

**ZB# 03-55**

**Jill Turner (Brown)**

**23-4-8**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 12-8-03*

ZBA # 03-02 TILL TURNER (BROWN)  
AREA - RT. 9W (234.8)

Jill Turner 830-796-8128  
email: sotolocas@yahoo.com

PETER & JILL BROWN

5 ROUTE 9W, TOWN OF NEW WINDSOR, ORANGE COUNTY, N.Y.

SCALE 1" = 20 FT

DATE JUNE 21, 1988

X MAP DESIGNATION

SECTION 23 BLOCK 4 LOT 8

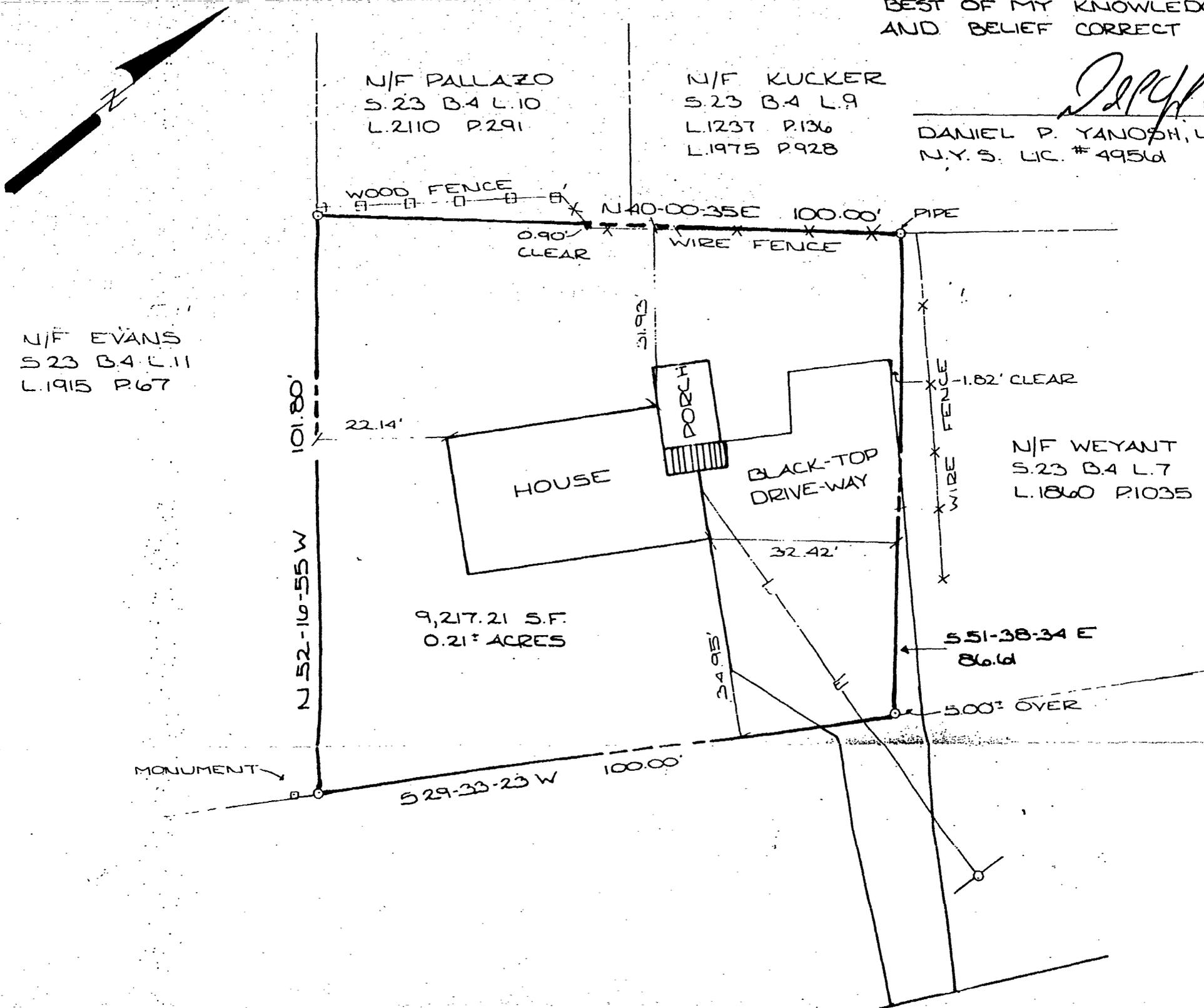
DEED REFERENCE

DEED 1429 PAGE 3

CERTIFIED TO PETER AND  
JILL BROWN, NATIONAL  
ATTORNEY'S TITLE INSUR-  
ANCE COMPANY, MIDLANTIC  
HOME MORTGAGE CORPORATION  
ITS SUCCESSOR AND/OR  
ASSIGNS, SAMUEL AND ESTELLE  
RUSSO, TO BE A TRUE SURVEY  
AND THAT IT IS TO THE  
BEST OF MY KNOWLEDGE  
AND BELIEF CORRECT



DANIEL P. YANOSH, L.S.  
N.Y.S. LIC. # 4956



US HIGHWAY No 9 W SOUTH

3' WIDE MEDIAN

US HIGHWAY No 9 W NORTH

"Guarantees or Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said guarantees or certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Guarantees or certifications are not transferable to additional institutions or subsequent owners."

"Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of Section 2, of the New York State Education Law."

"Copies from the original of this survey map not marked with an original of the Land Surveyor's red inked seal or his embossed seal shall not be considered to be a valid true copy."

"Underground improvements or encroachments, if any, are not shown hereon."

"Subject to all recorded and defacto easements and rights-of-ways."

03-55

DANIEL P. YANOSH, L.S.  
30-32 INDUSTRIAL DRIVE  
MIDDLETOWN, N.Y. 10940

TDR # 88-1160









# 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

March 15, 2004

Jill Turner (or Present Owner of)  
3045 Rt. 9W  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-55 (23-4-8)

Dear Ms. Turner 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

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 23-4-8

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**JILL TURNER**

**AREA**

CASE #03-55

**WHEREAS, Jill Turner**, owner(s) of 3045 Rt. 9W, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 17 feet Rear Yard Setback for existing rear deck (Use: G-8) at 3045 Rt. 9W in an R-4 Zone

**WHEREAS**, a public hearing was held on December 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 two spectators appearing at the public hearing; and

**WHEREAS**, two persons spoke, neither in favor of nor in opposition to the Application as they only had questions which were answered; 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) At the time the present owner purchased the property in 1988 a deck was already attached to the property. It now appears that a building permit was never obtained for that deck and it was not within the required rear yard setback.

- (c) The deck does not create any water hazards or runoffs, divert the flow of water drainage or create the ponding or collection of water.
- (d) There have been no complaints about the deck, either formal or informal.
- (e) The deck is not built on top of any easements including, but not limited to, water sewer and electrical.
- (f) The deck is similar in size and appearance to other decks in the neighborhood.

**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).

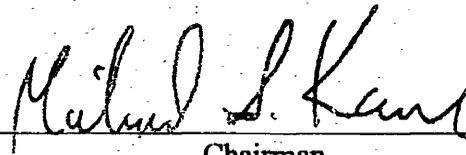
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 17 feet Rear Yard Setback for existing rear deck (Use: G-8) at 3045 Rt. 9W 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/or Building Inspector and Applicant.

Dated: December 8, 2003



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Chairman

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

**COPY**

**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: August 7, 2003**

**APPLICANT: Jill Brown  
3045 NYS Rte. 9W  
New Windsor, NY 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 8/7/03**

**FOR : Existing 10x14 ft. deck**

**LOCATED AT: 3045 NYS Rte.9W**

**ZONE: R-4 Sec/Blk/ Lot: 23-4-8**

**DESCRIPTION OF EXISTING SITE: 23-4-8**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

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

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE: G-8 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'

23'

17'

REQ'D FRONTAGE: -

MAX BLDG HT:

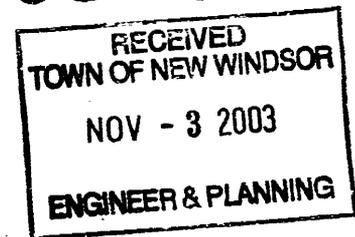
FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

03-55



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION.

# COPY

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 uncheduled 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.

RECEIVED

AUG 16 2003

BUILDING DEPARTMENT

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 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 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 #: 2003-991

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

Attorney 845-569-8010 David Blinz

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

Owner of Premises Jill Turner

Address ~~651 CR 243~~ 3045 Rt 9W New Windsor Phone # 914 805 0197

Mailing Address 651 ~~CR 243~~ Hondo Tx 78861 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 Rt. 9W  
(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 23 Block 4 Lot 8

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

6. Is this a corner lot? no existing 10x14 ft. deck

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 -

**PAID**

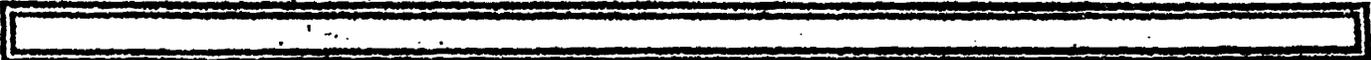
CH# 578 part of

8-16-03  
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 Kryshear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 583-4818  
(845) 583-4888 FAX

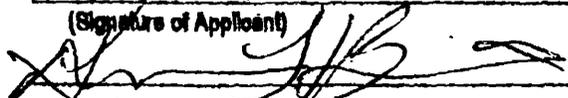
Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_



**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.

(Signature of Applicant)  
  
(Owner's St 1st)

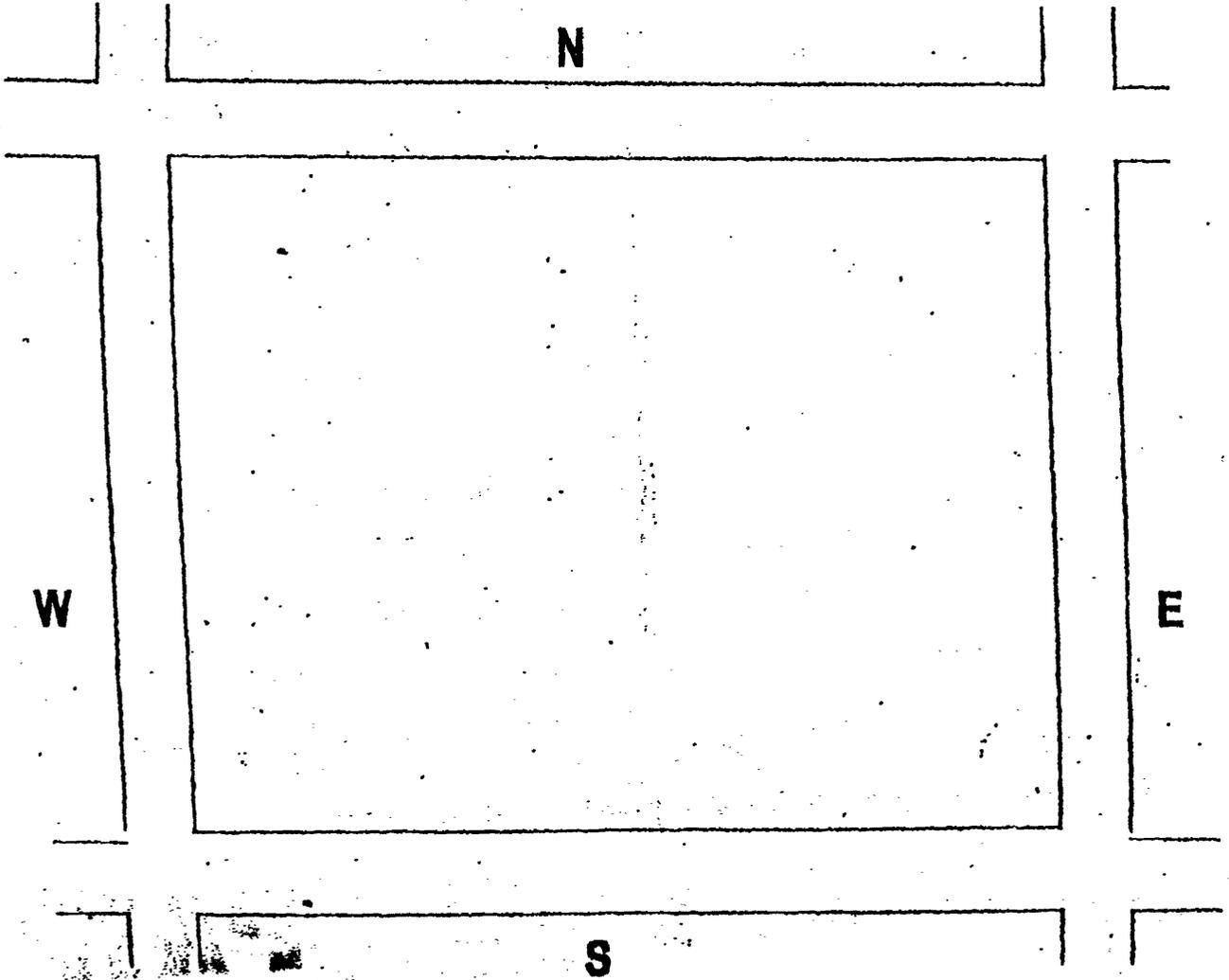
(Address of Applicant)

(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.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS



**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: JANUARY 14, 2004**  
**SUBJECT: ESCROW REFUND - 03-56**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 189.50 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #03-56**

**NAME & ADDRESS:**

**JILL TURNER (a.k.a. Brown)  
651 CR 243  
Hondo, TX 78861**

**THANK YOU,**

**MYRA**

**L.R.01-14-04**



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



FILE #03-55      TYPE: AREA

APPLICANT:  
JILL TURNER (a.k.a. Brown)  
651 CR 243  
Hondo, TX 78861

TELEPHONE:      830-796-8128

RESIDENTIAL:	\$ 50.00	CHECK # <u>742</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:            RESIDENTIAL \$300.00      CHECK # 743

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> \$4.50 / PAGE	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	<u>4</u>	PAGES	\$ <u>18.00</u>
2 <sup>ND</sup> PRELIMINARY:		PAGES	\$ _____
PUBLIC HEARING:	<u>5</u>	PAGES	\$ <u>22.50</u>
PUBLIC HEARING:	—	PAGES	\$ _____
	TOTAL:		\$ <u>40.50</u> \$ <u>70.00</u>

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>110.50</u>
AMOUNT DUE:	\$ _____
REFUND DUE:	\$ <u>189.50</u>

L.R. 1-14-04



RESULTS OF Z.B.A. MEETING OF: December 2, 2003

PROJECT: Jill Turner (Brown) ZBA # 03-55  
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) \_\_\_\_\_ S) \_\_\_\_\_      VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

PUBLIC HEARING:      STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED:      M) M N) S S) Rs      VOTE: A 4 N 0.



RIVERA      A  
~~MCDONALD~~      \_\_\_\_\_  
REIS      A  
MINUTA      A  
KANE      A

CARRIED: Y  N \_\_\_\_\_.

*Purchased house in 1988*  
*No water hazard*  
*No complaints*  
*No easements*  
*Similar in size*

TOWN OF NEW WINDSOR ZONING BOARD  
PUBLIC HEARING FOR:

Jill Turner (Brown)

DATE: 12-8-03

SIGN-IN SHEET

	NAME	ADDRESS	
1.	Joe Palazzo	21 St. Joseph Pl	No problem
2.	Virginia Evans	1 Valley View Dr.	Not opposed
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

PUBLIC HEARINGS:

JILL TURNER (03-56)

MR. KANE: Request for 17 feet rear yard setback for existing rear deck (Use G-8) at 3045 Route 9W in an R-4 zone.

Mr. Jill Turner appeared before the board for this proposal.

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

MS. TURNER: Apparently, when the deck was put on, the owner at that time either there wasn't a requirement or he just ignored the requirement. He never got a building permit and the deck was put on not within the correct footage from the back of the property line. So now I bought that house in 1988 and just recently sold it this past August and when it was sold, they found this discrepancy and so part of the closing requirement the new owner purchased the house, has moved in but the agreement was that I would take care of the variance and rectify the whole situation that the previous owner had created.

MR. KANE: So you purchased the house in 1988?

MS. TURNER: Yes.

MR. KANE: Do you have any idea how old the deck is?

MS. TURNER: It was there when I bought it.

MR. KANE: Michael, do we have any record and a permit or application or anything for the deck? While he's looking for that, I'll ask a couple other questions, have to ask them for the record, but any cutting down of trees or substantial vegetation in the building of the deck?

MS. TURNER: No.

MR. KANE: Create water hazards or runoffs?

MS. TURNER: No.

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

MS. TURNER: No.

MR. KANE: Deck going across any easements in your yard?

MS. TURNER: No.

MR. KANE: You guys have any questions? Is it similar in size and appearance to other decks in the neighborhood?

MS. TURNER: I guess so, I mean, it's a very small deck.

MR. KRIEGER: Similar?

MS. TURNER: Yes.

MR. KANE: It's not overly large? It's not an eyesore and again you've got no complaints about it?

MS. TURNER: No.

MR. REIS: How many letters went out?

MS. MASON: On the 24th of November, 46 envelopes were mailed out containing the notice of public hearing and I had no response.

MR. KANE: Okay, at this point, Mike, any permits or

anything on that deck?

MR. BABCOCK: No, just that it indicates there is no permit.

MR. KANE: I'll open it up to the public, ask if there's anything anybody wants to say.

MR. PALAZZO: Joe Palazzo. That decks been there at least since '78 so I have no problems with it.

MR. KANE: You have no problems at all and your address, sir?

MR. PALAZZO: Right across from here, our fence lines were back here, my back yard goes to here.

MR. KANE: No problem?

MR. PALAZZO: No problem.

MR. KRIEGER: And the address is?

MR. PALAZZO: 21 St. Joseph's Place.

MR. KANE: Anyone else? Seeing that there's no one else, we'll close that portion.

MS. EVANS: Virginia Evans, 1 Valley View Drive, my property in the back abuts the side of theirs, as long as the new owners don't want to enlarge the deck that they have now.

MR. KANE: That right now is not an application, they would have to go for a permit. The deck is existing and it's just being approved as is with no approval to make any additions whatsoever.

MS. EVANS: That's all, otherwise it would be a little incongruous with the room they have.

MR. KANE: They'd have to require a building permit and meet the standards.

MS. EVANS: Just wanted to hear him say it, hear you say it. Thank you.

MR. KANE: So you what, you want to say that you're not opposed as long as nobody is going to expand the size of the deck?

MS. EVANS: Correct.

MR. KANE: So we'll put that in the record. Okay, all right, we'll close this portion of the public hearing. Gentlemen, any other questions?

MR. REIS: No, sir. Accept a motion?

MR. KANE: Yes.

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will.

MS. EVANS: Pardon me. Is it possible, I think Jill is going to try and tell me the name of the new owners that bought this property from Jill Turner.

MS. TURNER: Yes, I have it written down, I'll put it on a piece of paper for you.

MS. EVANS: She wasn't sure, I thought maybe she would know since it would be on the--no, it wouldn't be on the application, it's your application, I understand, thank you.

MR. KANE: You're welcome, ma'am. I'll accept a motion.

December 8, 2003

17

MR. MINUTA: Accept a motion that we grant Jill Turner her request for 17 foot rear yard setback for the existing rear deck at 3045 Route 9W.

MR. REIS: Second it.

ROLL CALL

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

JILL TURNER (03-55)

Ms. Jill Turner appeared before the board for this proposal.

MR. KANE: Request for 17 feet rear yard setback for existing rear deck (use: G-8) at 3045 Route 9W in an R-4 zone.

MR. KANE: Jill, tell us what you want to do.

MS. TURNER: There's an existing deck on the property that I just sold last August and I moved to Texas and when we sold the house, we found out that there was a violation on the deck which I had not previously known about and I lived in the house since 1988 and so we're looking for a variance on that deck and the new owner's already moved in.

MR. KANE: Okay, the question then becomes who has to go for the variance, the new owners or the old owner?

MR. REIS: Are you still the owner?

MS. TURNER: I'm not the owner but I signed a proxy.

MR. KANE: There's the answer.

MS. TURNER: For the owner.

MR. KANE: Okay, great.

MS. TURNER: That was part of the agreement.

MR. KANE: How long ago did you sell the home? In August you said?

MS. TURNER: August.

MR. KANE: They didn't find that then?

MR. BABCOCK: Yes, they did.

MS. TURNER: That's when they discovered it.

MR. KANE: And they allowed them to close anyway?

MR. BABCOCK: Right.

MR. KANE: That's up to the bank.

MR. BABCOCK: They allowed them to close, I'm sure they closed with money in escrow with a stipulation that she comes and gets the variance and they'll release her money.

MS. TURNER: Exactly.

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

MS. TURNER: I don't know when it was actually built but at least since 1988, that's when I first bought the house.

MR. KANE: Do you have any kind of building permit applied for on that or--

MR. BABCOCK: Yeah, they applied for a permit to get this process going but there was their deck, according to our records, there was no building permit for the deck.

MR. KANE: Okay, has there been any complaints formally or informally about the deck?

MS. TURNER: No.

MR. KANE: Deck's similar in size and nature to other decks in the neighborhood?

MS. TURNER: Yes.

MR. KANE: I have to ask it anyway, are you creating any water hazards or runoffs with the building of the deck or seen anything since 1988?

MS. TURNER: No.

MR. KANE: Cutting down any trees or shrubbery?

MS. TURNER: No.

MR. KANE: Any easements under the deck?

MS. TURNER: No.

MR. KANE: Is there a door coming out to the deck from the house?

MS. TURNER: From the house.

MR. KANE: Without the deck there, if you stepped out the door, it would be a hazard?

MS. TURNER: Absolutely.

MR. REIS: Has the Town inspected the deck at this point?

MR. BABCOCK: I don't think so, Larry, I don't think or Mike, excuse me, I don't think we have because we wait for this process to take place first.

MR. KRIEGER: So you understand that if a variance were granted, it would still be subject to the inspections?

MR. KANE: Got to still pass the code.

MS. TURNER: I'm waiting on the new owner, is it Cuomo Engineering?

MR. KRIEGER: Yeah, it's outside this board, I just wanted to let you know so that you knew that if the variance were granted--

MR. KANE: If it was granted then you're able to have a deck of this size, you just have to make it come up to code. Gentlemen, any other questions?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion we set up Jill Turner for her requested variance at 3045 Route 9W for a public hearing.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	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

November 24, 2003

JILL TURNER (a.k.a. Brown)  
651 CR 243  
Hondo, TX 78861

SUBJECT: REQUEST FOR VARIANCE #03-55'

Dear Ms. Turner:

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:

3045 Rt. 9W  
New Windsor, NY

is scheduled for the December 8, 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



# Town of New Windsor

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

## Assessor's Office

November 18, 2003

Jill Turner  
651 CR243  
Hondo, TX 78861

Re: 23-4-8 ZBA#03-55

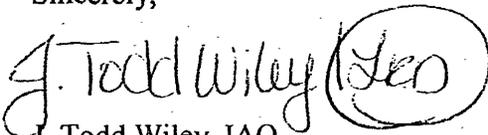
Dear Ms. Turner:

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 \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,



J. Todd Wiley, IAO  
Assessor

JTW/lrd  
Attachments

CC: Myra Mason, ZBA

9-1-101  
Nicholas Cardaropoli  
PO Box 487  
Cornwall on Hudson, NY 12520

9-2-1 & 9-2-2  
Central Valley Real Estate, Inc.  
PO Box 487  
Cornwall on Hudson, NY 12520

9-2-3  
United States of America Chess Federation  
3054 NYS Route 9W  
New Windsor, NY 12553

9-2-4  
Carollee Curri  
Eileen Dittbrenner  
67 Old Route 9W  
New Windsor, NY 12553

9-2-5  
Neil Properties Corp.  
3046 Route 9W South  
New Windsor, NY 12553

9-2-6  
Richard Roth  
3026 NYS Route 9W  
New Windsor, NY 12553

23-1-8  
Francis Sylvester  
6057 Sabal Creek Blvd.  
Port Orange, FL 32124

23-1-13  
Church of St. Joseph  
4 St. Joseph's Place  
New Windsor, NY 12553

23-1-14  
Brad Clifford  
6 St. Joseph's Place  
New Windsor, NY 12553

23-1-15  
Elizabeth & James O'Mara  
8 St. Joseph's Place  
New Windsor, NY 12553

23-1-16  
Albert & Susan Ashworth  
10 St. Joseph's Place  
New Windsor, NY 12553

23-1-17  
Kenneth Sr. & Deborah Fabbrini  
12 St. Joseph's Place  
New Windsor, NY 12553

23-1-18  
Sadie Penzato  
Paula Stellefson  
14 St. Joseph's Place  
New Windsor, NY 12553

23-1-19  
Arthur & Anne Marie Johnson  
16 St. Joseph's Place  
New Windsor, NY 12553

23-1-20  
James & Jeanette Peterson  
18 St. Joseph's Place  
New Windsor, NY 12553

23-1-21  
Bruce Feldman  
20 St. Joseph's Place  
New Windsor, NY 12553

23-1-22  
Joan Polkowski  
14 Martha's Way  
Washingtonville, NY 10992

23-1-23  
James & Cathy Brannigan  
8 Lush Lane  
New Windsor, NY 12553

23-1-41  
Ronald Travaglione  
Virginia Mackay  
19 Foxwood Drive  
Newburgh, NY 12550

23-1-42  
Michael Clark  
5 Ellison Drive  
New Windsor, NY 12553

23-1-43.1  
John McCormick  
Kathleen Fenwick ETAL  
3 Ellison Drive  
New Windsor, NY 12553

23-1-43.2  
County of Orange  
255-275 Main Street  
Goshen, NY 10924

23-1-44  
Michael Itskovich  
4 Sunrise Terrace  
New Windsor, NY 12553

23-1-45  
Arline Hekl  
6 Sunrise Terrace  
New Windsor, NY 12553

23-1-46  
Pamela Armel  
8 Sunrise Terrace  
New Windsor, NY 12553

23-1-47  
Charles & Gail O'Mara  
10 Sunrise Terrace  
New Windsor, NY 12553

23-3-1  
Mildred Doyle  
Sarah Jane Leetch  
5 Sunrise Terrace  
New Windsor, NY 12553

23-3-2  
Richard & Eleanor Bouton  
PO Box 356  
Cornwall on Hudson, NY 12520

23-3-3  
Howard Silkworth  
Donna Riccio  
9 Sunrise Terrace  
New Windsor, NY 12553

23-3-4  
Timothy & Rosemarie Griffin  
8 Valley View Drive  
New Windsor, NY 12553

23-3-5  
Janet Nelson  
10 Valley View Drive  
New Windsor, NY 12553

23-3-6  
Maxine Bellamy  
11 Sunrise Terrace  
New Windsor, NY 12553

23-4-1  
St. Josephs Church  
29 Union Avenue  
New Windsor, NY 12553

23-4-2  
Eileen Potter  
9 St. Joseph's Place  
New Windsor, NY 12553

23-4-3  
Craig & Sylvia Buccieri  
28 Cornwall Avenue  
Cornwall on Hudson, NY 12520

23-4-4  
Laura & Ioannis Kantarakias  
13 St. Joseph's Place  
New Windsor, NY 12553

23-4-5  
George & Carol Whittaker  
15 St. Joseph's Place  
New Windsor, NY 12553

23-4-6  
Carmine & Lucia Bambino  
Joseph Bambino  
17 St. Joseph's Place  
New Windsor, NY 12553

23-4-7  
Georgina Ahl  
3301 Alt 19 Lot 163  
Dunedin, Fl 34698

23-4-9  
Gerard Kucker  
19 St. Joseph's Place  
New Windsor, NY 12553

23-4-10  
Joseph & Donna Pallazzo  
21 St. Joseph's Place  
New Windsor, NY 12553

23-4-11  
Calvin & Virginia Evans  
1 Valley View Drive  
New Windsor, NY 12553

23-4-12  
Kevin & Nancy Burlew  
3 Valley View Drive  
New Windsor, NY 12553

23-4-13  
Francis Jr. & Margo Bedetti  
57 Harth Drive  
New Windsor, NY 12553

23-4-14  
Loyvey Noe  
Robert Noe Jr.  
7 Valley View Drive  
New Windsor, NY 12553

23-4-15  
Elizabeth DePuy  
Robert Noe Jr.  
9 Valley View Drive  
New Windsor, NY 12553

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

**RECEIPT**  
**#1075-2003**

11/20/2003

Turner, Jill

Received \$ 40.00 for Assessors List, on 11/20/2003. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

# TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 11-12-03

PROJECT NUMBER: ZBA# 03-55 P.B. #

APPLICANT NAME: JULL TURNER (BROWN)

PERSON TO NOTIFY TO PICK UP LIST:

**JILL TURNER**

651 CR243

HONDO, TX 78861

TELEPHONE: 830-796-8128

TAX MAP NUMBER:	SEC. <u>23</u>	BLOCK <u>4</u>	LOT <u>8</u>
	SEC. <u>    </u>	BLOCK <u>    </u>	LOT <u>    </u>
	SEC. <u>    </u>	BLOCK <u>    </u>	LOT <u>    </u>

PROPERTY LOCATION: 3045 NYS RTE 9W  
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: 744

TOTAL CHARGES: \_\_\_\_\_

**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. 03-55**

**Request of JILL TURNER (BROWN)**

**for a VARIANCE of the Zoning Local Law to Permit:**

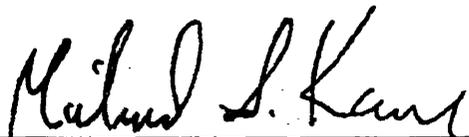
**Request for 17 feet Rear Yard Setback for existing rear deck .**

**being a VARIANCE of Section (Use: G-8)**

**for property located at: 3045 Rt. 9W**

**known and designated as tax map Section 23 Block 4 Lot 8**

**PUBLIC HEARING will take place on DECEMBER 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**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 11/3/03

FOR: #03-55 ESCROW

FROM: JILL TURNER

651 CR 243

HONDO, TX 78861

CHECK NUMBER: 743

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

11/5/03  
\_\_\_\_\_  
DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

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

**RECEIPT  
#1039-2003**

**11/05/2003**

**Turner, Jill A.** *#03-65*

**Received \$ 50.00 for Zoning Board Fees, on 11/05/2003. 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: November 10, 2003

PROJECT: Jill Brown (Turner)

ZBA # 03-55  
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 \_\_\_ N \_\_\_  
RIVERA A \_\_\_\_\_  
~~MCDONALD~~ A \_\_\_\_\_  
REIS A \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
MINUTA A \_\_\_\_\_  
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 \_\_\_\_\_

*Dock in existence since at least 1988*  
*No complaints*  
*Similar in size*  
*No drainage problems*  
*No easements*



# Town of New Windsor

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

## ZONING BOARD OF APPEALS

November 3, 2003

JILL TURNER (a.k.a. Brown)  
651 CR 243  
Hondo, TX 78861

SUBJECT: REQUEST FOR VARIANCE #03-55

Dear Ms. Turner:

This letter is to inform you that you have been placed on the November 10, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

3045 RT. 9W  
NEW WINDSOR, NY

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



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



FILE #03-55      TYPE: AREA

APPLICANT:  
JILL TURNER (a.k.a. Brown)  
651 CR 243  
Hondo, TX 78861

TELEPHONE:      830-796-8128

RESIDENTIAL:	\$ 50.00	CHECK # <u>742</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:            RESIDENTIAL \$300.00      CHECK # 743

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> \$4.50 / PAGE	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	— PAGES	\$ _____	\$ _____
2 <sup>ND</sup> PRELIMINARY:	— PAGES	\$ _____	\$ _____
PUBLIC HEARING:	— PAGES	\$ _____	\$ _____
PUBLIC HEARING:	— PAGES	\$ _____	\$ _____
	TOTAL:	\$ _____	\$ _____

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

ESCROW POSTED:            \$ 300.00  
LESS: DISBURSEMENTS:    \$ \_\_\_\_\_

AMOUNT DUE:              \$ \_\_\_\_\_

REFUND DUE:              \$ \_\_\_\_\_

L.R. \_\_\_\_\_



**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  
 \*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
 \*ESCROW: \$500.00  
 \*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
 \*ESCROW: \$500.00  
 \*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
 \*ESCROW: \$500.00  
 \*\*DEPOSIT 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"

\*\*

RECEIVED  
 TOWN OF NEW WINDSOR  
 NOV - 3 2008  
 ENGINEER & PLANNING

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	

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.**

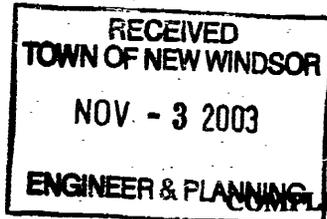
**\*\* MUST READ AND SIGN \*\***

***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).***

*John A. Turner - Brown* <sup>AKA</sup> *9/22/03*  
SIGNATURE DATE

**NOTE:**

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



PAGE 2

**03-55**



**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)**

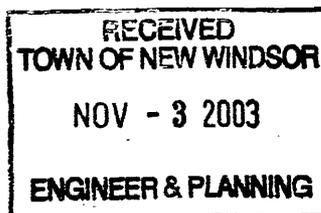
Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	40'	23'	17'
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.**



03-55

COMPLETE THIS PAGE

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

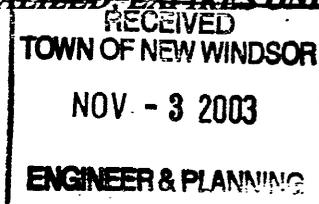
- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change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

WHEN I Purchased the house in  
1988 it was inclusive of A Deck, AT The time there was  
NO indication by Any Party, Attorney, title Co. etc. of A Violation  
AFTER owning Property for 15yrs it Was Sold on 8.12.03,  
it was then that the violation was brought to my Attention,  
The property is now being occupied by a new owner. The deck  
enhances the beauty of the property + Has no adverse effect or  
impact to the environment or neighborhood. In Addition,  
Per the Survey the house itself had not been built  
40' From the property line. hope you will Grant this  
Variance so that the new owner may enjoy the  
deck as much as I have - thank you

**PLEASE NOTE:**

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



03-55

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.)

15-20 FT Hemlock Tree Privacy Wall Which Creates a  
NATURAL BARRIER Along the Property line that is in question.

**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)

New York SS.:

COUNTY OF ~~CATSKILL~~ )

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:

9<sup>th</sup> day of October 2003,

Stephanie Rudolph

STEPHANIE RUDOLPH  
 Notary Public, State of New York  
 No. 01RU4800710  
 Qualified in Putnam County  
 Certificate Filed in New York County  
 Signature ~~Expiry Date~~ May 31, 2005

Joni Bruzzese  
 Owner's Signature (Notarized)

Joni Bruzzese  
 Owner's Name (Please Print)

Joni Bruzzese  
 Applicant's Signature (If not Owner)

**PLEASE NOTE:**

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

TOWN OF NEW WINDSOR  
 NOV - 3 2003  
 ENGINEER & PLANNING

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**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
**TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS**

Joni Bruzzese, deposes and says that he resides  
(OWNER)

at 3045 RTE 9w New Windsor NY in the County of ORANGE  
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 23 Block 4 Lot 8)  
designation number (Sec. 23 Block 4 Lot 8) which is, the premises described in

the foregoing application and that he authorizes:

Jill Turner 651 CR 243 Hondo, TX 78801  
(Applicant Name & Address, if different from owner)

Jill Turner 651 CR 243 Hondo, TX 78801  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: October 9, 2003

Sworn to before me this:  
9th day of October 2003

Stephanie Rudolph  
STEPHANIE RUDOLPH  
Notary Public, State of New York  
No. 01RU4800710

Qualified in Putnam County  
Certificate Filed in New York County  
Commission Expires May 31, 2005  
Signature and Stamp of Notary

\*\*  
Joni Bruzzese  
Owner's Signature (MUST BE NOTARIZED)

Jill A. Turner  
Applicant's Signature (If different than owner)

Representative's Signature

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

\*\* PLEASE NOTE:

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED

RECEIVED  
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