

ZB# 99-26

Michael Jennings

25-5-37

Prelim.

June 28, 1999.

notice to Paper 8/20/99.

Public Hearing

Sept. 27, 1999

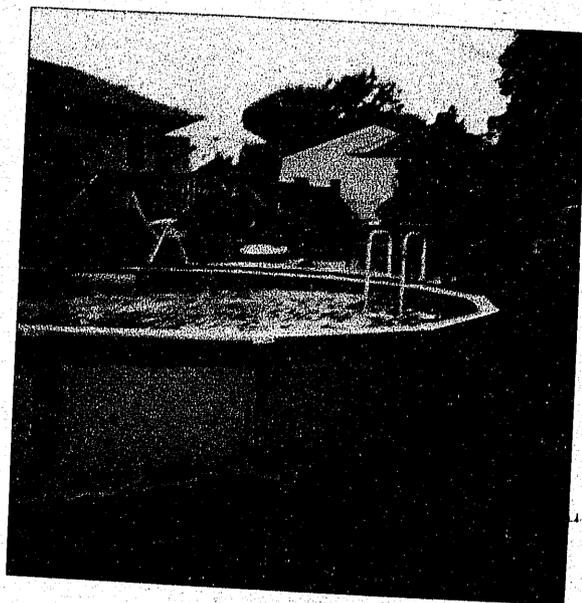
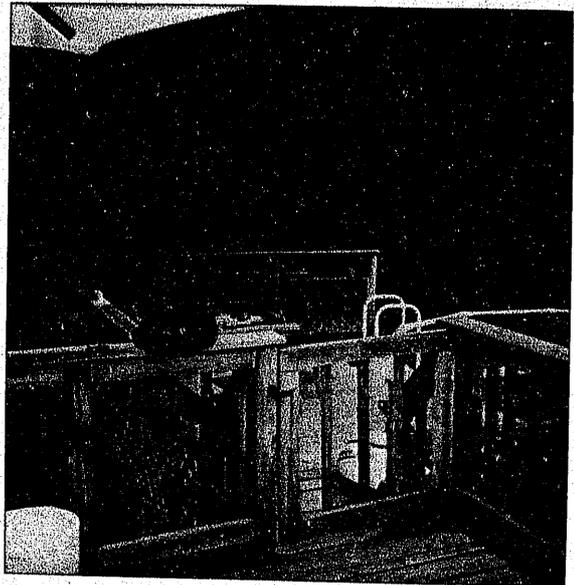
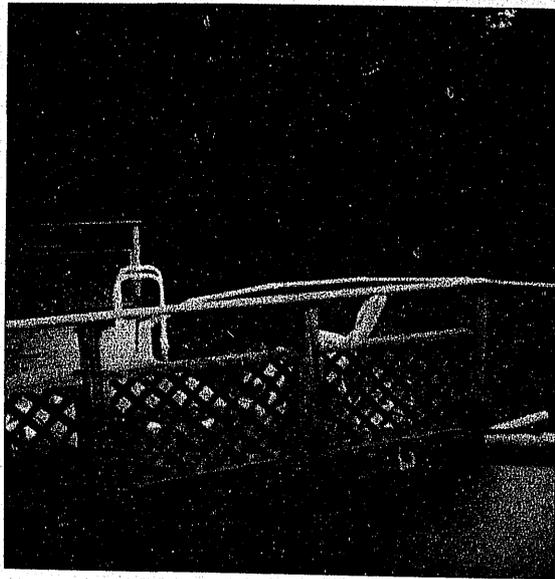
Granted

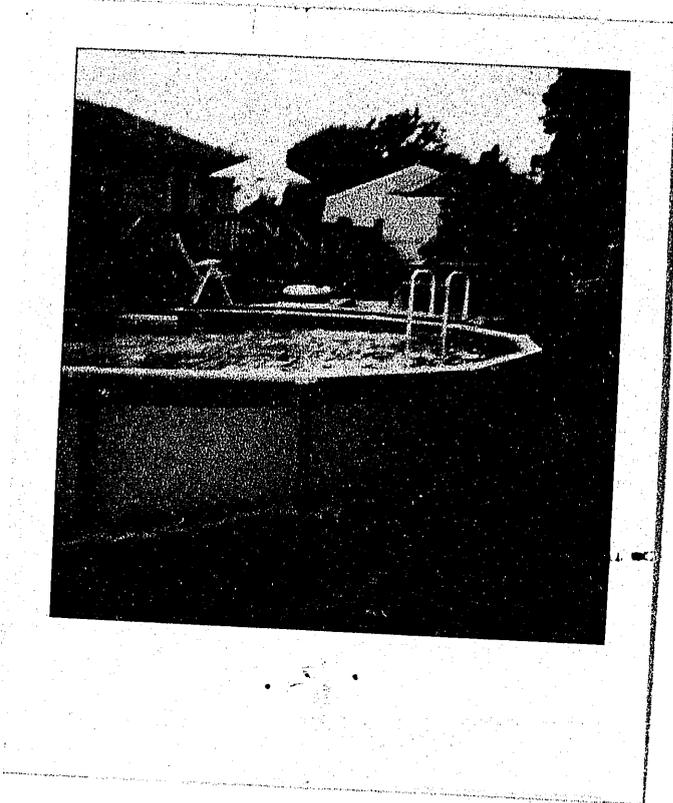
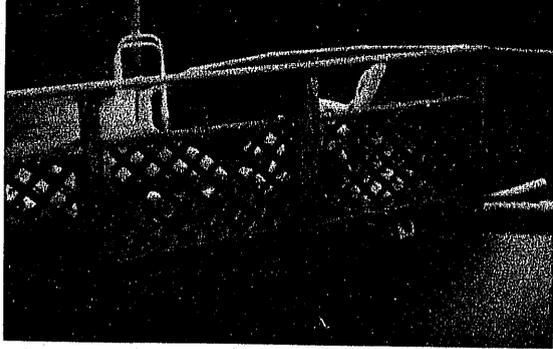
Refund:

\$ 194.00.

#99-26-Jennings, Michael

25-5-37 area





Wilson Jones • Carbonless • 51654-NCF Duplicates • 51657N-CL Triplicate
© Wilson Jones, 1989

DATE August 20, 1999 RECEIPT 134248.

RECEIVED FROM Michael P. & Susan A. Jensen

Address Fifty and 00/100 DOLLARS \$ 50.00

FOR Joining Board Application
Fee 99-26

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	# <u>2439</u>
AMOUNT PAID		CHECK	<u>50.00</u>
BALANCE DUE		MONEY ORDER	

BY Town Clerk

Dorothy H. Hays

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Jenning, Michael

FILE# 9-26

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*paid 8/20/99
ck. # 2439*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

pd. # 2440

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 6/28/99-2 \$ 9.00
 2ND PRELIMINARY- PER PAGE 9/27/99-6 \$ 27.00
 3RD PRELIMINARY- PER PAGE \$
 PUBLIC HEARING - PER PAGE \$
 PUBLIC HEARING (CONT'D) PER PAGE \$
 TOTAL \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 6/28/99 \$ 35.00
 2ND PRELIM. 9/27/99 \$ 35.00
 3RD PRELIM. \$
 PUBLIC HEARING \$
 PUBLIC HEARING (CONT'D) \$
 TOTAL \$ 70.00

MISC. CHARGES:

..... \$
 TOTAL \$ 106.00

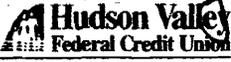
LESS ESCROW DEPOSIT \$ 300.00
 (ADDL. CHARGES DUE) \$
 REFUND DUE TO APPLICANT . \$ 194.00

MICHAEL P. JENNINGS
SUSAN A. JENNINGS
 514 BALMORAL CIR.
 NEW WINDSOR, NY 12553

50-7936/2219 2439

DATE Aug 20, 1999

PAY TO THE ORDER OF Town of New Windsor \$ 50⁰⁰/₁₀₀
Fifty 00/100 DOLLARS


 HUDSON VALLEY FEDERAL CREDIT UNION
139 BARRETT ROAD, POLYGORSE, NY 12091 514-465-3011

MEMO ZBA #99-26 Susan Jennings

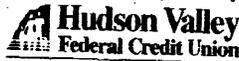
@ 221979363:00000648079009#2439

MICHAEL P. JENNINGS
SUSAN A. JENNINGS
 514 BALMORAL CIR.
 NEW WINDSOR, NY 12553

50-7936/2219 2440

DATE Aug 20, 1999

PAY TO THE ORDER OF Town of New Windsor \$ 300⁰⁰/₁₀₀
three hundred dollars DOLLARS


 HUDSON VALLEY FEDERAL CREDIT UNION
139 BARRETT ROAD, POLYGORSE, NY 12091 514-465-3011

MEMO ZBA #99-26 Susan Jennings

@ 221979363:00000648079009#2440

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

MICHAEL JENNINGS

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#99-26.
-----X

WHEREAS, MICHAEL JENNINGS, residing at 514 Balmoral Circle, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 28 ft. 6 in. rear yard variance for existing attached pool deck and 2 ft. 6 in. rear yard variance for an existing above-ground pool at the above location in an R-4 zone; and

WHEREAS, a public hearing was held on the 27th day of September, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of himself for this Application; and

WHEREAS, there was one spectator appearing at the public hearing; and

WHEREAS, the spectator spoke with regard to drainage but had no 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 in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The Applicant seeks a variance in order to allow an already existing pool and pool deck at his residence.

(c) The existing pool deck and pool cause no ponding or collection of water or create any water hazards or interfere with the course of water drainage.

(d) The existing pool deck and pool are not located on top of any sewer or water easements.

(e) The existing pool and pool deck are similar to other pools and decks in the neighborhood.

(g) There have been no complaints either formal or informal about the pool deck or pool.

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 variances 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 which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.

4. The requested variances 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 nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances 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 variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 28 ft. 6 in. rear yard and a 2 ft. 6 in. rear yard variance to allow an existing pool deck and pool at above address in an R-4 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: November 22, 1999.


Chairman

9/27/99 Public Hearing - Jennings # 99-26

Name:

Address:

Harold Toffle

81 Hawth Dr.

Date 10/18/99, 19.....

TOWN OF NEW WINDSOR
 TOWN HALL, 555 UNION AVENUE
 NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
2/1/99	Zoning Board Mtg	75 00	
	Misc - 2		
	Aldridge - 3		
	WGA Assoc - 5		
	Maurice - 3		
	Jennings - 6		
	Johnson - 5		
	Ryan - 4		
	TAS Assoc - 13		
	Caterway-Industrial Park - 4	202 50	
	<u>45</u>	<u>277 50</u>	
		277 50	

PUBLIC HEARINGS:

JENNINGS, MICHAEL

Mr. Michael Jennings appeared before the board for this proposal.

MR. TORLEY: Request for 28 ft. 6 in. rear yard variance for existing attached pool deck at 514 Balmoral Circle in an R-4 zone. Before I begin, is there anyone in the audience besides the applicant who wishes to speak on this?

MS. BARNHART: For the record, on September 7, we sent out 71 addressed envelopes to adjacent property owners.

MR. TORLEY: Okay.

MR. KRIEGER: The record should now reflect that there's one person potentially who now wants to speak.

MR. TORLEY: Okay.

MR. JENNINGS: What I have is I have an above-ground pool, I put a deck around it and it doesn't meet the 40 feet requirement. So I'm asking for a variance. I also ask for a variance for the pool, it's for an existing deck and pool. I have a copy of the letter that went out in the mail that shows existing pool and deck with insufficient rear footage and I also have the application, copy of the application, it was an add-on after the preliminary so I'm requesting a variance for the difference between the yardage for the pool and the deck.

MS. BARNHART: I have some pictures.

MR. BABCOCK: Mr. Torley, I'm not sure who he's been dealing with in my office, but looking at this application, the pool is 12 foot from the property line according to this map.

MR. JENNINGS: Originally, when he measured it, I thought it was 12 feet, then I realized it was under by an inch, so I, when I went back in after the

preliminary hearing, I went back in, when I went for the deck and I adjusted the numbers, that's why we went for the pool and the variance for the deck.

MR. TORLEY: We have to make sure we have the right numbers, should we grant you a variance, it's for this many feet.

MR. KANE: How far is the pool from the property line?

MR. JENNINGS: I had it at 7 feet so I asked for--

MS. BARNHART: You're going for three foot.

MR. JENNINGS: Right, correct, I was rounding and then the deck was I think 28, I needed 28.

MR. KANE: So you're looking for three foot on the pool?

MS. BARNHART: And 29 on the deck.

MR. TORLEY: So we're now saying that the deck variance he's requesting is 29 feet?

MS. BARNHART: Twenty-nine on the application.

MR. JENNINGS: I need to measure a little better.

MR. KANE: Do you have a layout of the pool and deck?

MR. JENNINGS: Yes, sir.

MR. BABCOCK: So we're going for 29 feet?

MR. TORLEY: Twenty-nine feet.

MS. BARNHART: Twenty-nine feet for the deck and three feet for the pool, Mike.

MR. TORLEY: So, it's going to be economically infeasible for you to move the pool and deck to meet setback requirements?

MR. JENNINGS: No, sir.

MR. KANE: How long has the pool and deck been up?

MR. JENNINGS: Approximately, nine years, sir.

MR. KANE: Similar pools and decks in the neighborhood?

MR. JENNINGS: Yes, sir.

MR. TORLEY: Having the deck there, you consider its railings, you consider additional safety measure for the pool?

MR. JENNINGS: Yes.

MR. KANE: Creating any water hazards, runoff?

MR. JENNINGS: No, sir.

MR. KANE: Any complaints, informal or formal on the pool?

MR. JENNINGS: Not to my knowledge, sir.

MR. TORLEY: At this point, we'll open the meeting up to the public. If there's anyone who wishes to speak on this matter, please give us your name.

MR. HAROLD TOFFLER: Harold Toffler, 81 Harth Drive, New Windsor, I'm on the other side of the property. The only reason why I came down to talk, they did this once before, the house right behind me, and we had water problems ever since. Keith Williams had bought the property, all right, that's going back. Now I'm going to go back a little further, we had a board meeting here one time and they told us that that property will not be sold to anybody because we have got a stream in the back. I had gone down to Florida on vacation, come back and found out the property was sold to Keith Williams and he started to divide the property up. Now, when he did that, he sold the property in the back of, at that time green area, he had an inground pool put in and disturbed the whole water system. I lost all my back yard, I believe this fella, I think you were in the back of my house, too,

the water came down, took my drive away and nobody did anything about it. That's the only reason I'm coming down right now. I have a map here of how much property they took away from me and I thought they were going to have a tube so I can get, have access to the other side of the property, but all I got is a great big gully which I have to go across. I can't get a lawn mower unless I put a plank to it, all the property is gone. In other words, this is the back of my house here and all this property I've got to cross across that there and I still have water problems.

MR. REIS: Excuse me, sir, what's your address?

MR. TOFFLER: 81 Harth Drive.

MR. REIS: Did you receive a letter?

MR. TOFFLER: Yes, I did, the property that I bought from Williams was going to be sold to the people in the back and there was little family problems, so they didn't want to take it because we had the water problem, I said I'll take it and see what we can do about it.

MR. REIS: By him doing what he hopes to do, is that going to affect you?

MR. TOFFLER: I don't know, that's what I come down to find out.

MR. KANE: No, sir, what he has now is an existing above-ground pool that's been up for nine years.

MR. TOFFLER: I'm sorry.

MR. KANE: He's not buying anything, what he's trying to do is make everything's that's been existing for nine years on the books.

MR. TOFFLER: I'm all screwed up.

MR. KANE: He's not building anything. It's been there for nine or ten years, so it's nothing new that's going up.

MR. TOFFLER: I still have a water problem.

MR. KANE: That's nothing that we can address at this board.

MR. TOFFLER: That's what I come down to find out, make sure I have no more problems.

MR. KANE: No new building.

MR. TORLEY: You did the right thing, always come down and find out.

MR. TOFFLER: Oh, so there's nothing you can do about it?

MR. KANE: Not about that.

MR. TORLEY: This board does not handle water drainage and things like that.

MR. TOFFLER: Thank you.

MR. TORLEY: Is there anyone else in the audience who wishes to speak on this matter? If not, I'll close the public hearing and open it back up to the board members.

MR. REIS: Accept a motion?

MR. KRIEGER: I have a couple. Now, because of the location of the house on the property, you need to locate this in the back, correct?

MR. JENNINGS: Yes.

MR. TORLEY: Well, he couldn't put it in the front anyway.

MR. KRIEGER: Just making a record. It's not on the top of any well or septic system or sewer or water easement?

MR. JENNINGS: No, sir.

MR. KRIEGER: Okay.

MR. REIS: I move we grant Mr. Jennings his requested variances for 514 Balmoral Circle.

MR. KANE: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

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

6-28-99
SET UP FOR P/H

Part ①

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: June 9, 1999

APPLICANT: Michael Jennings
514 Balmoral Circle
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: June 3, 1999

FOR : Existing 16' X 14' attached deck

LOCATED AT: 514 Balmoral Circle

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 25-5-37

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing attached pool deck does not meet minimum rear yard set-back.

Frank Aisi
BUILDING INSPECTOR

PERMITTED 40'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: G-10

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD: ←

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

11' 6" 2-1-99 28' - 6"
16' 24'

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

date

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

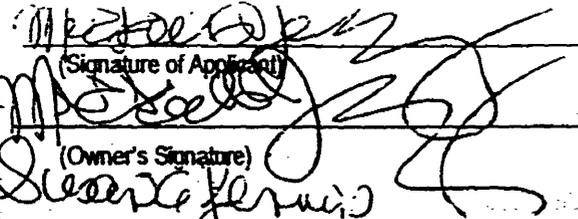
Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

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

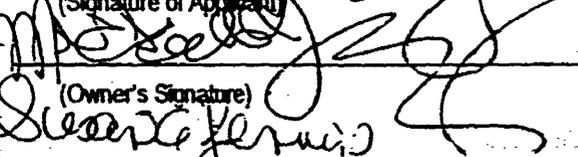
INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- 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.
- 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.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- 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.
- 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.

property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner


(Signature of Applicant)

514 BALDWIN CIRCLE WINDSOR 12553
(Address of Applicant)


(Owner's Signature)

SAME

(Owner's Address)

PLOT PLAN

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

Part 2

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: July 9, 1999

APPLICANT: Michael Jennings
514 Balmoral Circle
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: July 1, 1999

FOR : Building Permt #9663

LOCATED AT: 514 Balmoral Circle

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 25-5-37

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing 4' above ground pool does not meet minimum 10' rear yard set-back..

Paul J. J...
BUILDING INSPECTOR

PERMITTED 10'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 48-21-G-1

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

7'-6"

2'-6"

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

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

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of ...

Michael Jennings

Applicant.

99-26.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on Sept. 7, 1999, I compared the 71 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
7th day of September, 1999.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2001



Town of New Windsor

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

Assessors Office

July 13, 1999



Michael P Jennings
514 Balmoral Circle
New Windsor, NY 12553

RE: 25-5-37

Dear Mr. Jennings

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 \$95.00, less your deposit of \$25.00. Please remit the balance of \$70.00 to the Town Clerk at the above referenced location.

Sincerely,

S. Cook (EV)

Leslie Cook
Sole Assessor

/jc

cc: Pat Barnhart, ZBA

Joseph & Elise McGrath
230 Oak Street
New Windsor, NY 12553

Lisa M Manzo & Joseph P Dematteo
237 Spruce Street
New Windsor, NY 12553

Patricia Jo Deyo & Mary Jane Davenport
235 Spruce Street
New Windsor, NY 12553

Isadore C & Conceta Ruggiero
235 Oak Street
New Windsor, NY 12553

Melvin & Eva Bynum
237 Oak Street
New Windsor, NY 12553

Robert L & Ruth W Lavery
239 Spruce Street
New Windsor, NY 12553

Dennis & Ann Mullin
241 Spruce Street
New Windsor, NY 12553

Robert F & Luciana Chewens
242 Spruce Street
New Windsor, NY 12553

Patricia A Lang
223 Garden Street
New Windsor, NY 12553

Elizabeth C Antonelli
225 Garden Street
New Windsor, NY 12553

Robert & Christina Christie
227 Garden Street
New Windsor, NY 12553

Joseph & Gloria Chiarella
229 Garden Street
New Windsor, NY 12553

George & Antoninette Wilkinson
231 Garden Avenue
New Windsor, NY 12553

Matthew & Marta C Farrell
233 Garden Street
New Windsor, NY 12553

Brendan D & Ellen M Dooley
235 Garden Street
New Windsor, NY 12553

Wilfred & Maureen Fookes
237 Garden Street
New Windsor, NY 12553

John R & Angela A Davidson
239 Garden Street
New Windsor, NY 12553

William H & Linda R Holderfield
236 Spruce Street
New Windsor, NY 12553

Louis E O'Neil & Jacalyn L Hamilton
238 Spruce Street
New Windsor, NY 12553

William Murphy & Kathleen McGuinness
240 Spruce Street
New Windsor, NY 12553

Richard & Angela Case
224 Garden Street
New Windsor, NY 12553

Esther Krutchick
18 Kings Gate Road
Suffren, NY 10901

Emiel & Serena Zeger
228 Garden Street
New Windsor, NY 12553

Richard E & Karen M Wixon
222 Franklin Street
New Windsor, NY 12553

Frank & Frances Vanasco Living Trust
C/o F&F Vanasco Trustees
224 Franklin Street
New Windsor, NY 12553

Mary Olympia
226 Franklin Street
New Windsor, NY 12550

Andrew S Krieger
219 Quassaick Avenue
New Windsor, NY 12553

John F & Theresa A Martin
223 Parkway Drive
New Windsor, NY 12553

David W & Doris G Hamilton
223 Franklin Street
New Windsor, NY 12553

Robert R & JoAnn Paden
221 Franklin Street
New Windsor, NY 12553

Community Church of the Nazarene of
New Windsor,
59 Blooming Grove Tpke.
New Windsor, NY 12553

Robert & Ronnie Silver
404 Carlton Circle
New Windsor, NY 12553

Gary & Karen Coopersmith
406 Carlton Circle
New Windsor, NY 12553

Christine L Naclerio
408 Carlton Circle
New Windsor, NY 12553

William Kreeger
410 Carlton Circle
New Windsor, NY 12553

Joseph M & Mary E Hussey
411 Carlton Place
New Windsor, NY 12553

Sally Clinton
409 Carlton Circle
New Windsor, NY 12553

John J & Eleanor R
407 Carlton Circle
New Windsor, NY 12553

Richard & Sandra Sollas
405 Carlton Circle
New Windsor, NY 12553

Gary & Amy Stern
403 Carlton Circle
New Windsor, NY 12553

Anthony P & Carol M Elias
502 Balmoral Circle
New Windsor, NY 12553

John J & Randee J O'Connor
504 Balmoral Circle
New Windsor, NY 12553

Sergio Valentin
506 Balmoral Circle
New Windsor, NY 12553

Frank & Jacqueline R Borgia
508 Balmoral Circle
New Windsor, NY 12553

Val S & Marcie B Gray
510 Balmoral Circle
New Windsor, NY 12553

George D Richardon
512 Balmoral Circle
New Windsor, NY 12553

Pamela Lounsbury & Kathleen Willis
516 Balmoral Circle
New Windsor, NY 12553

Louis A & Albertina Lopez
518 Balmoral Circle
New Windsor, NY 12553

Emil W & Leda Sarich
522 Balmoral Circle
New Windsor, NY 12553

Dorothy Raven
524 Balmoral Circle
New Windsor, NY 12553

Theresa M & Elizabeth J Werner
526 Balmoral Circle
New Windsor, NY 12553

Stephen J Zavodsky
528 Balmoral Circle
New Windsor, NY 12553

Byron U & Angela D Thomas
530 Balmoral Circle
New Windsor, NY 12553

Elizabeth Shewring & Louis W Haines
532 Balmoral Circle
New Windsor, NY 12553

Arnold A & JoEllen Sabino
501 Balmoral Circle
New Windsor, NY 12553

Frank A & Annemarie G Kopko
125 Glendale Drive
New Windsor, NY 12553

Antonino S & Patricia A Vito
127 Glendale Drive
New Windsor, NY 12553

George & Kimberly Ciaschi
129 Glendale Drive
New Windsor, NY 12553

Lillian & Harold Toffler
81 Harth Drive
New Windsor, NY 12553

Robert H & Ana S Gott
83 Harth Drive
New Windsor, NY 12553

County of Orange
255-275 Main Street
Goshen, NY 10924

X

Dennis & Patricia R Soricelli
511 Balmoral Circle
New Windsor, NY 12553

X

Robert Paul & Ellen Doerr
507 Balmoral Circle
New Windsor, NY 12553

X

Frank & Linda Soricelli
525 Balmoral Circle
New Windsor, NY 12553

X

Tina F Russak
517 Balmoral Circle
New Windsor, NY 12553

X

Jan M & Mary G Brown
71 Harth Drive
New Windsor, NY 12553

X

Donald J & Gay Ann Suttlehan
73 Harth Drive
Newburgh, NY 12553

X

Michael J Kirtio
75 Harth Drive
New Windsor, NY 12553

X

William J & Elizabeth M Raz
77 Harth Drive
Newburgh, NY 12550

X

Richard M & Nicole Bortnowsky
79 Harth Drive
New Windsor, NY 12553

X

Harold & Lillian P Toffler
81 Harth Drive
New Windsor, NY 12553

X

P/s. publish immediately. Send bill to Ap. @ below address.

PUBLIC NOTICE OF HEARING

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. 26.

Request of Michael Jennings

for a VARIANCE of the Zoning Local Law to Permit:

existing pool & deck w/ insufficient rear yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs. - Col. G

for property situated as follows:

514 Balmoral Circle, New Windsor, N.Y.

known and designated as tax map Section 25, Blk. 5, Lot 37

SAID HEARING will take place on the 27th day of Sept., 1999 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

By: Patricia A. Banhart, Secy.

2033-15647
THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

065061

THIS INDENTURE, made the 24th day of October, nineteen hundred and eighty-six
BETWEEN AUGUSTUS PETTINE and SARAH PETTINE, residing at 514
Balmoral Circle, New Windsor, New York,

party of the first part, and MICHAEL P. JENNINGS and SUSAN A. JENNINGS, husband
and wife, residing at 38 Longview Avenue, Lake Hiawatha,
New Jersey,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND 00/100----- dollars,

lawful money of the United States, and other good and valuable consideration paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

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, State of New
York, and being more accurately bounded and described as follows:

25-5-37

Beginning at a point on the northerly side of Balmoral Circle. Said
point of beginning being located 508.75' northwesterly of as
measured along the northerly side of Balmoral Circle from the
start of a curve which connects the northerly line of Balmoral Circle
with the northwesterly line of Parklawn Drive. Said point of begining
being the most southerly corner of Lot 44 and the southeasterly corner
of Lot 43 as shown on a Plan entitled "Subdivision for Parklawn" as
filed in the Orange County Clerk's Office on May 22, 1973 as Map #2996.
Thence from said point of beginning and along the northerly side of
Balmoral Circle on the following courses and distances:
On a curve to the left having a radius of 145.0' an arc distance of
25.0' to a point of tangency; thence on a tangent South 54°-43'46"
West 82.93' to the southeasterly corner of Lot 42; thence along the
lot line between 42 and 43 North 35°-16'-14" West 100.0' to an iron
rod in the line of lands now or formerly of the Erie Railroad; thence
along the lands of said railroad following approximately along a
fence North 54°-43'-46" East 105.0' to an iron rod at the northwesterly
corner of Lot 44. Thence along the lot lines between 44 and 43 South
36°-51'-27" East 102.20' to the point of beginning.

Containing more or less.

Being the same premises conveyed to Augustus Pettine and Sarah
Pettine by James J. Tsou and Brenda Tsou by deed dated September 1,
1977 and recorded on September 30, 1977 in the Orange County Clerk's
Office in Liber 2080 of Deeds at Page 178.

118259/10 260

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Augustus Pettine
Augustus Pettine

Sarah Pettine
Sarah Pettine

REC-2597 PG 267

STATE OF NEW YORK, COUNTY OF ORANGE

On the 24th day of October 19 86 before me personally came

AUGUSTUS PETTINE & SARAH PETTINE

to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Gladys C. LaForge

GLADYS C. LaFORGE
Notary Public, State of New York
Qualified in Orange County
Commission Expires March 30, 1987
No. 4799668

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS
TITLE No. _____

SECTION
BLOCK
LOT
COUNTY OR TOWN

304-
14-
5-
Spencerburgh

TO

RETURN BY MAIL TO:

John G. Sisti, Esq.
P.O. Box 185
New Paltz, N.Y. 12561
Zip No.

10-27-86

02-13-1999

Reserve this space for use of Recording Office.

RECEIVED
S. 327/02
REAL ESTATE
OCT 27 1986
TRANSFER TAX
ORANGE
COUNTY

100-2351 16 200

Orange County Clerk's Office, 8-9
Recorded on 10-27-86 at 10:17 AM
1:00 PM in Liber 1597
clock... at page 266
Examined.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-26

Date: 8/20/99

SUSAN A JENNINGS

I. Applicant Information:

- (a) Michael Jennings 914 561-0556
(Name, address and phone of Applicant) (Owner)
- (b) 514 BALMORAL CIRCLE
(Name, address and phone of purchaser or lessee)
- (c) NEW WINDSOR NY 12553
(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) B-4 514 Balmoral Cir New Windsor 25-5-37 102x108 ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1985
- (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: _____

STORAGE shed Temporary

IV. Use Variance. N/A

- (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 .

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 48-12, Table of Use/Bulk Regs., Col. C.

<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. <u>Deck</u> _____	<u>11'</u>	<u>29'</u>
Reqd. Street <u>Pool</u> _____	<u>7'</u>	<u>3'</u>
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:

VALUE TO PROPERTY

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

VI. Sign Variance: N/A

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

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

(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. N/A

(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

(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)

Date 7/27/99, 19.....

TOWN OF NEW WINDSOR
 TOWN HALL, 555 UNION AVENUE
 NEW WINDSOR, NEW YORK 12553

(8)

TO Frances Roth
 168 N. Drury Lane
 Newburgh, N.Y. 12550 DR.

DATE		CLAIMED	ALLOWED
6/28/99	Zoning Board Mtg (Denise Prodnick)	75.00	
	Misc. 2		
	Ogwest Realty - 2		
	McGuinness, Karen - 4		
	Villa - 4		
	Estate of Zeccola - 2		
	Jennings - 2 \$9.00		
	Barbera - 2		
	Bigi - 3		
	Barton - 2		
	23	103.50	
		<u>178.50</u>	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

.....
I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

No.

Town of New Windsor

.....
Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day

of, 19.....

the within claim was audited and allowed
for the sum of

\$

.....
Clerk

MICHAEL JENNINGS:

MR. NUGENT: Request for 24 foot rear yard variance for existing attached deck at 514 Balmoral Circle in an R-4 zone.

Mr. Michael Jennings appeared before the Board for the proposal.

MR. TORLEY: Got the right address?

MR. JENNINGS: Got the right address. What I'm looking for is a permit for an existing deck around the pool approximately 16 feet from the back of my property.

MR. NUGENT: Mike, I think we're going to have to make the minimum size lot larger in this town.

MR. BABCOCK: Mr. Chairman, the deck is attached to his house deck. You go off the house deck onto that and that's the reason for this requirement.

MR. KANE: Because it's attached to the house.

MR. BABCOCK: Right.

MR. TORLEY: But there are obvious safety reasons to attach it to the house. Since the pool is attached to the deck, are we considering it one entire structure and, therefore, the pool is --

MR. BABCOCK: No. The pool is totally separate. There's a separate rule for the pool. It doesn't matter whether it's attached or not attached.

MR. NUGENT: We don't need a variance for that?

MR. BABCOCK: No. It's only required to be 10 foot from the property line.

MR. NUGENT: Okay.

MR. TORLEY: I was just wondering since it was attached, essentially, to the house if it would have made a difference. Mr. Chairman, will you entertain a motion on this?

MR. NUGENT: Yeah.

MR. TORLEY: Mr. Chairman, I move that we grant a

public hearing for Mr. Michael Jennings and his request for a rear yard variance for existing deck at Balmoral Circle.

MR. REIS: Second.

ROLL CALL

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

MR. KRIEGER: If you would take the list with you, those are the criteria on which the state requires that the Zoning Board decide.

MR. JENNINGS: Yes, sir.

MR. KRIEGER: So if you would address yourself to those, that would be helpful.

MR. JENNINGS: Thank you very much.