

ZB# 83-22

Debra Kaiser

78-1-7

83-22 - Kaiser, Debra - 8ft. front yard.

Public Hearing

June 13, 1983.

Area Variance Granted.

5/26/83 - Notice to Sentinel ✓

Check rec'd. 5/25/83.

General Receipt

5257

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

June 28 19 83

Received of Michael J. Coyne - Debra Kaiser \$ 25.00

Twenty five = DOLLARS

For 83#22 Variance application fee

DISTRIBUTION:

FUND	CODE	AMOUNT
check		25.00

By Pauline Townsend

Town Clerk (w/)

Title

Williamson Law Book Co., Rochester, N. Y. 14609

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

83-22.

Date: 5/23/83

I. ✓ Applicant Information:

- (a) Debra L. Kaiser 9 Creamery Drive New Windsor, NY 5628789
(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 broker)

II. Application type:

- Use Variance Sign Variance
- Area Variance Special Permit

III. ✓ Property Information:

- (a) R4 9 Creamery Dr New Windsor 80' x 200'
(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? 1981-April
- (e) Has property been subdivided previously? no When? _____
- (f) Has property been subject of variance or special permit previously? no When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the 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.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Col. 6.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>40'</u>	<u>32'</u>	<u>8'</u>
Reqd. Side Yd. <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____%	_____%	_____%
Floor Area Ratio** _____	_____	_____

* Residential Districts only
 ** Non-residential districts only

(b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

The greenhouse will be used to provide heat for the house, and is only functional with a southern (+15°) exposure. The front of the house is due south, and therefore the only functional location for the greenhouse.

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	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize 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. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

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

The greenhouse will be constructed by Four Seasons, experts in manufacture and construction of passive solar greenhouses. It is being designed to compliment the exterior styling of our home (as depicted in the brochure shown to the ZBA). It may also prompt the consideration of alternate heat sources.

IX. Attachments required:

- Copy of letter of referral from Bldg./Zoning Inspector.
- Copy of tax map showing adjacent properties.
- n/a Copy of contract of sale, lease or franchise agreement.
- 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.
- N/A Copy(ies) of sign(s) with dimensions.
- Check in the amount of \$ 25,000 payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 5/23/83

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 knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Delina Kaiser
(Applicant)

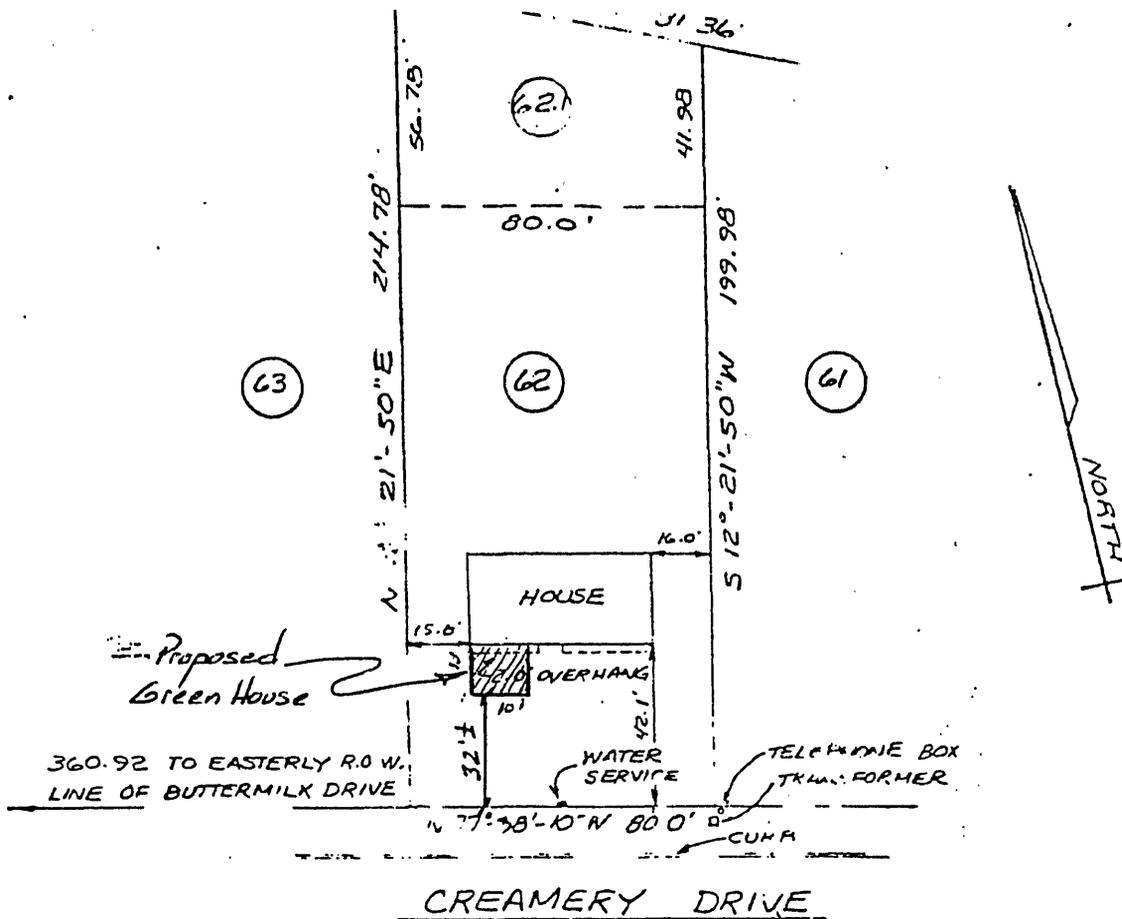
Sworn to before me this
26th day of May, 1983.
Patricia Delio

PATRICIA DELIO
Notary Public, State of New York
Appointed in Orange County
My Commission expires Mar. 30, 1984.

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
Special Permit is _____.
- (c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.



NOTE:

ON 1-1-81 THE GROUND WAS COVERED WITH SNOW.

Plan of Subdivision entitled "Section 1 Butter Hill" filed in the Orange County Clerk's Office on July 20, 1978 as map #452'.

DATE	NATURE OF REVISION	UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION TO SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.

LOT 62
SECTION 1
BUTTER HILL SUBDIVISION

TOWN OF NEW WINDSOR COUNTY OF ORANGE, N.Y.
SCALE: 1" = 50' JANUARY 20, 1981

DRAWN BY <u>DIAZ</u>	EUSTANCE & HOROWITZ, P.C. PO BOX 42 CIRCLEVILLE, N.Y. 10919	JOB NO. <u>800076</u>
CHKD BY. _____		FILE NO. _____

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
TOWN BUILDING/ZONING OFFICER KENNEDY

FROM: ZONING BOARD OF APPEALS

SUBJECT: PUBLIC HEARINGS BEFORE ZBA - June 13, 1983.

DATE: June 3, 1983

Please be advised that the following public hearings are scheduled to be heard before the ZBA on the evening of June 13, 1983:

LINDA NADAS - Request for front yard variance;

DEBRA KAISER - Request for front yard variance;

JULIAN RUSSELL - Request for rear yard variance.

I have attached hereto copies of the pertinent applications together with the public hearing notices which appeared in The Sentinel.

Pat

Apd

Attachments

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of

DEBRA KAISER,

DECISION GRANTING AREA
VARIANCE

83-22 .

-----x

WHEREAS, DEBRA KAISER of 9 Creamery Drive,
New Windsor, N. Y. (R-4 zone), has made application before the
Zoning Board of Appeals for area variance for the purposes of:
construction of a solar greenhouse within the front yard of residence ;
and

WHEREAS, a public hearing was held on the 13th day of
June, 1983 before the Zoning Board of Appeals at the Town Hall,
New Windsor, New York; and

WHEREAS, the applicant: appeared in behalf of herself

_____ ; and

WHEREAS, the application was unopposed ; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact 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 shows: the proposed greenhouse is only
functional with a southernly exposure (front portion of the house)

3. The evidence shows the proposed addition will enhance
the residence;

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants an 8 ft. frontyard variance

in accordance with plans submitted 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: June 27, 1983

Chairman

cc: Debra Kaiser



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

Date: June 14, 1983

Ms. Debra Kaiser
9 Creamery Drive
New Windsor, N. Y. 12550

RE: APPLICATION BEFORE ZONING BOARD OF APPEALS
83-22 - KAISER, DEBRA

Dear Debbie:

This is to confirm that your above application before the
New Windsor Zoning Board of Appeals was granted
at a meeting held on the 13th day of June, 1983.

A formal decision will be drafted and acted upon at a later
date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any further questions, please do not
hesitate to call me.

Yours very truly,

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Patrick Kennedy, Bldg/Zoning Inspector
Town Planning Board

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 Ordinance on the following proposition:

Appeal No. 22

Request of DEBRA KAISER

for a VARIANCE ~~SPECIAL PERMIT~~ of the regulations of the Zoning Ordinance to permit construction of solar greenhouse with insufficient frontyard

being a VARIANCE ~~SPECIAL PERMIT~~ of Section 48-12 - Table of Bulk Regs. - Col. 6 for property situated as follows:

9 Creamery Drive, Town of New Windsor, N. Y.

SAID HEARING will take place on the 13th day of June, 1983, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

RICHARD FENWICK
Chairman

(914) 565-8550

May 26, 1983

Mrs. Debra Kaiser
9 Creamery Drive
New Windsor, N. Y. 12550

RE: APPLICATION FOR AREA VARIANCE - #83-22

Dear Debbie:

I received your note of 5/25/83. I have filled in the necessary information on the application and public hearing notice and transmitted a copy of the notice to The Sentinel for publication.

Your public hearing is scheduled for June 13, 1983 at 7:30 p.m. You may go ahead and send out the notices. (Please use the one I have made up).

Also, your list from the Assessor's Office is ready and you may pick it up. I have a copy of the list for my file.

If you have any other questions, please do not hesitate to call.

Very truly yours,

PATRICIA DELIO, Secretary
Zoning Board of Appeals

/pd
Enclosures



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

May 26, 1983

25

Mrs. Debra Palladino *Kaiser*
9 Creamery Drive
New Windsor, N.Y.

Re: 78-1-7

Dear Mrs. Palladino:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$30.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

PAULA SARVIS
ASSESSOR
Town of New Windsor



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TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

✓ Moodna Development Co Inc
33 Sweet Briar Road
Stamford Conn 06905

✓ Pellegrino Anthony & Camille
2-4 Buttermilk Drive
New Windsor NY 12550

✓ Rivera Celso L & Carmen M
1 Creamery Drive
New Windsor NY 12550

✓ Esco Credit Corp
349 East 149th. St
Bronx NY 10451

✓ Schoonmaker Homes
John Steinberg Inc
1 Holiday Park Road
Newburgh NY 12550

✓ Malagoli Arthur C & Carol Ann
21 Creamery Drive
New Windsor NY 12550

✓ Gormally John J & Melissa E
27 Creamery Drive
New Windsor NY 12550

✓ Waligora John N & Micheline M
31 Creamery Drive
New Windsor NY 12550

✓ Glaessgen Theo
2 Creamery Drive
New Windsor NY 12550

✓ Rumsey Arthur E & Michele
10 Creamery Drive
New Windsor NY 12550

✓ Bordash Andrew G & Patricia A
24 Creamery Drive
New Windsor NY 12550

✓ Krom George R Jr & Donald T
PO Box 68
Poughkeepsie NY 12602

✓ De Munnik Gary J & Maureen M
180 Caesars Lane
New Windsor, NY 12550

✓ Mc Phillips Albert R & Josephine
149A Doorstone Drive
Latham NY 12110

✓ Sheley William H & Marion A
12 Buttonwood Drive
New Windsor NY 12550

✓ Lumley Thomas & Carol
174 Caesars Lane
New Windsor NY 12550

✓ La Torre Augusto & Gloria
5 Louise Drive
New Windsor NY 12550

✓ Fritz Edward E Jr & Theresa B
233 Bloomingrove Tpke
New Windsor NY 12550

✓ Kuo Livingstone & Susan
235 Bloomingrove Tpke
New Windsor NY 12550

✓ Navarro Angelo & Carolyn
9 Louise Drive
New Windsor NY 12550



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

✓ Mc Cormick Jeffrey P & Gail L
9 Louise Drive
New Windsor NY 12550

✓ Amidon Erla J & Thomas E
162 Caesars Lane
New Windsor NY 12550

✓ Mc Govern Michael J & Marie A
160 Caesars Lane
New Windsor NY 12550

✓ Koenig Albert & Herta
156 Caesars Lane
New Windsor NY 12550

✓ Capicotto Anthony F & Marilyn F
11 Louise Drive
New Windsor NY 12550

Pat Delto

Dear Pat,

5/25/83

Enclosed please find:

1. Three copies of application, site plans/maps.
2. Public hearing notice
5. Fee for application

Please note on the Public Notice of Hearing... I did not know what to fill in for "Variance of section _____" Also, on p. 2, I of the application for variance.

We have a deposit with our contractor for \$750 which we could stand to lose if we don't commit for the greenhouse by June 15th. We would like to try for the June 13th meeting of the ZBA - my husband will call the town assessor today + see if we could possibly get the list back sooner than one week due to our potential hardship. If we have our registered letters sent by Tuesday of next week (5/31st) we will meet the 10 day deadline. Hopefully we will get the green cards back by the ZBA meeting of June 13th. We appreciate all your help. If you need us for anything in person, we can come by Friday afternoon.

Thank you
Suzie Kaiser

Prelim. meeting

5/23/83 -

7:30 pm.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date May 20, 1983

To Debra Kaiser
9 Creamery Drive
New Windsor, N.Y. 12550

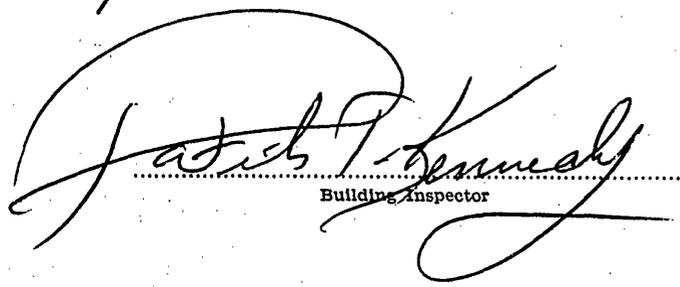
562-8789

PLEASE TAKE NOTICE that your application dated May 20, 1983

for permit to Erect a solar green house 10'x10'
at the premises located at 9 Creamery Drive

is returned herewith and disapproved on the following grounds:

Green House to be located in front of House (must be on south side). Hse is presently 42'± off front line. Green Hse will required an 8' front yard variance


Building Inspector