

ZB# 07-24

Gary Walters

59-2-2

07-24 Gary Walters (AECN)
6 Hillcrest Dr (59-2-2)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 7/9/07

07-24

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

GARY WALTERS

VARIANCE

CASE #07-24

WHEREAS, GARY WALTERS, owner(s) of 6 Hillcrest Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a request for 2 foot maximum height for proposed 6 foot fence to project between the house and the road at 6 Hillcrest Drive.

WHEREAS, a public hearing was held on July 9, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant represented himself; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a one family home located in a neighborhood of one family homes.
 - (b) The property fronts on two streets and Applicant requests a fence to screen the property from one of the two streets
 - (c) In constructing the fence the Applicant will not remove any trees or substantial vegetation.

- (d) The fence will not cause the ponding or collection of water or divert the flow of water drainage.
- (e) The fence will not be on top of nor will it interfere with any easements including, but limited to water, sewer or electrical easements.
- (f) The fence will no impeded the safe operation of motor vehicles on the adjacent roadways or impair the vision of motorists on said roadways.

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).

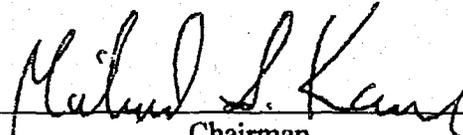
NOW, THEREFORE, BE IT

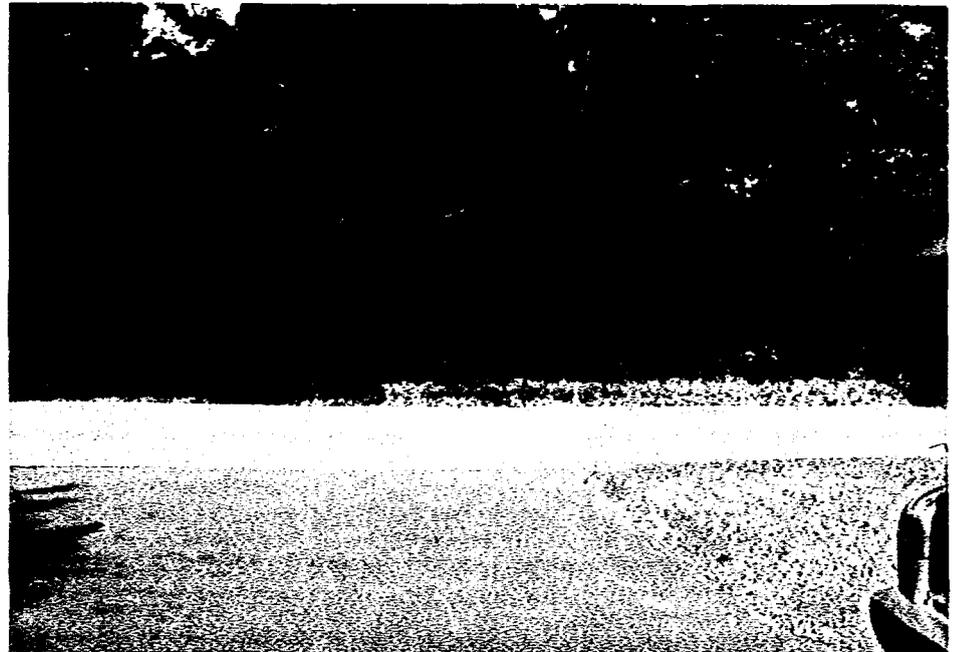
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for 2 foot maximum height for proposed 6 foot fence to project between the house and the road at 6 Hillcrest Drive as sought by the Applicant in accordance with plans filed with the Building Inspector and presented 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: July 9, 2007


Chairman







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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 6/4/07

APPLICANT: Gary Walters
6 Hillcrest Drive
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/29/07

FOR : Proposed 6ft fence

LOCATED AT: 6 Hillcrest Drive

ZONE: R-4 Sec/Blk/ Lot: 59-2-2

DESCRIPTION OF EXISTING SITE: One Family House

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed 6ft fence will project between house and road.

COPY


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 300-11-C-1-C

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 HEIGHT: 4FT 6FT 2FT

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

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 unannounced 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 after correction.

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

FOR OFFICE USE ONLY:

Building Permit #: _____

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP A 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 Gary F. Walters

Address 6 Hillcrest Dr Phone # 845-496-8936

Mailing Address Salisbury Mills N.Y. 12577 Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor -TRA-

Address _____ Phone _____

State whether applicant is owner, leasee, 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 59 Block 2 Lot 2

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 _____

X 5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other 6' Fence

6. Is this a corner lot? No

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 _____

ZONING BOARD

NOTE:

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

N

See
attached
survey

W

E

8

INVESTMENT

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

MEMORANDUM

TO: JACK FINNEGAN, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: NOVEMBER 8, 2007
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 169.78 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #07-24

NAME & ADDRESS:

**Gary F. Walters
6 Hillcrest Dr.
Salisbury Mills, NY 12577**

THANK YOU,

MYRA

J.F.11/08/07



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



FILE #07-24 TYPE:AREA TELEPHONE: 496-8936

APPLICANT:

Gary F. Walters
6 Hillcrest Dr.
Salisbury Mills, NY 12577

RESIDENTIAL:	\$ 50.00	CHECK #2052
COMMERCIAL	\$ 150.00	CHECK #_____
INTERPRETATION	\$ 150.00	CHECK #_____

ESCROW: RESIDENTIAL \$300.00 CHECK #2053



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

PRELIMINARY:	<u>2</u>	PAGES	\$ <u>14.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>4</u>	PAGES	\$ <u>28.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:06-29-07 \$ 18.22

TOTAL: \$ 60.22 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 130.22

AMOUNT DUE: \$ _____

REFUND DUE: \$ 169.78

Cc:

J.F. 11/08/07

June 11, 2007

6

GARY_WALTERS_(07-24)

MR. KANE: Gary Walters. Request for 2 foot maximum height for proposed 6 foot fence to project between the house and the road at 6 Hillcrest Drive.

Mr. Gary Walters appeared before the board for this proposal.

MR. KANE: State your name and address for the record.

MR. WALTERS: Gary Walters, 6 Hillcrest Drive. I'd like to request a variance to install a 6 foot fence for 125 feet along my property line at Lake Road.

MR. KANE: How far off of the road do you propose to put the fence?

MR. WALTERS: On the property line which I believe is about 10 to 11 feet off the road.

MR. KANE: In the building of the fence cutting down substantial vegetation, trees?

MR. WALTERS: No.

MR. KANE: Create water hazards or runoffs?

MR. WALTERS: No.

MR. KANE: More importantly is the fence going to block the line of sight of anybody driving down the road?

MR. WALTERS: No.

MR. KANE: And the reason for 6 foot instead of four?

MR. WALTERS: It's a privacy issue, over the past few years there's been a lot of increase in traffic flow on that road.

June 11, 2007

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MR. LUNDSTROM: Fence is only going along the front side by Lake Road?

MR. WALTERS: Correct.

MR. BABCOCK: Lake Road is actually the rear of his house, he actually fronts on Hillcrest Drive and Lake Road is the main drag if you will for everybody to go in and out of that area so his rear yard has the main traffic on it.

MR. KANE: Let the record show it's pretty straight run, you can't see how the fence would affect any view for oncoming traffic. Okay, any further questions? Eric?

MR. LUNDSTROM: None.

MR. TORPEY: No.

MR. KANE: I'll accept a motion.

MR. LUNDSTROM: Mr. Chairman, I'll offer a motion to schedule a public hearing for Mr. Gary Walters on the requested variance as presented in the agenda of June 11, 2007.

MR. TORPEY: I'll second that.

ROLL CALL

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

July 9, 2007

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PUBLIC HEARINGS:

GARY WALTERS (07-24)

MR. KANE: Request for 2 foot maximum height for proposed 6 foot fence to project between the house and the road at 6 Hillcrest Drive.

MR. WALTERS: My name is Gary Walters, I live at 6 Hillcrest Drive, Salisbury Mills, New York and I'm requesting a variance for a 6 foot high fence on the Lake Road side of my house cause my house side is on two streets, fronts on two streets so I'd like to make it a little more private by installing a 6 foot fence on the one side.

MR. KANE: Was there an existing fence there, Gary?

MR. WALTERS: No.

MR. KANE: Was there any cutting down of substantial trees or vegetation in the building of the fence?

MR. WALTERS: No.

MR. KANE: Create any water hazards or runoffs?

MR. WALTERS: No.

MR. KANE: Any easements run in the area where the fence is?

MR. WALTERS: No.

MR. KANE: Fence is along the road, does it impede the view of traffic coming down the road?

MR. WALTERS: No.

MR. KANE: And the reason for the extra two feet on the

July 9, 2007

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top of the fence?

MR. WALTERS: Privacy.

MR. LUNDSTROM: Gary, what's in that area now, is there anything there?

MR. WALTERS: No. You mean across that like road, no, there's pretty much nothing.

MR. LUNDSTROM: There's a house on Lake Road in that area that has put up a plastic fence, where is that in relationship to your house on the curve of Lake Road?

MR. WALTERS: I'm not sure, that could be me.

MR. TORPEY: You're fencing the whole thing in?

MR. WALTERS: Just the one side.

MR. KANE: At this point, I'm going to open it up to the public and ask if there's anybody here for this particular hearing? Seeing as there's nobody here for this hearing, we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On June 26, I mailed out 35 addressed envelopes and had no response.

MR. KANE: We'll bring it back to the board for further questions.

MR. LUNDSTROM: There's no fence there now?

MR. WALTERS: No.

MR. KRIEGER: Although your house is on a corner this is on what appears to be visually the side of the house?

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MR. WALTERS: It's not, my house isn't on a corner, just fronts on two streets, I'm between two other houses that are on corners but my house front actually the back of my house is on Lake Road, the other side is on Hillcrest Drive.

MR. BABCOCK: In theory, Mr. Attorney, he's actually it's the rear of his house where this fence is going, he has two front yards.

MR. KRIEGER: Okay, that's what I needed to know. Thank you.

MR. LUNDSTROM: Was there an entrance to the garage or driveway back there?

MR. WALTERS: Yes.

MR. LUNDSTROM: Okay, if this fence goes up, is that driveway going to be unavailable now?

MR. WALTERS: Yes.

MR. LUNDSTROM: How do you plan on getting there or just going to tear up the macadam?

MR. WALTERS: No, I'm just going to leave it.

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

MS. LOCEY: I'll offer a motion to grant the requested variance on the application of Gary Walters for a two foot maximum height variance for a proposed 6 foot fence to project between the house and the road at 6 Hillcrest Drive in an R-4 zone.

MR. TORPEY: I'll second that motion.

ROLL CALL

July 9, 2007

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



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
7/9/2007	606

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

P.O. No.	Terms	Project

Issue Date	Description	Rate	Amount
6/29/2007	LEGAL ADS: APPEAL NO. 07-24 GARY WALTERS	14.22	14.22
	1 AFFIDAVIT	4.00	4.00
		Total	\$18.22

RECEIVED
JUL 18 2007
By _____

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. (07-24)
 Request of GARY WALTERS
 for a VARIANCE of the Zoning Local Law to Permit:
 Request for 2 ft. Max Height for proposed 6 ft. fence to project between the house and the road at 6 Hillcrest Drive in an R-4 Zone (59-2-2)
 PUBLIC HEARING will take place on JULY 9TH, 2007 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.
 Michael Kane, Chairman

RECEIVED
 JUL 18 2007
 By _____

State of New York
 County of Orange, ss:
 Kathleen O'Brien 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 in said newspaper, 1 time (s) commencing on the 29th day of June A.D., 2007 and ending on the 29th day of June A.D. 2007.

Kathleen O'Brien
 Subscribed and shown to before me this 18th day of July, 2007.

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
 #4984065
 Commission Expires July 15, 2011

My commission expires _____.

Town of New Windsor

PURCHASE ORDER

49881

Town Hall
555 Union Ave.

New Windsor, NY 12553

TEL: 845-563-4623 / FAX: 845-563-4697

SENTIN

DATE	6/25/2007
PAGE NO.	1
CHECK NO.	
TAX EXEMPT NO. 14-6002338	

SIGN & RETURN TO ADDRESS ABOVE

VENDOR	SHIP TO
THE SENTINEL THE E.W. SMITH PUBLISHING CO, INC. PO BOX 406 VAILS GATE, NY 12584	Zoning Department Town of New Windsor 555 Union Avenue New Windsor, NY 12553-6140 Attn: Myra Mason

SPECIAL INSTRUCTIONS

MM

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
1	PUB HEAR NOTICE:6/29 WALTERS 10-1010-101620-4-4173	1	20.00	20.00

NO ORDER VALID UNLESS SIGNED BELOW

20.00

DEPARTMENT DIRECTOR

BUSINESS ADMINISTRATOR

DEPARTMENTAL CERTIFICATION
I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered; said certification being based on signed delivery slips or other reasonable procedures.

VENDOR CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

SIGNATURE

DATE

[Signature] 6-25-07
COMPTROLLER

NAME (PRINT OR TYPE)

OFFICIAL POSITION

VENDOR SOCIAL SECURITY NO. OR TAX I.D. NO.

VENDOR - SIGN AT X AND RETURN WITH INVOICE

ZBA #07-24

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

RECEIPT
#439-2007

06/12/2007

Walters, Star Or Gary

Received \$ 50.00 for Zoning Board Fees, on 06/12/2007. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

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:

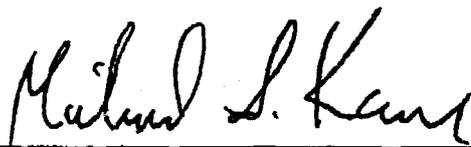
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Michael Kane, Chairman



Town of New Windsor

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

Assessors Office

June 15, 2007

Gary Walters
6 Hillcrest Dr.
Salisbury Mills, NY 12577

Re: 59-2-2 ZBA#: 07-24 (35)

Dear Mr Walters:

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 \$55.00 minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board

59-2-33
LORRAINE ASTRAB
2 AMELIA CT.
SALISBURY MILLS, NY 12577

59-2-34
CYNTHIA WEISS &
JOSEPH OLIVO
4 AMELIA CT.
SALISBURY MILLS, NY 12577

59-2-35
TIMOTHY & MARY TABALA
6 AMELIA CT.
SALISBURY MILLS, NY 12577

59-2-36
ROBERT & THERESA GESTEN
3 AMELIA CT.
SALISBURY MILLS, NY 12577

59-2-37
PHILLIP & KAREN PIRACCI
1 AMELIA CT.
SALISBURY MILLS, NY 12577



57-2-1,59-2-3.1
BEAVER DAM LAKE PRO.&REH
C/O DEPT. PUBLIC WORKS
PO BOX 509
GOSHEN, NY 10924

58-5-1
DANIEL KOCH
PO BOX 416
VINEYARD HAVEN, MA 02568

59-2-3.3
THOMAS & PATRICIA LARKE
221 LAKE RD.
SALISBURY MILLS, NY 12577

58-1-22
CRAIG FILIPPINI &
BROOKE FERRER
3 PARK RD,
SALISBURY MILLS, NY 12577

58-5-2
FBO BEAVER DAM LAKE P&R
PO BOX 509
GOSHEN, NY 10924

59-2-4
ANDREW LELO
5 HILCREST DR.
SALISBURY MILLS, NY 12577

58-1-23
RAYMOND &
ANNETTE FILIPPINI
1 PARK RD.
SALISBURY MILLS, NY 12577

58-6-1.1
STEVEN & DEBRA KAISER
PO BOX 87
SALISBURY MILLS, NY 12577

59-2-5.2
ROBERT WITT
7 HILLCREST DR.
SALISBURY MILLS, NY 12577

58-4-2
CAROL FOX
30 SURRY LN.
PLAINVIEW, NY 11803

58-6-1.2
ALEXANDER & NATALIE BAR
PO BOX 239
CORNWALL, NY 12518

59-2-6.1
DOREEN &
SALVATORE LOSAURO
9 HILLCREST DR.
SALISBURY MILLS, NY 12577

58-4-3
BRUCE BLACKMAN &
LYNN BOWE-BLACKMAN
262 LAKE RD.
SALISBURY MILLS, NY 12577

59-1-8
STATE OF NY DEPT COMPT.
ATTN.COLIN CAMPBELL
A E SMITH BLDG 5TH FLOOR
ALBANY, NY 12236

59-2-7
MICHAEL LERECHT &
CYNTHIA GOODWIN
13 HILLCREST DR.
SALISBURY MILLS, NY 12577

58-4-4
ERIC & KRISTIN PAPULA
260 LAKE RD.
SALISBURY MILLS, NY 12577

59-1-9
JOSEPHINE & GUY OSMER
16 HILLCREST DR.
SALISBURY MILLS, NY 12577

59-2-8
JOSEPH & ANNETTE CAPONE
15 HILLCREST DR.
SALISBURY MILLS, NY 12577

58-4-5.1
JAMES, III & ROBIN RASHFORD
10 BEAVER BROOK RD.
NEW WINDSOR, NY 12553

59-1-10
WILLIAM & HELEN ADAMS
39 DONNA LN.
WALLKILL, NY 12589

59-2-9
LORENZA ROBLES
17 HILLCREST DR.
SALISBURY MILLS, NY 12577

58-4-5.2
DANIEL & EILEEN SCHUG
14 BEAVER BROOK RD.
NEW WINDSOR, NY 12553

59-1-11
MARGARETE OBERMEIER
12 HILLCREST DR.
SALISBURY MILLS, NY 12577

59-2-10
ANTRIM ASSOCIATES
44 STATION RD.
SALISBURY MILLS, NY 12577

58-4-7.13
DOMINICK &
BERNADINE FORTE
143 HAROLD AVE.
CORNWALL, NY 12518

59-2-1
ALBERT & ATHENA NASTA
22 RICK DR.
NEW WINDSOR, NY 12553

59-2-12
RITA MILLER
3 AUSTIN CT.
MONROE, NY 10950

58-4-9
STANLEY & IRENE MROZ
75 LAKESIDE DR.
NEW WINDSOR, NY 12553

59-2-3.2
ROBERT DELGADO, JR.
211 LAKE RD.
SALISBURY MILLS, NY 12577

59-2-13
JOSEPH &
SHARLEEN WUNDERLICH
50 VALLEY DR.
SALISBURY MILLS, NY 12577



**ORANGE COUNTY
DEPARTMENT OF PUBLIC WORKS**

**Edmund A. Fares, P.E.
Commissioner**

**P.O. Box 509, 2455-2459 Route 17M
Goshen, New York 10924-0509
www.orangecountygov.com**

TEL (845) 291-2750 FAX (845) 291-2778

**Edward A. Diana
County Executive**

June 29, 2007

Michael Kane, Chairman
Town of New Windsor Zoning Board of Appeals
555 Union Ave.
New Windsor, New York 12553

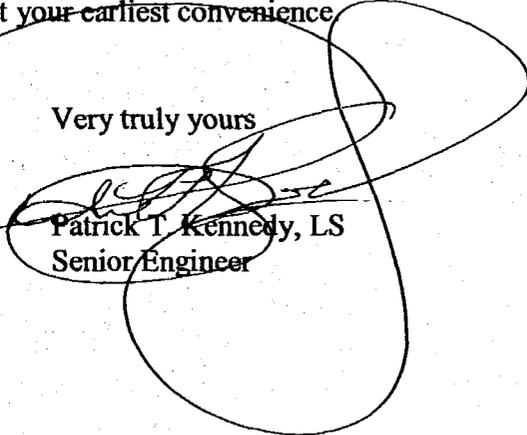
Re: Gary Walters – 6 Hillcrest Drive
Variance request for additional fence height

Dear Mr. Kane:

This Department has reviewed the Public Hearing Notice and Tax Map Section 59 for the above referenced project and has no objection to the requested variance.

If you have any questions please contact this Office at your earliest convenience

Very truly yours


Patrick T. Kennedy, LS
Senior Engineer

Cc: Charles W. Lee, PE, Deputy Commissioner
Cesare L. Rotundo, PE, Principal Engineer



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



APPLICATION FOR VARIANCE

6/7/07
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. Owner Information:

e-mail address: gwalters@HVC.rr.com
Phone Number: (845) 496-8936
Fax Number: ()

Gary F. Walters
(Name)
6 Hillcrest Dr Salisbury Mills, N.Y. 12577
(Address)

II. Applicant:

e-mail address: _____
Phone Number: ()
Fax Number: ()

Gary F. Walters
(Name)
6 Hillcrest Dr.
(Address)
Salisbury Mills, NY 12577

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

Phone Number: ()
Fax Number: ()

(Name)

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()
Fax Number: ()

(Name)

(Address)

V. Property Information:

Zone: R4 Property Address in Question: _____

Lot Size: _____ Tax Map Number: Section 59 Block 2 Lot 2

- a. Is pending sale or lease subject to ZBA approval of this Application? _____
- b. When was property purchased by present owner? _____
- c. Has property been subdivided previously? _____ If so, When: _____
- d. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? _____

******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 Disapproval 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.			
Reqd. St Front*	<i>4 ft</i>	<i>6 ft</i>	<i>2 ft</i>
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

**PLEASE NOTE:
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**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:

My property currently fronts on 2 streets. The front is where my driveway is. The back is a heavily traveled street that affords very little privacy & is very noisy. A 6ft fence across my property at the back which is Lake Road would reduce my noise problem & allow me some privacy in my yard for gardening & relaxing.

PLEASE NOTE:

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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 area that variance(s) is/are 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)

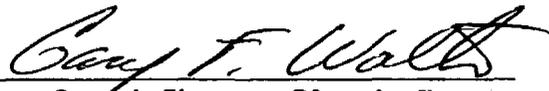
) SS.:

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:

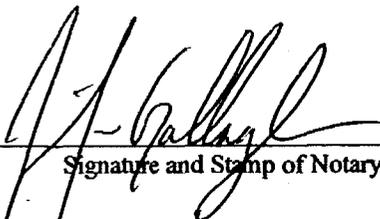
8th day of June 2017,



Owner's Signature (Notarized)

Owner's Name (Please Print)

JENNIFER GALLAGHER
Notary Public, State of New York
No. 01GA6050024
Qualified in Orange County
Commission Expires 10/30/10


Signature and Stamp of Notary

Applicant's Signature (If not Owner)

PLEASE NOTE:

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

PROJECT I.D. NUMBER

617.21

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>Gary F. Walters</i>	2. PROJECT NAME <i>6ft. Fence</i>
3. PROJECT LOCATION: <i>6 Hillcrest Dr</i> Municipality <i>Salisbury Mills (New Windsor) N.Y.</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>Lake Road between Hillcrest Dr. & Lake Road East, only on property of 6 Hillcrest Dr.</i>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>6ft fence on property line at Lake Rd.</i>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately <i>125 linear feet</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 checked="" type="checkbox"/> Yes <input 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>Gary F. Walters</i>	Date: _____
Signature: <i>Gary F. Walters</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

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:
Reduce noise level due to traffic on Lake Rd

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly.

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.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly.

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



TOWN OF NEW WINDSOR

(845) 563-4615 (MYRA MASON)

ZONING BOARD APPLICATION PACKAGE



PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (COMPLETE ONLY THE PAGES WITH HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified) 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 (PRELIMINARY) 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

COMPLETE ONLY THE PAGES WITH CHECKED BOX IN CORNER OF PAGE. PLEASE SUBMIT ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified).

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). BRING ENOUGH ENVELOPES PREPARED WITH **YOUR** RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH **"NOTICES OF PUBLIC HEARING"** TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

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



Town of New Windsor

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

ZONING BOARD OF APPEALS

TO ALL ZONING BOARD OF APPEALS APPLICANTS:

Please note the attached letter from Orange County Department of Planning asking that referrals be made to their office for review.

Due to this request, your application will be sent to Orange County Department of Planning for review. We are hoping to do this in a way that does not add to the time it normally takes to seek a variance.

Thank you for your cooperation in this matter.

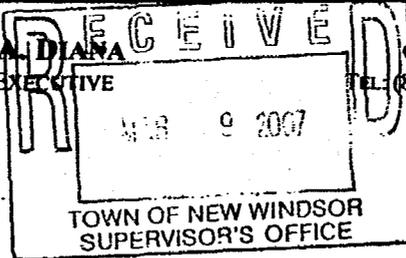
ZONING BOARD OF APPEALS

**COUNTY OF ORANGE****DEPARTMENT OF PLANNING**

EDWARD A. DIANA
COUNTY EXECUTIVE

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533

DAVID CHURCH, A.I.C.P.
COMMISSIONER



5 March, 2007

POLICY REMINDER**REFERRAL OF CERTAIN MUNICIPAL PERMITS AND ACTIONS**

to COUNTY PLANNING as per NYS GENERAL MUNICIPAL LAW §239 L, M & N

NEW POLICY GUIDEBOOK ATTACHED

As an essential part of Orange County's renewed interest and involvement in planning and development policy, the Planning Department continues to gain staff capability and expertise. The Orange County Planning Department reviews all projects that meet the requirements of Section 239 of the NYS General Municipal Law (GML §239) for County referrals. Please be sure that your municipality is sending the required applications that come under the provisions of GML § 239. Keep in mind that if there is a project that falls under the non-mandatory review requirement, we will be glad to review it upon request of a municipal official.

A new guidebook is attached detailing the NYS GML §239 referral process here in Orange County. Additional copies of this guidebook can be downloaded at www.orangecountygov.com/planning.

As a refresher, prior to making a decision on certain permits or actions, GML § 239 requires that you send to County Planning a copy of the complete application for the following "proposed actions" that are within 500 feet of the properties or thresholds listed in the statute (GML § 239-m (3)):

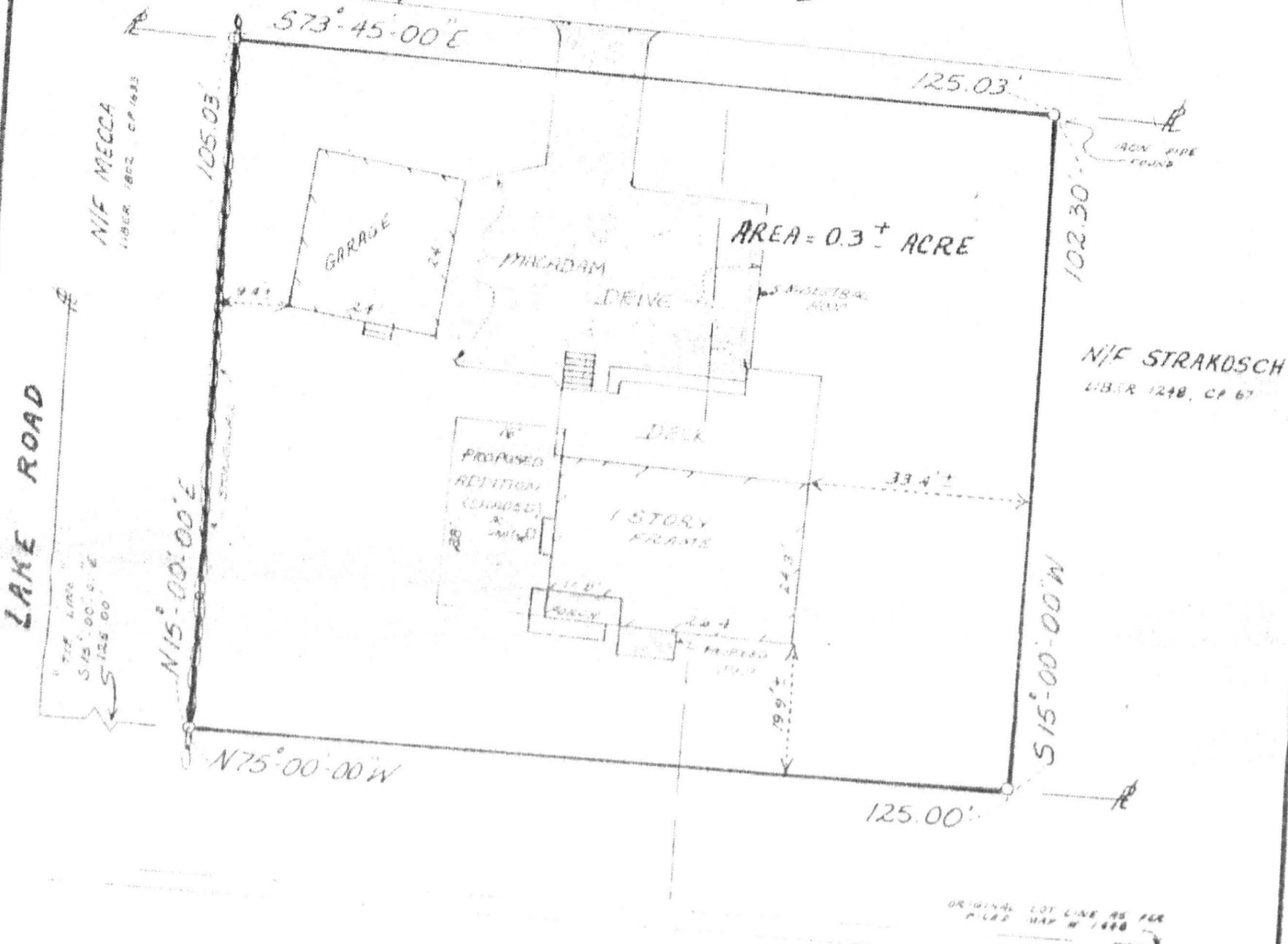
1. The adoption of a municipal comprehensive plan, zoning ordinance or law, or an amendment to either one;
2. The granting of a use or area variance;
3. The issuance of special use permits;
4. Site plans for residential uses;
5. Site plans for non-residential uses;
6. Subdivisions plats;
7. Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

Proposed "actions" must be referred to County Planning prior to your decision if they apply to real property within five hundred (500) feet of the following:

1. The boundary of any city, village or town;
2. The boundary of any existing or proposed county or state park or any other recreation area;



LAKE ROAD



HILLCREST DRIVE

MAP OF SURVEY FOR

GARY F. WALTERS & STAR WALTERS

TOWN OF NEW WINDSOR

SCALE 1" = 20'

ORANGE COUNTY, N.Y.

OCTOBER 8, 2002

IT IS HEREBY CERTIFIED THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

CERTIFIED TO

GARY F. WALTERS & STAR WALTERS

CHARTER ONE MORTGAGE CORP. ITS SUCCESSORS AND ASSIGNS

FILED MAP # 1448

FILED 8-23-50

JOB No 83:0188

PETER R. HUSTIS, L.L.S.

33 HENRY STREET, BEACON, NEW YORK- 828 BROADWAY, NEWBURGH, NEW YORK

