

ZB# 95-6

William Novotny

78-11-1

95-6.
#93-30 - Novotny, Wm.

existing fence 48-14C(c)(1)

Prelim.

Aug. 9, 1993.

Need copy of:

- ① Need
- ② Title Report
- ③ Photos
- ④ Fees: ① 50.00 ✓

Did not
file Aps.
furnished
at 8/9/93
meeting.

② ~~42.00~~
300.00 ✓

Letter out 3/25/95

Prelim. Notice to
Sentinel 7/24/95
Jan. 23, 1995

Public Hearing

Apr. 10, 1995.

78-11-1

Refund: 162.50

MADE IN U.S.A. NO. R753 1/3

ESSELTE

Oxford®

85
[Handwritten initials]

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14784

March 28 19 95

Received of William Novotny \$ 50.⁰⁰

Fifty and 00 DOLLARS

For ZBA 95-6 App. Fee 100

DISTRIBUTION:

FUND	CODE	AMOUNT
CP # 1532		50.00

By Dorothy Hansen

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

C/O 132 Tracey Decker
Mt. Airy Rd.
Dwelling 65-1-33

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Novotny, Wm.

FILE # 95-6
95-30

RESIDENTIAL: \$50.00 COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00
~~292.00~~

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 8/9/93 - 5 pages \$ 22.50
 2ND PRELIM. MEETING - PER PAGE 1/23/95 .5 \$ 22.50
 3RD PRELIM. MEETING - PER PAGE 4/10/95 .5 \$ 22.50
 PUBLIC HEARING - PER PAGE \$ _____
 PUBLIC HEARING (CONT'D) PER PAGE \$ _____
 TOTAL \$ 67.50

ATTORNEY'S FEES:

PRELIM. MEETING- _____ HRS. 1/23/95 \$ 35.00
 2ND PRELIM. _____ HRS. 4/10/95 \$ 35.00
 3RD PRELIM. _____ HRS. \$ _____
 PUBLIC HEARING _____ HRS. \$ _____
 PUBLIC HEARING _____ HRS. (CONT'D) \$ _____
 FORMAL DECISION _____ HRS. \$ _____
 TOTAL HRS. _____ @ \$ _____ PER HR. \$ _____
 TOTAL \$ 70.00

MISC. CHARGES:

_____ \$ _____
 TOTAL \$ 137.50

LESS ESCROW DEPOSIT \$ 300.00
 (ADDL. CHARGES DUE) \$ 1.00
 REFUND TO APPLICANT DUE \$ 162.50

WILLIAM B. NOVOTNY
LORRAINE A. NOVOTNY
23 GUERNSEY DR.
NEW WINDSOR, NY 12550

1533

75-197/919
278

3-27 19 95

PAY TO THE
ORDER OF:

Town of New Windsor
Three hundred

\$ 300.00

DOLLARS



LEDERLE 2219
Employees Federal Credit Union
401 N. Middletown Rd. • Pearl River, NY 10965-1299
Payable through First Security State Bank, Sleepy Eye, MN

FOR

2BA-95-6

W.B. Novotny

⑆091901972⑆ 2780000143731⑆ 1533

WILLIAM B. NOVOTNY
LORRAINE A. NOVOTNY
23 GUERNSEY DR.
NEW WINDSOR, NY 12550

1532

75-197/919
278

3-27 19 95

PAY TO THE
ORDER OF:

Town of New Windsor
By

\$ 50.00

DOLLARS



LEDERLE 2219
Employees Federal Credit Union
401 N. Middletown Rd. • Pearl River, NY 10965-1299
Payable through First Security State Bank, Sleepy Eye, MN

FOR

2BA-95-6

W.B. Novotny

⑆091901972⑆ 2780000143731⑆ 1532

-----x
In the Matter of the Application of

WILLIAM NOVOTNY,

DECISION GRANTING
AREA VARIANCE#95-6.
-----x

WHEREAS, WILLIAM NOVOTNY, 23 Guernsey Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for relief from Section 48-14C(c) 1 of the Supplementary Yard Regulations in order to allow an existing 6 ft. fence which projects closer to road than principal residence at the above premises in an CL-1 zone; and

WHEREAS, a public hearing was held on the 10th day of April, 1995, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared before the Board for this proposal; and

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

WHEREAS, no one spoke and there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings 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) This property consists of a one-family home located in a neighborhood of one-family homes.

(b) This property is on the corner of two public streets so by operation of law it has two front yards even though as a practical matter the yard between the front door of the building and the street is used as the front yard and the yard on the side of the building is used as a side yard.

(c) The fence in question is on what appears to be the side of the house but is a front yard by operation of law. (See b above).

(d) This fence will not disturb the drainage or flow of groundwater in any way.

(e) This fence will not interfere with the flow of traffic from the parcel or the ability of persons traveling on the adjacent roadways to see the other traffic in a time which

would allow them to respond and operate the motor vehicle in a safe manner.

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

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties since it is consistent with many other fences on other properties in the neighborhood.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is substantial in relation to the town regulations but nevertheless is warranted because it would allow this property to be used in the same manner as are other properties in the neighborhood without causing any detriment to the other properties, the motoring public, or the public in general.

4. The requested variance 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 self-created but should be granted since it would provide this property with no greater use than is currently enjoyed by many other properties in the neighborhood.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations 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.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT relief from Section 48-14C(c) 1 of the Supplementary Yard Regulations in order to allow the existing 6 ft. fence which projects closer to the road than the principal residence at the above address in a CL-1 zone, 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 applicant.

Dated: May 22, 1995.

Chairman

(ZBA DISK#13-051295.WN)

NOVOTNY, WILLIAM

MR. NUGENT: Request for variation of Section 48-14(c)(1) of the Supplementary Yard Regulations for existing 6 ft. fence which projects closer to road than principal residence at 23 Guernsey Drive in CL1 zone.

Mr. William Novotny appeared before the board for this proposal.

MR. NOVOTNY: I have three photos that describe the situation. As you can see, it's a corner lot. There is no special provision for corner lots to provide some security for the three children and the family pet, the fence comes 13 feet off the house towards the road. There's a 30 foot buffer between the fence and the road and you'll see some landscaping and mature trees that were planted to buffer that as well. I ask for a variance of this.

MR. NUGENT: Is there a reason why you brought it out beyond the front of the house rather than--

MR. NOVOTNY: I wanted to put a gate leading on to the driveway to get the tractor up and through there on a pathway, and it just my back yard would have been cut in half without that so it was just--

MR. NUGENT: Gate is in that piece that comes out?

MR. NOVOTNY: That is correct, you can see from the photo.

MR. KANE: Michael, since that is a corner lot, that is considered another front yard and if that was a regular lot, he wouldn't be here today?

MR. BABCOCK: That is correct.

MR. BABCOCK: He feels it's the side of his house, which is basically the construction of his house, the way it faces it is in the side yard, since he's on a corner lot, it's considered a front yard.

MR. KRIEGER: Mike, did he have to get a building

permit for this?

MR. BABCOCK: Yes, he applied for the building permit and we again denied it so he can get the variance.

MR. LANGANKE: What is the purpose of the fence?

MR. NOVOTNY: Really just to keep my three young children off the street and I've got a Golden Retriever too, so keeps him in check.

MR. TORLEY: This will contribute to the security of your family?

MR. NOVOTNY: Absolutely.

MR. KANE: Knowing that area, it's also a number of homes in there have the same type of fences and same type of setup.

MR. NOVOTNY: Premium grade shadow box fence, it's not chain link or anything and again, it's buffered with landscaping there, those beds and mature blue spruce was planted again to buffer it from the road. It's 30 feet to the curb.

MR. KRIEGER: It's a one family home in a neighborhood of one family homes?

MR. NOVOTNY: That is correct.

MR. REIS: I have had a chance to observe the fence and doesn't detract from the neighborhood in any way.

MR. KANE: I know where it is.

MR. NUGENT: Are the pictures still around?

MR. KANE: Yes, over there.

MR. KRIEGER: Does it cause any accumulation of water or interrupt in any way the flow of water in the area, ground flow, ground water?

MR. NOVOTNY: Not at all.

MR. KRIEGER: Doesn't channel it different than it exists now?

MR. NOVOTNY: Not at all.

MR. LANGANKE: Fence is on Dairy Lane?

MR. NOVOTNY: It's the corner of Guernsey and Dairy, portion of the variance comes into play with Guernsey Drive.

MR. KRIEGER: And you're not relocating the driveway in connection with this or altering the traffic flow as it existed before the fence?

MR. NOVOTNY: Not at all.

MR. KRIEGER: Six feet as the height because you felt that is what's necessary to provide the security that you wanted to provide?

MR. NOVOTNY: That is correct.

MR. TORLEY: And fences of this height are not unusual in the area?

MR. NOVOTNY: Not at all. I'd say just about everyone in that plot between Guernsey and Dairy has that same fence.

MR. TORLEY: And since it is 30 feet off the road, there's no problem with sight lines or anything?

MR. NOVOTNY: No.

MR. TORLEY: So you don't think there would be any sort of hazard to the traffic in the area?

MR. NOVOTNY: No, sir.

MR. KANE: It would be a considerable expense to redo that fence in any other fence that would conform with that, Michael, in the fence in height-wise or--

MR. BABCOCK: It would either have to be reduced to four foot, that 13 foot section, or it would have to be moved back so it doesn't project closer to the street than the principal building.

MR. KANE: So that would create an undue financial hardship?

MR. NOVOTNY: It would.

MR. NUGENT: That fence is actually the side of your house?

MR. NOVOTNY: Absolutely. There is no provision for corner lots in this code. It really shows fault, not to the board, but in that particular variance.

MR. TORLEY: We get a lot of corner lots.

MR. LANGANKE: What if there was a big curve in the road away from the fence?

MR. BABCOCK: We'd take that into consideration, that is the key word, it cannot project closer to the street than the principal building.

MR. LANGANKE: But if the street went away?

MR. BABCOCK: If the street went away and the building was 50 feet and the fence maintained that 50 feet, it would appear that it is in front of the house. But it still is maintaining that 50 feet here it's definitely out in front of the front yard.

MR. NUGENT: Okay, make a notation that there is no audience.

MRS. BARNHART: I sent out 56 addressed envelopes to adjacent property owners.

MR. TORLEY: How many?

MRS. BARNHART: 56, cluster zone houses are closer together.

April 10, 1995

20

MR. TORLEY: They each have to be certified mail.

MR. KANE: Would you entertain a motion?

MR. NUGENT: Yes, I will, unless the attorney has anything else.

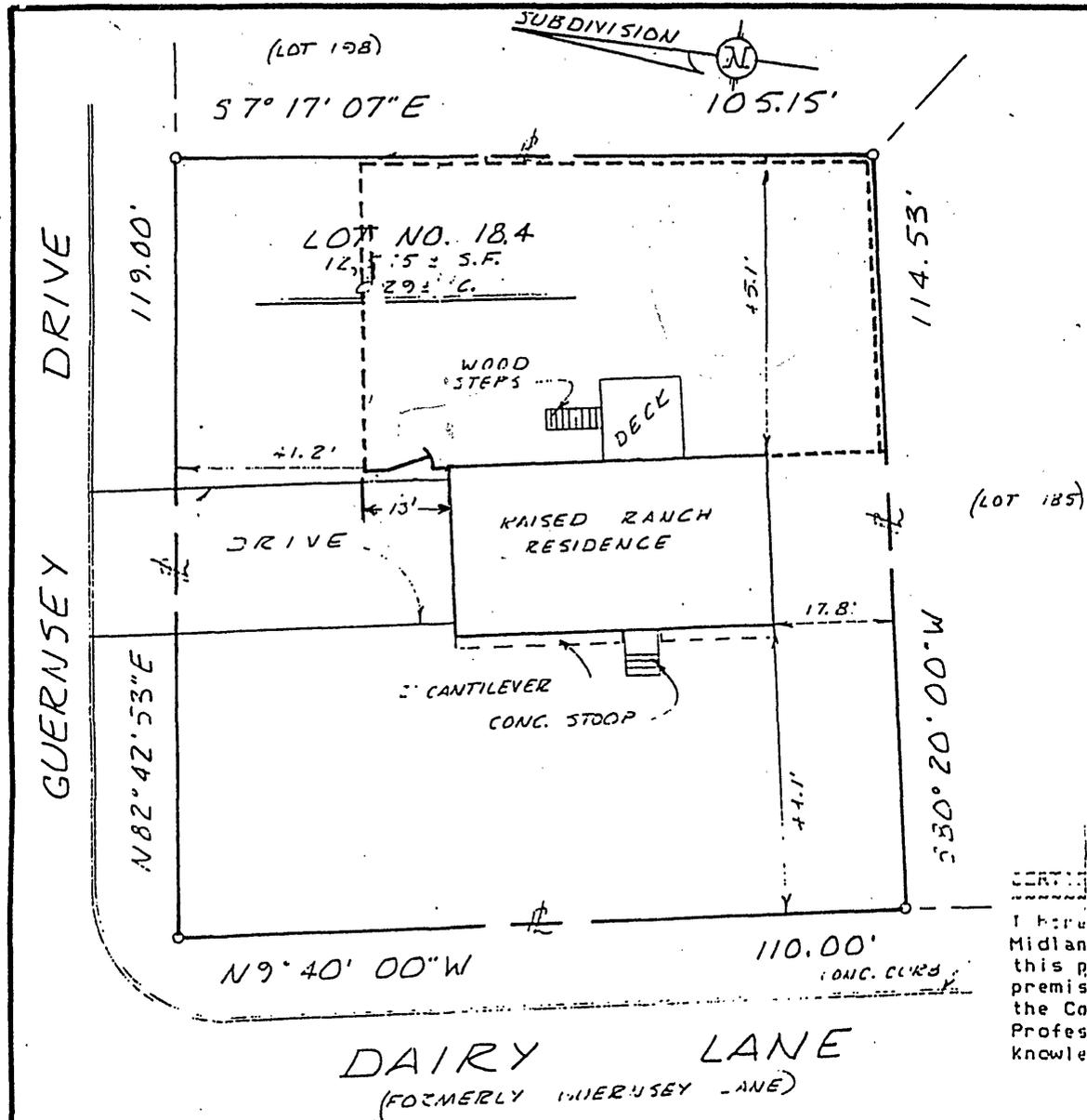
MR. KRIEGER: No, I have nothing.

MR. KANE: I move that we grant the request for a variance of Section 48-14 (c) of the supplementary yard regulations for an existing 6 foot fence at 23 Guernsey Drive.

MR. REIS: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. REIS	AYE
MR. NUGENT	AYE



GENERAL NOTES

1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209 (2) of the New York State Education Law.
2. Only copies from the original of this survey, marked with an original of land surveyor's inked seal, shall be considered to be valid true copies.
3. Certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon and is not transferable to additional institutions or subsequent owners.

SPECIAL NOTES

1. Being Lot No. 184, as shown on a map entitled "Butter Hill Section 7", said map having been filed in the Orange County Clerk's Office on 28 April 1986 as Map No. 7599.
2. No certification is made for items not visible at ground surface at the time of the survey.
3. Offsets shown are at right angles to the property lines.
4. This survey was prepared prior to the receipt of a Title Report or Abstract of Title, and is therefore subject to easements and other grants not visible, if any.

CERTIFICATION

I hereby certify to William Novotny, Lorraine Novotny, Marine Midland Bank, N.A., and U.S. Life Title Insurance Company that this plan resulted from an actual field survey of the indicated premises completed on 6 August 1986 performed in accordance with the Code of Practice adopted by the N.Y.S. Association of Professional Land Surveyor's Inc., and is, to the best of my knowledge and belief, correct.



DAIRY LANE
(FORMERLY GUERNSEY LANE)

ELIAS D. GREVAS, L.S. LAND SURVEYOR 33 QUASSACK AVENUE NEW WINDSOR, NEW YORK 12550		SURVEY FOR: WILLIAM NOVOTNY & LORRAINE NOVOTNY	
REVISIONS: DATE DESCRIPTION		TOWN OF NEW WINDSOR · ORANGE COUNTY · NEW YORK	
		Drawn: JN4	
		Checked:	
		Scale: 1" = 20'	
		Date: 7 AUG. 1986	
		Job No: 86-178	
		BOUNDARY/LOCATION SURVEY	

Prelim:
Jan. 23, 1995.
#95-6

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JANUARY 19, 1995

APPLICANT: WILLIAM AND LORRAINE NOVOTNY
23 GUERNSEY DRIVE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JANUARY 13, 1995
FOR (BUILDING PERMIT): 6FT. EXISTING STOCKADE FENCE
LOCATED AT: 23 GUERNSEY DRIVE

ZONE: CL I

DESCRIPTION OF EXISTING SITE: SECTION: 78, BLOCK: 11, LOT: 1
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS: *(Existing)*

1. 6FT. FENCE PROJECTS CLOSER TO THE ROAD THAN THE HOUSE.
(Corner Lot).

Ernst Schmidt
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: CL I	USE 48-14 C(C) (1)	

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

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 FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH 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 & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises WILLIAM B. LORCAINE A. NSVOTNY
Address 23 GUYRUSEY DR Phone 914 562-4106
Name of Architect
Address Phone
Name of Contractor OWNER INSTALLED

Address

Phone

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

OWNER

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

(Name and title of corporate officer)

1. On what street is property located? On the SOUTH side of GUERNSEY DR and AT feet from the intersection of (N.S.E. or W.) GUERNSEY & DAILY
2. Zone or use district in which premises are situated LOT #184 Is property a flood zone? Yes.....No. X
3. Tax Map description of property: Section WATERGATE #7 Block GUERNSEY Lot #184
4. State existing use and occupancy and intended use and occupancy of proposed construction.
 - a. Existing use and occupancy RESIDENCE
 - b. Intended use and occupancy RESIDENCE
5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair..... Removal..... Demolition..... Other None
6. Size of lot: Front Rear 110" Depth 119" Front Yard..... Rear Yard..... Side Yard..... Is this a corner lot? YES
7. Dimensions of entire new construction: Front..... Rear 70 Depth 45 Height 6' Number of stories.....
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor..... Number of bedrooms 3 Baths 2.5 Toilets 3 Heating Plant: Gas ✓ Oil..... Electric/Hot Air..... Hot Water..... If Garage, number of cars 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
10. Estimated cost..... Fee..... (to be paid on this application)
11. School District NEWBORN

6' BOARD ON BOARD FENCE

Fence is EXISTING.

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Refer -
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

Date.....1-13.....19-94.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises, or public streets, or easements, 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.

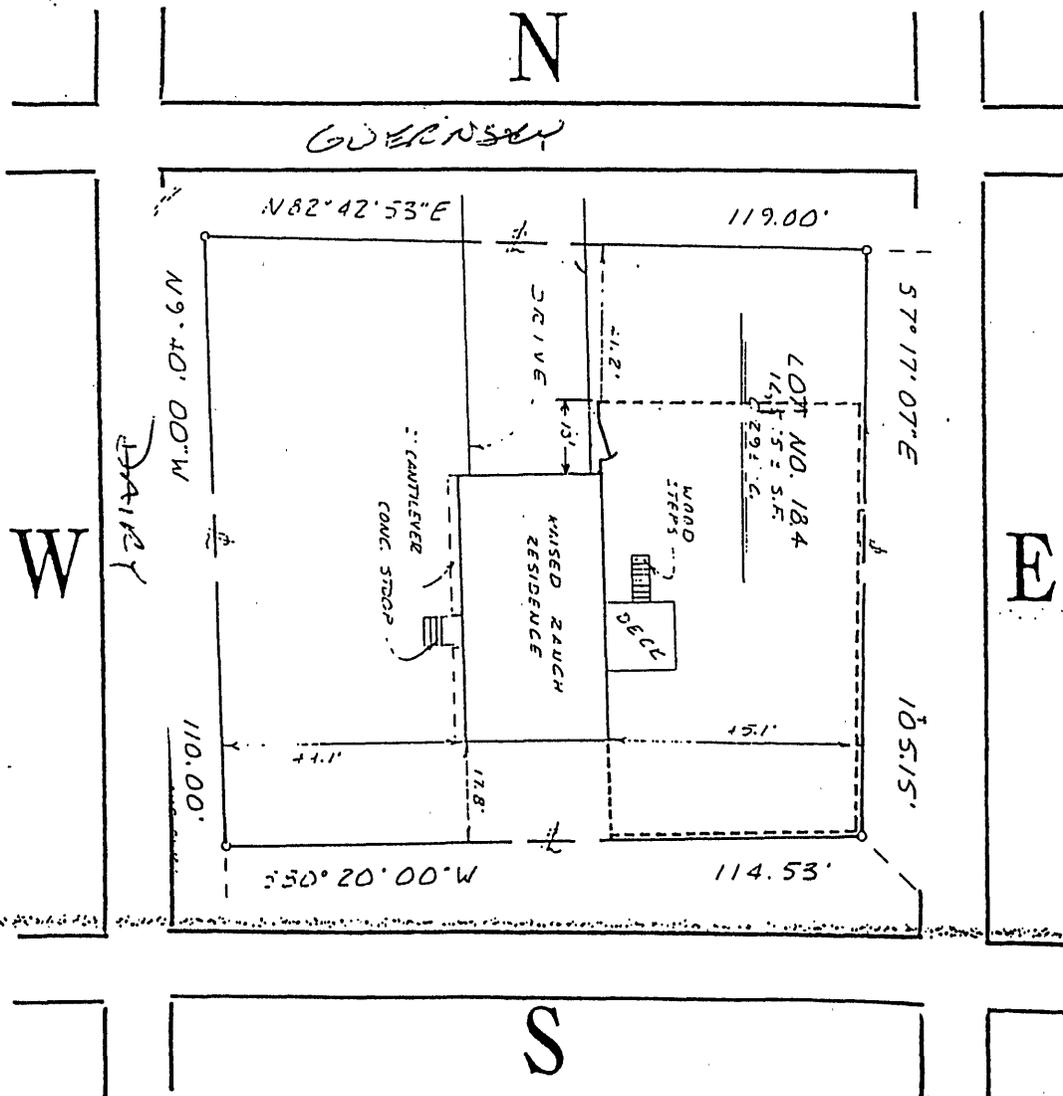
(Signature of Applicant)

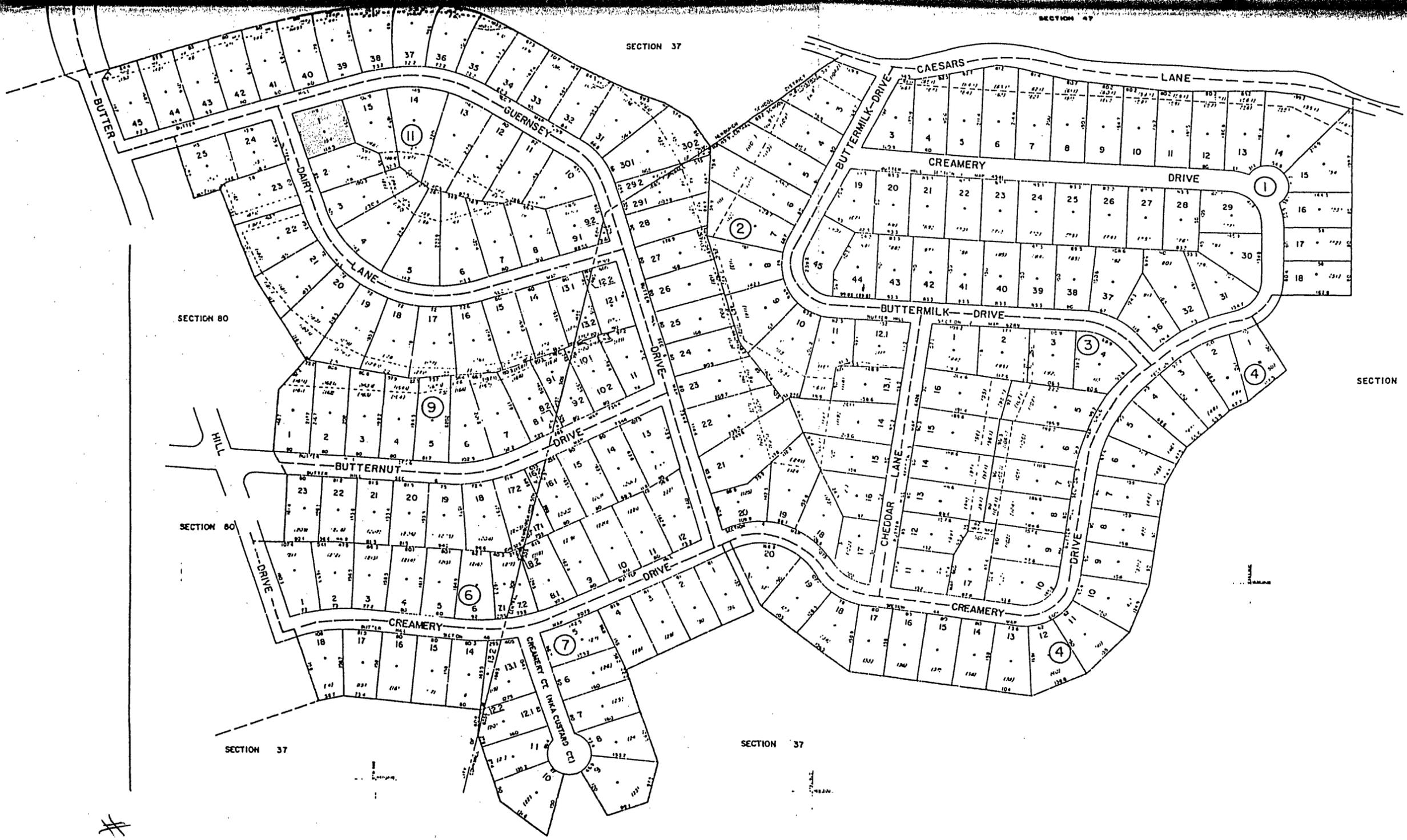
(Address of Applicant)

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.





#95-10

MAP DEPT.
N.Y. 10924
ONLY
ANCE

LEGEND			
STATE OR COUNTY LINE	OWNER PLANNED LOT LINE	FILED MAP BLOCK NO.	FILED PLAN BLOCK NO.
SUBDIVISION WALL LINE	SECTION WALL LINE	FILED MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	SECTION LINE	ADJACENT TO STATE OR COUNTY	STATE HIGHWAY
SPECIAL DISTRICT LINE	STREETS	UNINCORPORATED	COUNTY HIGHWAY
PROPERTY LINE	LAND ACQUISITION	UNINCORPORATED	TOWN ROAD

ORANGE COUNTY-NEW YORK
 Photo No. 14-37-33 Date of Map 11-28-78
 Date of Photo 3-1-65 Date of Revision 5-1-91
 Scale 1" = 100'

TOWN OF NEW WINDSOR
 Section No. 78



TOWN OF NEW WINDSOR

54

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

1763

February 6, 1995

Mr. William Novotny
23 Guernsey Drive
New Windsor, N. Y. 12553

Re: Tax Map Parcel #78-11-1

Dear Mr. Novotny:

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 \$50.00, minus your deposit of \$25.00.

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

Sincerely,

LESLIE COOK
Sole Assessor

/pab
Attachment
cc: ~~Pat Barnhart~~

Robillard, Mark & Mary Ellen X
26 Guernsey Drive
New Windsor, N. Y. 12553

Norman, Herbert L. & Hartencia N. X
28 Guernsey Drive
New Windsor, N. Y. 12553

Houser, Louis E. & Barbara X
30 Guernsey Drive
New Windsor, N. Y. 12553

Spaeth, Laura A. X
32 Guernsey Drive
New Windsor, N. Y. 12553

Hauser, William J. & Condron, Mara X
34 Guernsey Drive
New Windsor, N. Y. 12553

D'Alo, Joseph E. & Joyce M. X
c58 Glen Hollow Drive
Holtsville, N. Y. 11742

Lucas, David W. X
38 Guernsey Drive
New Windsor, N. Y. 12553

Hudson Valley Associates of New Windsor X
P. O. Box 4063
New Windsor, N. Y. 12553

Sawoska, Henry & Louise X
40 Guernsey Drive
New Windsor, N. Y. 12553

Koster, Patricia Lynn X
42 Guernsey Drive
New Windsor, N. Y. 12553

Nestor, Tara L. X
44 Guernsey Drive
New Windsor, N. Y. 12553

Ragni, Jeffrey E. X
46 Guernsey Drive
New Windsor, N. Y. 12553

Mendillo, Michael & Wanda X
48 Guernsey Drive
New Windsor, N. Y. 12553

Hughley, Freeman & Vanley X
50 Guernsey Drive
New Windsor, N. Y. 12553

Perez, David Anthony & Lourdes, Zapata X
200 Butterhill Drive

New Windsor, N. Y. 12553

DiLeo, Joseph & Eileen X
207 Dairy Lane
New Windsor, N. Y. 12553

Campbell, Mark I. & Ann W. X
209 Dairy Lane
New Windsor, N. Y. 12553

Roth, Christopher S. & Georgette D.
211 Dairy Lane
New Windsor, N. Y. 12553 X

Walsh, John P. & Lisa A. X
213 Dairy Lane
New Windsor, N. Y. 12553

Walker, Gerard J. & Cheryl X
215 Dairy Lane
New Windsor, N. Y. 12553

Vinci, Bernadette & Moore, Cindy
217 Dairy Lane
New Windsor, N. Y. 12553 X

Busweiler, Michael T. & Maureen A.
219 Dairy Lane
New Windsor, N. Y. 12553 X

Smith, Robert & Peggy X
221 Dairy Lane
New Windsor, N. Y. 12553

McCormack, Raymond & Laura X
223 Dairy Lane
New Windsor, N. Y. 12553

Moo, Albert & Marion X
325 Guernsey Drive
New Windsor, N. Y. 12553

Radich, Stven G. & Byrne, Diane M.
27 Guernsey Drive
New Windsor, N. Y. 12553 X

Tarsio, Janine & Cappelli, Mary Ann
216 Dairy Lane
New Windsor, N. Y. 12553 X

Olivier, Yvon & Olivier, Yolene Monchais
214 Dairy Lane
New Windsor, N. Y. 12553 X

Smith, James B. & Susan J. X
212 Dairy Lane
New Windsor, N. Y. 12553

Marinelli, Michael G. & Lisa A. X
210 Dairy Lane
New Windsor, N. Y. 12553

Mundy, David John & Carolyn R. X
208 Dairy Lane
New Windsor, N. Y. 12553

Kipp, Edward C. X
206 Dairy Lane
New Windsor, N. Y. 12553

Friezo, Matthew J. & Julia X
204 Dairy Lane
New Windsor, N. Y. 12553

Paliotta, Armando & Jean X
9 Guernsey Drive
New Windsor, N. Y. 12553

Fritzl, Karl & Mary X
11 Guernsey Drive
New Windsor, N. Y. 12553

Maccharulo, Carlo & Tina X
13 Guernsey Drive
New Windsor, N. Y. 12553

Spanakos, Michael & Maureen X
15 Guernsey Drive
New Windsor, N. Y. 12553

Nervegna, Aldo J., Jr. & Melanie J. X
17 Guernsey Drive
New Windsor, N. Y. 12553

Winderbaum, David & Janet X
19 Guernsey Drive
New Windsor, N. Y. 12553

Curry, Kenneth J. & Susan X
21 Guernsey Drive
New Windsor, N. Y. 12553

Mundy, Peter & Joan X
209 Butterhill Drive
New Windsor, N. Y. 12553

Busija, Michael J. & Leonia X
207 Butterhill Drive
New Windsor, N. Y. 12553

Gafford, James & Dorothy Bruner Gafford
P. O. Box 4754
New Windsor, N. Y. 12553 X

Pospisil, Michael & Karen X
167 S. Harrison Avenue

Congers, N. Y. 10920

Albaugh, Teresa X
201 Butterhill Drive
New Windsor, N. Y. 12553

Suraci, James D. & Olivieri, Jeannie X
202 Butterhill Drive
New Windsor, N. Y. 12553

Stukonis, Peter C. & Elstob, Margaret M. X
204 Butterhill Drive
New Windsor, N. Y. 12553

Gutshall, Roy B. & Cynthia J. X
1 Briar Court-Village of Chestnut Ridge
Spring Valley, N. Y. 10977-6431

Stasi, Frank & Jean X
208 Butterhill Drive
New Windsor, N. Y. 12553

Gallo, Joseph R. & Martha H. X
210 Butterhill Drive
New Windsor, N. Y. 12553

Fox, John P. X
212 Butterhill Drive
New Windsor, N. Y. 12553

Sycamore Associates X
P. O. Box 4292
New Windsor, N. Y. 12553

Muslim, Arif & Nazeen X
418 Blooming Grove Tpk.
New Windsor, N. Y. 12553

Scott, William & Dorothy X
8 Cedar Lane
New Windsor, N. Y. 12553

VSH Realty Inc. VO732 X
777 Dedham Street
Canton, Massachusetts 02021

Forge Hill Gardens X
% Garnet Management
P. O. Box 219
Levittown, N. Y. 11756

PUBLIC NOTICE OF HEARING BEFORE

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 pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 6

Request of WILLIAM B. NOVOTNY

for a VARIANCE of the Zoning Local Law to permit:

EXISTING 6 FOOT WOODEN FENCE WHICH PROTECTS CLOSED TO
THE ROAD (GOEDSEY DR) THAT PENICARE RESIDENCE

being a VARIANCE of Section 48-N.C (c) (2) OF THE
SUPPLEMENTARY YARD REGULATIONS

for property situated as follows:

23 GOEDSEY DRIVE, NEW WINDSOR, NY

known as tax lot Section 78 Block 11 Lot #1

SAID HEARING will take place on the 10th day of April,
1995, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P.M.

James Nugent
Chairman

TRW

GILL ABSTRACT CORP.

222 Greenwich Avenue

P.O. Box 1

Goshen, NY 10924

(914) 294-6972

Fax (914) 294-8748

July 7, 1993

Mr. & Mrs. William B. Novotny
23 Guernsey Drive
New Windsor, Ny 12553

Duggan, Crotty & Dunn, Esqs.
343 Temple Hill Road
New Windsor, NY 12553

RE: GAC2083
Novotny - Modification Agreement w/Marine Midland Bank

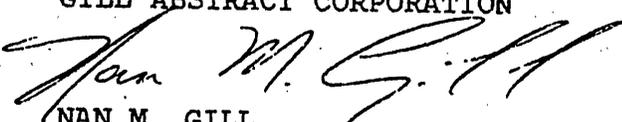
Gentlepeople:

In reference to the above, enclosed please find Certificate and Report of Title.

If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

GILL ABSTRACT CORPORATION


NAN M. GILL

NMG/kh

enclosure

Representing

TRW Title Insurance of New York, Inc.

TRW TITLE INSURANCE OF NEW YORK INC.

SCHEDULE A

TITLE No: GAC2083

EFFECTIVE DATE: 6/26/93

PREPARED FOR: Mr. and Mrs. William B. Novotny

PREMISES: 23 Guernsey Drive

COUNTY	TOWN\CITY	DISTRICT	SECTION	BLOCK	LOT
Orange	New Windsor		78	11	1

POLICY OR POLICIES TO BE ISSUED:

{ } ALTA Owner's Policy 1990
(With N.Y. Endorsement Modifications) \$ _____

Proposed Insured:

{xx} ALTA Lender's Policy 1990
(With N.Y. Endorsement Modifications) \$103,000.00 _____

Proposed Insured:
MARINE MIDLAND BANK,
its successors and/or assigns

Borrower: William B. Novotny & Lorraine A. Novotny

The estate or interest in the land described or referred to in this Certificate and covered herein is:

FEE SIMPLE

Continued on Page Two

Certificate and Report of Title



Issued By

Title Number
GAC2083

TRW Title Insurance of New York Inc.

TRW Title Insurance of New York Inc., a New York Corporation, (The Company) certifies to the Applicant named on the following page that an examination of title to premises described in SCHEDULE A has been made in accordance with its usual procedure and agrees to issue the ALTA (1990) Owner's or Lender's form of insurance policy as modified by the New York Coverage Endorsement in the amount and for the transaction set forth herein and subject to the exclusions from coverage and the conditions and stipulations therein contained after the closing of the transaction, in conformance with the requirements and procedures of The Company. The Company will except (i) All loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth in Schedule B herein that are not disposed of to the satisfaction of The Company prior to such closing or issuance of the policy (ii) Any question or objection coming to the attention of The Company before the date of closing, or if there be no closing, before the issuance of the policy.

CONDITIONS AND STIPULATIONS OF THIS CERTIFICATE AND REPORT OF TITLE

1. This Certificate shall be null and void:
 - (A) If the fees therefore are not paid;
 - (B) If the prospective insured, his attorney or agent makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact, or if any untrue answers are given to material inquiries by or on behalf of The Company;
 - (C) Upon delivery of the policy.
2. Any claim arising by reason of the issuance hereof shall be restricted to the terms and conditions of the standard form of insurance policy.
3. If title, interest or lien to be insured was acquired by the prospective insured prior to delivery hereof, The Company assumes no liability except under its policy when issued.

The Certificate of Title has been prepared in accordance with the information and instructions received. If any changes or additions are desired, please notify The Company promptly.

Questions concerning the within certificate should be directed to: N. Gill

Certified as of the 26th day of June, 19 93.

GILL ABSTRACT CORP
PO Box 1
Goshen, NY 10924
(914) 294-6972

**TRW Title Insurance
of New York Inc.**

Richard Alexander
President

Christy Siskind
Secretary

ATTEST

Certified by

N. Gill

Redated by

Redated as of

GAC2083
SCHEDULE A CONTINUED
PAGE TWO OF TWO

Title to said estate or interest in said
land at the effective date hereof is vested in:

WILLIAM B. NOVOTNY & LORRAINE A. NOVOTNY

{Source of Title}

Deed from HUDSON VALLEY ASSOCIATES OF NEW WINDSOR
dated 8/28/86 and recorded 9/2/86 in
Liber 2566 cp. 332.

The land referred to in this Certificate is described as follows:
(If not described here, as on page 2 of this Schedule).

SEE ATTACHED SCHEDULE A

NOTE: This Certificate is intended for lawyers only. Such exceptions as may be set forth herein may effect marketability of title. Your lawyer should be consulted before taking any action based upon the contents hereof. The Company's representative at the closing hereunder may not act as legal advisor to any of the parties or draw legal instruments for them. Such representative is permitted to be of assistance only to an attorney. It is advisable to have your attorney present at closing.

GAC2083
SCHEDULE B

The policy will not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of the following exceptions unless they are disposed of to our satisfaction.

1. Taxes, tax liens, tax sales, water charges, sewer rents and assessments as set forth herein.
2. Mortgages returned and set forth herein (ONE).
3. Rights of tenants or persons in possession, if any.
4. Covenants, restrictions, conditions, easements, reservations, and other instruments of record affecting the use of the premises as set forth herein.
 - a. Utility Easement in Liber 2081 cp. 272.
 - b. Agreement in Liber 1991 cp. 1095.
 - c. Notes on Filed Map No. 7599.

Note: If the subject transaction is one involving a sale subject to the mortgage(s) returned in item number 2 above, and since many lenders now have the mortgage instrument state that the debt will become due and payable the option of the mortgagee upon any transfer of title, it is recommended that the applicant examine the mortgage document(s) as well as the note(s) and bond(s) and any agreement modifying said mortgage(s) or make inquiry of the mortgagee of the current terms of such instruments especially with respect to acceleration of the maturity date in case of sale. Upon request, we will obtain and furnish a copy of the recorded mortgage(s) for cost.

GAC2083
SCHEDULE B CONTINUED
PAGE TWO OF THREE

5. Underground encroachments and easement, if any, including pipes and drains and such rights as may exist for entry upon said premises to maintain and repair the same.
6. The amount of acreage is not insured.
7. No title is insured to any land lying within the lines of any street, road, avenue, lane, turnpike or highway in front of or adjoining the premises described in Schedule "A" or which may cross over the same.
8. Subject to rights and easements, if any, acquired by any public utilities company to maintain its poles and operate its wires, lines, etc., in, to and over the premises herein and in, to and over the streets adjacent thereto.
9. Proof required that the mortgagor(s) herein are the same persons as the grantees in a certain deed recorded in Liber 2566 cp. 332.
10. Identification of mortgagors must be presented to Company at closing. If photo license is not brought to closing, two other forms of identification are required.
11. Water bill showing actual reading of consumption to be presented at closing.

OR

Policy will except all water meter charges.

12. The identity of parties at the closing of this title should be established to the satisfaction of the closing attorney acting for this Company.
13. In absence of a survey, Company does not certify as to the exact location or dimensions of the premises on all sides. Company further excepts any state of facts an accurate survey might show.

OR

Survey exceptions set forth herein.

14. Identification of seller/mortgagor to be presented at closing. The identity of parties at the closing of this title should be established to the satisfaction of the closing attorney acting for this Company.
15. Affidavit of Title & Possession to be completed by mortgagor at or prior to closing.

GAC2083
SCHEDULE B CONTINUED
PAGE THREE OF THREE

16. Mortgages reported herein.
17. Proof required that LORRAINE A. NOVOTNY has not been known by any other name, married or single within the last twenty years; otherwise such other name must be disclosed to the Company and searches amended.
18. Note: As of October 1, 1991 the County Clerk requires payment Mortgage Tax and Transfer Tax to be made in certified funds. We therefore must require that our charges be paid in certified funds as well.
19. If mortgage insured hereunder is to be consolidated, modified or extended by agreement, same must be presented to company for recording at closing.

OR

- Policy excepts any liability arising from failure of mortgagee insured herein to produce fully executed consolidation, modification or extension agreement in recordable form to company at closing.
20. If an assignment of mortgage is to be insured the following must be included in the assignment. Assignee is not acting as nominee of the mortgagor and that this mortgage continues to secure a bona fide obligation.

ng
JM,

GAC2083

SCHEDULE A - DESCRIPTION

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, known as Lot No. 184, as shown on a map entitled, "Butter Hill Section 7", said map having been filed in the Orange County Clerk's Office on 28 April 1986 as Map No. 7599, being more particularly described as follows:

BEGINNING at a point in the easterly line of Dairy Lane (formerly known as Guernsey Lane) where said line is intersected by the southerly line of Guernsey Drive, running thence, the following courses: (1) along the southerly line of Guernsey Drive, North $82^{\circ} 42' 53''$ East 119.00 feet to a point; (2) along the division line between Lot No. 184 and Lot No. 198, South $7^{\circ} 17' 07''$ East 105.15 feet to a point; (3) along the division line between Lot 184 and Lot 185, South $80^{\circ} 20' 00''$ West 114.53 feet to a point in the easterly line of Dairy Lane; (4) along said line North $9^{\circ} 40' 00''$ West 110.00 feet to the point or place of beginning.

GAC2083

SURVEY READING

Survey dated 8/7/86, made by ELIAS D. GREVAS, L.S., shows no encroachments, violations of deed restrictions or variations with lot lines except for the following:

- 1) Drive encroaches onto Guernsey Drive.

COMPANY INSPECTION TO FOLLOW

January 23, 1995

34

⑤ 22.50'

NOVOTNY, WILLIAM

MR. NUGENT: Request for a variance of Section 48-14C(c)(1) for 6 ft. fence which projects closer to road than principal residence at 23 Guernsey Drive in CL-1 zone. (78-11-1)

Mr. William Novotny appeared before the board for this request.

MR. NOVOTNY: Fence comes off the side of the house 13 feet which would leave it say 29 feet from the road. That is a corner lot, 3 kids and a dog, it was really the only way to give me a little privacy in the back yard without lopping my yard into three distinct zones, front yard, side yard.

MR. NUGENT: You have got a corner lot?

MR. NOVOTNY: Yes, corner of Guernsey and Dairy, there was an easier way to move a fence post, I'd stick a couple logs and roll it over but works out to 50 bucks a post and I'm not sure. Is that a fair assumption that postage, the ad in the paper and the balance is going to come to \$400?

MRS. BARNHART: Well, it's 350 right off the bat, plus the list, plus the publication, plus the amount of people on your list.

MR. TORLEY: You're in a pretty densely populated area.

MR. NOVOTNY: I don't think there's a problem in terms of getting the approval.

MR. TORLEY: We're required to do this by State Law, Albany has told us we have to go through the steps.

MR. NOVOTNY: It's the attorney's fees that make up the majority?

MR. KRIEGER: There are no attorney's fees.

MRS. BARNHART: You might get some of that back.

MR. TORLEY: If it was a four foot high fence, would he have a problem?

MR. BABCOCK: Four foot's allowed in the front of the house.

MR. TORLEY: There's your option, you can have all the trees you want.

MR. NOVOTNY: It's a 6 foot fence, it's a wood fence.

MR. TORLEY: You can do whatever is economically best for you.

MR. NUGENT: Is the section 4 foot only got to be in front of the house?

MR. BABCOCK: Yes.

MR. NUGENT: You follow what I just asked him?

MR. NOVOTNY: No, I'm sorry, I was talking.

MR. NUGENT: The only part that has got to be 4 foot is the part in front of the house.

MR. NOVOTNY: I don't understand that but it's an integrated fence.

MR. TORLEY: How much of it is in front of the house?

MR. NOVOTNY: It's 13 feet off the property line. It's certainly not an eyesore nor a problem with the neighbors. It's just as I understand now it's in violation. It's board-on-board fence.

MR. NUGENT: It's 45 feet, it's across the whole front yard, he has two front yards.

MR. NOVOTNY: Is that at issue, my front yard? There's nothing in my front yard.

MR. NUGENT: You have two front yards, you have a corner lot.

MR. KRIEGER: For the purpose of zoning.

MR. TORLEY: We have had people with 4 front yards.

MR. BABCOCK: It's 28 foot off the property line off of Guernsey Drive, the fence is 28 foot from the property line and I would dare to say that the property line is another 12 to 15 feet from the curb so you are probably 40 feet from the curb, this fence.

MR. NUGENT: But that is a side yard.

MR. BABCOCK: Well, it's what he would like to call a side yard only for the definition of lot, it's a front yard because he borders on two.

MR. TORLEY: What would constitute in addition to his structure that would make it so that the structure projected 40 feet from the front while still meeting the zoning code, if he had some structure that went out that far so the main dwelling went to 39.5 feet?

MR. BABCOCK: Right.

MR. TORLEY: Then the fence would be legal.

MR. BABCOCK: That is correct.

MR. TORLEY: What constitutes such a structure?

MR. BABCOCK: If he put an addition on the house. It says can't project closer to the street than the principal building.

MR. TORLEY: I'm trying to get some feeling what constitutes how wide does it have to be?

MR. BABCOCK: I'm not sure I understand.

MR. TORLEY: Well, if I have, we have counted the principal building, overhangs and steps as part of the principal building, if he had a deck or an integrated part of the building that went out that far.

MR. BABCOCK: Not a deck because the deck would be in

the front yard.

MR. TORLEY: If he put on an addition, it would cover it?

MR. BABCOCK: That is correct.

MR. TORLEY: Trying to think of some way.

MR. NOVOTNY: That doesn't apply, I don't plan to add a structure nor does one exist now. This is \$400 for what I don't consider unreasonable but I do understand how it doesn't meet the criteria.

MR. LANGANKE: Actually, just as a point of interest those fees were lowered, one of the few things that were lowered within the last year.

MR. BABCOCK: It's a deposit.

MRS. BARNHART: You might get some of it back so you have to think of that. You might get half of it back. We have had cases where half the last 5 applications they've gotten half of it back.

MR. NOVOTNY: Now, if I went into this with the understanding that there was a strong chance this was going to cost \$200, that makes a difference as to what route.

MRS. BARNHART: I can't say it's going to.

MR. BABCOCK: The longer you talk, the more it costs. Just being honest.

MR. NOVOTNY: Put me on the calendar, I'll make up my mind in the next week.

MR. TORLEY: I move we set up Mr. Novotny for a public hearing on his request for variances.

MR. LANGANKE: Second it.

ROLL CALL

January 23, 1995

38

JAMES NUGENT	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. LANGANKE	AYE

MR. KRIEGER: The criteria set forth there on that piece of paper on which the Zoning Board must decide in the application is by State Law so if you would address yourself to the criteria set forth on that handout, it would make it much easier for them. Also, at the time you come back for a public hearing, I'd like to see your deed and your title policy. There is no need for the board to retain it nor is there any need for you to make copies of it and submit it. Just bring it with you so that it could be looked at at the same time and it will be given back to you that evening.

MR. NOVOTNY: Thank you.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

95-6

Date: 3/27/95.

I. Applicant Information:

- (a) WILLIAM B. NOVOTNY 23 GUERNSEY DR. NEW WINDSOR NY 562-4106
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) CL1 23 GUERNSEY DR, NEW WINDSOR, N.Y. 78-11-1 110' x 119'
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1986
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- _____
- _____
- _____

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes ___ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-14c, Table of DDA Regs., Col. DDA.
(c)(1)

<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. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only
** No-residential districts only

(b) 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. Describe why you believe the ZBA should grant your application for an area variance:

THE SIX FOOT WOODEN FENCE SECURES THE REAR YARD OF A CORNER LOT FOR USE BY 3 CHILDREN AND A DOG. NORTH SIDE OF FENCE PROTECTS 13 FEET FROM SIDE OF HOUSE ACCOMMODATING A GATE ACCESSING DRIVEWAY. THIS PREMIUM GRADE "SHADOW BOX" STYLE FENCE BLEND'S NICELY WITH THE LANDSLAPE OF THIS AREA AND NO WAY CREATES AN ADVERSE EFFECT ON THE SURROUNDINGS. PRESENT ZONING REGULATIONS DO NOT ADDRESS THE UNIQUE SITUATION OF A CORNER LOT IN THIS CASE

(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

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

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

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

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

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

VIII. 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 is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

FENCE IS OF PREMIUM GRADE WOOD CONSTRUCTION. BETWEEN FENCE AND ROAD, TREES AND LANDSCAPE BEDS HAVE BEEN PLACED CREATING AN ADDITIONAL BUFFER AS WELL AS PRIVACY FOR THIS CORNER LOT RESIDENCE.

IX. Attachments required:

- Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- Copy of deed and title policy.
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- Two (2) checks, one in the amount of \$ 150 and the second check in the amount of \$ 300, each payable to the TOWN OF NEW WINDSOR.
- Photographs of existing premises from several angles.

X. Affidavit.

Date: 3/27/95.

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/or 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.

X [Signature]
(Applicant)

Sworn to before me this

27th day of March, 1995.
Patricia A. Barnhart

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1996.

XI. ZBA Action:

(a) Public Hearing date: _____.

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

August 9, 1993

9

NOVOTNY, WILLIAM

MR. TORLEY: Request to allow existing 6 ft. fence contrary to Section 48-14C(1)c[1] (structures located closer to road than principal building) at 23 Guernsey Drive in CL zone.

Mr. William Novotny appeared before the board for this proposal.

MR. TORLEY: Tell us what your problem is.

MR. NOVOTNY: Well, I originally when I had installed the fence, you know I consulted local people in the area said I didn't need it. Obviously, I was wrong. Before I get tied up, I just applied for the permit, had the building inspector come out and check out the house and the road is right, I came off the side of my house by maybe 15 feet as the drawing shows and it is closer maybe about 25 feet from the border of the property, it's quarter acre lot as well so it's the only way I could get some privacy and keep my pedigree golden retriever and my two kids in the yard safely.

MR. LUCIA: Mr. Novotny has two yards also. Is the deck, I'm sorry, is the fence closer than ten feet to any lot line?

MR. NOVOTNY: No.

MR. TORLEY: And your--

MR. NOVOTNY: I have 41 feet from the corner of the house to the road and the fence projects 15 feet. I put a gate on the side of that road, it's not drawn in the original drawing but it goes off here, there's a small gate that goes to the back yard comes across my property along here so it is one section of fence and a gate.

MR. LUCIA: Now, how about this side, is it closer than ten feet to this property line, your neighboring lot?

MR. NOVOTNY: It's right on the property line.

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MR. LUCIA: You would need a variance for that also because it's considered accessory building, it would need to be set back at least ten feet from the lot line.

MR. NOVOTNY: This side of the fence is actually my neighbor's portion of the fence. He uses that same section, he comes off here, same guy that told me I didn't need a building permit.

MR. LUCIA: He didn't because the fence is on your lot.

MR. NOVOTNY: Building inspector checked it out and said my only problem now I'm learning something else that it projects closer to the road.

MR. TORLEY: It's all going to be one package.

MR. NOVOTNY: I just want to get it on the record so there's no problem down the road.

MR. BABCOCK: Look at 4814 C 1 D, fences or walls in excess of 6 feet shall conform to requirements so we had changed that to allow 6 foot fence.

MR. LUCIA: This is exactly 6 feet?

MR. NOVOTNY: It's exactly 6 feet, it's packet fence, shadow box from Devitt's.

MR. BABCOCK: If it was over 6 foot, it would be ten feet from the property line.

MR. NOVOTNY: I really wanted to have the gate so it opens up from the driveway and I get a lawn mower through there.

MR. LUCIA: Thank you, Mike is right on that, if it doesn't go over 6 feet, you don't need a variance on the lot on the other side here. There's nothing within 30 feet of that street intersection?

MR. NOVOTNY: No, not at all. This is the corner so I'm way back. It just gives me a little privacy and

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the kids got a swingset back there.

MR. LUCIA: The same two sections of the ordinance would apply here, that will be 48-14 A 4 and 48-14 C (1) c [1] both applying to the fact that your fence projects forward than the building lot.

MR. BABCOCK: And it's 15 feet in front of the house here.

MR. NOVOTNY: Yeah, 15 maybe, 16 feet, it's one section and a small gate.

MR. TORLEY: We need to know that distance because you need a variance for that. Call Mike.

MR. NOVOTNY: I'll give you a call in the morning, I'll measure it.

MR. TORLEY: Give yourself a little slack on that too.

MR. NOVOTNY: Okay.

MR. TORLEY: If we deal with the measurements you give us and the bank comes in to refinance you or something and you are off by an inch.

MR. LANGANKE: Why are you taking care of this now?

MR. NOVOTNY: When I called and checked on it, they told me you need a building permit. I called, do you need a building permit to put up a fence that had already been up because when he said yes, I knew sooner or later you're going to have to get it done so get it done.

MR. TORLEY: You're doing the right thing.

MR. TANNER: It's unusual everybody waits till they have a problem.

MR. NOVOTNY: I put a fireplace on the house and just finished that was done with a C.O. and permit and I didn't realize I came from Rockland where I didn't need one didn't.

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MR. TORLEY: Every town has different regulations, don't know how Mike keeps them straight. Any other questions? I'll turn it over to our attorney who will give you the same thing that you heard before.

MR. LUCIA: The board in granting you this area variance has to consider the benefit to you if a variance is granted as weighed against the detriment to the safety, health and welfare by granting you this variance from the zoning standard. There are 5 specific factors that you need to speak to which the board has to make findings on and I'll give you a copy of Section 267 B put an arrow in the margin next to a paragraph that lists those 5 factors. Please be prepared to speak to those 5 issues. Pat will also give you an application form and there's an instruction sheet on top which is self-explanatory. If you have any questions, give her a call. Fill that out, return it to her with two checks, both payable to the Town of New Windsor, one for \$50 application fee, the second one for \$292 deposit against Town consultant review fees and various disbursements the Town has in handling your application.

MR. NOVOTNY: \$50 application fee has been paid. Do you show a record of that?

MS. BARNHART: It shouldn't be paid.

MR. BABCOCK: \$50 application building permit fee has been paid.

MS. BARNHART: Not the same thing.

MR. BABCOCK: Here's your check for the whole thing but hasn't been processed because nothing else has been processed.

MR. LUCIA: In addition to that, you have to pay the assessor to give you a list of property owners within 500 feet, you have to publish the legal notice so you will have have some other fees.

MR. TORLEY: We would like photographs.

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MR. LUCIA: Also copy of your deed and copy of your title policy also.

MR. NOVOTNY: Do I need to call and make an appointment?

MR. LUCIA: Once you bring that application and checks back to Pat, that much starts the process going and we'll set you up for a public hearing.

MR. TORLEY: We thank you for coming in before you needed to. So many people come in.

MR. NOVOTNY: I realize now why.

MR. TANNER: Make the motion we set him up for a public hearing.

MR. LANGANKE: Second it.

ROLL CALL

MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. TANNER	AYE



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