

ZB# 04-19

Henry VanLeeuwen

55-2-13.12

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 4-26-04

ZBA #04-19 HENRY VAN LEEUWEN
AREA - BEATTIE ROAD (55-2-13.12)

Hark 562-0532

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: May 30, 2003

**APPLICANT: Henry & Elizabeth Vanleeuwen
345 Beatty Road
Rock Tavern, NY 12575**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/30/03

FOR : Proposed gazebo & existing shed

LOCATED AT: 345 Beattie Rd.

ZONE: R-1 Sec/Blk/ Lot: 55-2-13.12

DESCRIPTION OF EXISTING SITE: SBL#55-2-13.12

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. ~~Proposed~~ ^{Existing} gazebo will project between house and road.
2. Existing shed projects between house and road.

Frank Leri
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

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

REQ'D FRONTAGE:

MAX BLDG HT:

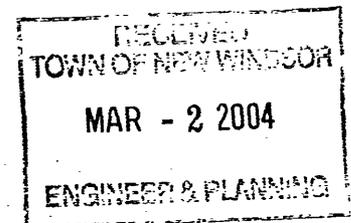
FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

6/5/03 Sent Application
2/11/04 Sent Another Applic.



04-19

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 reworked 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.

RECEIVED

MAY 27 2003

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: _____

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 HENRY P. VAN LEEUWEN 562-0532

Address 345 Beech rd Phone # 496 9523

Mailing Address Rock Tavern N.Y. 12528 Fax # 562 3845

Name of Architect _____

Address _____ Phone _____

Name of Contractor Self

Address _____ Phone _____

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

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

1. On what street is property located? On the West side of Beattie rd
(N, S, E or W)
and _____ feet from the intersection of 1 1/2 miles from 207
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N
3. Tax Map Description: Section 55 Block 2 Lot 1201 13.12
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy see b. Intended use and occupancy same
5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other
6. Is this a corner lot? no ~~gazebo~~ gazebo
7. Dimensions of entire new construction. Front 12 Rear _____ Depth 16 Height 9 No. of stories 1
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
8. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost 6,000.00

Fee

\$ 50

on # 2415

PAID

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 12683
(845) 863-4818
(845) 863-4888 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)

(Address of Applicant)

(Owner's Signature)

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.

see attached map

W

E

S

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

MEMORANDUM OF
DECISION GRANTING

HENRY VAN LEEUWEN

AREA

CASE #04-19
-----X

WHEREAS, Henry VanLeeuwen , owner(s) of 345 Beattie Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for proposed gazebo and existing shed to project between the house and the street (48-14-A-4) at 345 Beattie Road in an R-1 Zone (55-2-13.12) and;

WHEREAS, a public hearing was held on April 26, 2004 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 applicant placed a gazebo on his property and then was advised subsequently that it was located in his front yard and a variance would be necessary.
 - (c) The applicant seeks a variance for a shed.

- (d) The shed has been in existence for a number of years.
- (e) No complaints about the shed or gazebo, either formal or informal, have been received.
- (f) Both the shed and gazebo are similar in size and appearance to other such structures in the neighborhood.
- (g) Neither the shed or the gazebo are over or interfere with any easements, including, but not limited to, water, sewer and electrical.
- (h) The subject property is in excess of three acres and is located approximately 150 feet from the nearest roadway. The property is so situated that it is not parallel with the adjacent roadway and, therefore, the gazebo is located in his front yard but is not readily visible from the adjacent roadway.
- (i) Neither the shed or the gazebo create the ponding or collection water or divert the flow of water drainage.

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).

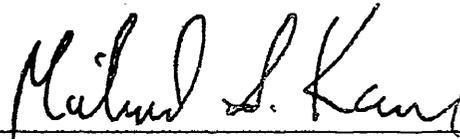
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for proposed gazebo and existing shed to project between the house and the street (48-14-A-4) at 345 Beattie Road in an R-1 Zone (55-2-13.12) 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: April 26, 2004



Chairman



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

August 10, 2004

Henry VanLeeuwen
345 Beattie Road
Rock Tavern, NY 12575

SUBJECT: REQUEST FOR VARIANCE #04-19

Dear Hank:

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

**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: 6-28-04
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 186.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-19

NAME & ADDRESS:

**Henry VanLeeuwen
345 Beattie Road
Rock Tavern, NY 12575**

THANK YOU,

MYRA

L.R. 6-28-04

HENRY VAN LEEUWEN (04-19)

MR. REIS: Request for proposed gazebo and existing shed to project between the house and the street at 345 Beattie Road in an R-1 zone.

Mr. Henry Van Leeuwen appeared before the board for this proposal.

MR. REIS: I'd like to disclose to the board that I have had business dealings with Mr. VanLeeuwen but this particular application has no influence on my gain and I can vote objectively on it.

MR. MINUTA: I'd like to disclose for the same reasons mentioned.

MR. MC DONALD: Same reasons.

MR. REIS: Tell us what you'd like to accomplish.

MR. VAN LEEUWEN: Well, I put this gazebo not thinking, okay, poured the concrete, put the gazebo not thinking that you can't have any in the front of the house, this is just about 15 feet beyond the front, wait a minute, not 15 feet, about five feet beyond the front of the house and sits about 150 feet back from the road, sits more than that back from the road and the shed has been there before I got there cause it used to be a pond there and that's where they used to keep ducks and so forth.

MR. REIS: The fact that you're on a corner lot is the reason why this applicant is before us, Michael?

MR. BABCOCK: The shed is because of the corner lot, the gazebo is because his house doesn't sit parallel with Beattie Road, if you look at the survey, the property actually gets closer as it goes towards McClain Drive so therefore puts his gazebo in what we

would call the front yard.

MR. KRIEGER: How big a piece of property is it?

MR. VAN LEEUWEN: Almost 4 acres.

MR. REIS: 3.11 for the record.

MR. VAN LEEUWEN: It's a little bit more than that but that's okay.

MR. KRIEGER: In excess of 3 acres.

MR. REIS: The gazebo is stationery at this time, it would be extremely impractical for you to attempt to move it to be within.

MR. VAN LEEUWEN: Could be done but it would take some doing then I've got to take the concrete and gravel out.

MR. KRIEGER: He said impractical, not impossible.

MR. VAN LEEUWEN: Nothing's impossible.

MR. REIS: This doesn't go over any easements, sewer lines, septic or anything?

MR. VAN LEEUWEN: Dumb but not stupid.

MR. MINUTA: Not creating any water hazards?

MR. VAN LEEUWEN: No.

MR. REIS: Open it up to the public hearing, anyone here for or against this application request for his variance? Seeing no one to respond we'll close the public hearing. For the record, how many mailings?

MS. MASON: On the 5th of April, I mailed out 22

April 26, 2004

23

MR. MINUTA

AYE



RESULTS OF Z.B.A. MEETING OF: April 20, 2004

PROJECT: Henry Van Leeuwen

ZBA # 04-19
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) MW S) MC VOTE: A 3 N 0.

~~RIVERA~~ _____
MC DONALD A _____ CARRIED: Y N _____
REIS A _____
MINUTA A _____
~~KANE~~ _____



No sewer easements
No Water hazards

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 03-24-04 PROJECT NUMBER: ZBA# 04-19 P.B. # _____

APPLICANT NAME: HENRY VAN LEEUWEN

PERSON TO NOTIFY TO PICK UP LIST:

HENRY VAN LEEUWEN
345 BEATTIE ROAD
ROCK TAVERN, NY 12575

TELEPHONE: 562-0532 (ARKEL MOTORS)

TAX MAP NUMBER: SEC. 55 BLOCK 2 LOT 13.12
 SEC. _____ BLOCK _____ LOT _____
 SEC. _____ BLOCK _____ LOT _____

PROPERTY LOCATION: 345 BEATTIE ROAD
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: 2579

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. 04-19

Request of HENRY VAN LEEUWEN

for a VARIANCE of the Zoning Local Law to Permit:

Request for proposed gazebo and existing shed to project between the house and the street

being a VARIANCE of Section (48-14-A-4)

for property located at: 345 Beattie Road in an R-1 Zone

known and designated as tax map Section 55 Block 2 Lot 13.12

**PUBLIC HEARING will take place on APRIL 26, 2004
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

Assessors Office

March 26, 2004

Henry Van Leeuwen
345 Beattie Road
Rock Tavern, NY 12575

Re: 55-2-13.12 ZB# 04-19

Dear Mr. Van Leeuwen:

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 \$ 45.00, minus your deposit of \$25.00.

Please remit the balance of \$ 20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IA
Sole Assessor

JTW/tmp
Attachments



55-1-65.4
Thomas & Heidi Gamble
373 Beattie Road
Rock Tavern, NY 12575

55-1-96.21
David & Arlene Nolan
325 Beattie Road
Washingtonville, NY 10992

55-1-116.1
Raymond & Loretta Sullivan
328 Beattie Road
Washingtonville, NY 10992

55-2-1
Ira & Marie Kurtz
2 MacLean Drive
Rock Tavern, NY 12575

55-2-4
John & Jeanette Shupe
8 MacLean Drive
Rock Tavern, NY 12575

55-2-7
Heather & Thomas Joseph Durney, Jr.
14 MacLean Drive
Rock Tavern, NY 12575

55-2-10
John & Jean Dunn
9 MacLean Drive
Rock Tavern, NY 12575

55-2-13.11
Robert C Rodriguez
34 Beattie Road
Rock Tavern, NY 12575

55-1-66
William & Eileen Gamble
377 Beattie Road
Rock Tavern, NY 12575

55-1-97
Edwin & Marie Guzman
66 Lincolndale Acres
Washingtonville, NY 10992

55-1-118
Jan & Alice Polman
330 Beattie Road
Washingtonville, NY 10992

55-2-2
Susan & Joseph Filoreto, Jr.
4 MacLean Drive
Rock Tavern, NY 12575

55-2-5
Christopher & Lorraine Pasquarelli
10 MacLean Drive
Rock Tavern, NY 12575

55-2-8
Robert & Darlene Prosser
16 MacLean Drive
Rock Tavern, NY 12575

55-2-11
Jorge & Ileana Mendoza
7 MacLean Drive
Rock Tavern, NY 12575

55-1-96.12
Eugene & Anna Neporanny
335 Beattie Road
Washingtonville, NY 10992

55-1-98
Joseph Averso
Lisa Tamburo
80 Lincolndale Acres
Washingtonville, NY 10992

55-1-132.31
Kenneth McKenna
334 Beattie Road
Rock Tavern, NY 12575

55-2-3
Diane Jacob
6 MacLean Drive
Rock Tavern, NY 12575

55-2-6
Rodney Krinke
12 MacLean Road
Rock Tavern, NY 12575

55-2-9
John O'Donoghue
Carol McGrath
11 MacLean Drive
Rock Tavern, NY 12575

5-2-12
Bruce & Laura Hermann
5 MacLean Drive
Rock Tavern, NY 12575



Town of New Windsor

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

ZONING BOARD OF APPEALS

April 5, 2004

Henry VanLeeuwen
345 Beattie Road
Rock Tavern, NY 12575

SUBJECT: REQUEST FOR VARIANCE #04-19

Dear Hank:

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:

345 Beattie Road
Rock Tavern, NY

is scheduled for the April 26, 2004 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

HENRY VAN LEEUWEN #04-19

Mr. Henry Van Leeuwen appeared before the board for this proposal.

MR. KANE: Request for proposed gazebo and existing shed to project between the house and the street at 345 Beattie Road in an R-1 zone.

MR. VAN LEEUWEN: Well, the shed has been there before, it was a pig pen, okay, when it was still a farm, that's been there, I've there 33 years, the shed was there I don't know how many years before that. The gazebo I thought I was doing the right thing, the guy came out and looked at it and said you've got to go to zoning cause I've got three, a little over three acres there, the problem is it's in front of the house instead of--

MR. KANE: Basically, Mike, what we're looking at is two front yards and that's the reason he's here?

MR. BABCOCK: That's correct.

MR. KANE: Corner property in New York State two front yards.

MR. VAN LEEUWEN: You're right.

MR. KANE: Otherwise you wouldn't be here. The shed is similar in nature to other sheds in your neighborhood?

MR. VAN LEEUWEN: Yes.

MR. KANE: Same as the gazebo, if there are other ones out there?

MR. VAN LEEUWEN: It's white.

MR. KANE: Doesn't change the appearance of your neighborhood?

MR. VAN LEEUWEN: No.

MR. KANE: Proposed, the existing shed has been there for 30, 40 years?

MR. VAN LEEUWEN: I've been there 33 years, it was there when I got there, I just put a concrete foundation under it.

MR. KANE: Ever have any permit or anything like that, the shed that we know of?

MR. BABCOCK: I think when he did maintenance to it we did, Mr. Chairman.

MR. VAN LEEUWEN: When I fixed it, no, I don't think so.

MR. KANE: Is there electric to the shed?

MR. VAN LEEUWEN: Yes.

MR. KANE: You still have to pass everything with the building department getting the C.O. on it.

MR. VAN LEEUWEN: Okay.

MR. KANE: Because we allow you to have it there doesn't mean that it's totally legal unless he says so.

MR. VAN LEEUWEN: He can come out and take a look.

MR. KANE: Electric all has to pass code.

MR. VAN LEEUWEN: It will.

MR. REIS: I have done business with Mr. Van Leeuwen in

the past but in no way this would affect my voting on this. I've got a question though, according to language, proposed gazebo, the gazebo is now there?

MR. VAN LEEUWEN: Yes. What happened was very simple, there's two slabs in front of my house, one was existing, I took the old slab out, dug down three foot, put gravel, then I made the other for the gazebo I ordered the fall before and the guy wanted to get it over there then, when I asked Mike to come out and take a look--

MR. CAKE: Change to existing gazebo instead of proposed. Do you know of, with the shed or the gazebo any trees or substantial shrubbery being taken down?

MR. VAN LEEUWEN: No.

MR. KANE: Any water hazards or run-offs with them?

MR. KANE: No.

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

MR. VAN LEEUWEN: I haven't heard any.

MR. KANE: Any other questions?

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will.

MR. MINUTA: I'd like to make a motion that we forward Mr. Henry Van Leeuwen to a public hearing for his requested existing gazebo and existing shed which will project between the house and the street.

MR. REIS: Second it.

March 22, 2004

20

ROLL CALL

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

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

RECEIPT
#241-2004

03/10/2004

Henry Van Leeuwen Builder & Developer

Received \$ 50.00 for Zoning Board Fees, on 03/10/2004. 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
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 03-05-04

FOR: ESCROW 04-19

FROM: HENRY VAN LEEUWEN

345 BEATTIE ROAD

ROCK TAVERN, NY 12575

CHECK NUMBER: 2578

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

3/10/04

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF Z.B.A. MEETING OF: March 22, 2004

PROJECT: Nancy Van Lauwen ZBA # 04-19
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) MR S) RS VOTE: A 4 N 0
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 _____

Shed existing at least 33 years
Change wording to existing



Town of New Windsor

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

ZONING BOARD OF APPEALS

March 5, 2004

Henry VanLeeuwen
345 Beattie Road
Rock Tavern, NY 12575

SUBJECT: REQUEST FOR VARIANCE #04-19

Dear Mr. VanLeeuwen:

This letter is to inform you that you have been placed on the March 22, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

345 Beattie Road
Rock Tavern, 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
 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"

**

RECEIVED
 TOWN OF NEW WINDSOR
 MAR - 2 200
 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	

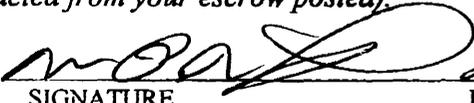
FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

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 ✱ ✱

<p><i>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).</i></p> <p> <u>2/19/04</u></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)

RECEIVED
TOWN OF NEW WINDSOR
MAR - 2 2004
ENGINEER & PLANNING

04-19



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

APPLICATION FOR VARIANCE

_____ Application Type: Use Variance Area Variance
Date Sign Variance Interpretation

I. **Owner Information:** Phone Number: (845) 562 0532
HENRY P. VAN LEEUWEN Fax Number: () 562 2843
(Name)
345 Beattie rd Rock Tavern N.J. 12575
(Address)

II. **If Moving to New Address, please list forwarding address for return of escrow:**

(Name) Phone Number: ()

Fax Number: ()

(Address)

III. **Attorney:** Phone Number: ()

Fax Number: ()
(Name)

(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number () 567 1177
Paul Cuomo Fax Number: ()
(Name)

(Address)

V. **Property Information:**
Zone: Residential Property Address in Question: 345 Beattie rd Rock Tavern
Lot Size: 3 1/2 acres Tax Map Number: Section 55-2 Block 13 Lot 12
a. What other zones lie within 500 feet? same zone
b. Is pending sale or lease subject to ZBA approval of this Application? No
c. When was property purchased by present owner? yes
d. Has property been subdivided previously? yes If so, When: 3 yrs ago
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.

TOWN OF NEW WINDSOR
MAR - 2 2004
ENGINEER & PLANNING

04-19

COMPLETE THIS PAGE

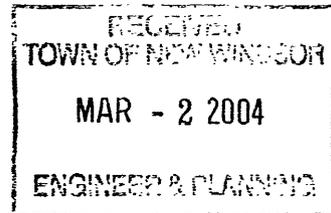
TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

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:

*said property is of large size and
it should not be any diverse affect*



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

04-19

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.)
-
-

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:

25th day of February 2004.

[Signature]
Owner's Signature (Notarized)

[Signature]
Signature and Stamp of Notary

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

HENRY P. VOILKUS
Owner's Name (Please Print)

[Signature]
Applicant's Signature (If not Owner)

PLEASE NOTE:

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

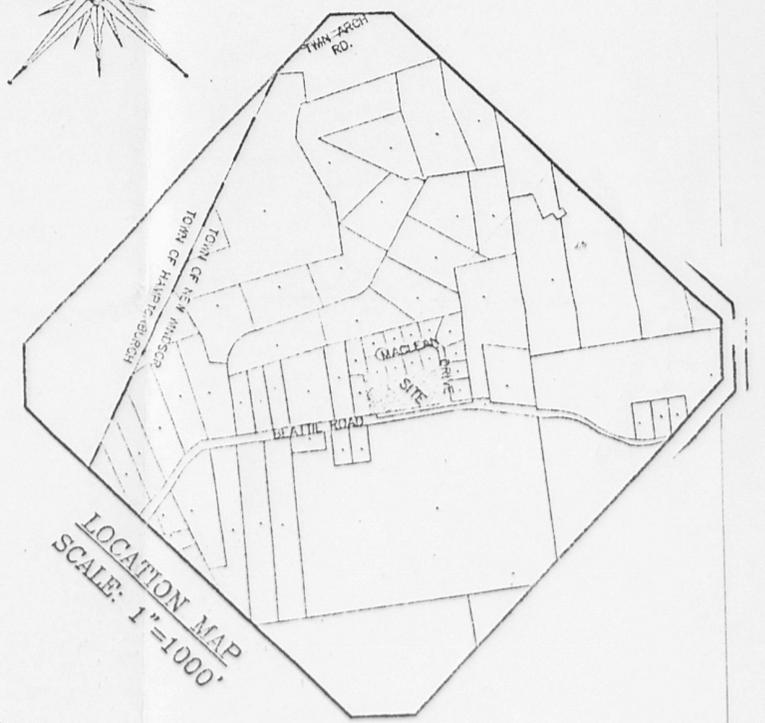
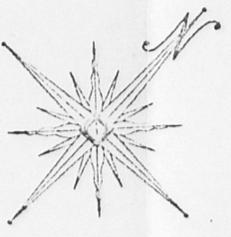
RECEIVED
TOWN OF NEW WINDSOR
MAR - 2 2004
ENGINEER & PLANNING

04-19

COMPLETE THIS PAGE



GAZEBO



SURVEY INFO PIETRZAK & PFAU



HENRY VANLEE UWEN BEATTIE ROAD
 ROSE TAVERN N.Y. 12577
 GAZEBO AND SHED LOCATION
 MAP FOR BOARD OF APPEALS
 CUOMO ENGINEERING
 1016 WORLD TRADE WAY
 STEWART INTERNATIONAL AIRPORT
 NEW WINDSOR, NY 12553
 2/24/07