

ZB# 06-16

Tammy Phipps

39-3-3

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Decision 5-8-06

06-16
TAMMY Phipps (AREA) (39-3-3)
4 CRESTHAVEN DR.

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 39-3-3

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

MEMORANDUM OF
DECISION GRANTING

TAMMY PHIPPS

AREA

CASE #06-16
-----X

WHEREAS, Tammy Phipps, owner(s) of 4 Cresthaven Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 14 ft. Rear Yard Setback for existing 10 X 20 enclosed porch in an R-4 Zone (39-3-3)

WHEREAS, a public hearing was held on May 8, 2006 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 Official Town Newspaper, 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 in an R-4 zone.
 - (b) The home had an attached porch which has been in existence for approximately 30 years, but, for which no building permit or Certificate of Occupancy were ever issued.

- (c) To the best of the applicant's knowledge, no trees or substantial vegetation were removed in the construction of the porch.
- (d) The porch does not create the ponding or collection of water or divert the flow of water drainage.
- (e) With the attached porch, the house is similar in size and nature to other houses in the neighborhood.
- (f) There have been no complaints, either formal or informal, about the porch.
- (g) The porch is not on top of nor does it interfere with any easements including, but not limited to, water, sewer or electrical easements.
- (h) The porch is located in the rear of the house and is not visible from the adjacent roadway.

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 is/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/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/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).

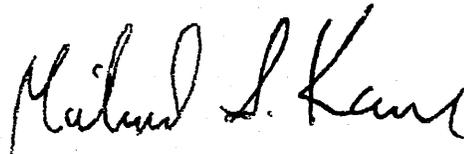
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 14 ft. Rear Yard Setback for existing 10 X 20 enclosed porch at 4 Cresthaven Drive in an R-4 Zone (39-3-3) 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: May 8, 2006



Chairman

MICHAEL_AND_TAMMY_PHIPPS_(06-16)

MS. GANN: Request for 14 foot rear yard setback for existing 10 x 20 enclosed porch at 4 Cresthaven Drive.

Ms. Tammy Phipps appeared before the board for this proposal.

MS. PHIPPS: I'm opting to put off the public hearing due to the Sentinel's inability to print the ad on time. I have current contracts on this house on my home in Pennsylvania so I don't want anything to mess that up, I do also want to put it on the record that I don't feel it should be the financial responsibility of myself and my husband to have to send out the notices, postage, legal fees, everything that's involved with it because of the Sentinel's error. I know that's not your responsibility but I'm just putting it on record.

MR. KRIEGER: I think you should ask if there's anybody in the public here for this application then all you'd have to do is do the publication, not send the letters out.

MS. GANN: Is there anyone here for this public hearing? No, okay, no one.

MR. KRIEGER: So what would be in order is a motion to adjourn the public hearing to a date certain, table to the next meeting to allow the publication to take place, that would be May.

MS. MASON: That would be May 8.

MR. LUNDSTROM: Will that give you enough time to get it into the Sentinel?

MR. KRIEGER: Probably already been but--

MS. MASON: Well, it hasn't been showing the May 8

date, it's been in showing the April 24 date.

MR. KRIEGER: Okay.

MS. PHIPPS: But I don't put that in the paper, right?

MS. MASON: I will.

MS. GANN: Thank you very much.

MR. LUNDSTROM: I will make that motion.

MS. LOCEY: To adjourn this public hearing.

MR. KRIEGER: Table it to the May 8 meeting.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

**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: 7/20/06
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 184.82 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-16

NAME & ADDRESS:

**Ms. Tammy Phipps
2649 Gold Key Estates
Milford, PA 18337**

THANK YOU,

MYRA

L.R.7/20/06



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



FILE #06-16 TYPE:AREA TELEPHONE: 565-3922

APPLICANT:
Tammy Phipps
4 Cresthaven Drive
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK #1165
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #1166



<u>DISBURSEMENTS:</u>		MINUTES	ATTORNEY
		<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	<u>\$21.00</u>	<u>\$35.00</u>
2 ND PRELIMINARY:	___	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>2</u>	PAGES	<u>\$14.00</u>	<u>\$35.00</u>
PUBLIC HEARING:	___	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:4/18/06 \$10.18

TOTAL: \$45.18 \$70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$115.18

AMOUNT DUE: \$ _____

REFUND DUE: \$184.82

Cc:

L.R. 7/20/06



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
4/28/2006	7611

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

RECEIVED

MAY 24 2006

P.O. No. <i>44498</i>	Terms	Project
SEE BELOW	Due on receipt	

Issue Date	Description	PCS/Units	Amount
4/18/2006	LEGAL ADS: PO #44498 06-15 1 AFFIDAVIT	6.72 4.00	6.72 4.00
4/18/2006	LEGAL ADS: PO #44499 06-14 1 AFFIDAVIT	6.33 4.00	6.33 4.00
4/18/2006	LEGAL ADS: PO #44501 06-16 1 AFFIDAVIT	6.33 4.00	6.33 4.00
Total			\$31.38

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845) 562-1218

State of New York
County of Orange, ss:
Lucas Ladlee being duly
sworn disposes and says that he is The
Supervisor of Legal Dept. of the E.W. Smith
Publishing Company; Inc. Publisher of The
Sentinel, a weekly newspaper published and
of general circulation in the Town of New
Windsor, Town of Newburgh and City of
Newburgh and that the notice of which the
annexed is a true copy was published 1X
in said newspaper, commencing on
the 18 day of Apr A.D., 2006
and ending on the 18 day of Apr
A.D. 2006

Lucas W. Ladlee

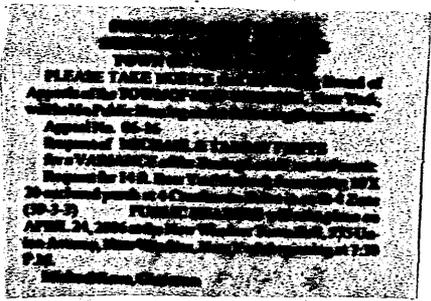
Subscribed and shown to before me
this 22nd day of May, 2006

Deborah Green

Notary Public of the State of New York
County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4484098
Commission Expires July 15, 2007

My commission expires _____



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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: March 7, 2006

APPLICANT: Michael & Tammy Phipps
4 Cresthaven Drive
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 3/7/06

FOR : Michael & Tammy Phipps

LOCATED AT: 4 Cresthaven Drive

ZONE: R-4 Sec/Blk/ Lot: 39-3-3

DESCRIPTION OF EXISTING SITE: SINGLE FAMILY DWELLING WITH ENCLOSED REAR PORCH

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-10, USE/BULK TABLE R-4 ZONE, LINE 6, COLUMN G. REQUIRED REAR-YARD SETBACK (50'). EXIST REAR-YARD SETBACK (36'). A VARIANCE OF 14' IS REQUIRED FOR THE EXISTING 10x20 ENCLOSED REAR PORCH.

COPY

Louis J. Kynheon
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: ENCLOSED 10x20 REAR PORCH

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 50'

36'

14'

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 DO CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be re-inspected.

RECEIVED

MAR 07 2006

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 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 para 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 #: 2006-163

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 Phipps, Michael & Tommy

Address 4. Cresthaven Dr. Phone # 365-7201

Mailing Address Same Fax # _____

Name of Architect N/A

Address _____ Phone _____

Name of Contractor N/A

Address _____ Phone _____

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

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 Cresthaven DR.
(N, S, E or W)
and _____ feet from the intersection of _____

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

3. Tax Map Description: Section 39 Block 3 Lot 3

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

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

6. Is this a corner lot? NO existing enclosed porch 10x20

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

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

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

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

10. Estimated cost _____

Fee \$50- **PAID**

ZONING BOARD

Ch # 1158

____/____/____
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 Lal & Louis Kuychev
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 583-4818
(845) 583-4895 FAX

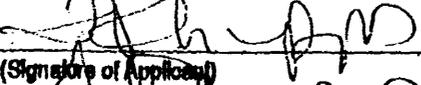
Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



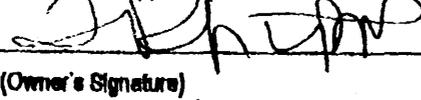
INSTRUCTIONS

- 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 detail 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 or 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 that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

X 
(Signature of Applicant)

(Address of Applicant)

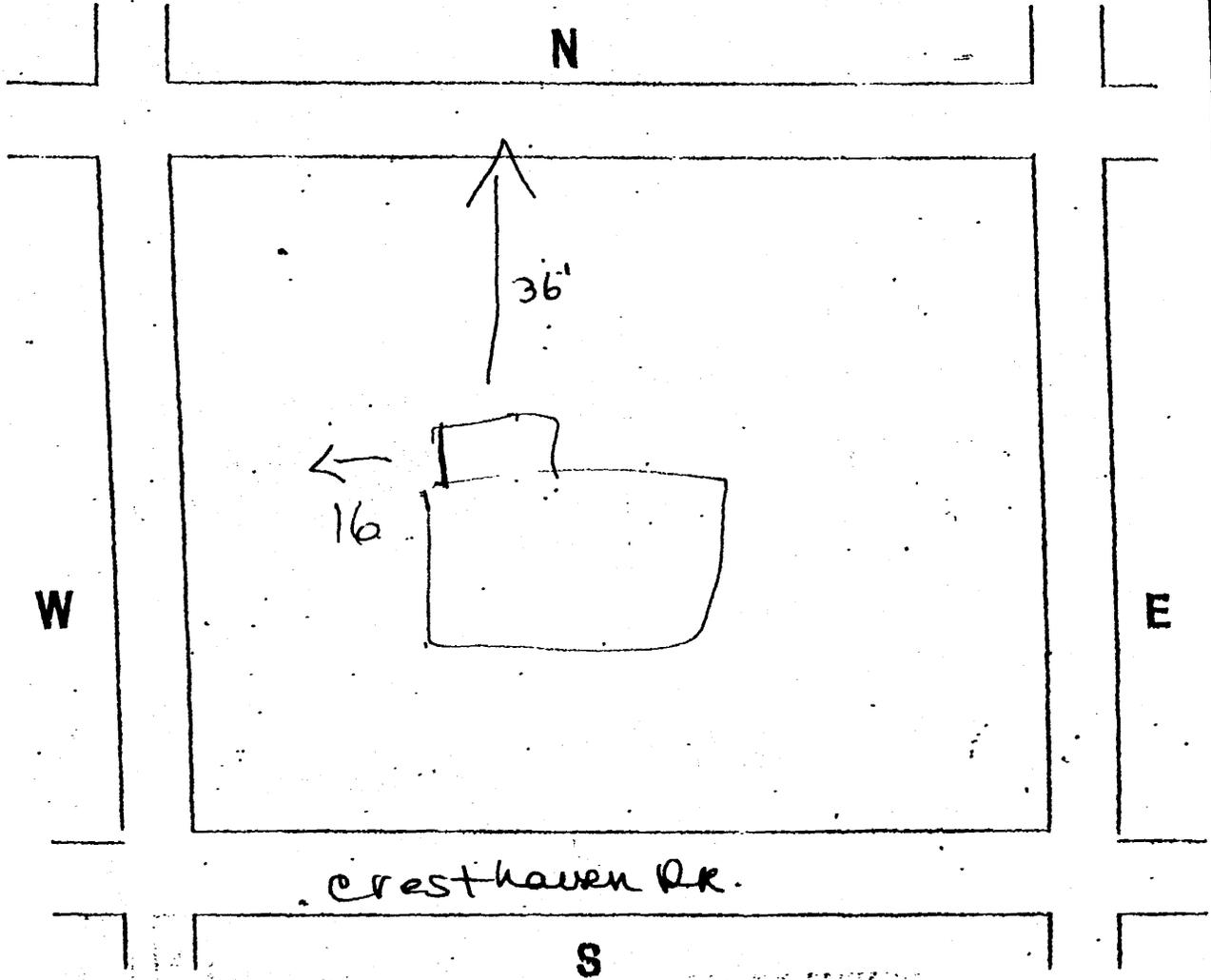
X 
(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE:

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



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
APPLICANT
CALL FOR ALL REQUIRED INSPECTIONS OR COMMENTS



Phipps Variance 39-3-3

①



②



③



④



X = Property line

Property line is the middle of the hedges

Photo 1: End of porch to property line.

Photo 2: Porch does not protrude off side of house.

Photo 3: Porch to property line.

**Photo 4: Standing on property line looking at porch.
Shows aesthetic quality of porch to house.**



1763

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

March 28, 2006

Tammy Phipps
4 Cresthaven Drive
New Windsor, NY 12553

Re: 39-3-3 ZBA#: 06-16 (81)

Dear Mrs. Phipps:

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 \$105.00, minus your deposit of \$25.00.

Please remit the balance of \$80.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

24-5-4 & 38-3-9

Pennsylvania Lines, LLC
ATT: Norfolk Southern Railway
110 Franklin Rd SE
Roanoke, VA 24042

38-3-12

Charlotte Huxel
41 Harth Drive
New Windsor, NY 12553

38-3-15

Mary Johnson
35 Harth Drive
New Windsor, NY 12553

38-3-18

Neal & Kendel Faubert
29 Harth Drive
New Windsor, NY 12553

38-3-21

Gideon Weinstein
Lisa D'Adamo-Weinstein
23 Harth Drive
New Windsor, NY 12553

38-3-45

Paul DeMeo
18 Willow Parkway
New Windsor, NY 12553

38-3-48

Salvatore & Barbara Malfa
24 Willow Parkway
New Windsor, NY 12553

38-3-51

Rebecca Jones
30 Willow Parkway
New Windsor, NY 12553

39-1-3

Doris & James Greenwood, Jr.
49 Harth Drive
New Windsor, NY 12553

39-1-6

Carmine Arrucci
Karen Tobin
55 Harth Drive
New Windsor, NY 12553

38-3-10

Central Hudson Gas & Electric
284 South Avenue
Poughkeepsie, NY 12602

38-3-13

Mary Jane Miller
39 Harth Drive
New Windsor, NY 12553

38-3-16

Kenneth & Marion Palmer
33 Harth Drive
New Windsor, NY 12553

38-3-19

Charles & Doris Rogers
27 Harth Drive
New Windsor, NY 12553

38-3-22

Felice Graziano
21 Harth Drive
New Windsor, NY 12553

38-3-46

Michael & Ann Smith
20 Willow Parkway
New Windsor, NY 12553

38-3-49

Cheryl & Salvatore Aulogia, Jr.
26 Willow Parkway
New Windsor, NY 12553

39-1-1

Michael & Laura Canausa
45 Harth Drive
New Windsor, NY 12553

39-1-4

Kevin Corbett
51 Harth Drive
New Windsor, NY 12553

39-1-7

Francis & Margo Bedetti
57 Harth Drive
New Windsor, NY 12553

38-3-11

Monique & Anne Aponte
43 Harth Drive
New Windsor, NY 12553

38-3-14

John Corbett
37 Harth Drive
New Windsor, NY 12553

38-3-17

Francisco Mojica
31 Harth Drive
New Windsor, NY 12553

38-3-20

Cynthia Jones
25 Harth Drive
New Windsor, NY 12553

38-3-44

James & Laura Herman
16 Willow Parkway
New Windsor, NY 12553

38-3-47

James Chick
22 Willow Parkway
New Windsor, NY 12553

38-3-50

David & Carmela Rupp
28 Willow Parkway
New Windsor, NY 12553

39-1-2

Earl & Mari Pat Barnes
47 Harth Drive
New Windsor, NY 12553

39-1-5

Gregory & Karen VanDenBerg
53 Harth Drive
New Windsor, NY 12553

39-1-8

Primitivo Rosado
59 Harth Drive
New Windsor, NY 12553

39-2-1
Dennis & Laurie Hanrahan
42 Harth Drive
New Windsor, NY 12553

39-2-4
David & Barbara Evans
48 Harth Drive
New Windsor, NY 12553

39-2-7
Bethann & Edward Yano, Jr.
54 Hath Drive
New Windsor, NY 12553

39-2-19
Brian & Eileen Doyle
13 Cresthaven Drive
New Windsor, NY 12553

39-2-22
Paul & Lois Gagliardi
7 Cresthaven Drive
New Windsor, NY 12553

39-2-25
Michael & Carolyn Stechishin
1 Cresthaven Drive
New Windsor, NY 12553

39-3-1
Marc & Marise Bernardin
36 Harth Drive
New Windsor, NY 12553

39-3-5
Carlos & Virgenmina Gomez
8 Cresthaven Drive
New Windsor, NY 12553

39-3-8
Bennett Irr. Trust
14 Cresthaven Drive
New Windsor, NY 12553

39-3-26
Dawn Olszewski
9 Valewood Drive
New Windsor, NY 12553

39-2-2
Lucy Damone
44 Harth Drive
New Windsor, NY 12553

39-2-5
Leroy & Lorraine Langer
50 Harth Drive
New Windsor, NY 12553

39-2-8
Philip & Linda Schulman
56 Harth Drive
New Windsor, NY 12553

39-2-20
Harold Johnson, Jr.
11 Cresthaven Drive
New Windsor, NY 12553

39-2-23
Stephanie & Joseph Leechow, Jr.
5 Cresthaven Drive
New Windsor, NY 12553

39-2-26
Kevin & Evelyn Woods
38 Harth Drive
New Windsor, NY 12553

39-3-2
Kasem & Kom-Kuy Chalermvong
2 Cresthaven Drive
New Windsor, NY 12553

39-3-6
Leonard & Carolyn Mortimer
10 Cresthaven Drive
New Windsor, NY 12553

39-3-24
Christopher Sweeney
13 Valewood Drive
New Windsor, NY 12553

39-3-27
Christopher & Danielle Mummery
7 Valewood Drive
New Windsor, NY 12553

39-2-3
Joseph & Anna Lucera
46 Harth Drive
New Windsor, NY 12553

39-2-6
Christopher & Kathleen Kelly
52 Harth Drive
New Windsor, NY 12553

39-2-18
John & Eileen Sweeney
15 Cresthaven Drive
New Windsor, NY 12553

39-2-21
Kenneth & Maureen Smith
9 Cresthaven Drive
New Windsor, NY 12553

39-2-24
Thomas Gayton, Sr.
3 Cresthaven Drive
New Windsor, NY 12553

39-2-27
Paul & Dorothy Suto
40 Harth Drive
New Windsor, NY 12553

39-3-4
Joseph Gatt
6 Cresthaven Drive
New Windsor, NY 12553

39-3-7
Anthony Whyte
Juliet White
12 Cresthaven Drive
New Windsor, NY 12553

39-3-25
Kenneth & Rosalie Parker
11 Valewood Drive
New Windsor, NY 12553

39-3-28
David & Grace DeGroff
5 Valewood Drive
New Windsor, NY 12553

39-3-29
Thomas & Elena Sears
3 Valewood Drive
New Windsor, NY 12553

39-4-1
Harold & Karole Green
32 Harth Drive
New Windsor, NY 12553

39-4-4
Rosemary Coyle
6 Valewood Drive
New Windsor, NY 12553

39-4-7
Richard & Angela Coltery
12 Valewood Drive
New Windsor, NY 12553

39-4-28
Deborah Brand
Michael Musante
10 Birchwood Drive
New Windsor, NY 12553

39-4-31
Eleanor Harris
4 Birchwood Drive
New Windsor, NY 12553

39-4-34
Audrey & Harry Tompkins, III
26 Harth Drive
New Windsor, NY 12553

39-3-30
Dawn Launzinger
1 Valewood Drive
New Windsor, NY 12553

39-4-2
Carl & Elizabeth Seagreen
2 Valewood Drive
New Windsor, NY 12553

39-4-5
Louis & Marion Randall
8 Valewood Drive
New Windsor, NY 12553

39-4-8
Michael & Janice Suchowiecki
14 Valewood Drive
New Windsor, NY 12553

39-4-29
Lucille Coleman
8 Birchwood Drive
New Windsor, NY 12553

39-4-32
Harriet Odell
2 Birchwood Drive
New Windsor, NY 12553

39-4-35
James DeZago
28 Harth Drive
New Windsor, NY 12553

39-3-31
George Meyers, IV
34 Harth Drive
New Windsor, NY 12553

39-4-3
Roy & Dolores Dewitt
4 Valewood Drive
New Windsor, NY 12553

39-4-6
Phyllis Scherf
10 Valewood Drive
New Windsor, NY 12553

39-4-27
Henry & Mary Puglisi
12 Birchwood Drive
New Windsor, NY 12553

39-4-30
John & Eunice McKee
6 Birchwood Drive
New Windsor, NY 12553

39-4-33
Arlene Swint
1 Hudson Drive
New Windsor, NY 12553

39-4-36
Carl & Hazel Pavlik
30 Harth Drive
New Windsor, NY 12553

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. 06-16

Request of MICHAEL & TAMMY PHIPPS

for a VARIANCE of the Zoning Local Law to Permit:

Request for 14 ft. Rear Yard Setback for existing 10 X 20 enclosed porch at 4 Cresthaven Drive in an R-4 Zone (39-3-3)

PUBLIC HEARING will take place on APRIL 24, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



RESULTS OF Z.B.A. MEETING OF: April 27, 2006

PROJECT: _____ ZBA # _____

P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) Lu S) Lo VOTE: A _____ N _____.

GANN A
LUNDSTROM A
LOCEY A
TORPEY A
~~KANE~~ _____

CARRIED: Y _____ N _____.

Tabled - May 8th

ZBA # 06-16 Application Fee

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

RECEIPT
#244-2006

03/27/2006

Phipps, Michael
4 Cresthaven Dr.
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 03/27/2006. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

March 27, 2006

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MICHAEL & TAMMY PHIPPS (06-16)

MR. KANE: Request for 14 ft. rear yard setback for existing 10 x 20 enclosed porch at 4 Cresthaven Drive.

Ms. Tammy Phipps appeared before the board for this proposal.

MS. PHIPPS: My name is Tammy Phipps, I'd like to get a C.O. issued on an existing enclosed porch at my home that was there when I bought it. We're in the process of selling, we have a binder on our house now and the homeowner would like to keep it.

MR. KANE: The questions that we'll ask you now are very similar to what we'll ask you at the public hearing, everything has to be done at a public hearing. If you don't know, just say so, but some questions we have to ask. Okay, so do you know was there any cutting down of any trees, substantial vegetation in the building of this?

MS. PHIPPS: No.

MR. KANE: Any water hazards or runoffs?

MS. PHIPPS: No.

MR. KANE: Any easements running through where the addition is on?

MS. PHIPPS: No.

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

MS. PHIPPS: No.

MR. KANE: The house itself is similar to our homes in your neighborhood?

March 27, 2006

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MS. PHIPPS: Many other split levels with either enclosed porches or full additions on the back.

MR. KANE: Or a deck of similar size?

MS. PHIPPS: Yes.

MR. KANE: And obviously though it's a self-created hardship, it would be physically impossible to take it down?

MS. PHIPPS: Yes.

MR. KRIEGER: When was it put up?

MS. PHIPPS: From what my neighbors tell me, approximately 30 years ago.

MR. KRIEGER: Okay.

MR. KANE: Anything in the records with that maybe a permit out or--

MR. BABCOCK: No, I don't have anything here, Mr. Chairman.

MR. KANE: Any other questions? I'll accept a motion.

MS. GANN: I will offer a motion that we set up Michael and Tammy Phipps for a public hearing for the request for 14 foot rear yard setback for an existing 10 x 20 enclosed porch at 4 Cresthaven Drive in an R-4 zone.

MR. LUNDSTROM: Second the motion.

ROLL CALL

MS. GANN AYE
MR. LUNDSTROM AYE

March 27, 2006

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MS. LOCEY
MR. TORPEY
MR. KANE

AYE
AYE
AYE



RESULTS OF Z.B.A. MEETING OF: March 27, 2006

PROJECT: Tommy Phipps

ZBA # 06-16
P.B.# _____

USE VARIANCE: NEED: EAF PROXY _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) GN S) Lu VOTE: A 5 N 0



GANN A
LUNDSTROM A
LOCEY A
TORPEY A
KANE A

CARRIED: Y N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____.

No Trees
No Water Hazards
No Complaints
No Easements

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 03-27-2006 PROJECT NUMBER: ZBA# 06-16 P.B. # _____

APPLICANT NAME: TAMMY PHIPPS

PERSON TO NOTIFY TO PICK UP LIST:

Tammy Phipps
4 Cresthaven Drive
New Windsor, NY 12553

TELEPHONE: ⁷²⁰¹
565-~~2222~~

TAX MAP NUMBER: SEC. 39 BLOCK 3 LOT 3
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: _____

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: 1167

TOTAL CHARGES: _____



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



APPLICATION FOR VARIANCE

16 March
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. **Owner Information:** Phone Number: (845) 565-7201
Tammy Phipps Fax Number: ()
 (Name)
4 Cresthaven Drive New Windsor
 (Address)

II. **Applicant:** Phone Number: ()
Same Fax Number: ()
 (Name)

 (Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: (845) 565-3922
Tammy Phipps 40 Cele Cinnarelli Fax Number: ()
 (Name)
40 Crest 276 Temple Hill Rd # 902
 (Address) New Windsor, NY 12553

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

 (Name)

 (Address)

V. **Property Information:**
 Zone: R-4 Property Address in Question: 4 Cresthaven Dr.
 Lot Size: 90x111 Tax Map Number: Section 39 Block 3 Lot 3
 a. What other zones lie within 500 feet? none
 b. Is pending sale or lease subject to ZBA approval of this Application? yes
 c. When was property purchased by present owner? 12-16-03
 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

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

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	50'	36'	14'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

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

**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:

The existing porch was built by the previous owner 30+ years ago. There are many other homes in the neighborhood with the same type of porch and there has never been an issue as to safety or appearance as the porch is in the rear of the house. We are in negotiations to sell our home and the prospective buyers would like to keep the porch as well.

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.)

It was built to keep the character of the neighborhood at a respectable size, shingled & painted to match house.

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 area that variances is being requested for showing relationship to property lines (5 or 6) 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:

16th day of March 2006.

Tammy M Phipps
 Owner's Signature (Notarized)

Tammy M Phipps
 Owner's Name (Please Print)

Rosa R. DiStefano

Signature and Stamp of **ROSA R. DISTEFANO**
 Notary Public, State Of New York
 No. 01D16050022

Applicant's Signature (If not Owner)

PLEASE NOTE: Commission Expires 10/30/06
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



TOWN OF NEW WINDSOR

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



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) 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

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

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

**

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

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 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.

NOTE:

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