

**ZB# 04-78**

**Nancy-Jo Lewis**

**32-1-10.23**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 1-10-05*

ZBA # **04-78** NANCY-JO LEWIS (AREA)  
KINGS RD. (32-1-10.23)

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 32-1-10.23

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

NANCY-JO LEWIS

AREA

CASE #04-78

**WHEREAS, NANCY-JO LEWIS**, owner(s) of 42 KINGS ROAD, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 17 ft. Rear Yard Setback (Bulk Tables 300-10-G) for Existing Rear Deck at 42 Kings Road in an OLI Zone (32-1-10.23)

**WHEREAS**, a public hearing was held on JANUARY 10, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

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

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

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

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

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

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) Applicant seeks permission to maintain a deck which has been in existence for approximately fifteen years.

- (c) The deck is immediate adjacent to the rear entrance from the home. Without the deck, a person exiting said rear doorway would be likely to sustain serious physical injury.
- (d) No trees or substantial vegetation were removed in construction of the deck.
- (e) The deck does not create the collection or ponding of water or divert the flow of water drainage.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

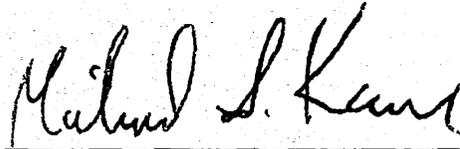
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 17 ft. Rear Yard Setback (Bulk Tables 300-10-G) for Existing Rear Deck at 42 Kings Road in an OLI Zone (32-1-10.23) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: January 10, 2005



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Chairman



# Town of New Windsor

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

## OFFICE OF THE ZONING BOARD OF APPEALS

May 24, 2005

Nancy-Jo Lewis  
792 Sand Hill Road  
Gardiner, NY 12525

SUBJECT: REQUEST FOR VARIANCE #04-78

Dear Ms. Lewis:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

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

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**DATE: 10/22/04**

**APPLICANT: Nancy-Jo Lewis  
2A Gateway Ct.  
Maybrook, NY 12543**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/22/04**

**FOR : Nancy-Jo Lewis**

**LOCATED AT: 42 Kings Road**

**ZONE: OLI     Sec/Blk/ Lot: 32-1-10.23**

**DESCRIPTION OF EXISTING SITE: Single Family Dwelling with rear deck**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS: R-1 zone used for Residential Set-backs**

**1. 300-10 Use/Bulk Regulations OLI zone column G-6 Rear yard set-backs (50ft). Existing rear deck is 33ft from the rear property line, 50ft is required. A variance of 17ft is required.**

**COPY**

*Henry J. Lybreen*  
BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-1 (OLI)	USE:		
MIN LOT AREA:			
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD:			
REQ'D TOTAL SIDE TD:			
REQ'D REAR YD:	50ft	33ft	17ft
REQ'D FRONTAGE:			
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:			

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

04-78

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

(17) Eng. Report  
36" Deep

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 re-inspected after correction.

RECEIVED

OCT 22 2004

BUILDING DEPARTMENT

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

FOR OFFICE USE ONLY:  
Building Permit #: 2004-1357

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

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

Owner of Premises Nancy Jo Lewis

Address 42 Kings Road, New Windsor, N.Y. Phone # 427-6789

Mailing Address 2A Gateway Ct. Maybrook, N.Y. Fax #

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

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

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

Address \_\_\_\_\_

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

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

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

3. Tax Map Description: Section 32 Block 1 Lot 10.23

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_

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

Replacement  
of Rear  
Deck  
(Existing)

6. Is this a corner lot? No

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

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

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

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

10. Estimated cost \_\_\_\_\_

Fee

\$50.00

CU# 420  
part of

**PAID**  
**ZONING BOARD**

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

date

\_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_  
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  
(845) 563-4618  
(845) 563-4695 FAX

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

INSTRUCTIONS

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

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

Michael L. Babcock  
(Signature of Applicant)

2A Gateway Ct. Maybrook  
(Address of Applicant)

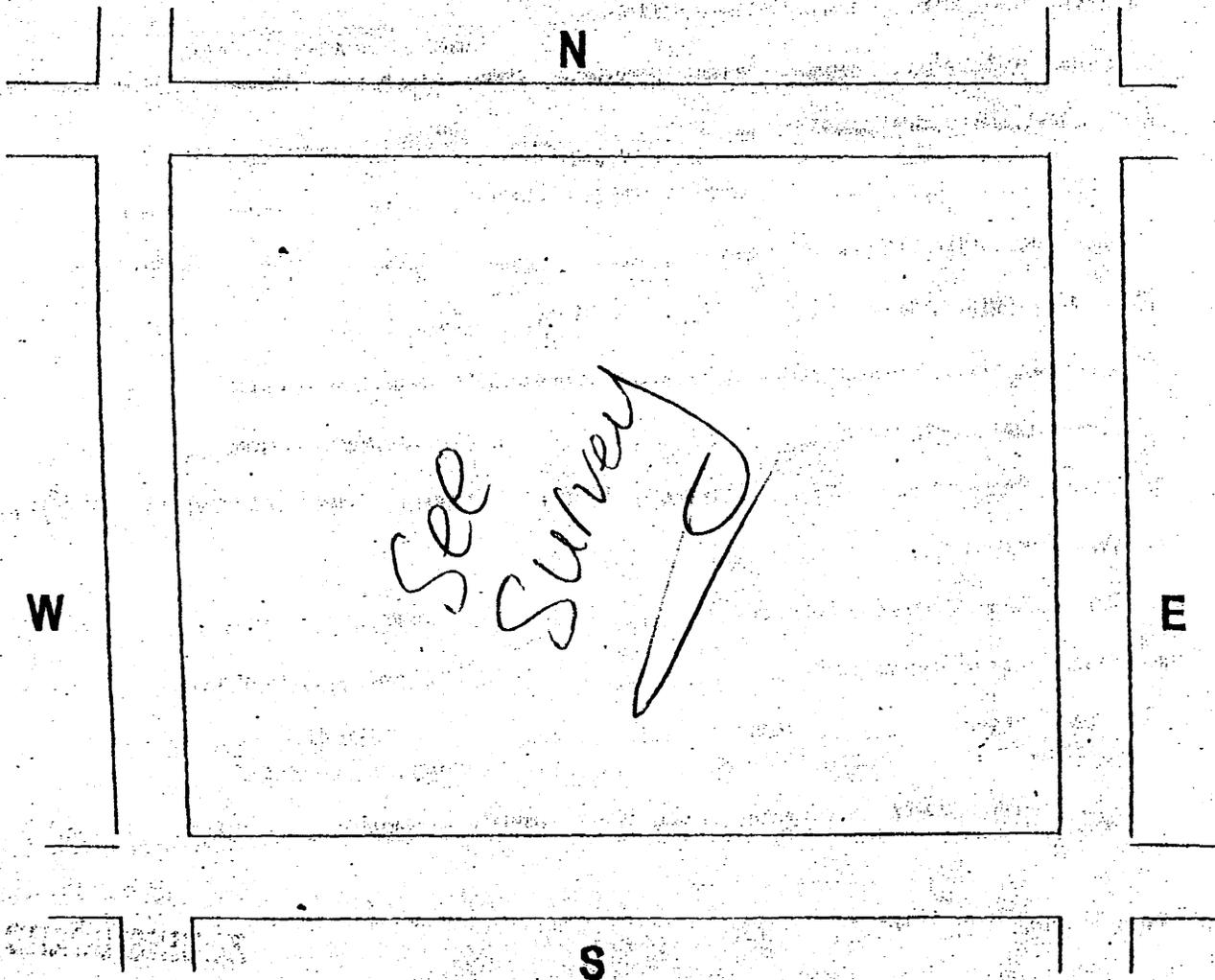
Michael L. Babcock  
(Owner's Signature)

Same  
(Owner's Address)

\_\_\_\_\_  
PLOT PLAN

**NOTE:**

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



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
NEEDS OR TARIFF  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

(+) Eng. Report  
36" Dia.

NIF FLANAGAN

N 76° 17' 36" E 118.93

N 80° 22' 00" E 86.72

NIF FLANAGAN  
S 4° 50' 00" W 83.67

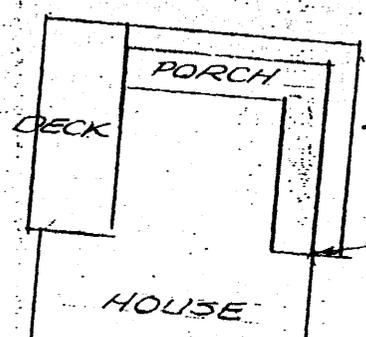
TO NYS RT 207

S 67° 39' 05" W 191.14

RINGS DR.

0.4417± ACRE

AS 34



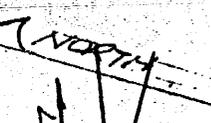
29.85'

22.03'

30.25'

36.19'

N 8° 35' 00" W 114.66



MAP OF LANDS

OF

CHARLES M. & NANCY-JO M. LEWIS

TOWN OF NEW WINDSOR

ORANGE CO. NY

SCALE 1" = 20'

SEPT. 17 1986

WILLIS E. TUTTLE PLS.

RDA BOX 110 NEWBURGH NY 12550







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

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: 03-29-2005**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 197.00 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #04-78**

**NAME & ADDRESS:**

**Nancy-Jo Lewis  
792 Sand Hill Road  
Gardiner, NY 12525**

**THANK YOU,**

**MYRA**

**L.R. 3-29-5**



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



FILE #04-78      TYPE: AREA

APPLICANT Name & Address:

**Nancy-Jo Lewis  
792 Sand Hill Road  
Gardiner, NY 12525**

TELEPHONE:    895-3643

RESIDENTIAL:	\$ 50.00	CHECK #441
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:            RESIDENTIAL \$300.00            CHECK #442



<u>DISBURSEMENTS:</u>		<u>MINUTES</u>	<u>ATTORNEY</u>
		<u>\$5.50 / PAGE</u>	<u>FEE</u>
PRELIMINARY:	<u>3</u> PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	_____ PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u> PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	_____ PAGES	\$ _____	\$ _____

TOTAL:                    \$ 33.00                    \$ 70.00



ESCROW POSTED:            \$ 300.00  
LESS: DISBURSEMENTS:    \$ 103.00

AMOUNT DUE:                    \$

REFUND DUE:                    \$ 197.00

Cc:

NANCY-JO LEWIS (04-78)

Ms. Nancy-Jo Lewis appeared before the board for this proposal.

MR. KANE: Request for 17 ft. rear yard setback for existing rear deck at 42 Kings Road in an OLI zone. Tell us what you want to do.

MS. LEWIS: Well, the deck is already there and I'm trying to sell my house.

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

MS. LEWIS: I would say well over 15 years.

MR. KANE: Have you owned the home in that whole time?

MS. LEWIS: Yes, I have.

MR. KANE: So approximately 15 years. Cut down any vegetation or trees in the building of the deck?

MS. LEWIS: No.

MR. KANE: Create any water hazards or runoffs?

MS. LEWIS: No.

MR. KANE: Have you had any complaints formally or informally about the deck?

MS. LEWIS: No.

MR. KANE: And obviously without the deck there you would consider this a safety hazard to walk out your front door?

MS. LEWIS: The back door, yes.

MR. KANE: You also understand that if the variance is approved for tonight that you still have to meet all of the rules and regulations of the building department?

MS. LEWIS: Yes.

MR. KANE: Did you guys see these pictures?

MS. GANN: Yes. I have a question. I'm looking at the side deck, it seems as though the fence stops at that sort of mid, even before the mid point, is there a dropoff here?

MS. LEWIS: Where this is there's a drop.

MS. GANN: I'm saying just curious why it didn't continue around?

MS. LEWIS: There's maybe not even a foot, it's a flower bed.

MR. KANE: That would fall under that deck meeting the specifications from the building department if it's not up to par.

MS. LEWIS: That's cement, that's not part of the deck.

MR. KANE: That's where it would fall under. Mike and his department do the inspections, make sure it all comes up to code. Okay, at this point, what I will do is open it up to the public and ask if anybody's here for this particular hearing? Nobody cares, we'll close the public portion of the meeting and bring it back to the board. The deck itself there's no easements in that area?

MS. LEWIS: No.

MR. KANE: I don't have a problem.

MR. RIVERA: Doesn't create any water hazards?

MR. KANE: Covered that.

MR. RIVERA: I'll make a motion, Mr. Chairman, that we grant Nancy-Jo Lewis her requested 17 foot rear yard setback for the existing rear deck at 42 Kings Road.

MR. REIS: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. KANE: For the record, we had 18 mailings on that and no responses.

MS. MASON: On December 28th.

NANCY-JO LEWIS (04-78)

MR. KANE: Request for 17 ft. rear yard setback for existing rear deck at 42 Kings Road.

Ms. Nancy-Jo Lewis appeared before the board for this proposal.

MR. KANE: Lot of towns only hold one meeting for a zoning appeal which means if you don't have the proper information when you come in and they vote against it you lose. What New Windsor does we have a preliminary hearing so we can get an idea of what you want to do and what you need to present to us to have a chance of having your request approved so we do it in a two step system but by law everything we decide has to be done in a public hearing. So that's what the prelims are for right now. Speak up so the young lady over there can hear you and tell us what you want to do.

MS. LEWIS: Actually, the deck is already on the house and I'm in the process of selling the house and I just found out before we had the closing that I did have a violation.

MR. KANE: How long has the deck been in existence?

MS. LEWIS: Probably about 20 years.

MR. KANE: Any complaints formally or informally about the deck at all?

MS. LEWIS: No.

MR. KANE: Are you on sewer and--

MS. LEWIS: No, septic and well.

MR. KANE: Any easements where the deck is?

MS. LEWIS: No, there's no easements on the property at all.

MR. KANE: Deck is similar in size and nature to other decks in your neighborhood?

MS. LEWIS: Yeah, similar.

MR. KANE: Not exact but--

MS. LEWIS: Yes.

MR. KANE: Fine.

MR. MINUTA: You're not replacing the deck?

MS. LEWIS: Actually, that deck replaced a smaller one, we had a house fire and it was damaged and we took it off the back of the house.

MR. KANE: At the public portion of the hearing, if this is approved, you realize you still have to pass all the codes from the building department?

MS. LEWIS: Exactly. That last picture is from the deck shows the rail to the back property line which is on the other side of the stone wall and then in the way in the back is Route 207 actually no house directly behind.

MR. KANE: What's the size of the deck approximately?

MS. LEWIS: It's 12 x 8, 24, 25, I'm not exactly sure.

MR. KANE: Okay, it's not overly large and obviously without the deck, if you walked out the front door, it would be a safety hazard?

MS. LEWIS: Well, that's the back door, yes, it would, yes.

MR. KANE: Can we keep these for the file?

MS. LEWIS: Yes, you can.

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will.

MR. MINUTA: Make a motion we forward Nancy-Jo Lewis for her requested rear yard setback at 42 Kings Road.

MR. RIVERA: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE



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

-----X

In the Matter of the Application for Variance of

NANCY-JO LEWIS

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

#04-78

----- X

STATE OF NEW YORK )

) SS:

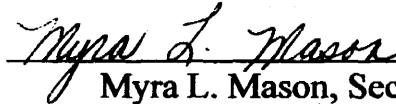
COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

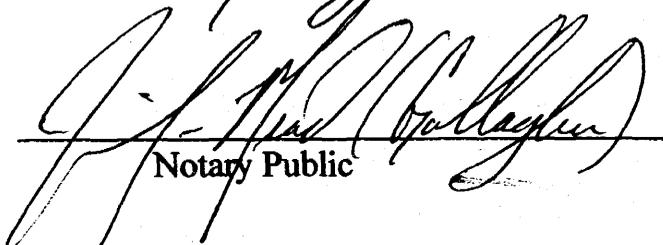
That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 28TH day of **DECEMBER**, 2004, I compared the 18 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

  
Myra L. Mason, Secretary

10<sup>th</sup> day of January, 2005

  
Notary Public

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/ 2006

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

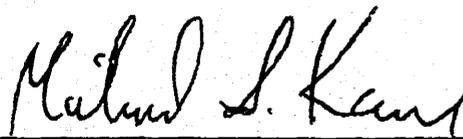
**Appeal No. 04-78**

**Request of NANCY-JO LEWIS**

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

**Request for 17 ft. Rear Yard Setback (Bulk Tables 300-10-G) for Existing Rear Deck at 42 Kings Road in an OLI Zone (32-1-10.23)**

**PUBLIC HEARING will take place on JANUARY 10, 2005**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



---

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

December 20, 2004

Nancy-Jo Lewis  
792 Sand Hill Road  
Gardiner, NY 12525

Re: 32-1-10.23                      ZBA#: 04-78 (18)

Dear Ms. Lewis:

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 \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments

cc: [Redacted]

32-1-1  
NYS DOT  
c/o Carlton Boorn  
State Campus - Bldg 5 - Room 401  
Albany, NY 12232-0745

32-1-7.1  
Edward & Dorothy Flanagan  
1275 Little Britain Road  
New Windsor, NY 12553

32-1-7.2  
Marion Babcock  
32 Kings Road  
New Windsor, NY 12553

32-1-8  
Peter Donohue  
137 Kings Road  
New Windsor, NY 12553

32-1-9  
Kathleen & John Reid  
27 Kings Road  
New Windsor, NY 12553

32-1-10.12  
Jane & Edward Flanagan, Jr.  
27 Kings Road  
New Windsor, NY 12553

32-1-10.21  
Richard & Frances King  
48 Kings Drive  
New Windsor, NY 12553

32-1-10.22  
Diahn Scott  
50 Kings Road  
New Windsor, NY 12553

32-1-10.24  
Louis & Adriana Resto  
1283 Little Britain Road  
New Windsor, NY 12553

32-1-11.32  
Bauerle et. al  
c/o Dr. EM Schlick  
65 South Little Tor Road  
New City, NY 10956

32-1-13  
Richard & Linda Ostner  
66 Union Avenue  
New Windsor, NY 12553

32-1-14.1  
John & Linda Flannery  
61 Kings Road  
New Windsor, NY 12553

32-1-15  
Dorothy & Daniel Konkel, Sr.  
60 Kings Road  
New Windsor, NY 12553

32-1-16.1  
Charles & Blondie Green  
1297 Little Britain Road  
Rock Tavern, NY 12575

32-1-16.2  
Robert & Donna Casullo  
1291 Little Britain Road  
New Windsor, NY 12553

32-1-25  
George & Tamara Kammerer  
45 Kings Drive  
New Windsor, NY 12553

32-1-26.2  
Margaret & Henry Hall, Jr.  
12 Donnelly Place  
New Windsor, NY 12553

32-1-26.3  
Paul & Bobbi Wida  
16 Donnelly Place  
New Windsor, NY 12553



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

December 22, 2004

Nancy-Jo Lewis  
792 Sand Hill Road  
Gardiner, NY 12525

SUBJECT: REQUEST FOR VARIANCE #04-78

Dear Ms. Lewis:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

42 Kings Road  
New Windsor, NY

is scheduled for the JANUARY 10, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm



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

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 11-30-2004

FOR: **ESCROW 04-78**

FROM: **NANCY-JO LEWIS**

**792 SAND HILL ROAD**

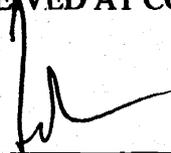
**GARDINER, NY 12525**

CHECK NUMBER: **442**

TELEPHONE: **895-3643**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

12/3/07  
\_\_\_\_\_  
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA-#04-78

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

**RECEIPT**  
**#1191-2004**

12/03/2004

Lewis, Nancy-jo  
2 Gateway Ct. Apt. A  
Maybrook, NY 12543

Received \$ 50.00 for Zoning Board Fees, on 12/03/2004. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

# TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 11-30-2004 PROJECT NUMBER: ZBA# 04-78 P.B. # \_\_\_\_\_

APPLICANT NAME: NANCY-JO LEWIS

PERSON TO NOTIFY TO PICK UP LIST:

NANCY-JO LEWIS  
792 SAND HILL ROAD  
GARDINER, NY 12525

TELEPHONE: 895-3643

TAX MAP NUMBER:	SEC. <u>32</u>	BLOCK <u>1</u>	LOT <u>10.23</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	B LOCK _____	LOT _____

PROPERTY LOCATION: \_\_\_\_\_  
\_\_\_\_\_

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_



NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX



AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 443

TOTAL CHARGES: \_\_\_\_\_



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



## ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO  
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

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

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
<b>**DEPOSIT FOR PUBLIC HEARING LIST:</b>	<b>\$ 25.00</b>

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

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
<b>**DEPOSIT FOR PUBLIC HEARING LIST:</b>	<b>\$ 25.00</b>

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

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
<b>**DEPOSIT FOR PUBLIC HEARING LIST:</b>	<b>\$ 25.00</b>

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

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
<b>**DEPOSIT FOR PUBLIC HEARING LIST:</b>	<b>\$ 25.00</b>

**YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".**

\*

### **ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

**\*\* MUST READ AND SIGN \*\***

***I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).***

*Nancy S. Lewis* 11-29-04  
SIGNATURE DATE

**NOTE:**

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

**PAGE 2**

**COMPLETE THIS PAGE**



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

11-4-04  
Date

Application Type: Use Variance  Area Variance   
Sign Variance  Interpretation

I. **Owner Information:** Phone Number: (845) 895-3643  
Nancy-Jo Lewis Fax Number: ( )  
(Name)  
42 Kings Rd, New Windsor, NY, 12553  
(Address)

II. **Applicant:** Phone Number: (845) 895-3643  
Nancy-Jo Lewis Fax Number: ( )  
(Name)  
792 Sand Hill Rd, ~~Wardkill~~ Gardiner, NY, ~~12522~~ 12525  
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ( )  
Same As Above Fax Number: ( )  
(Name)  
\_\_\_\_\_  
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ( )  
Fax Number: ( )  
\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)

V. **Property Information:**  
Zone: R-1 Property Address in Question: 42 Kings Rd, New Windsor  
Lot Size: \_\_\_\_\_ Tax Map Number: Section 32 Block 1 Lot 10.23  
a. What other zones lie within 500 feet? OLT  
b. Is pending sale or lease subject to ZBA approval of this Application? NO  
c. When was property purchased by present owner? 1978  
d. Has property been subdivided previously? NO If so, When: \_\_\_\_\_  
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO  
f. Is there any outside storage at the property now or is any proposed? yes

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

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

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

**APPLICATION FOR VARIANCE - continued**

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

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	50 ft.	33 ft.	17 ft.
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

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

**COMPLETE THIS PAGE**

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

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

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

I believe the ZBA should grant my application for an Area Variance because the aforementioned deck was a replacement for a smaller one allowing outside access from the back of the house. Also, the present deck, although larger, does not extend any further towards the rear property line. It also allows easier outside access from the side exit of the house.

**PLEASE NOTE:**

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

**XII. ADDITIONAL COMMENTS:**

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

**XIII. ATTACHMENTS REQUIRED:**

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
- One in the amount of \$ 300.00 or 500.00 (escrow)
- One in the amount of \$ 50.00 or 150.00 (application fee)
- One in the amount of \$ 25.00 (Public Hearing List Deposit)
- Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

29<sup>th</sup> day of November 2004.

Nancy Jo Lewis  
Owner's Signature (Notarized)

[Signature]  
Signature and Stamp of Notary

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/2006

Nancy Jo Lewis  
Applicant's Signature (If not Owner)

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