

**ZB# 07-51**

**Frances Hales**

**26-1-10**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 10-22-07*

**07-51** Frances Hales (Area)  
109 Erie Ave (26-1-10)

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

MEMORANDUM OF  
DECISION GRANTING

**SETH & FRANCIS HALES**

**AREA**

CASE #07-51  
-----X

**WHEREAS, Francis Hales**, owner(s) of 109 Erie Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 15.5 ft Side Yard Setback and; 2.5 ft Total Side Yard Setback and; 19 ft. Rear Yd Setback for proposed addition at 109 Erie Ave in an R-4 Zone (26-1-10)

**WHEREAS**, a public hearing was held on October 22, 2007 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 applicant seeks the variances in order to construct an addition to the applicant's house.

- (c) In constructing the addition, the applicant will not remove and trees or substantial vegetation.
- (d) In constructing the addition, the applicant will not be diverting the flow of water darainage nor creating the ponding or collection of water.
- (e) The proposed addition, will not be on top of , nor will it interfere with, any easements including, but not limited to, water sewer or electrical easements.
- (f) After the addition is constructed,, the resulting house will be similar in siza and appearance to other houses in the neighborhood.

**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).

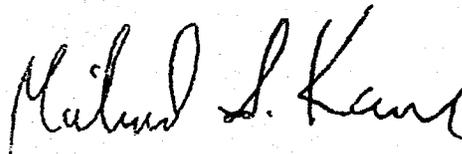
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a Request for 15.5 ft Side Yard Setback and; 2.5 ft Total Side Yard Setback and; 19 ft. Rear Yd Setback for proposed addition at 109 Erie Ave in an R-4 Zone (26-1-10) 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: October 22, 2007



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Chairman



**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: 12-28-07**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 178.76 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #07-51**

**NAME & ADDRESS:**

**Frances Hales  
109 Erie Ave.  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**J.F.12-28-07**



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



FILE #07-51      TYPE:AREA      TELEPHONE: 561-2546

APPLICANT:  
Frances Hales  
109 Erie Ave.  
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>1356</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:            RESIDENTIAL \$300.00            CHECK # 1357



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

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

LEGAL AD: Publish Date:10-12-07            \$ 16.24

TOTAL:            \$ 51.24            \$ 70.00



ESCROW POSTED:            \$ 300.00  
LESS: DISBURSEMENTS:    \$ 121.24

AMOUNT DUE:            \$ \_\_\_\_\_

REFUND DUE:            \$ 178.76

Cc:

J.F. 12-28-07

October 22, 2007

34

FRANCES\_HALES\_(07-51)

MR. KANE: Request for 15.5 foot side yard setback and 2.5 foot total side yard setback and 19 foot rear yard setback for proposed addition at 109 Erie Avenue.

MR. KANE: Just state your name again and tell us what you want to do.

MS. HALES: Frances Hales. We're looking to make a family room in our back of the house and then above it a master bedroom, we'll be just enlarging the existing bathroom upstairs and putting in a half bathroom in the downstairs part. And then we have an existing garage that we need to remove and rebuild and make it a little larger to accommodate vehicles of this century.

MR. KANE: Will you be cutting down substantial trees and vegetation in the building of this?

MS. HALES: No.

MR. KANE: Creating any water hazards or runoffs?

MS. HALES: No.

MR. KANE: Any easements running through the affected areas?

MS. HALES: No.

MR. KANE: With the addition on the house is it going to keep the home similar to other homes in your neighborhood, size and nature, not going to be overly large?

MS. HALES: No, we're only 900 square feet so--

MR. KANE: Currently?

MS. HALES: Currently.

MR. KANE: And this will bring you to?

MS. HALES: I have no idea, 12 to 14 square foot addition so--

MR. KANE: Still a relatively small home.

MS. HALES: Yes, hopefully the taxes will stay the same.

MR. KANE: Can't help you with that one.

MR. BABCOCK: I can help her with that. They won't.

MR. KANE: Public portion of the meeting, is there anybody here for this particular hearing? Seeing as there's not, we'll close the public portion and ask Myra how many mailings?

MS. MASON: On October 9, I mailed out 60 envelopes and had no response.

MR. KANE: Bring it back to the board for further questions. If not, I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the requested variances on the application of Frances Hales as detailed on the Zoning Board of Appeals agenda dated October 22, 2007.

MR. TORPEY: I'll second that.

ROLL CALL

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

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**  
PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:  
Appeal No. (07-51)  
Request: **VARIANCES MALES**  
for a VARIANCE of the Zoning Local Law to Permit:  
Request for 15.5 ft Side Yard Setback and; 2.5 ft Total Side Yard Setback and; 19 ft. Rear Yard Setback for proposed addition at 109 Erie Avenue in an R-4 Zone (26-1-10)  
PUBLIC HEARING will take place on **OCTOBER 22, 2007** at the New Windsor Town Hall 555 Union Avenue New Windsor, New York beginning at 7:30 P.M.  
Michael Kane, Chairman

16-24

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 12th day of Oct. A.D., 2007 and ending on the 12th day of Oct. A.D. 2007

*Kathleen O'Brien*  
Subscribed and shown to before me this 23<sup>rd</sup> day of Oct., 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

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101  
J. Todd Wiley, IAO

## Assessor's Office

September 27, 2007

Frances Hales  
109 Erie Avenue  
New Windsor, NY 12553

Re: 26-1-10 ZBA#07-51 (60)

Dear Ms. Hales:

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

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, IAO  
Sole Assessor

JTW/lrd  
Attachments

CC: Myra Mason, ZBA

22-1-1.2  
Woodlawn Cemetery  
93 Union Avenue  
New Windsor, NY 12553

26-1-12  
Debra DeGroat  
250 Quassaick Avenue  
New Windsor, NY 12553

26-1-1.2  
Upstate Properties USA, LLC  
199 Lee Avenue, Suite 277  
Brooklyn, NY 11211

27-1-1  
Jeremy & Veronica Valentine  
243 Quassaick Avenue  
New Windsor, NY 12553

26-1-2.2  
Stephen Zavodsky  
129 Erie Avenue  
New Windsor, NY 12553

27-1-9  
Ann Couturier  
251 Quassaick Avenue  
New Windsor, NY 12553

26-1-4  
Lawrence & Deana McKay  
127 Erie Avenue  
New Windsor, NY 12553

27-1-10  
Nigel & Vanessa Palmer  
249 Quassaick Avenue  
New Windsor, NY 12553

26-1-5  
Arthur Jr. & Grace Gloeckler  
123 Erie Avenue  
New Windsor, NY 12553

27-1-11  
Viola Cavicchio  
Joseph Borucki  
247 Quassaick Avenue  
New Windsor, NY 12553

26-1-6  
Kevin Smalls  
Valerie Johnson Smalls  
121 Erie Avenue  
New Windsor, NY 12553

27-1-12 & 27-1-13  
Marie Williams  
245 Quassaick Avenue  
New Windsor, NY 12553

26-1-7  
William & Mildred Crawford  
119 Erie Avenue  
New Windsor, NY 12553

26-1-8  
Linda Hoyer  
115 Erie Avenue  
New Windsor, NY 12553

26-1-9  
Robyn Perry  
Inoel Guzman  
111 Erie Avenue  
New Windsor, NY 12553

26-1-11  
Charles & Barbara Tudor  
105 Erie Avenue  
New Windsor, NY 12553

87-1-1  
Windshire Condominiums, Inc.  
256 Quassaick Avenue  
New Windsor, NY 12553

87-1-1.-10  
Evelyn Gisonno  
256 Quassaick Avenue Unit 10  
New Windsor, NY 12553

87-1-1.-20  
Glenn Jr. & Kristine Baynes  
256 Quassaick Avenue Unit 20  
New Windsor, NY 12553

87-1-1.-1  
Lenore DiGregorio  
256 Quassaick Avenue Unit 1  
New Windsor, NY 12553

87-1-1.-11  
Nicholas & Sterina Miele  
256 Quassaick Avenue Unit 11  
New Windsor, NY 12553

87-1-1.-21  
Madelyn Ramos  
256 Quassaick Avenue Unit 21  
New Windsor, NY 12553

87-1-1.-2  
Steven & Dana McCormick  
256 Quassaick Avenue Unit 2  
New Windsor, NY 12553

87-1-1.-12  
Allen & Maxine Fuhrman  
256 Quassaick Avenue Unit 12  
New Windsor, NY 12553

87-1-1.-22  
Kerri Ann Bryan  
256 Quassaick Avenue Unit 22  
New Windsor, NY 12553

87-1-1.-3  
Freddie & Carmella Savignano  
256 Quassaick Avenue Unit 3  
New Windsor, NY 12553

87-1-1.-13  
Joseph & Eileen Lombardi  
256 Quassaick Avenue Unit 13  
New Windsor, NY 12553

87-1-1.-23  
Annemarie McClean  
256 Quassaick Avenue Unit 23  
New Windsor, NY 12553

87-1-1.-4  
Kim & Linda Simon  
256 Quassaick Avenue Unit 4  
New Windsor, NY 12553

87-1-1.-14  
Anthony & Mary Duarte  
256 Quassaick Avenue Unit 14  
New Windsor, NY 12553

87-1-1.-24  
Edward & Dolores Currier  
256 Quassaick Avenue Unit 24  
New Windsor, NY 12553

87-1-1.-5  
Jamont & Tisa Hanshaw  
256 Quassaick Avenue Unit 5  
New Windsor, NY 12553

87-1-1.-15  
Christina Guiliani  
256 Quassaick Avenue Unit 15  
New Windsor, NY 12553

87-1-1.-25  
Donald Arrigo  
256 Quassaick Avenue Unit 25  
New Windsor, NY 12553

87-1-1.-6  
Anthony & Susan Zappolo  
256 Quassaick Avenue Unit 6  
New Windsor, NY 12553

87-1-1.-16  
Gertrude Schreiber  
256 Quassaick Avenue Unit 16  
New Windsor, NY 12553

87-1-1.-26  
Sabrina Oliveri  
256 Quassaick Avenue Unit 26  
New Windsor, NY 12553

87-1-1.-7  
Louis & Isabella DeFrancesco  
256 Quassaick Avenue Unit 7  
New Windsor, NY 12553

87-1-1.-17  
Joseph Jr. & Debrah Shier  
256 Quassaick Avenue Unit 17  
New Windsor, NY 12553

87-1-1.-27  
Lonnie & Barbara Sussman  
256 Quassaick Avenue Unit 27  
New Windsor, NY 12553

87-1-1.-8  
Danielle & Sandra Tucci  
256 Quassaick Avenue Unit 8  
New Windsor, NY 12553

87-1-1.-18  
Robert & Lily Ann Francis  
256 Quassaick Avenue Unit 18  
New Windsor, NY 12553

87-1-1.-28  
Barbara Albrechtsen  
256 Quassaick Avenue Unit 28  
New Windsor, NY 12553

87-1-1.-9  
Rosa Perez  
256 Quassaick Avenue Unit 9  
New Windsor, NY 12553

87-1-1.-19  
Nancy Lochard  
256 Quassaick Avenue Unit 19  
New Windsor, NY 12553

87-1-1.-29  
Barbara Beck  
256 Quassaick Avenue Unit 29  
New Windsor, NY 12553

87-1-1.-30  
Michael & Anne Hunger  
256 Quassaick Avenue Unit 30  
New Windsor, NY 12553

87-1-1.-40  
Kevin Phipps  
Vivian Archie  
256 Quassaick Avenue Unit 40  
New Windsor, NY 12553

87-1-1.-31  
Norwood & Rebia Spearman  
256 Quassaick Avenue Unit 31  
New Windsor, NY 12553

87-1-1.-41  
Millicent Reid  
256 Quassaick Avenue Unit 41  
New Windsor, NY 12553

87-1-1.-32  
Katia Jasmin  
256 Quassaick Avenue Unit 32  
New Windsor, NY 12553

87-1-1.-42  
Elaine Woods  
256 Quassaick Avenue Unit 42  
New Windsor, NY 12553

87-1-1.-33  
Valeria Parker  
256 Quassaick Avenue Unit 33  
New Windsor, NY 12553

87-1-1.-43  
Ronald & Elizabeth Rodriguez  
256 Quassaick Avenue Unit 43  
New Windsor, NY 12553

87-1-1.-34  
Kevin & Teresa Flanagan  
256 Quassaick Avenue Unit 34  
New Windsor, NY 12553

87-1-1.-35  
Robert Varas  
Eva Roman  
256 Quassaick Avenue Unit 35  
New Windsor, NY 12553

87-1-1.-36  
Leon & Rachel Griffin  
256 Quassaick Avenue Unit 36  
New Windsor, NY 12553

87-1-1.-37  
Theodore Steixner  
Marisa Iriarte  
256 Quassaick Avenue Unit 37  
New Windsor, NY 12553

87-1-1.-38  
Kenneth & Susan Cruz  
256 Quassaick Avenue Unit 38  
New Windsor, NY 12553

87-1-1.-39  
Marion Pinizzotto  
256 Quassaick Avenue Unit 39  
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:

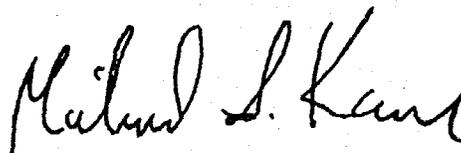
**Appeal No. (07-51)**

**Request of FRANCES HALES**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 15.5 ft Side Yard Setback and; 2.5 ft Total Side Yard Setback and; 19 ft. Rear Yard Setback for proposed addition at 109 Erie Avenue in an R-4 Zone (26-1-10)**

**PUBLIC HEARING will take place on OCTOBER 22, 2007**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



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**Michael Kane, Chairman**

September 24, 2007

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FRANCES\_HALES\_(07-51)

MR. KANE: Request for 15.5 foot side yard setback and 2.5 foot total side yard setback and 19 foot rear yard setback for proposed addition at 109 Erie Avenue.

Ms. Frances Hales appeared before the board for this proposal.

MR. KANE: Again, speak loud enough, name and address, tell us what you want to do.

MS. HALES: 109 Erie Avenue, New Windsor. We're looking to build onto the back of our house which you would not see from the front yard that goes to the main street. We're looking to do a small addition that's going to have a family room in the bottom and above it will be a master bedroom and then they'll be just enlarging our bathroom upstairs. So I think the only problem is in one small corner where it's going to go beyond the variance a small amount so I don't think we have any problems from our neighbors. We live in the, our house right now is 900 square foot, we have two children which are boys and we need space and we can't move anywhere.

MR. KANE: Will you be cutting down any trees or substantial vegetation in the building of the addition?

MS. HALES: We actually already have a tree that we took down.

MR. KANE: Nothing substantial?

MS. HALES: No.

MR. KANE: Creating any water hazards or runoffs?

MS. HALES: No.

MR. KANE: Are there any easements running through where you want to go?

MS. HALES: I'm not sure what an easement is but I don't think so.

MR. KANE: It's a right-of-way through your property.

MS. HALES: Oh, no, no.

MR. KANE: You're on town water and sewer?

MS. HALES: Yes.

MR. BABCOCK: The house is on, Mr. Chairman, as far as the survey shows the house is on quite a bit of an angle to the lot so the farther she goes back the closer she gets to the property line from such an angle, that's the problem. If the house was straight or parallel with the property line she would avoid one of the variances.

MR. KANE: That's one of those well drawn out property lines in New Windsor.

MR. LUNDSTROM: Mike, do we have a plot plan on this cause this is what we have on our application?

MR. BABCOCK: We have a survey on file. We'll make copies for you.

MR. LUNDSTROM: Thank you.

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

MR. LUNDSTROM: I will offer a motion that the application by Frances Hales be scheduled for public hearing as documented on the agenda item number 3 on the Zoning Board of Appeals for September 24, 2007.

September 24, 2007

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MS. LOCEY: I'll second that motion.

ROLL CALL

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

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

DATE RECEIVED: 09-14-07

FOR: 07-51 ESCROW

FROM:  
**Frances Hales**  
109 Erie Ave.  
New Windsor, NY 12553

CHECK FROM:  
SAME

CHECK NUMBER: 1357

TELEPHONE: 561-2546

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Fenney 9-19-07  
NAME DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

ZBR #07-51 ESCROW

SETH HALES 561-2546 10-4 119  
FRANCES L. HALES 220 1357  
109 ERIE AVE.  
NEW WINDSOR, NY 12553

DATE Aug 20, 2007

PAY TO THE ORDER OF Town of New Windsor \$ 300.00  
Three Hundred & 00/100 DOLLARS

**M&T Bank**  
MEMO Escrow  
Frances L Hales

⑆022000046⑆ 9833928774 1357

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

**RECEIPT**  
**#722-2007**

09/19/2007

Hales, Frances L.

Received \$ 50.00 for Zoning Board Fees, on 09/19/2007. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

ZBA # 07-51 Application fee







# Town of New Windsor

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

## ZONING BOARD OF APPEALS

September 18, 2007

Frances Hales  
109 Erie Ave.  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #07-51

Dear Ms. Hales:

This letter is to inform you that you have been placed on the September 24, 2007 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

109 Erie Avenue  
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

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

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: July 16, 2007**

**APPLICANT: Seth & Francis Hales  
109 Eire Avenue  
New Windsor, NY 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 07/16/07**

**FOR: Addition**

**LOCATED AT: 109 Eire Avenue, New Windsor, NY 12553**

**ZONE: R-4      Sec/Blk/ Lot: 26-1-10**

**DESCRIPTION OF EXISTING SITE: Single Family Dwelling With Proposed Addition**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

**1. 300-10 Use/Bulk Table R-4 Zone, Required Rear Yard 50, Required Side Yard 20', Total Both Side Yards 40'. Variances of 19' Rear Yard, 15.5' Side Yard and 2.5' Total Both Side Yards Is Required.**

*Louis J. Kyshen*  
BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-4    USE: Addition			
MIN LOT AREA:			
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD: 300-1-A-B	20'	4.5'	15.5'
REQ'D TOTAL SIDE TD:	40'	37.5'	2.5'
REQ'D REAR YD:	50'	31'	19'
REQ'D FRONTAGE:			
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:			

**COPY**

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

7/16/07 *Sent Applicant.*

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 underslab 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 and Tax Parcel ID #, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Water and Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

JUL 05 2007

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:  
Building Permit #: 2007-569

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP, DISABILITY & LIABILITY INSURANCE**  
**CERTIFICATES ARE 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 SETH HALES

Address 109 ERIE AVE. NEW WINDSOR, NY Phone # 845-561-2546

Mailing Address 109 ERIE AVE. NEW WINDSOR, NY Fax # \_\_\_\_\_

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Phone \_\_\_\_\_

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

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

(Name and title of corporate officer)

X 1. On what street is property located? On the \_\_\_\_\_ side of ERIE AVE  
(N,S,E or W)  
and 500? feet from the intersection of ERIE AND ROUTE 94

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

X 3. Tax Map Description: Section 26 Block 1 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

6. Is this a corner lot? NO

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

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

Number of bedrooms 2 Baths 1 Toilets 1 Heating Plant: Gas  Oil \_\_\_\_\_

Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars 1

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

X 10. Estimated cost \_\_\_\_\_ Fee \$50-

**PAID**

**ZONING BOARD**

CH# 1336

date

**COMING SOON**

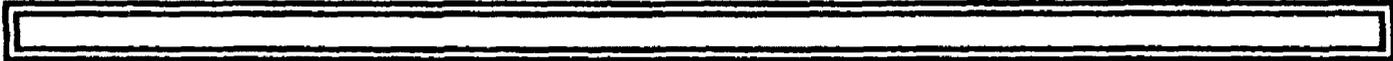
**APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**

Pursuant to New York State Building Code and Town Ordinances



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

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_



**INSTRUCTIONS**

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

X Seth Hales  
(Signature of Applicant)

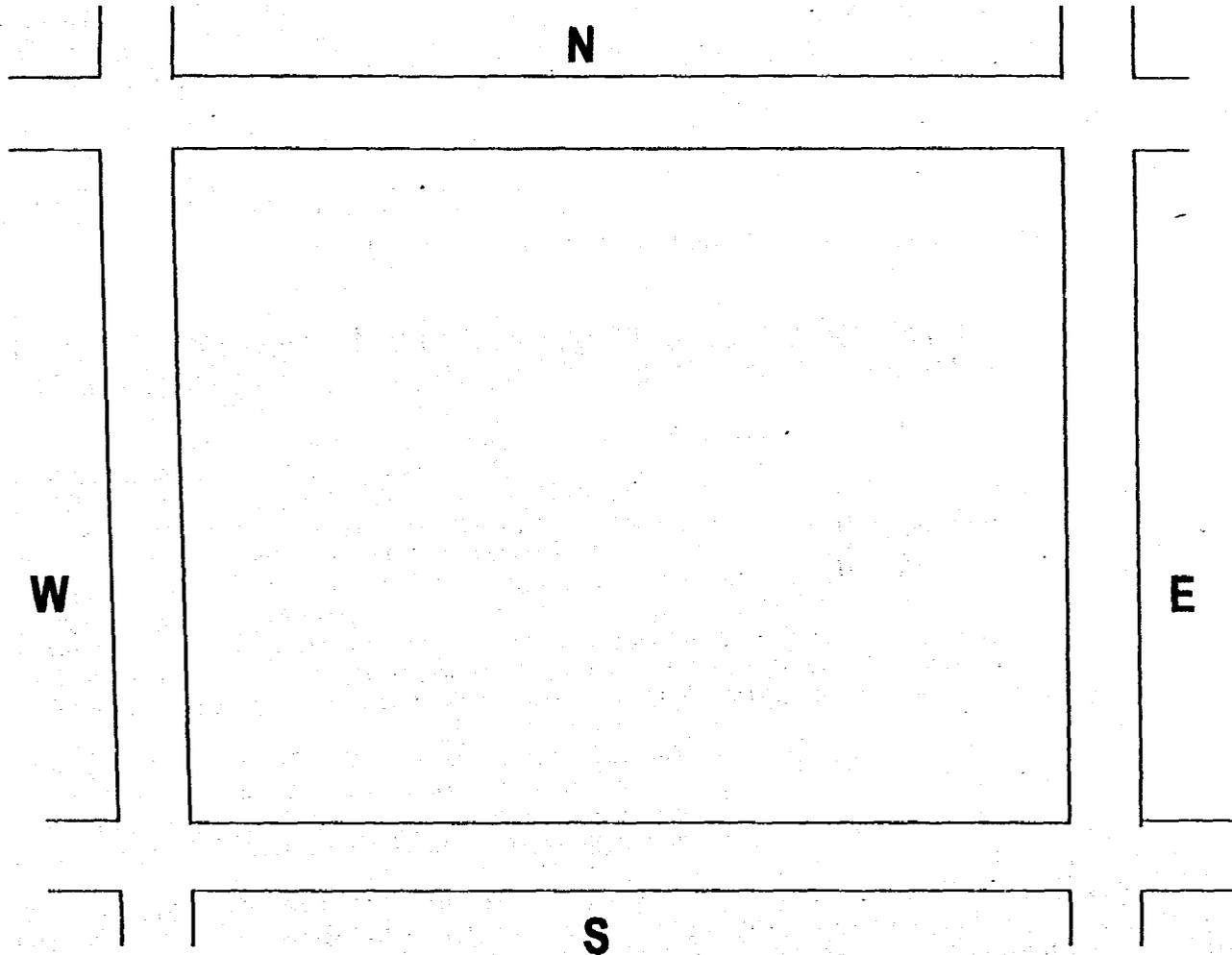
109 ERIE AVE. NEW WINDSOR, NY  
(Address of Applicant)

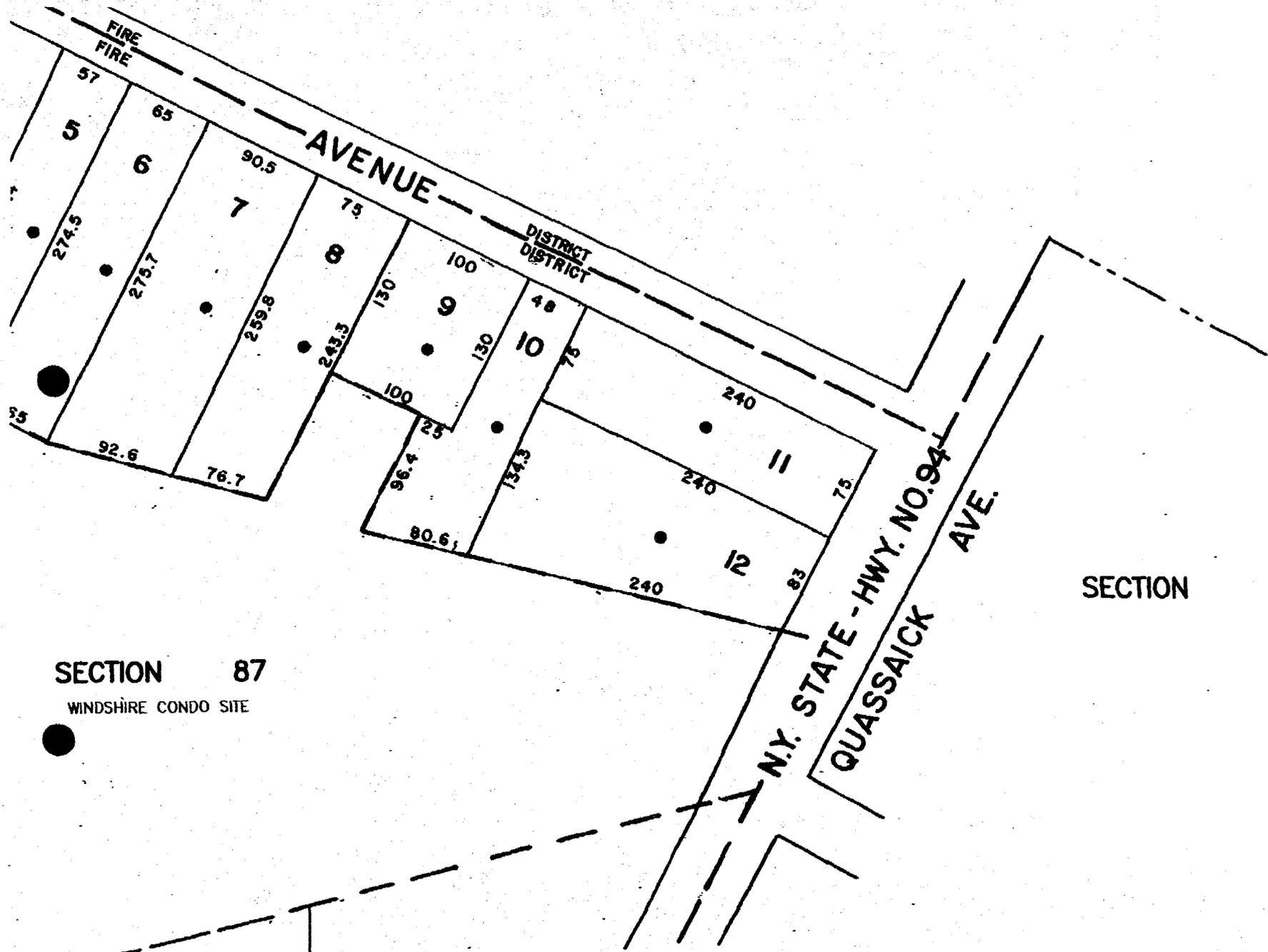
X Seth Hales

109 ERIE AVE. NEW WINDSOR, NY

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.





SECTION 87  
WINDSHIRE CONDO SITE

SECTION

27



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



**APPLICATION FOR VARIANCE**

8/6/07  
Date

Application Type: Use Variance  Area Variance   
Sign Variance  Interpretation

**I. Owner Information:**

e-mail address: flhales@aol.com

Frances L. Hales Phone Number: (845) 561-2546  
(Name) Fax Number: ( )  
109 Erie Avenue  
(Address)

**II. Applicant:**

e-mail address: \_\_\_\_\_

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

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

Phone Number: ( )

\_\_\_\_\_  
(Name) Fax Number: ( )  
\_\_\_\_\_  
(Address)

**IV. Contractor/Engineer/Architect/Surveyor/:**

Phone Number ( )

\_\_\_\_\_  
(Name) Fax Number: ( )  
\_\_\_\_\_  
(Address)

**V. Property Information:**

**Zone:** R-4 Property Address in Question: \_\_\_\_\_

Lot Size: \_\_\_\_\_ **Tax Map Number: Section** 26 **Block** 1 **Lot** 10

- 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.	20'	4.5'	15.5'
Reqd. Rear Yd.	40'	37.5'	2.5'
Total Side Yd	50'	31'	19'
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.

**PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:**

1. 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; no  
\_\_\_\_\_  
\_\_\_\_\_
  
2. Whether the requested area variance is substantial; yes  
\_\_\_\_\_  
\_\_\_\_\_
  
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; no  
\_\_\_\_\_  
\_\_\_\_\_
  
4. Whether the alleged difficulty was self-created. no  
\_\_\_\_\_  
\_\_\_\_\_

\*\*After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Because it will improve the  
existed dwelling and will keep  
the neighborhood at an appealing  
level.

**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.)
- 

**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:

6<sup>th</sup> day of August 2007.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 15, 2011

Deborah Green  
Signature and Stamp of Notary

Francis L. Hala  
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.**

PROJECT I.D. NUMBER

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 <u>Frances L. Hales</u>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <u>Town of New Windsor</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>109 Erie Avenue</u>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Addition to rear of house Family Room + Bedroom Above</u>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres    Ultimately _____ 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: <u>Frances L. Hales</u>	Date: <u>8/6/07</u>
Signature: <u>Frances L. Hales</u>	

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

9/24



**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  
 \*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
 \*ESCROW: \$500.00  
 \*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
 \*ESCROW: \$500.00  
 \*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
 \*ESCROW: \$500.00  
 \*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

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**  
 THIS 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 ~~66~~ 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 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

PAGE 2

***READ THIS PAGE CAREFULLY*** □