

ZB# 04-75

Mary Burton

17-4-51

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 1-10-05

ZBA #**04-75** MARY BURTON (USE)
151 QUASSAICK AVE. (17-4-51)

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

MARY S. BURTON

MEMORANDUM OF
DECISION GRANTING

INTERPRETATION

CASE #04-75
-----X

WHEREAS, Mary S. Burton, owner(s) of 151 Quassaick Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for an Interpretation to reinstate previous Use Variance to allow a two-family dwelling in an R-4 Zone (Bulk table 300-8, column A) at 151 Quassaick Avenue (17-4-51)

WHEREAS, a public hearing was held on JANUARY 10, 2005 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 was one spectator appearing at the public hearing; and

WHEREAS, one person spoke 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) A variance was granted in 1995 allowing this property to be used as a two-family house. According to the terms of the variance, it would expire when the house was sold. The present applicant is the proposed purchaser of said premises and wishes to continue the two-family use.

- (c) There have been no changes in the exterior appearance of the property and, if the variance is granted, this applicant will make no changes in the exterior appearance of the property.
- (d) Other than this property, all the properties in the immediate neighborhood are single-family residences.

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. This property may be used as a two-family residence.
2. A variance was granted to this property in 1995 allowing its use as a two-family residence. Other than the death of the then owner, no conditions have changes since 1995. Since the variance then granted should have run with the land, not the owner, this premises is still entitled to be used as a two-family residence.
3. This finding is unique to this property on account of the prior variance having been granted.

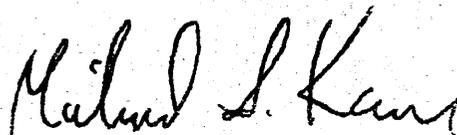
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for an Interpretation to reinstate previous Use Variance to allow a two-family dwelling in an R-4 Zone (Bulk table 300-8, column A) at 151 Quassaick Avenue (17-4-51) 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: JANUARY 10, 2005



Chairman

FORMAL DECISION:

MARY BURTON (04-75)

MR. REIS: Make a motion to approve the written decision for Mary Burton, 04-75.

MR. MC DONALD: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

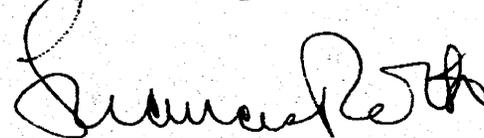
MR. REIS: So moved.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

4/26/05



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

17-4-51

June 11, 1985

1763

Mr. and Mrs. Albert Rhoades
151 Quassaick Avenue
New Windsor, N. Y. 12550

RE: APPLICATION FOR VARIANCE - #85-21
ZONING BOARD OF APPEALS

Dear Mr. and Mrs. Rhoades:

This is to confirm that a public hearing was held regarding the above-entitled application before the Zoning Board of Appeals. The Board voted to grant your request for a use variance at the June 10, 1985 meeting. The use is restricted to "owner occupancy only", so that if you sell your house, the variance becomes null and void.

Formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

Best regards.

Very truly yours,

PATRICIA DELIO
Secretary to Zoning Bd. of Appeals

/pd

cc: Town Building Inspector
Planning Board

(R-4)

May 13, 1985

Members of the New Windsor Zoning Board:

We, the undersigned, herewith request your consideration of a variance which would permit us to rent the ground floor of our home at 151 Quassaick Ave.

We have resided at this location for more than 15 years. The premises were formerly occupied by Dr. and Mrs. Arthur Cleary and used by him for the practice of medicine.

The ground floor consists of a bedroom, bath and a combination kitchen, dining area and living room. It was never been rented. It was occupied for the past five years by Mrs. Pearl Bakker, Mrs. Rhoades' mother, until her death.

The size of the apartment, and our own desires, will limit the occupancy of the apartment to one person, a middle-aged professional person.

We have two immediate neighbors: Col. and Mrs. Paul Child, phone 565-7553, and Mr. and Mrs. Russell Strohecker, phone 565-2669, of 3 and 1 Wood Thrush Lane, respectively. Neither neighbor has any opposition to a variance.

The home is secluded, on approximately an acre. There is a private driveway to the rear of the house and a parking area. The entrance to the apartment is in the rear.

Photographs of the dwelling are available.



Al Rhoades



Greta Rhoades

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 10/26/04

APPLICANT: Mary S. Burton
151 Quassaick Avenue
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/20/04

FOR : Mary S. Burton

LOCATED AT: 151 Quassaick Avenue

ZONE: R-4 Sec/Blk/ Lot: 17-4-51

DESCRIPTION OF EXISTING SITE: Illegal two family

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-8 Use/Bulk Table R-4 zone Column A Two Family Dwellings are not a permitted use in the R-4 zone. A variance to permit a two family dwelling is required.

COPY


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: R-4 USE: Single Family Dwelling

Two Family Dwelling Two Family Dwelling

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

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.

RECEIVED

OCT 20 2004

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 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 #: 2004-1350

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

X Owner of Premises Mary Burton

X Address 151 Quassaick Avenue, New Windsor Phone # 718-865-0172
845-591-1677

X Mailing Address Rita Treacy, 151 Quassaick Ave. New Windsor 12553

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 _____

X 3. Tax Map Description: Section 17 Block 4 Lot 51

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

X a. Existing use and occupancy two family X b. Intended use and occupancy two family

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

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
as a two family Dwelling

X 8. If dwelling, number of dwelling units: 2 Number of dwelling units on each floor 1

X Number of bedrooms 3 Baths 2 Toilets 2 Heating Plant: Gas _____ Oil

X Electric/Hot Air _____ Hot Water g-s If Garage, number of cars 1

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

10. Estimated cost _____ Fee \$50.00

PAID

ZONING BOARD
OK by owners

10 / 20 / 04
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 Lisl & Louis Krychear
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.

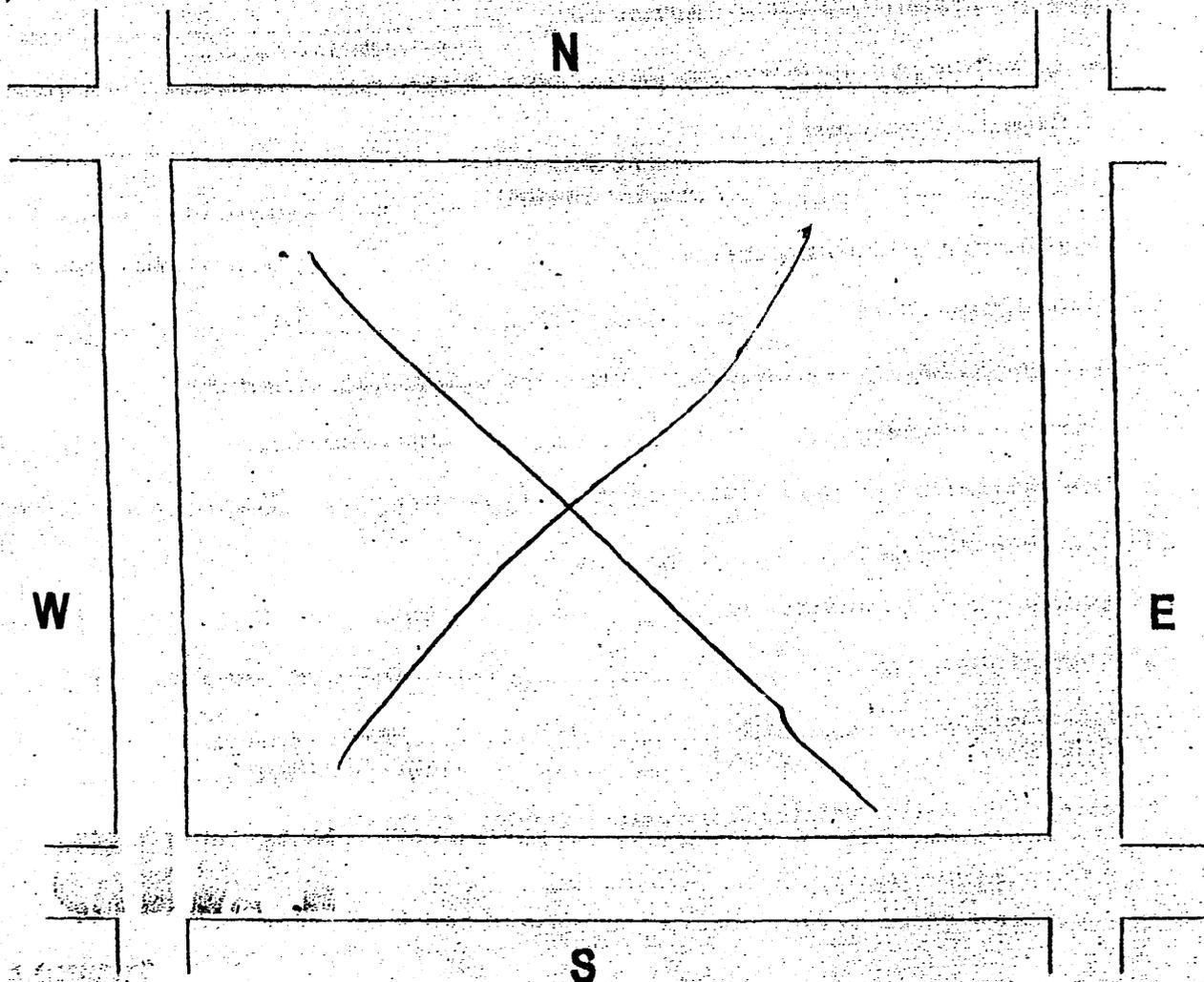
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein 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 Mary J. Burton 151 Quassaick Ave. New Windsor NY 12553
(Signature of Applicant) (Address of Applicant)

X Mary J. Burton 151 Quassaick Ave. New Windsor, NY 12553
(Owner's Signature)

PLOT PLAN

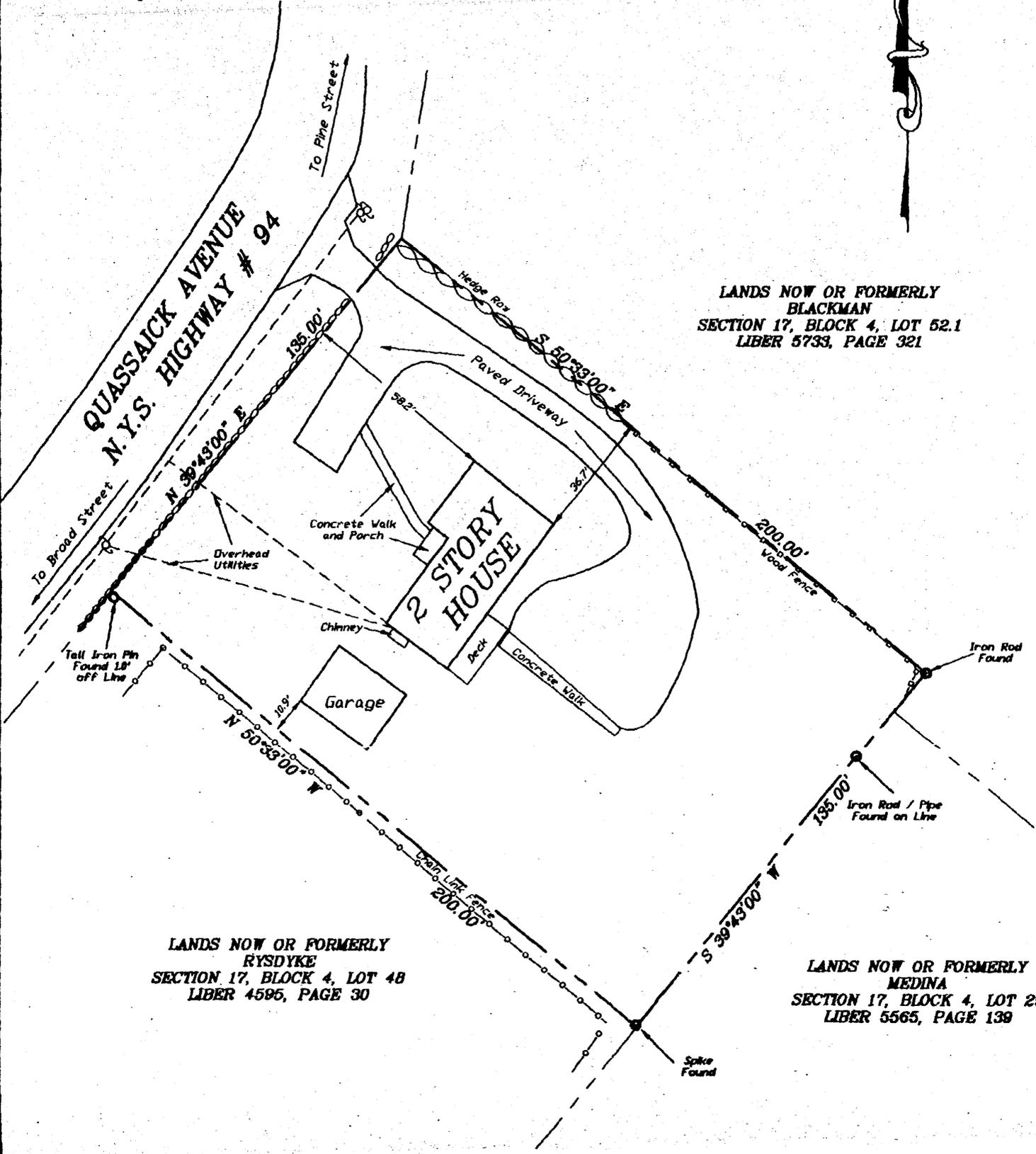
NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



TAX MAP DESIGNATION: SECTION 17, BLOCK 4, LOT 51
 DEED REFERENCE: LIBER 1849 PAGE 817
 AREA: 27,000 sq. ft. or 0.62 ± ACRES



LANDS NOW OR FORMERLY
 BLACKMAN
 SECTION 17, BLOCK 4, LOT 52.1
 LIBER 5733, PAGE 321



LANDS NOW OR FORMERLY
 RYSDYKE
 SECTION 17, BLOCK 4, LOT 48
 LIBER 4586, PAGE 30

LANDS NOW OR FORMERLY
 MEDINA
 SECTION 17, BLOCK 4, LOT 29
 LIBER 5565, PAGE 139

SEPTEMBER 29, 2004

CERTIFIED TO:

MARY BURTON
RITA TREACY
FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK
CHASE MANHATTAN BANK

TO BE A TRUE SURVEY PERFORMED IN THE
FIELD AND THAT IT IS TO THE BEST OF MY
KNOWLEDGE AND BELIEF CORRECT.

DANIEL P. YANOSH, L.L.S.
N.Y.S. LIC. # 49561

DRAWN BY: DPY JOB # 2004-126

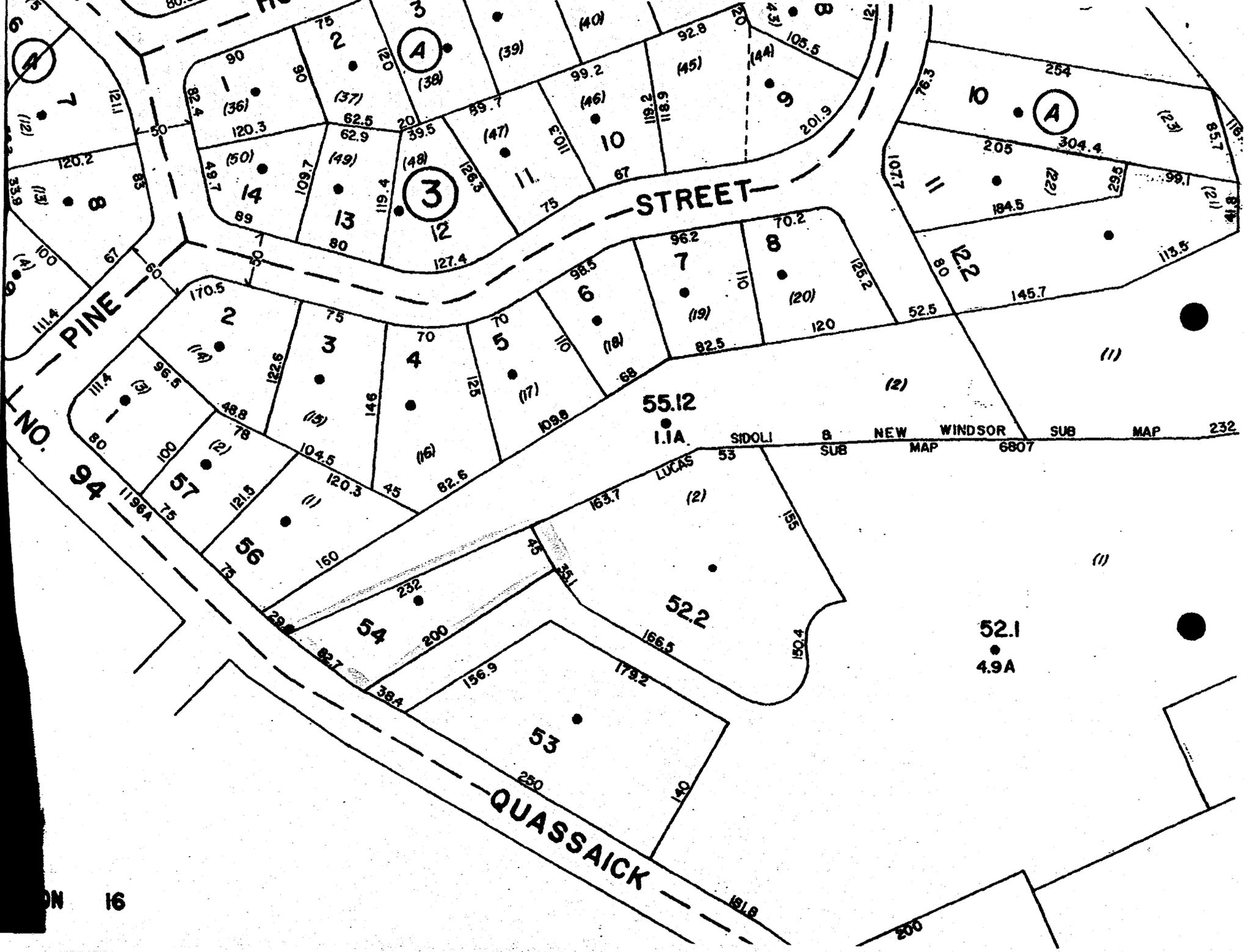
SURVEY NOTES:

1. CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THOSE NAMED INDIVIDUALS AND/OR INSTITUTIONS FOR WHOM THE SURVEY IS PREPARED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS, INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.
2. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYORS SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE N.Y. STATE EDUCATION LAW. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYORS INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
3. SUBJECT TO AN UP TO DATE ABSTRACT OF TITLE. SUBJECT TO UNDERGROUND UTILITIES AND EASEMENTS NOT RECORDED AND/OR NOT VISIBLE AT TIME OF FIELD SURVEY.

DANIEL P. YANOSH, L.L.S.

P.O. BOX 320
2194 N.Y.S. ROUTE 302
CIRCLEVILLE, NEW YORK 10919

PHONE #: (845) 361 - 4700
FAX #: (845) 361 - 4722



NO.

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55.12

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8 SUB

NEW WINDSOR

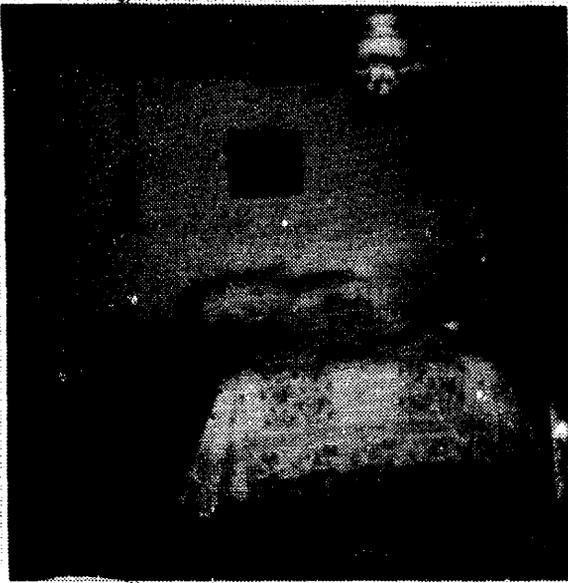
MAP

6807

SUB

MAP

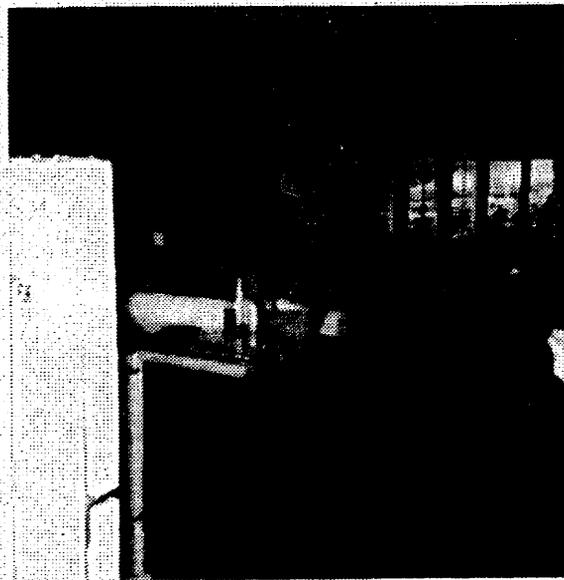
232



Bedroom - Apartment
151 Quassaick



Kitchen facing hall &
bedroom - 151 Quassaick



Downstairs Apt. 151 Quassaick
Kitchen facing back yard



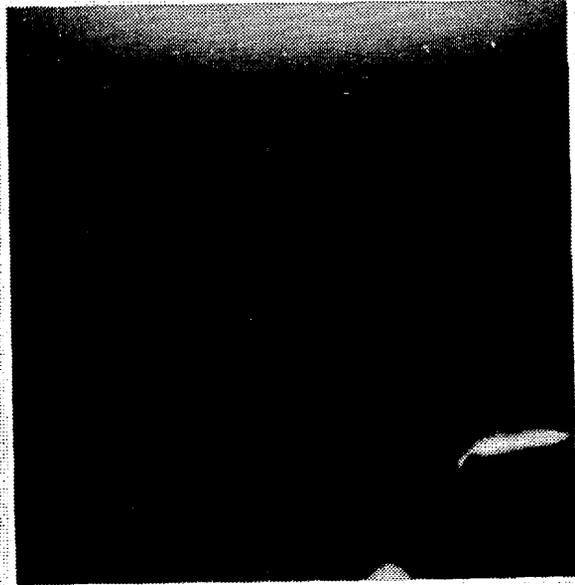
Rear entry - 151 Quassaick



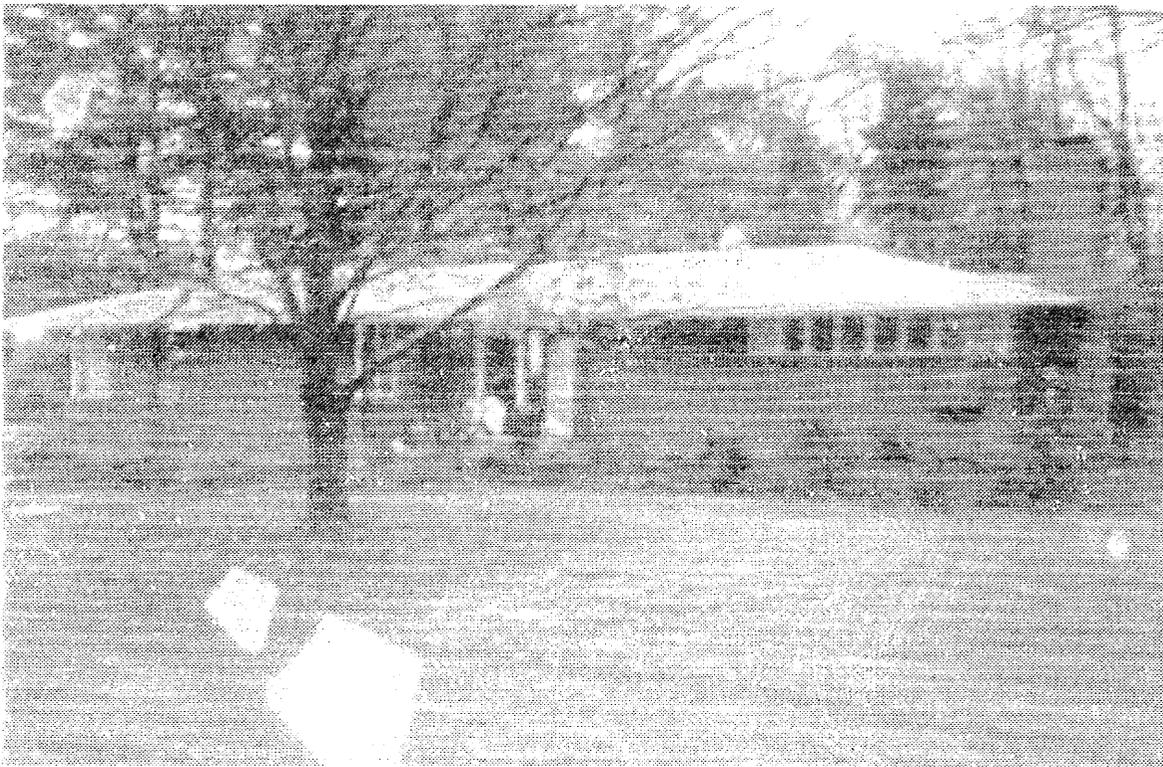
Front 151 Quassaick



Rear 151 Quassaick



Living room
Facing kitchen



DEC 08 2004

187 Cassadock Ave. New Milford



187 Cassadock Ave. New Milford

Alary Duffen

**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: 03-29-2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 353.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-75 (MARY BURTON)

NAME & ADDRESS:

**RITA G. TREACY
48 DREW AVENUE
HIGHLAND FALLS, NY 10928**

THANK YOU,

MYRA

L.R.03-29-2005

MARY BURTON (04-75)

Ms. Mary Burton appeared before the board for this proposal.

MR. KANE: Request for an interpretation to reinstate previous use variance to allow two-family dwelling at 151 Quassaick Avenue. Same thing as in the preliminary, tell us what you want to do.

MS. BURTON: We bought what was advertised as a two-family home, days before the closing we found that the two family status was a variance that we would lose at purchase and we were told it could be reinstated if we applied for the zoning board and here we are. There's a tenant in the property, she's been there for eight years and it has been used as a two-family house for really a long time, we bought it from an estate so it's--

MR. KANE: Original variance was granted in 1985?

MS. BURTON: Right.

MR. REIS: Variance stays with the land not with the owner.

MR. KANE: No, they put in a restriction that if the house is sold they put a null and void on it.

MS. BURTON: It's listed as a double family on the tax rolls.

MR. KANE: But they listed it on the tax rolls as a double family.

MS. BURTON: Right.

MR. KANE: Let me do this a little differently, before we ask any other questions that we have, let me open up

the public portion, see if there's anybody from the public here at this particular meeting. Please come down, state your name and address so the stenographer can hear you and ask what questions you have.

MR. PLACEK: Robert Placek, 22 Broad Street. I got Mrs. Burton's letter, I just had some questions, I mean, obviously, I guess this was prior to it, I drove passed it, it's the gray house, am I correct? I'm not being nosy, you're going to keep the building as existing?

MS. BURTON: Yes.

MR. PLACEK: I do have a problem with this, okay, I'm concerned about the values of our homes dropping if everybody starts doing this, I live around the corner.

MR. KANE: Do you understand totally what's going on?

MR. PLACEK: Could you explain to me?

MR. KANE: There has been on that particular building a use variance granting it a two family status since 1985. What happened with this lady here was that it was advertised for sale as a two-family house. Part of the variance was that when the owner went to sell the house that the variance would cease at that time. So she bought it as a two-family house and a variance went away and it's considered a one-family house. So what she's here for is to continue the use as is and has been used in the last 20 years, that's what it comes down to. So you understand the whole leading up that we're not changing anything that hasn't been done in 20 years, we're making it a little bit official right here.

MR. PLACEK: Okay.

MR. KANE: Normally as Mike brought up a variance goes

with the land, it goes with the property, you don't always see these little if you sell it then you lose it.

MR. BABCOCK: Matter of fact you seldom see these.

MR. PLACEK: Just I just see a lot of illegal things happen in this township which I want to take up with Mr. Babcock at a later date.

MR. KANE: Especially tonight is a good example, we have a lot of people in here for interpretations, as far as kitchens getting everything straightened up that's what we try to do when we see anything, I mean, obviously people have brought in pictures and we see something else we'll bring it up to the person, say we see this in the picture, is that legal, you know, so as long as you're here, let's clean it all up. So no, we're not, what we're trying to do is cure this problem right here and not create anything new. There's, I can tell you right now most of the people that I know on this board are not in favor of putting two family homes in one family areas so but this is a pretty unique situation.

MR. PLACEK: That's what kind of got me off because it's all single-family homes.

MR. KANE: At least you understand the history, it's not somebody coming out and trying to make a two-family home now to reap the profits if there are any.

MR. PLACEK: Thank you.

MR. KANE: Any other, with this knowledge, are you for or against this application?

MR. PLACEK: Well, I do oppose it, okay, I'm going to have to stand on that in general cause I don't want it to continue, one goes and it's, this sets a precedent

for down the road.

MR. KANE: So you also know on the zoning board there are no precedents, every case is taken on its own merits.

MR. PLACEK: Thank you very much. Good luck.

MR. KANE: Anybody else for this particular hearing? At this point, we'll close the public portion of the hearing, bring it back to the board. Have you had any complaints formally or informally that you know of about that, I mean, it's been in existence for 20 years?

MS. BURTON: No. Just so you know, I've been there three months, so this is my first stop after my closing.

MR. KANE: That's a shame. Going for a closing is enough. There are two separate meters on the home?

MS. BURTON: No.

MR. REIS: Just curious, you had no knowledge of this restriction?

MS. BURTON: No, it came to like days before the closing through a title search and all the funding fell away because we had applied for a mortgage for multi-family property, it was a nightmare, it's a great buy and it's for my mother.

MR. KANE: You're using this for your mom?

MS. BURTON: Yes.

MR. KANE: You have no intentions of--

MS. BURTON: There's a tenant, she's been there eight

years.

MS. LOCEY: And she'll be living in the same unit as her mother?

MS. BURTON: Yes, that's correct, my mother and I are together, it's all one level.

MR. KANE: I, personally, I have no problem with keeping the variance as existing as it is, the only thing I want to know is do we want to continue it here and bring it back to a one family neighborhood if this young lady ever sells the home or just want to make it clean, how do you feel, Mike?

MR. REIS: In all fairness to the applicant that in my opinion that if we pass this that we pass it and it remains with the property.

MR. KANE: Okay.

MR. BABCOCK: Yeah, it's very tough to enforce laws that could change when people move in and move out.

MR. KANE: Circumstances, you know, she can expect to stay there for 20 years and circumstances could have her moving in 5 and just makes it more complicated or somebody else gets it.

MR. RIVERA: Income producing, are you collecting rent?

MS. BURTON: Yes.

MR. BABCOCK: I'm sure she's paying, no doubt in my mind she's paying taxes as a two-family house.

MR. KANE: Yeah, it's been that way, it's been on the records that way.

MR. BABCOCK: She pays all special districts so she'd

be paying two garbage, paying water for two, paying sewer for two.

MR. KANE: Any other opinions?

MR. BABCOCK: I don't think it should be based on who lives there.

MR. KANE: Thanks, Mike. I'll accept a motion and interpretation.

MR. REIS: I make the motion that we grant Mary Burton an interpretation that the residence at 151 Quassaick Avenue is and remains forever a two-family home.

MS. LOCEY: I will second that motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

MS. MASON: On December 28th, I mailed out 42 envelopes and had no responses.

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Mary Burton

DATE: January 10, 2005

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	Mr.	Placet	22 Broad St.
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
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18.			
19.			
20.			

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

-----x

In the Matter of the Application of

ALBERT and GRETA RHOADES

DECISION GRANTING
USE VARIANCE

#85-21.

-----x

WHEREAS, ALBERT and GRETA RHOADES of 151 Quassaick Avenue, New Windsor, New York, have made application before the Zoning Board of Appeals for a use variance for the purposes of:

Converting their one-family residential dwelling to a two-family use; and

WHEREAS, a public hearing was held on the 10th day of June, 1985 at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, applicants appeared in behalf of themselves; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact 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 shows that the applicants are not proposing any outside structural changes to the existing dwelling.

3. The evidence shows that applicant has additional parking area to the rear of residence.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of the reasonable use of such land or building.

2. The evidence indicates that the plight of the applicant is due to unique circumstances and not to general conditions suffered by other persons within the same zone.

3. The evidence shows that the application as presented does not alter the essential character of the neighborhood.

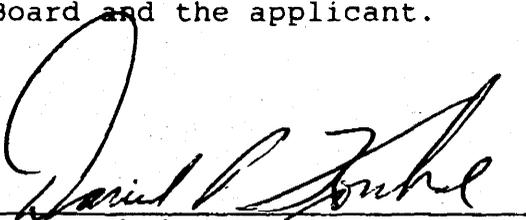
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANTS a use variance as applied for by the applicants with the restriction that said use be "owner occupied only".

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 the applicant.

Dated: June 24, 1985.


Chairman

cc: Mr. and Mrs. Albert Rhoades

MARY BURTON (04-75)

Ms. Mary Burton appeared before the board for this proposal.

MR. KANE: Request for use variance to allow a two-family dwelling in an R-4 zone.

MS. BURTON: My story is that my mother sold her home in order to move to a home that was accessible on one floor. The home is advertised as a two family and days before the closing we found out that it was a use variance that the state had had and at its sale it was regarded as a single family.

MR. KANE: Not possible.

MR. KRIEGER: Not if it was a variance.

MS. BURTON: They had a tenant.

MR. KANE: If they had a use variance on that property, no, I didn't--hold on.

MS. BURTON: There was a letter that came out at the title search. They sold their house and it fell through because it was not a two family as deemed by that letter so we had to pay out of pocket so if we want to have the variance reinstated whatever we have to do to make it legal.

MR. KANE: That's probably the way to go.

MR. KANE: Does this currently have, I mean, it's always been since, well, I guess basically since 1985 it's been used legally as a two-family home?

MS. BURTON: Right.

MR. KANE: Do you have separate meters?

MS. BURTON: No.

MS. LOCEY: That's interesting.

MR. MINUTA: Can I recap this for a second?

MR. KANE: Sure.

MR. MINUTA: Was the original variance that was a conditional use variance, yes?

MR. KANE: Yes.

MR. MINUTA: Which became null and void once the owner left.

MR. KANE: Once the owner left is what it says.

MR. MINUTA: Not currently separate meter, correct?

MR. KANE: Correct.

MR. MINUTA: Fire separation between the two occupancies?

MS. BURTON: I don't know.

MR. KANE: I assume it passed everything back then it was approved, we may need to have that checked by Michael.

MR. MINUTA: Well, it's going to be required should that go through, number one. There are separate means of egress to both?

MS. BURTON: Yes.

MR. MINUTA: But there are no separate meters?

MS. BURTON: No. There's separate zones on the one furnace but there are no separate meters for the utilities.

MR. MINUTA: Two kitchens, et cetera?

MS. BURTON: Yes.

MR. KANE: I think what we want to do is basically look at changing the application that you're putting in to a request to extend or--

MR. MINUTA: My question before you make that, my question is this, the intent of this variance is strictly for the, to sell the property, is that correct?

MS. BURTON: No, I purchased it.

MR. KANE: Under the assumption that it was listed as two family.

MS. BURTON: With funding available as a two family.

MR. KANE: They are the new owners and this is where it comes up so what I'm thinking is to change it to an interpretation, a request for an interpretation to reinstitute the use variance and that could probably be done with an inspection as long as they pass everything that's needed by the building department which would be fire alarm, whatever.

MS. LOCEY: So you think her application should be to continue to use as a two-family residence?

MR. KANE: To reinstate a recently expired application, does that sound right?

MR. KRIEGER: I'm sorry, I was reading this.

MR. KANE: I think she should change the request to an interpretation to reinstate.

MR. KRIEGER: The building is in fact a two family?

MR. KANE: Was used as a legal two family and wants to reinstate the application under the circumstances that it was sold to her.

MR. KRIEGER: If the board were to interpret it as a legal two family, it would have the effect of reinstating, that's the salient question is it one family or two family?

MR. KANE: Right.

MS. BURTON: Would the same constraints apply to me if I were to sell, it would revert back to a single family?

MR. KANE: That will be decided at our public hearing, we'll decide whether that's something that we want give to the property that's been there that long, take a look at what the neighborhoods look like but the thing is as long as you bought the home under these circumstances and it was used as two family obviously everything wasn't laid on the table that we extend that to you but if you went and moved the option would be that it will end at that point too and revert back to a single family home or we could go either way, that would be up to the board and what we discuss at a public hearing.

MS. LOCEY: Is there interior access to each dwelling inside?

MS. BURTON: Yes, there's a door downstairs.

MS. LOCEY: That's the second option, she can go along the same route as the other two.

MR. KANE: Are you looking to rent this out?

MS. BURTON: There's a tenant that's been there for eight years, so I didn't want to uproot and gut the whole place.

MR. KANE: It's not a family type thing so I don't think that will fall under it, just to ask for her to reinstate the use variance that was there since it was, had a time limit to it, that would be the way to go. Now, if we do do this then even if it is approved and we give the use you will still have to pass everything from the building department which means they will be out and look for the fire alarms and whatever they have to do for a real two-family home. Does that sound like a better--

MR. MINUTA: Well, yes, I have a few more questions with regard to this, you purchased the home after 1985?

MS. BURTON: I purchased the home a month ago.

MR. MINUTA: Was title, an abstract search done?

MS. BURTON: Yes, it was and that letter showed up a week before the closing after my mother had sold her home and the mortgage was--

MS. LOCEY: I didn't understand, what's the tenant?

MS. BURTON: My mother and I are moving in together with the tenant staying there and my mother's ill so I'm coming up to take care of her.

MR. MINUTA: So the variance is expired at this point and we need to reinstitute it or not depending on the--

MR. KANE: And this was the listing that they bought the home from totally listed as a two family which it was basically at the time but as soon as she signed the

paper to sell it that variance went away.

MS. BURTON: This is also a letter from the attorney handling the estate and sale. I don't think anybody really knew what was happening with it also.

MS. LOCEY: The person who passed away whose estate sold, is that the same person who acquired this variance?

MR. KANE: No, it's all in the lawyer's letter, basically, they're saying that the remaining people, the beneficiaries of the estate didn't live there, they had no knowledge of what was or wasn't in the house legally except that it was their mother's and it was always used as a two-family house, that's what their lawyer is saying when they got in touch with them.

MS. LOCEY: But the mother who passed away is she the person who got the variance?

MR. KANE: That's correct.

MS. LOCEY: And just that her children didn't realize those legal proceedings?

MR. KANE: Correct, that's what they're implying so I think that's the only way we can go is really look for a way to reinstate it and have a discussion on whether it should be permanent or just continue it as is until this particular resident of that home decides to leave, we can go either way, we can either leave it that way or just make it a full use.

MS. LOCEY: I would hate to see a decision of this board happen 10 or 15 years from now happen to this lady, I would hope a permanent resolution would be found.

MR. KANE: We'll decide which way we want to go and I

don't want to speak for anybody up here but if it's approved then what will happen probably is the building inspector will have to go out and make sure that the conditions of the building meet all of the requirements for basically a two-family home which has to do with fire alarms and the fire separation walls and that kind of stuff so I'm sure if they gave a variance to split this in 1985 they should have been checking into some of that but you never know, things have changed almost 20 years later.

MR. RIVERA: Are there any other homes in the area that fit the same description?

MS. BURTON: I'm not sure.

MR. KANE: She's only there a month, you know New Windsor, every other house is a one or two family.

MR. RIVERA: I guess you'll find out when you send your notices out.

MR. MINUTA: This is an unfortunate circumstance that this happened, I would advise you that you can take any action that you want but I would go back to the abstract on this cause obviously something was not done correctly or this wouldn't have happened to put you in this predicament prior to that but I will make a motion, I'd like to make a motion.

MR. KANE: We'll set you up for a public hearing, keep the ball rolling.

MR. MINUTA: I'd like to make a motion that we forward Mary Burton for a requested variance to allow a two-family dwelling in an R-4 zone located at 151 Quassaick Avenue.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

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 on the following Proposition:

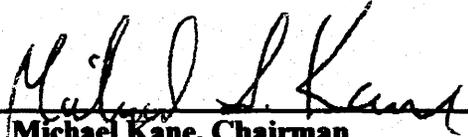
Appeal No. 04-75

Request of MARY BURTON

for a VARIANCE of the Zoning Local Law to Permit:

Request for an Interpretation to Reinstate a previous Use Variance to allow a two-family dwelling in an R-4 Zone (Bulk table 300-8, column A) at 151 Quassaick Avenue (17-4-51)

PUBLIC HEARING will take place on JANUARY 10, 2005
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) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

December 22, 2004

Mary S. Burton
151 Quassaick Avenue
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-75

Dear Ms. Burton:

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:

151 Quassaick Avenue
New Windsor, NY 12553

is scheduled for the JANUARY 10, 2005 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

RESULTS OF Z.B.A. MEETING OF: December, 2004

PROJECT: Mary Burton ZBA # 04-75
P.B.# _____

USE VARIANCE: _____ NEED: EAF PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
 LOCEY _____
 RIVERA _____
 MCDONALD _____ CARRIED: Y _____ N _____
 REIS _____
 MINUTA _____
 KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
 LOCEY _____
 RIVERA _____
 MCDONALD _____ CARRIED: Y _____ N _____
 REIS _____
 MINUTA _____
 KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
 LOCEY _____
 RIVERA _____
 MCDONALD _____ CARRIED: Y _____ N _____
 REIS _____
 MINUTA _____
 KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
 LOCEY _____
 RIVERA _____
 MCDONALD _____ CARRIED: Y _____ N _____
 REIS _____
 MINUTA _____
 KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:
 SCHEDULE PUBLIC HEARING: M) MN S) G: VOTE: A _____ N _____

GANN A _____
 LOCEY A _____
 RIVERA A _____
 MCDONALD _____
 REIS _____ CARRIED: Y _____ N _____
 MINUTA A _____
 KANE A _____

PUBLIC HEARING: _____ STATEMENT OF MAILING READ INTO MINUTES _____
 VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
 LOCEY _____
 RIVERA _____
 MC DONALD _____ CARRIED: Y _____ N _____
 REIS _____
 MINUTA _____
 KANE _____

*Change "Reinstate use as two-family
 Met formal decision*



Town of New Windsor

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

Assessors Office

December 10, 2004

Mary Burton
151 Quassaick Avenue
New Windsor, NY 12553

Re: 17-4-51 ZBA#: 04-75 (42)

Dear Ms. Burton:

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,

A handwritten signature in black ink that reads "J. Todd Wiley IA".

J. Todd Wiley, IA
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

16-2-5
Dominick Lease
5 Lucas Drive
New Windsor, NY 12553

16-2-8
Jaime & Luisa Domenich
142 Quassaick Avenue
New Windsor, NY 12553

16-3-9
P.A. & Mary Kathy Thomas
8 Lucas Drive
New Windsor, NY 12553

16-3-12
John & Virginia Sears
2 Stonecrest Drive
New Windsor, NY 12553

17-4-8
Marie Connolly
114 Pine Drive
New Windsor, NY 12553

17-4-27
Joni Armstrong, Kelly Galieta
George & Kathleen Dunning
11 Fanewood Drive
New Windsor, NY 12553

17-4-30.1
Thomas & Louise Gibney
4 Woodthrus Lane
New Windsor, NY 12553

17-4-32
Timothy & Ann Shaw
10 Fanewood Drive
New Windsor, NY 12553

17-4-37
John & Melini Caldwell
20 Broad Street
New Windsor, NY 12553

17-4-41
Richard Bucci, Kathleen Ortone and
Lottie Bucci
2 Myrtle Avenue
New Windsor, NY 12553

16-2-6
Lisa Brown
136 Quassaick Avenue
New Windsor, NY 12553

16-2-9
Michael & Arlene Lucas
146 Quassaick Avenue
New Windsor, NY 12553

16-3-10
Steven & Brenda Zappolo
10 Lucas Drive
New Windsor, NY 12553

16-3-13
John & Hilda Pluchino
9 Stonecrest Drive
New Windsor, NY 12553

17-4-12.2
Michael Sugrue
121 Holly Drive
New Windsor, NY 12553

17-4-28
Erik & Michele Indzonka
149 Quassaick Avenue
New Windsor, NY 12553

17-4-30.2
Patricia Smith
1063 Washington Green
New Windsor, NY 12553

17-4-33
Joseph Magliato
8 Fanewood Drive
New Windsor, NY 12553

17-4-38
Robert & Dorothy Placek
22 Broad Street
New Windsor, NY 12553

17-4-42
Lillian & Francis Moglia, Jr.
30 Broad Street
New Windsor, NY 12553

16-2-7
William & Angela Thompson
140 Quassaick Avenue
New Windsor, NY 12553

16-3-8
Christine DeStefano
6 Lucas Drive
New Windsor, NY 12553

16-3-11
Richard & Carol Jackson
14 Lucas Drive
New Windsor, NY 12553

16-3-14
NYSARC, Inc.
249 Broadway
Newburgh, NY 12550

17-4-13
Stewart Properties, LLC
c/o Peter Bullis
101 Bracken Road
Montgomery, NY 12549

17-4-29
Louis Medina
3 Woodthrus Lane
New Windsor, NY 12553

17-4-31
Ernest & Dorothy Spignardo
12 Fanewood Drive
New Windsor, NY 12553

17-4-34
Ellen Holdsworth
16 Broad Street
New Windsor, NY 12553

17-4-39 & 40
Charles & Jane Fitzpatrick
P.O. Box 4415
New Windsor, NY 12553

17-4-45
Joseph Scalzo
2 Woodthrus Lane
New Windsor, NY 12553

17-4-48
Barbara & Donald Rysdyke, Jr.
1 Woodthrush Lane
New Windsor, NY 12553

17-4-53
Rafael & Ellice Andujar
143 Quassaick Avenue
New Windsor, NY 12553

19-3-11
Robert Kiro
Kazumi Takeichi
7 Stonecrest Drive
New Windsor, NY 12553

19-4-12
Albert & Marian LeMunyan
1 Stonecrest Drive
New Windsor, NY 12553

17-4-52.1
Henry & Lisa Blackman
145 Quassaick Avenue
New Windsor, NY 12553

17-4-54
Richard Rivera
Jannett Kushnir
135 Quassaick Avenue
New Windsor, NY 12553

19-3-12
Ernest Properties, Inc.
30 Harth Drive
New Windsor, NY 12553

19-4-13
John Varricchio, Jr.
Stephanie Michaels
164 Quassaick Avenue
New Windsor, NY 12553

17-4-52.2
Marshall & Rita Rosenblum
139 Quassaick Avenue
New Windsor, NY 12553

17-4-58.1
Debra Sidoli
614 N E 3rd Street
Dania, FL 33004

19-4-11
Thomas & Marianne McDonald
3 Stonecrest Drive
New Windsor, NY 12553

19-4-14
Philip Franchini
Dominick Franchini, Jr.
c/o Rose Franchini
166 Quassaick Avenue
New Windsor, NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 11-30-2004

FOR: **ESCROW 04-75**

FROM: **RITA G. TREACY (for Mary Burton)**

48 DREW AVENUE

HIGHLAND FALLS, NY 10928

CHECK NUMBER: **545**

TELEPHONE: **561-3950**

AMOUNT: **500.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

12/3/07

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

26A-04-75

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

RECEIPT
#1195-2004

12/03/2004

Treacy, Rita

Received \$ 150.00 for Zoning Board Fees, on 12/03/2004. 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

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

ZONING BOARD OF APPEALS

November 30, 2004

Mary S. Burton
151 Quassaick Avenue
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-75

Dear Ms. Burton:

This letter is to inform you that you have been placed on the December 13, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

151 Quassaick Avenue
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

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 11-30-2004 PROJECT NUMBER: ZBA# 04-75 P.B. # _____

APPLICANT NAME: MARY BURTON

PERSON TO NOTIFY TO PICK UP LIST:

MARY BURTON
151 QUASSAICK AVE
NEW WINDSOR, NY

TELEPHONE: 561-3950

TAX MAP NUMBER: SEC. 17 BLOCK 4 LOT 51
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 151 QUASSAICK AVENUE
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: 547

TOTAL CHARGES: _____



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

Rita Treacy
 561-3950



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"

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

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).

Mary D. Burton
SIGNATURE

11/16/04
DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

PAGE 2

COMPLETE THIS PAGE



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



APPLICATION FOR VARIANCE

11/16/04
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. Owner Information:

Mary S. Burton Phone Number: (845) 561-3950
(Name) Fax Number: () 718-885-0172
151 Quassaick Ave, New Windsor NY 12553
(Address)

II. Applicant:

Mary S. Burton Phone Number: (845) 561-3950
(Name) Fax Number: () 718-885-0172
151 Quassaick Ave, New Windsor, NY 12553
(Address)

III. Forwarding Address, if any, for return of escrow:

Phone Number: ()
Fax Number: ()
(Name)
(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number (845) 361-4700
Fax Number: (845) 361-4722
Daniel P. Yanosh, LLS
(Name)
Box 320, 2194 Rte 302, Circleville, NY 10919
(Address)

V. Property Information:

Zone: R# Property Address in Question: 151 Quassaick Ave New Windsor NY
Lot Size: 0.62 acres Tax Map Number: Section 17 Block 4 Lot 51
a. What other zones lie within 500 feet? None
b. Is pending sale or lease subject to ZBA approval of this Application? _____
c. When was property purchased by present owner? 10/20/04
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.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

VI. **USE VARIANCE:**

Use Variance requested from New Windsor Zoning Local Law,

Section 17, Table of _____ Regs., Col. _____.

Describe proposal:

Re institute variance, as held by previous owner, and
which became null and void on date of property
sale on 10/20/04, for use as two family residence.
Residence is presently occupied by new owners with
previous tenant remaining in downstairs apartment.

VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

Property was listed by estate and realtor as "two family"
residence. Tenant in apartment has occupied residence for
8 years. New owners sold previous home in order to purchase
this ~~income~~ 'Two family' house to supplement mortgage. House is
handicap accessible for disabled family member.
Mortgage commitment in place, but private loan used
for purchase of home, until two family dwelling variance approved.

PLEASE NOTE:

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

**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:

This property was purchased as a home for my family to use as it previously existed, with approval for use as 'two family'. There is no intention to alter the physical appearance, or to use it for any other purpose than previously approved. By re-approving the variance for two family use, mortgage funding will be immediately available to my family, and my disabled family member will be more independent in daily activities.

PLEASE NOTE:

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

COMPLETE THIS PAGE

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____

- (b) Describe in detail the proposal before the Board:

Re-institution of Two-family variance for property, as it previously existed for previous owner, Beta Rhodes. Property purchased on 10/20/04, but reverted to single family residence at that time. No plan to alter use or physical appearance

PLEASE NOTE:

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

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.)

Permit obtained and work completed for legal removal of oil tank (Permit PA 2204-1384)
Property will be maintained in compliance with zoning.

XIII. ATTACHMENTS REQUIRED:

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey (if available) showing the size and location of the lot, 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:

19th day of November 2004.

Mary S. Burton

Owner's Signature (Notarized)

Mary S. Burton

Owner's Name (Please Print)

Alice A. Kenoe

Signature and Stamp of Notary

ALICE A. KENOE
Notary Public, State of New York
No. **DIKE4978211**
Qualified in Orange County
Term Expires February 25, 2007

Applicant's Signature (If not Owner)

PLEASE NOTE:

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

COMPLETE THIS PAGE

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>Mary S. Burton</i>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <i>New Windsor, NY</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>151 Quassaick Ave. New Windsor, NY 12553</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Variance request for use as Two family dwelling</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>0.62</i> acres Ultimately <i>0.62</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>Mary S. Burton</i>	Date: <i>11/16/04</i>
Signature: <i>Mary S. Burton</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality; surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.
No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.
No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.
No

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

_____ Name of Lead Agency _____

_____ Print or Type Name of Responsible Officer in Lead Agency _____ Title of Responsible Officer _____

_____ Signature of Responsible Officer in Lead Agency _____ Signature of Preparer (If different from responsible officer) _____

_____ Date _____

**SURVEY: LANDS TO BE CONVEYED TO
MARY BURTON AND RITA TREACY**

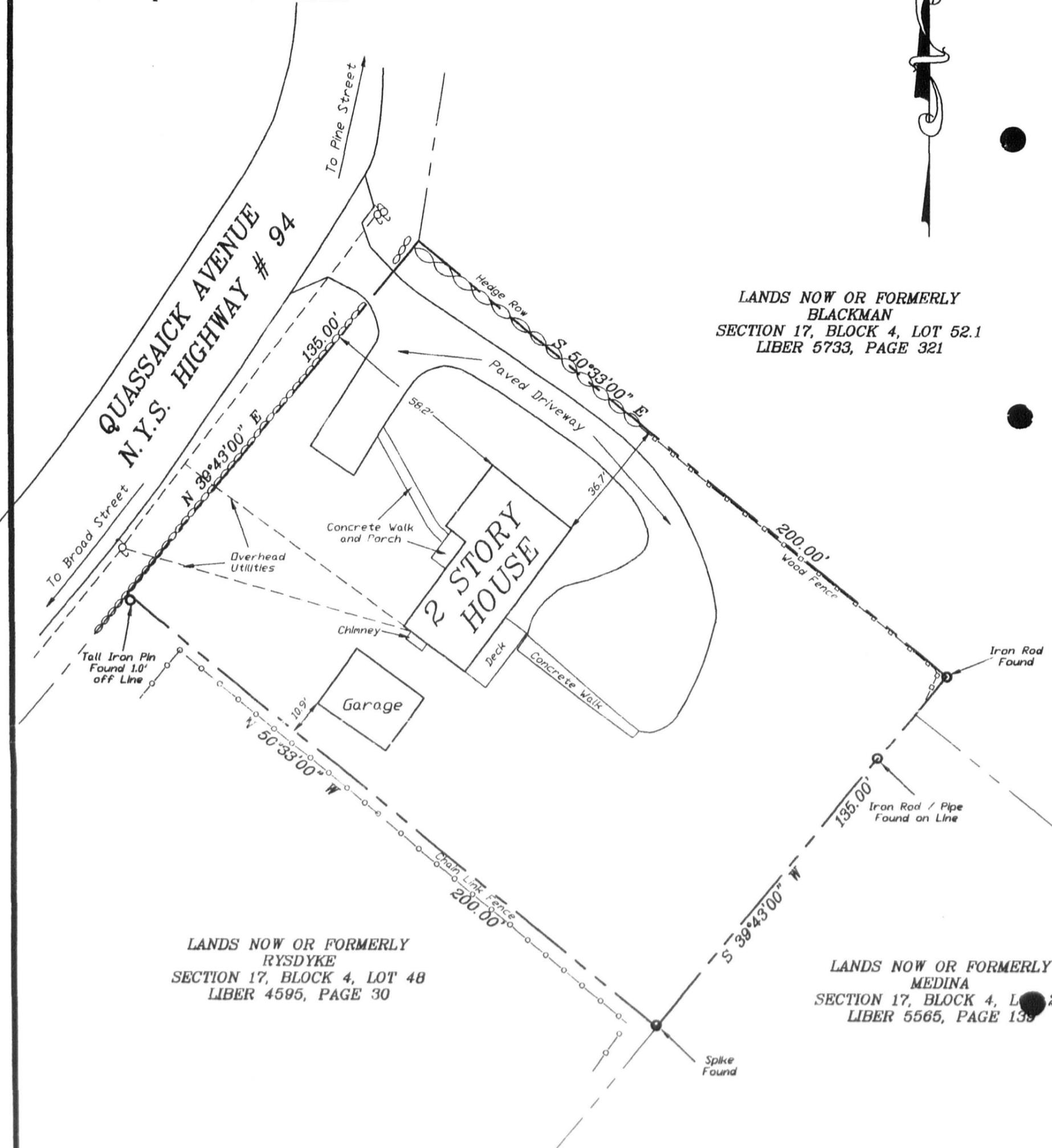
151 QUASSAICK AVENUE, TOWN OF NEW WINDSOR, COUNTY OF ORANGE, STATE OF NEW YORK

SCALE: 1" = 30 FEET DATE: SEPTEMBER 29, 2004

TAX MAP DESIGNATION: SECTION 17, BLOCK 4, LOT 51

DEED REFERENCE: LIBER 1849 PAGE 917

AREA: 27,000 sq. ft. or 0.62 ± ACRES



LANDS NOW OR FORMERLY
BLACKMAN
SECTION 17, BLOCK 4, LOT 52.1
LIBER 5733, PAGE 321

LANDS NOW OR FORMERLY
RYSZYKE
SECTION 17, BLOCK 4, LOT 48
LIBER 4595, PAGE 30

LANDS NOW OR FORMERLY
MEDINA
SECTION 17, BLOCK 4, LOT 21
LIBER 5565, PAGE 139

SURVEY NOTES:

1. CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THOSE NAMED INDIVIDUALS AND/OR INSTITUTIONS FOR WHOM THE SURVEY IS PREPARED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS, INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.
2. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYORS SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE N.Y. STATE EDUCATION LAW. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYORS INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
3. SUBJECT TO AN UP TO DATE ABSTRACT OF TITLE. SUBJECT TO UNDERGROUND UTILITIES AND EASEMENTS NOT RECORDED AND/OR NOT VISIBLE AT TIME OF FIELD SURVEY.

SEPTEMBER 29, 2004

CERTIFIED TO:

MARY BURTON
RITA TREACY
FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK
CHASE MANHATTAN BANK

TO BE A TRUE SURVEY PERFORMED IN THE FIELD AND TO THE BEST OF MY KNOWLEDGE AND BELIEF CORRECT.



DANIEL P. YANOSH, L.L.
P.O. BOX 320
2194 N.Y.S. ROUTE 302
CUDDEBUSH, NEW YORK 12520