

ZB# 06-30

James Berkowitz

77-3-10

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 6-12-06

James Berkowitz (AREA)
2028 Independence Dr.
(77-3-10)

06-30

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: June 22, 2005

APPLICANT: Mr. & Mrs. James Berkowitz
2028 Independence Drive
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 6/21/05

FOR : Proposed 16x41 ft. attached rear deck

LOCATED AT: 2028 Independence Drive

ZONE: R-3 Sec/Blk/ Lot: 77-3-10

COPY

DESCRIPTION OF EXISTING SITE: Existing one-family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed 16x41 ft. rear deck will not meet minimum 30ft. rear yard set-back.


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-3			
USE: Bulk Tables	See approved site plan		
MIN LOT AREA:			
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD:			
REQ'D TOTAL SIDE TD:			
REQ'D REAR YD:	30'	22'	8'
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.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JUN 21 2005

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: _____

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

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

Owner of Premises MR. & MRS. James Beckowitz

Address 2028 Independence Drive

Phone # 845 567 9975

Mailing Address _____

Fax # _____

Name of Architect _____

Address _____

Phone _____

Name of Contractor _____

Call to turn on fan

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner/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 EAST side of Independence Dr.
(N, S, E or W)
and 0 feet from the intersection of Liberty Ridge

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

3. Tax Map Description: Section 77 Block 3 Lot 10

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 Deck

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front _____ Rear _____ Depth 16' Height 6' 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 _____

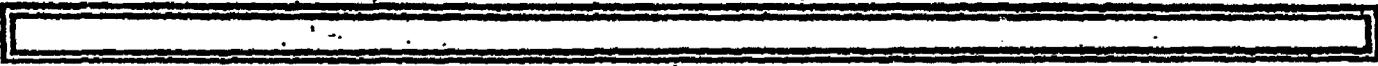
ZONING BOARD

1 / 1
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Kryohear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

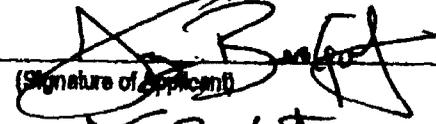
Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



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.


(Signature of Applicant)

2028 Independence Dr. New Windsor NY
(Address of Applicant) 12553

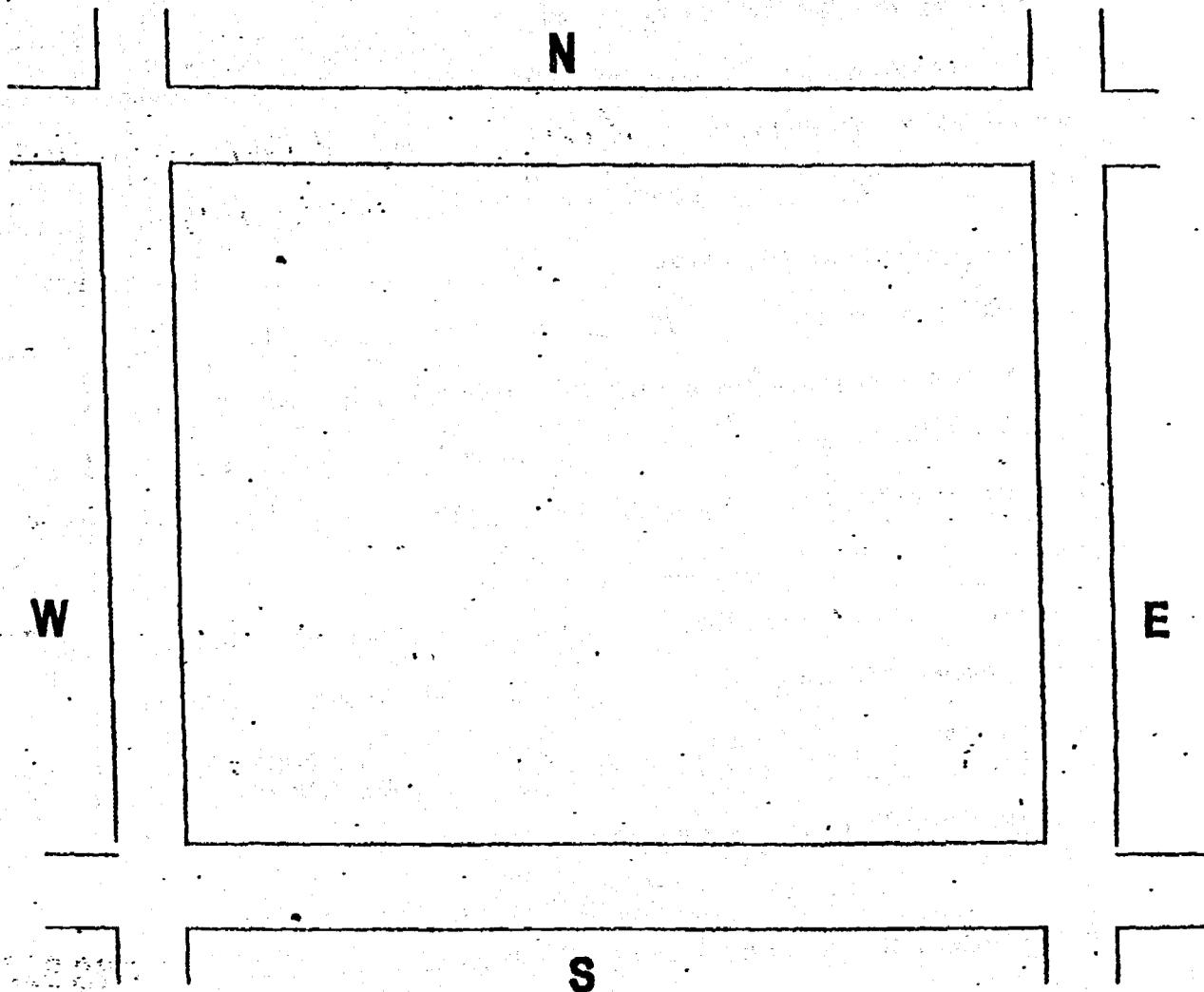

(Owner's Signature)

2028 Independence Dr. New Windsor
(Owner's Address) NY 12553

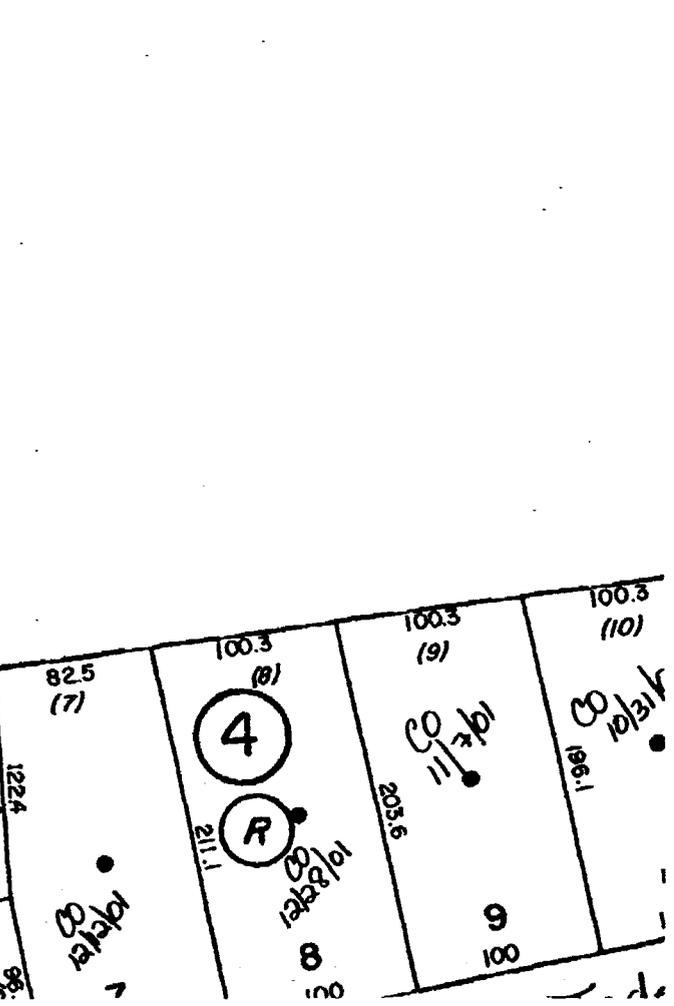
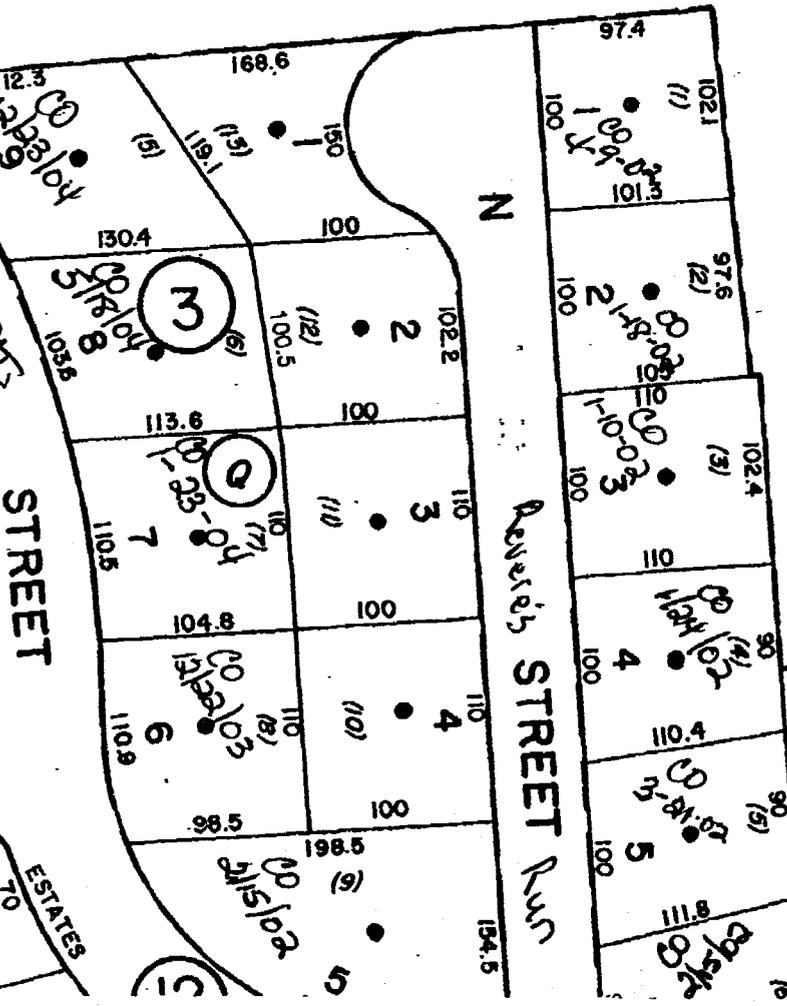
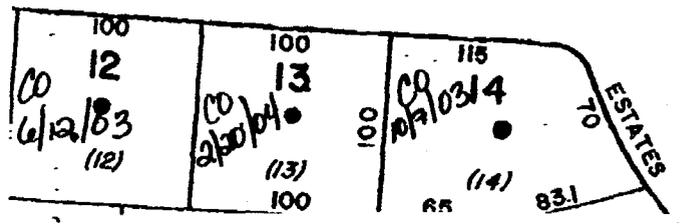
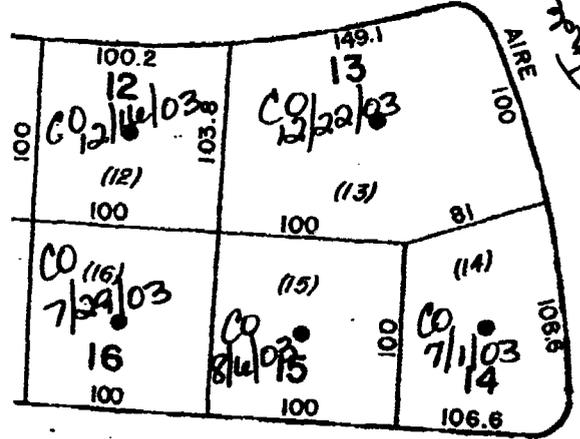
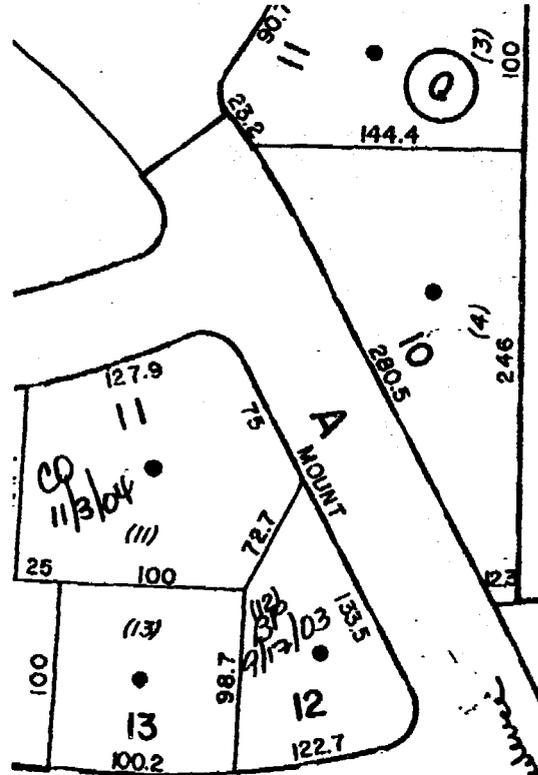
PLOT PLAN
* Please see Plans attached

NOTE:

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



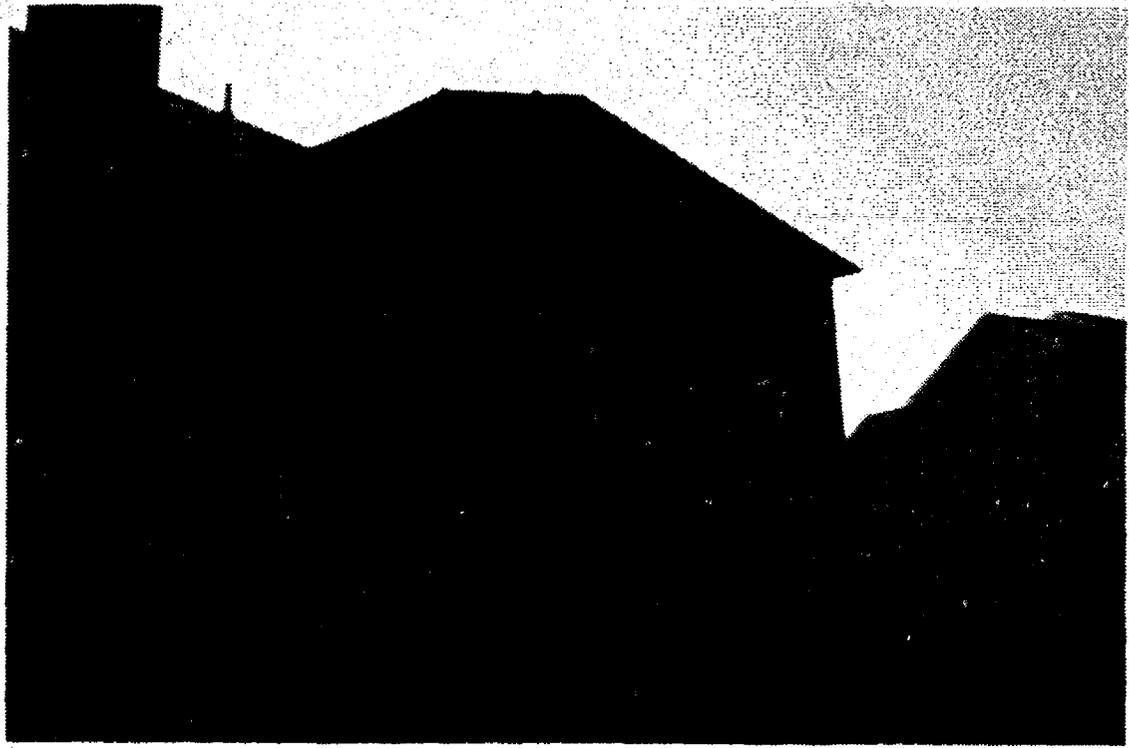
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
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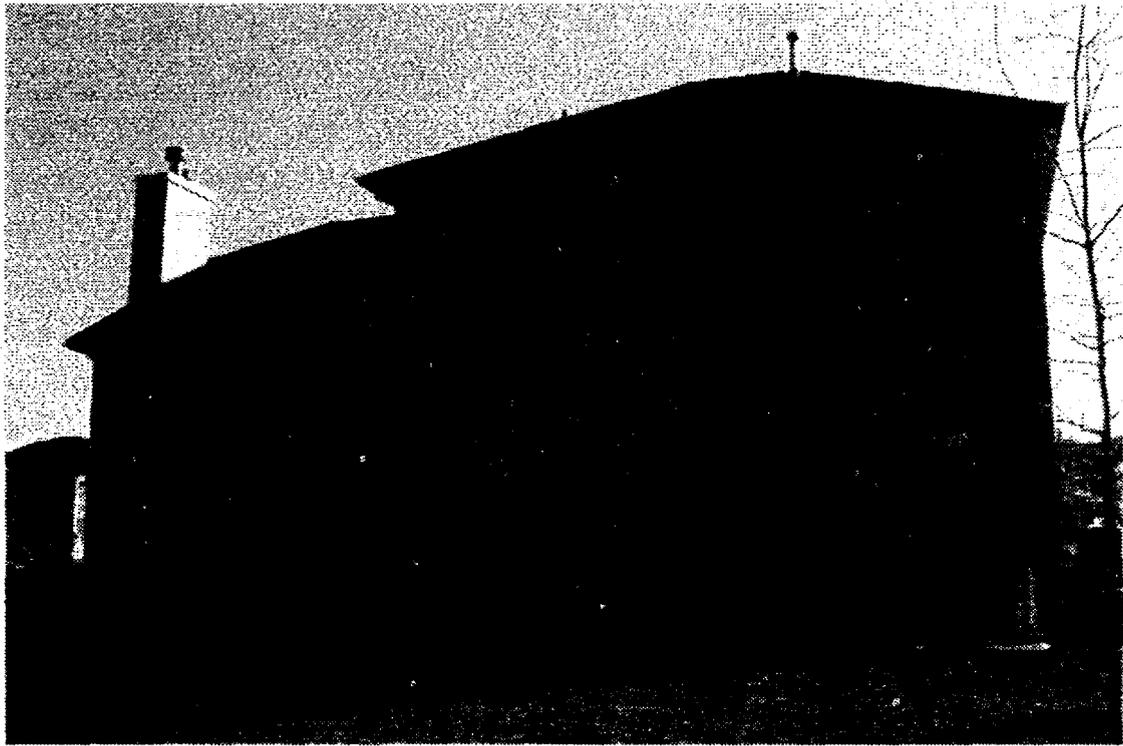
















-----X
In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

JAMES BERKOWITZ

AREA

CASE #06-30
-----X

WHEREAS, James Berkowitz , owner(s) of 2028 Independence Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 8ft.Rear Yard Setback for proposed 16 ft. X 41 ft. rear deck in an R-3 Zone (77-3-10)

WHEREAS, a public hearing was held on June 12, 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-3 zone.
 - (b) In constructing the deck, the applicant will not remove any trees or substantial vegetation.
 - (c) In building the deck the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements

- (d) In building the deck the applicant will not create the ponding or collection of water or divert the flow of water drainage
- (e) With the deck, the house will be similar in size and nature to other houses in the neighborhood.
- (f) The proposed or existing deck is immediately adjacent to an exit portal of the building. Without the deck, a safety issue would exist because a person exiting the premises would probable fall and sustain serious physical injury if the deck were not in place.

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).

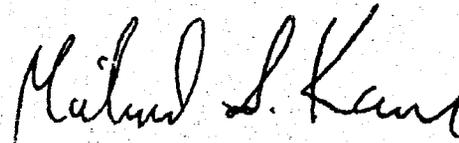
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 8ft.Rear Yard Setback for proposed 16 ft. X 41 ft. rear deck at 2028 Independence Drive in an R-3 Zone (77-3-10) 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: June 12, 2006



Chairman

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

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: OCTOBER 23, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 167.12 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-30

NAME & ADDRESS:

**James Berkowitz
2028 Independence Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.10-23-06



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



FILE #06-30 TYPE: AREA TELEPHONE: 642-7015

APPLICANT:
James Berkowitz
2028 Independence Drive
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK #291
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 301



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

PRELIMINARY:	<u>4</u>	PAGES	\$ <u>28.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:05-26-06 \$ 13.88

TOTAL: \$ 62.88 \$ 70.00



ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>132.88</u>
AMOUNT DUE:	\$ _____
REFUND DUE:	\$ <u>167.12</u>

Cc:

L.R. 10-23-06

JAMES_BERKOWITZ_(06-30)

Mr. James Berkowitz appeared before the board for this proposal.

MR. KANE: Request for 8 ft. rear yard setback for proposed 16 ft. x 41 ft. rear deck at 2028 Independence Drive. Tell us what you want to do.

MR. BERKOWITZ: I just want to build a deck on the back of my home and just for entertainment purposes and improve the value of the home. I won't be cutting down any trees, doesn't create any water hazards or runoff situation and there's no easements in the way.

MR. KANE: You listen well. The deck itself similar in size and nature to other decks that are in your neighborhood?

MR. BERKOWITZ: Yes, there is.

MR. KANE: And obviously without some kind of deck you would have a fairly steep, some of the stairs going up to your rear entrance the deck will take the place of those very steep steps?

MR. BERKOWITZ: Correct.

MR. KANE: So you feel that would make it a little bit safer?

MR. BERKOWITZ: Yes.

MR. KRIEGER: Without the deck, a person exiting adjacent to a doorway so a person exiting the house would likely sustain serious physical injury without the deck?

MR. BERKOWITZ: Yeah.

MR. KANE: Okay, we'll ask the question, if there's anybody in the audience for this particular hearing? There's not, we'll close the public portion of the hearing, ask Myra how many mailings.

MS. MASON: On May 23, I mailed out 58 envelopes, had no response.

MR. KANE: And any further questions from the board? I'll accept a motion.

MS. LOCEY: I will offer a motion on the application of James Berkowitz to grant his request for an 8 foot rear yard setback for a proposed 16 foot by 41 foot rear deck at 2028 Independence Drive in an R-3 zone.

MR. LUNDSTROM: Mr. Chairman, I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. LUNDSTROM: So moved.

MS. LOCEY: Second it.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE

June 12, 2006

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MR. KANE

AYE

Respectfully Submitted By:

Frances Roth
Stenographer



RESULTS OF Z.B.A. MEETING OF:

June 12, 2006

PROJECT: James Berkowitz

ZBA # 06-30

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) L0 S) L4 VOTE: A 4 N 0

GANN
LUNDSTROM
LOCEY
TORPEY
KANE
A
A
A
A

CARRIED: Y N

No Public Comment



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
6/12/2006	7789

Bill To	<i>WU</i>
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553	

RECEIVED

JUN 27 2006

TOWN OF NEW WINDSOR
COMPTROLLER'S OFFICE

P.O. No.	Terms	Project
<i>7</i>	Due on receipt	

Issue Date	Description	PCS/Units	Amount
5/26/2006	LEGAL ADS: JAMES BERKOWITZ 1 AFFIDAVIT	9.88 4.00	9.88 4.00
Total			\$13.88

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

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. 06-30
Request of JAMES BERKOWITZ
for a VARIANCE of the Zoning Local Law to Permit:
Rear deck, 23' x 41 ft.
rear deck, 23' x 41 ft.
Drive in and Zoning (77-3-10)
PUBLIC HEARING will take place on JUNE 12, 2006 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.
Michael J. ...

State of New York
County of Orange, ss:
Patricia Quill being duly
sworn disposes and says that she 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 26 day of May A.D., 2006
and ending on the 26 day of May
A.D. 2006

Patricia Quill

Subscribed and shown to before me
this 22nd day of June, 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
4964965
Commission Expires July 15, 2009

My commission expires _____

PRELIMINARY MEETINGS:

JAMES BERKOWITZ (06-30)

MR. KANE: Request for 8 ft. rear yard setback for proposed 16 ft. x 41 ft. rear deck at 2028 Independence Drive.

Mr. James Berkowitz appeared before the board for this proposal.

MR. KANE: What we do in New Windsor is we actually hold two meetings, a preliminary meeting so we can get an idea of what you want to do, okay, and make sure that you have everything that we need to make a decision. Some towns you walk in cold, there's one meeting, you don't have it, you lose. So that's why we do that two step here. What we do right now will basically be repeated in a public hearing except at that point all your other neighbors will have a chance to speak. You have to tell us what you want to do.

MR. BERKOWITZ: Basically want to put a deck off the back of our house and what's nice is there's really nobody behind us as far as neighbors, hopefully, it won't be a big disturbance because a lot of the homes in your neighborhood go back to back, we're on the edge of the development so we want to do that to build that onto the back of our house.

MR. KANE: Going to be cutting down any substantial vegetation or trees in the building of the deck?

MR. BERKOWITZ: None at all.

MR. KANE: Creating any water hazards or runoffs in the building of the deck?

MR. BERKOWITZ: No, not that I'm aware of. I brought some photographs, Myra asked me to bring some with

May 22, 2006

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views from the back of the house, I included some in my initial application for facing from the back yard towards the house, these are from the house looking out so shows the back yard. There's no trees to be cut, pretty flat.

MR. KANE: And the 16 x 41 deck is going to come out 16 feet from the house and run the length of the house?

MR. BERKOWITZ: Yeah, well, it's going to be 16 x 39, 41 is just the steps on either side would be another 4 feet on each side so the actual will, the main part of the deck is 33 feet long, may even be shorter than that but it won't be any bigger than what's there but it's not going to be any further out than 16 feet.

MR. KANE: The deck will be similar in size and nature to other decks in your neighborhood?

MR. BERKOWITZ: Yes, several I've seen many of them.

MR. KANE: Okay, pretty straightforward.

MR. LUNDSTROM: How high is the deck off the ground?

MR. BERKOWITZ: I would say maybe 6, I'm not exactly sure but I think it's about maybe 6 to 8 feet maybe anywhere between 7.

MR. LUNDSTROM: Current photographs show a staircase coming down would be at the level where the staircase meets the house?

MR. BERKOWITZ: Exactly, and I would lattice that part in so it would look aesthetically pleasing to my neighbors.

MR. LUNDSTROM: Question I have it's confusing is this plan that you've drawn shows your property as square yet the tax map--

May 22, 2006

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MR. BERKOWITZ: I didn't draw that.

MR. LUNDSTROM: Whoever did it appears that the property is square.

MR. BERKOWITZ: No, it's more triangular.

MR. LUNDSTROM: That's what's confusing me because the tax map shows it's triangular on this tax map. Where is your house located?

MR. BERKOWITZ: My house if I can draw on this?

MR. LUNDSTROM: Please do.

MR. BERKOWITZ: My house is situated more towards this side and there's about from this back corner I believe it's a 15 foot distance, my deck would come off this back corner here, it would be more like toward the middle so it's, that's where it would be.

MR. BABCOCK: I can straighten that out, if you look at underneath the house right by the deck it's got a triangle that says lot number 10, that's actually the square property is builder's lot 10 and this gentleman lives on section, block and lot 10 so it's not, their survey is incorrect, we'll change that.

MR. BERKOWITZ: Thank you.

MR. KANE: You'll have that for the public?

MR. BABCOCK: Yes.

MS. GANN: Accept a motion?

MR. KANE: One quick question, the deck ends, how many feet are we looking at to the back of the property?

May 22, 2006

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MR. BERKOWITZ: Sixteen feet off the back of the house, it would be no more than 16 feet.

MR. KANE: You have 22 feet right now to the back of your property line?

MR. BERKOWITZ: I believe it's 30, sir, I believe on the closest corner from my house to my back yard.

MR. KANE: So it will leave 14 feet approximately?

MR. BERKOWITZ: I believe so, yeah, at the shortest part of that, there's a much wider part.

MR. KANE: Okay, I'll accept a motion.

MS. GANN: I will offer a motion to set up James Berkowitz for a public hearing for his request for 8 foot rear yard setback for proposed 16 x 41 foot rear deck at 2028 Independence Drive in an R-3 zone.

MR. TORPEY: Second it.

ROLL CALL

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



RESULTS OF Z.B.A. MEETING OF: James Berkowitz - May 22, 2006

PROJECT: James Berkowitz

ZBA # 06-30

P.B.# _____



USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: 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 _____

NEGATIVE DEC: 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 _____

A
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 _____

Make to change #10

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

RECEIPT
#418-2006

05/18/2006

Berkowitz, Carolyn

Received \$ 50.00 for Zoning Board Fees, on 05/18/2006. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 05-16-2006

FOR: ESCROW 06-30

FROM:

James Berkowitz
2028 Independence Drive
New Windsor, NY 12553

CHECK FROM:

same

CHECK NUMBER: 301

TELEPHONE: 642-7015

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

5/18/06

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

May 12, 2006

James & Carolyn Berkowitz
2028 Independence Drive
New Windsor, NY 12553

Re: 77-3-10

ZBA # 06-30 (58)

Dear Mr. & Mrs. Berkowitz:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

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

Sincerely,

J. Todd Wiley (baw)

J. Todd Wiley, IAO
Sole Assessor

JTW/baw
Attachments

CC: Myra Mason, Zoning Board

Mt Airy Estates Inc.
c/o Sarna Enterprises
15 Engle Street-Suite 100
Englewood, NJ 07631

32-2-53
Newburgh Water Supply
City Hall
Newburgh, NY 12550

65-1-64
Wilma Fehrs-Foss
813 Queen Elizabeth Drive
Virginia Beach, VA 23452

64-2-20
Stanley & Beena George
2041 Independence Drive
New Windsor, NY 12553

64-2-21
John & Eileen Weber
2039 Independence Drive
New Windsor, NY 12553

64-2-22
George & Annmarie Weir
2037 Independence Drive
New Windsor, NY 12553

64-2-25
Richard & Rosa Walker
2655 Liberty Ridge
New Windsor, NY 12553

64-2-26
Rolly & Susana Tina
2653 Liberty Ridge
New Windsor, NY 12553

64-2-27
Agustin & Milagros Dorego
2651 Liberty Ridge
New Windsor, NY 12553

64-2-28
Mario & Theresa Bullicer
2649 Liberty Ridge
New Windsor, NY 12553

76-2-36
Lawrence & Andrea O'Rourke
3002 Molly Pitcher Drive
New Windsor, NY 12553

76-2-40.1
Town of New Windsor
555 Union Ave
New Windsor, NY 12553

76-4-10
Apollo & Tess Cypress
2903 McKinley Ct
New Windsor, NY 12553

76-4-11
Noel & Daisy Franco
2032 Independence Drive
New Windsor, NY 12553

76-4-12
Gaurav & Monika Suri
2034 Independence Drive
New Windsor, NY 12553

76-4-13
Thomas & Marybeth Hurley
2036 Independence Drive
New Windsor, NY 12553

76-4-14
Israel Perez & Therezabeth Garcia
2038 Independence Drive
New Windsor, NY 12553

76-4-15
Juan Curillo & Anita Pinos
2040 Independence Drive
New Windsor, NY 12553

77-1-7
Shawn & Ebony Johnson Carter
2650 Liberty Ridge
New Windsor, NY 12553

77-1-8
Derek & Maritza DeJesus Barbier
2652 Liberty Ridge
New Windsor, NY 12553

77-1-9
Anthony & Kerri Bianchi
2654 Liberty Ridge
New Windsor, NY 12553

77-1-10
Jose & Maye Terrazola
2656 Liberty Ridge
New Windsor, NY 12553

77-1-11
Pierre M. & Stephanie Wright Percy
2658 Liberty Ridge
New Windsor, NY 12553

77-1-13
Luis & Christine Lohrfink Diaz
2804 Cherry Tree Way
New Windsor, NY 12553

77-1-14
Eric & Linda Spisany
2806 Cherry Tree Way
New Windsor, NY 12553

77-1-15
Brian & Maria Lewis
2808 Cherry Tree Way
New Windsor, NY 12553

77-1-16
Junior Gonsalves
2810 Cherry Tree Way
New Windsor, NY 12553

77-1-17
Richard & Josephine Romano
2812 Cherry Tree Way
New Windsor, NY 12553

77-2-9
Antonino & Maria Tommasi
2809 Cherry Tree Way
New Windsor, NY 12553

77-2-10
Salvatore & Angela Allegra
2807 Cherry Tree Way
New Windsor, NY 12553

77-2-11
Antonio & Laura Nastro
2805 Cherry Tree Way
New Windsor, NY 12553

77-2-12
Ramon Jr. & Ramon Sr. Cardona
2803 Cherry Tree Way
New Windsor, NY 12553

77-2-13
Larry Frazier
2801 Cherry Tree Way
New Windsor, NY 12553

77-2-14
John & Gloria Brown
2702 Colonial Drive
New Windsor, NY 12553

77-2-15
Aretha & Nora Antwi-Adjei
2704 Colonial Drive
New Windsor, NY 12553

77-2-16
Maria Stewart
2706 Colonial Drive
New Windsor, NY 12553

77-2-17
Christopher & Jennifer Bautista
2708 Colonial Drive
New Windsor, NY 12553

77-2-18
Laverne Bey
2710 Colonial Drive
New Windsor, NY 12553

77-3-1
Thomas Morris
2209 Reveres Run
New Windsor, NY 12553

77-3-2
James & Nancy Keating
2207 Reveres Run
New Windsor, NY 12553

77-3-3
Robert & Erinn Chatfield
2205 Reveres Run
New Windsor, NY 12553

77-3-4
Scott & Cyndee Weiss
2203 Reveres Run
New Windsor, NY 12553

77-3-5
Gerard Hopkins
2018 Independence Drive
New Windsor, NY 12553

77-3-6
Tyree & Carolyn Smallwood
2202 Independence Drive
New Windsor, NY 12553

77-3-7
Stacey & William Chavers III
2022 Independence Drive
New Windsor, NY 12553

77-3-8
Thomas & Silvana Spisany
2024 Independence Drive
New Windsor, NY 12553

77-3-9
Todd & Monique Neavin
2026 Independence Drive
New Windsor, NY 12553

77-3-11
Steven Lui
2902 McKinley Ct
New Windsor, NY 12553

77-3-12
John & Isabel Hernandez
2904 McKinley Ct
New Windsor, NY 12553

77-3-13
Joseph & Kathi Cavallo
2906 McKinley Ct
New Windsor, NY 12553

77-1-4
Christopher & Helen Lynch
2212 Reveres Run
New Windsor, NY 12553

77-4-2
James & Maritza Shapiro
2210 Reveres Run
New Windsor, NY 12553

77-4-3
Thomas & Doreen Gleason
2208 Reveres Run
New Windsor, NY 12553

77-4-4
Michael & Christine Masterson
2206 Reveres Run
New Windsor, NY 12553

77-6-11
Amir & Farida Islam
2707 Colonial Drive
New Windsor, NY 12553

77-6-12
Dorcas Peralta
2705 Colonial Drive
New Windsor, NY 12553

77-6-13
Jean & Nicole Michel
58 Creamery Drive
New Windsor, NY 12553

77-6-14
Jeffrey & Giuseppina Saracino
2701 Colonial Drive
New Windsor, NY 12553



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

May 16, 2006

James Berkowitz
2028 Independence Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #06-30

Dear Mr. Berkowitz:

This letter is to inform you that you have been placed on the May 22nd, 2006 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

2028 Independence Drive
New Windsor, NY

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

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



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



APPLICATION FOR VARIANCE

5/10/06
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. Owner Information:

Name: JAMES & Carolyn Beekowitz Phone Number: (845) 642 7015
 Fax Number: ()
 Address: 2028 Independence Dr. New Windsor NY 12553

II. Applicant:

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

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

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

IV. Contractor/Engineer/Architect/Surveyor/:

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

V. Property Information:

Zone: R-3 Property Address in Question: 2028 Independence Dr. New Windsor NY.
 Lot Size: .46 Tax Map Number: Section 77 Block 3 Lot 10
 a. What other zones lie within 500 feet? _____
 b. Is pending sale or lease subject to ZBA approval of this Application? _____
 c. When was property purchased by present owner? Sept 2004
 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.

COMPLETE THIS PAGE

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

APPLICATION FOR VARIANCE - continued

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

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	30'	22'	8'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

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

COMPLETE THIS PAGE

**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:

there are no homes behind us
do affect their view or lifestyle. There are other
similar sized obcks in our development.

PLEASE NOTE:

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

COMPLETE THIS PAGE

XII. ADDITIONAL COMMENTS:

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

XIII. ATTACHMENTS REQUIRED:

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey (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 (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 May, 2006.

Cheryl D. Canfield

CHERYL D. CANFIELD
Notary Public, State of New York
Qualified in Orange County
#01CA6073319

Commission Expires April 22, 2010

Signature and Stamp of Notary

James M. Beckant
Owner's Signature (Notarized)

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

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

COMPLETE THIS PAGE



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 \$.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.

NOTE:

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