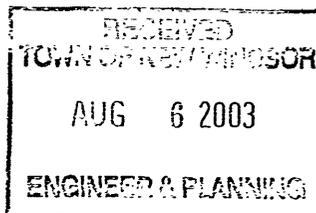
- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change 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.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

We request a variance for both the existing shed & deck because we believe, due to being a corner lot, there truly is no other reasonable place to put these things. They are both in the least conspicuous place & in no way offend the neighboring properties.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



03-41

COMPLETE THIS PAGE

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
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XIII. ATTACHMENTS REQUIRED:

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - One in the amount of \$ 300.00 or 500.00, (escrow)
 - One in the amount of \$ 50.00 or 150.00, (application fee)
 - One in the amount of \$ 25.00, (Public Hearing List Deposit)
- Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

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

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

Sworn to before me this:

6th day of August 2003,

Jo Anne DeFestino
 Owner's Signature (Notarized)

827-819-465

Jo Anne DeFestino
 Owner's Name (Please Print)

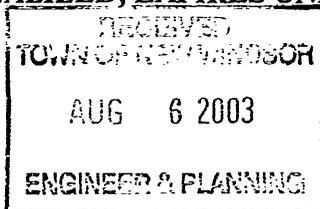
MARY ANN HOTALING
 Notary Public, State of New York
 No. 01HO5062877
 Qualified in Orange County
 Commission Expires July 8, 2006

Mary Ann Hotaling
 Signature and Stamp of Notary

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



COMPLETE THIS PAGE
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