

ZB# 90-39

Clifford & Marianne Paige

6-5-18

#90-39- Paige, Clifford - Area

Prelim:

Dec. 10, 1990.

Copy of Deed
Title Policy
Motion to sched.
P.H.

Call to call upon
receipt of list
for hearing date

Notice to Sentinel
on 12/21/90. ✓

Public Hearing:

Jan. 14, 1991.

(Collect
25.00 check
paid.)

Area
Dorward
Grandchild

General Receipt

11822

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

Jan 16 19 91

Received of Maraxxe Paige \$ 25.00

Twenty-five and 00 DOLLARS

For ZBA Application Fee #96-3900

DISTRIBUTION

FUND	CODE	AMOUNT
CR # 110		25.00

By Pauline M. Townsend
Town Clerk
Title

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



110	du.

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

Edward Clark
Title



NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of
CLIFFORD and MARIANNE PAIGE,

DECISION GRANTING
AREA VARIANCE

#90-39.

-----X

WHEREAS, CLIFFORD and MARIANNE PAIGE, 21 Knox Drive, New Windsor, N.Y. 12553, have made application before the Zoning Board of Appeals for a 7 ft. side yard variance to construct an addition to the residential dwelling at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 14th day of January, 1991 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicants, CLIFFORD and MARIANNE PAIGE, appeared in behalf of themselves together with FRED SEYFERTH of MARKSONS AFFILIATES, their builder, in support of the application; and

WHEREAS, the application was unopposed. In addition, nine adjacent residents forwarded written statements which said that they had no objection to the application before the board; and

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

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicants are seeking permission to vary the bulk regulations with regard to side yard in order to construct an addition to the residential dwelling in an R-4 zone.

3. The evidence presented indicated that additional living space was needed to accommodate applicants' large family of seven (3 adults and 4 children). Examination of the floor plan with additional living space on the second floor of the split level house, included a cantilever which protruded 2 ft. into the sideyard. Applicants stated that there was no other feasible location which would result in the needed additional space other than the plan which was submitted.

4. The evidence presented by the applicant further indicated that the proposed addition would extend no further into the side yard than the existing chimney presently protruding into the side yard. Thus, the finished construction,

in accordance with the plans submitted, will be no closer to the property boundary than the existing chimney.

5. The evidence presented by the applicant further indicated that the requested variance is necessary in order to make the proposed bedrooms 10 ft. wide. If the proposed addition was constructed without a variance, or with a lesser variance, the resulting bedrooms would be too small to be readily usable. The applicant further stated that there was no alternate location for the proposed addition, which would require no variance, or a lesser variance, since there was no additional land available, and to build on the opposite side of the building would increase the height to three stories, requiring a height variance.

6. The evidence presented by the applicant further shows significant economic injury from the application of the zoning local law to his land since the cost of the addition, without a variance, would not be warranted by the resulting undersized bedrooms.

7. The evidence presented by applicants substantiated the fact that a variance for less than the allowable side yard would be required in order to construct the proposed addition to the residential dwelling, which otherwise would conform to the bulk regulations in the R-4 zone.

8. It is the finding of this Board that the applicant has made a sufficient showing of practical difficulty, entitling him to the requested area variance.

9. The requested variance is not substantial in relation to the required bulk regulations.

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

11. The requested variance will produce no effect on the population density or governmental facilities.

12. That there is no other feasible method available to applicants which can produce the necessary results other than the variance procedure.

13. The interest of justice would be served by allowing the the granting of the requested variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 7 ft. side yard variance sought by Applicant in accordance with plan 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: January 30, 1991.
(Telephone vote)

William P. Donkol, Vice Pres.
Chairman
1/30/91

(ZBA DISK#3-053085.FD)



TOWN OF NEW WINDSOR

Prelim.

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Dec. 19, 1990

#90-39.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT
1763

FILE NUMBER 90-31

TO: CLIFFORD H + MARIANNE PAIGE

21 KNOX DRIVE

NEW WINDSOR

562 3073

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 12-3-90,

FOR PERMIT TO BUILD ADDITION

AT 21 KNOX DRIVE IS DISSAPROVED ON THE

FOLLOWING GROUNDS SIDE YARD OF 8' NOT

PERMITTED IN R4 ZONE

ZONE R4 TYPE OF VARIANCE AREA

REQUIREMENTS PROPOSED VARIANCE

SIDE YARD 15' FT 8' FT 7 FT

EXISTING SIDE YARD OF HOUSE IS 10' FT

CALL PAT BARNHART (ZBA SECRETARY) AT 565-8550 FOR APPOINTMENT

Michael P. Barnhart

BUILDING/ZONING INSPECTOR

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 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 IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5- INSULATION.
- 6- PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
- 7- DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
- 8- \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9- PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10- THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11- SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12- SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13- ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.
- 14- ALL BUILDING PERMITS WILL NEED A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A \$15.00 FEE FOR THIS.

899-6660 (w)

Name of Owner of Premises CLIFFORD H + MARIANNE PAIGE -
Address 21 KNOX DRIVE, NEW BRUNSWICK Phone (914) 562-3073
Name of Architect
Address Phone
Name of Contractor MARKKANS AFFILIATES INC
Address 131 SOUTH PLAINFIELD ROAD, NEW BRUNSWICK Phone (914) 565-8590 *
State whether applicant is owner, lessee, agent, architect, engineer or builder. OWNER
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the EAST side of KNOX DRIVE
(N.S.E. or W.)
and 887.16' SOUTH feet from the intersection of CLARKVIEW ROAD

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 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 IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5- INSULATION.
- 6- PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
- 7- DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
- 8- \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9- PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10- THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11- SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12- SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13- ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.
- 14- ALL BUILDING PERMITS WILL NEED A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A \$15.00 FEE FOR THIS.

894-6660 (w)

Name of Owner of Premises CLIFFORD H + MARIANNE PAIGE -
 Address 21 KNOX DRIVE NEW WIND Phone (914) 562-3073
 Name of Architect
 Address Phone
 Name of Contractor MARIKANS AFFILIATED INC
 Address 131 SOUTH PLAIN ROAD NEWBURGH Phone (914) 565-8590 *
 State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER
 If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

- 1. On what street is property located? On the EAST side of KNOX DRIVE
 (N.S.E. or W.)
 and 887.16' SOUTH feet from the intersection of CLARKVIEW ROAD
- 2. Zone or use district in which premises are situated. Is property in a flood zone? Yes No R4 ZONE
- 3. Tax Map description of property: Section 6 Block 5 Lot 18
- 4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
 a. Existing use and occupancy SINGLE FAMILY RESIDENTIAL b. Intended use and occupancy SINGLE FAMILY RESIDENTIAL
- 5. Nature of work (check which applicable): New Building Addition Alteration Repair
 Removal Demolition Other ADD A 23' x 27' LEVEL ABOVE LIR, PIA, EXTEND TO INCLUDE 3 BED ROOMS + BATH AND A 2DIN' DECK
- 6. Size of lot: Front 80' Rear 125' Depth 42' Front Yard 42' Rear Yard 42' Side Yard 8' - TOTAL 38'
 Is this a corner lot? NO
- 7. Dimensions of entire new construction: Front 23' Rear 23' Depth 27' Height 25' Number of stories 2
- 8. If dwelling, number of dwelling units ONE Number of dwelling units on each floor TOTAL ONE FOR BOTH FLOOR
 Number of bedrooms 6 Baths 2 Toilets 2
 Heating Plant: Gas Oil Electric/Hot Air Hot Water
 If Garage, number of cars NONE
- 9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
- 10. Estimated cost \$ 31,900 - Fee

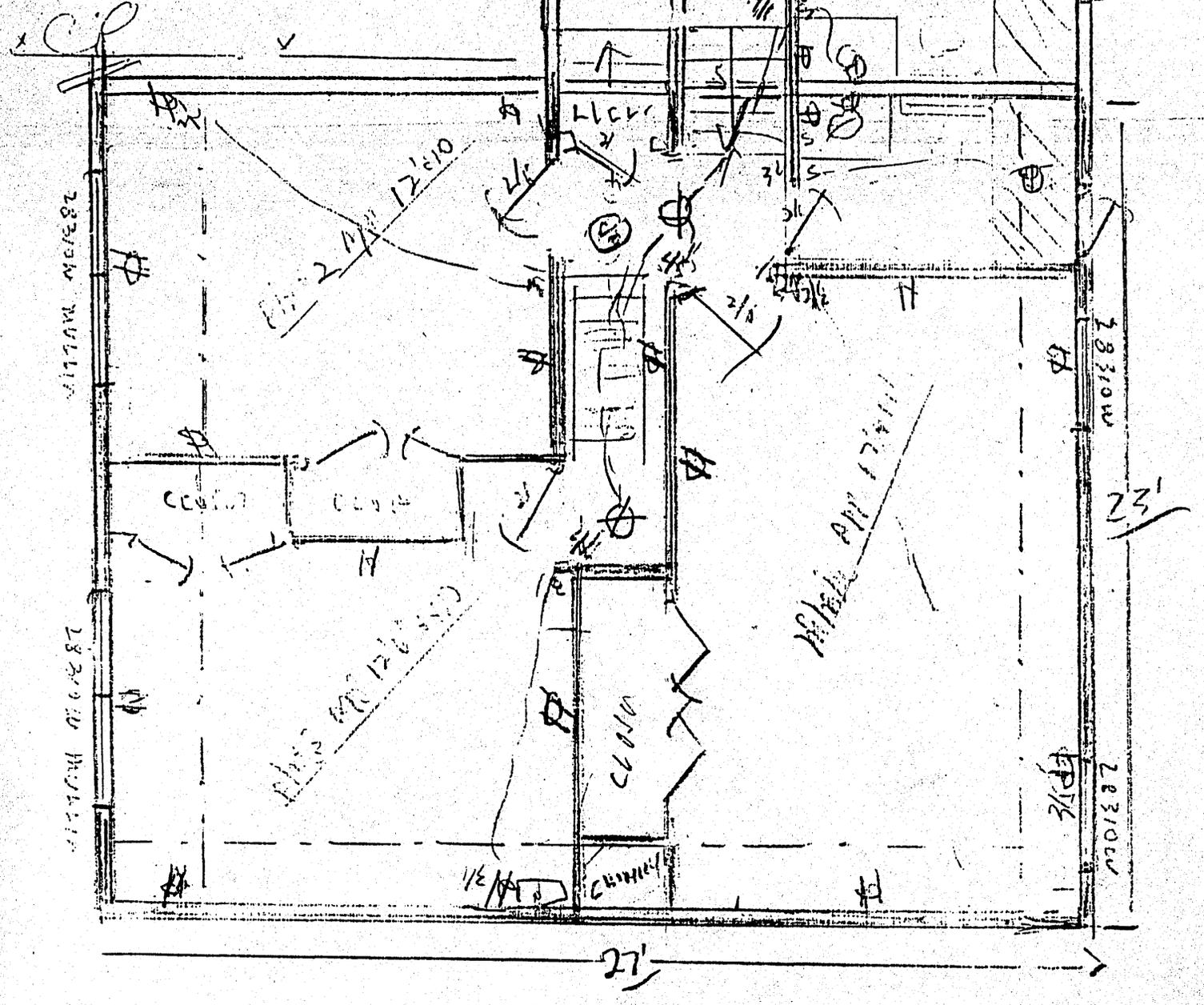
(to be paid on filing this application)

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

RESIDENCE OF
MRS. CLIFF PRIGG
21 KING DRIVE
NOV 23 1991
PHONE 532 3078

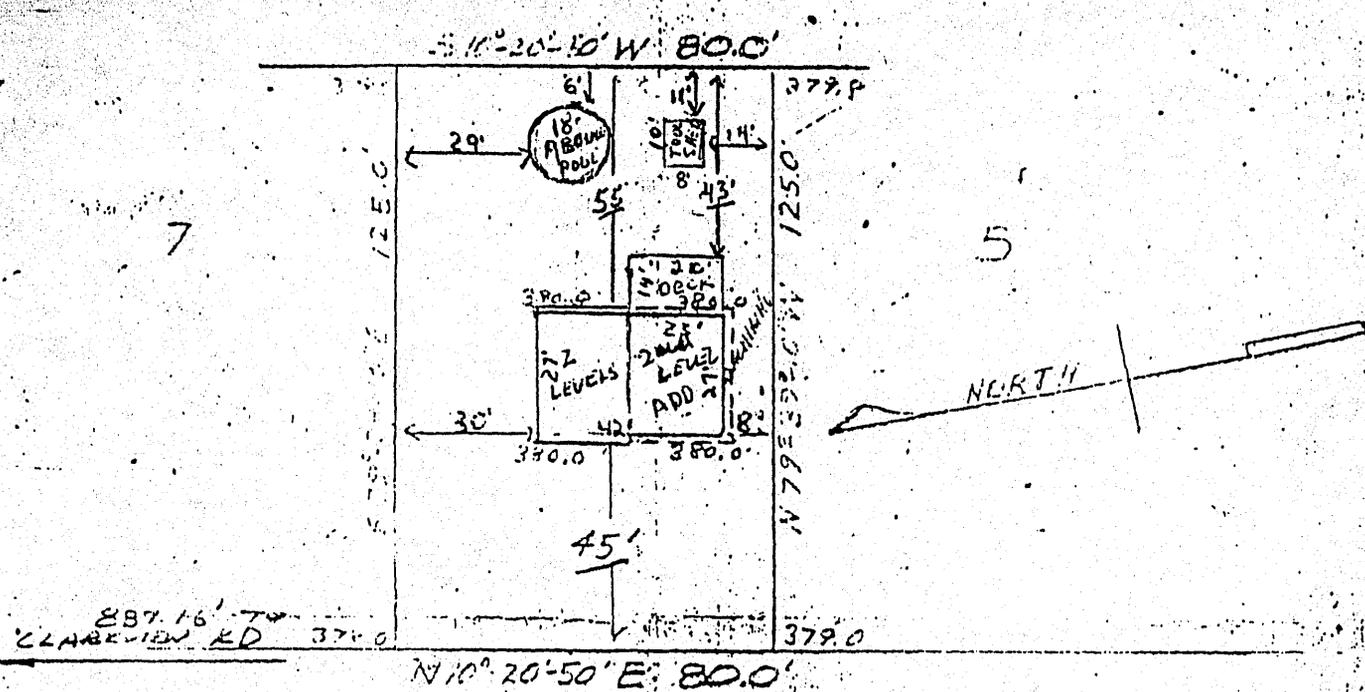
M/B
11/21/91

APPROX. NOV 23, 1991

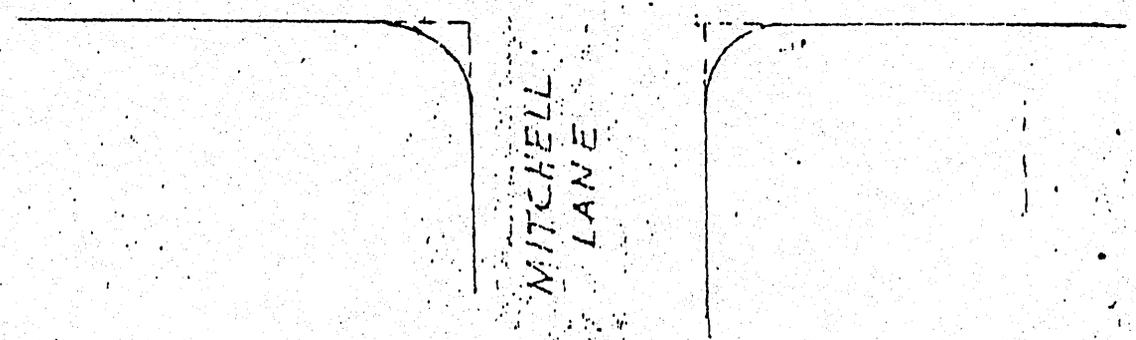


SCALE 1/4" = 1'

DATE OF SURVEY DECEMBER 15, 1955, MAP # 1637
 BY CAROL HENNING
 NYS LICENSE # 31216



KNOX DRIVE



MITCHELL LANE
 PLAN FOR

BLOCK C LOT 6
 WINDSOR ESTATES

TOWN OF NEW WINDSOR - ORANGE CO NY
 SCALE 1" = 40' AUGUST 2, 1956

REVISED NOV 1, 1957

EUSTANCE & HORDWITZ ENGINEERS
 P.O. BOX # 175 CIRCLEVILLE NY

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

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

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

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

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date..... NOV 3019.90.....

INSTRUCTIONS

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

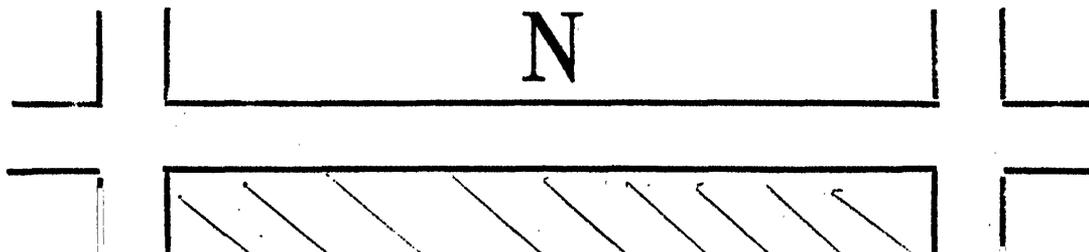
(Signature)
(Signature of Applicant)

21 KNOX DRIVE, NEW WINDSOR, NY 12553
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



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

Pursuant to New York State Building Code and Town Ordinances

Date... NOV 30 ...1990...

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.

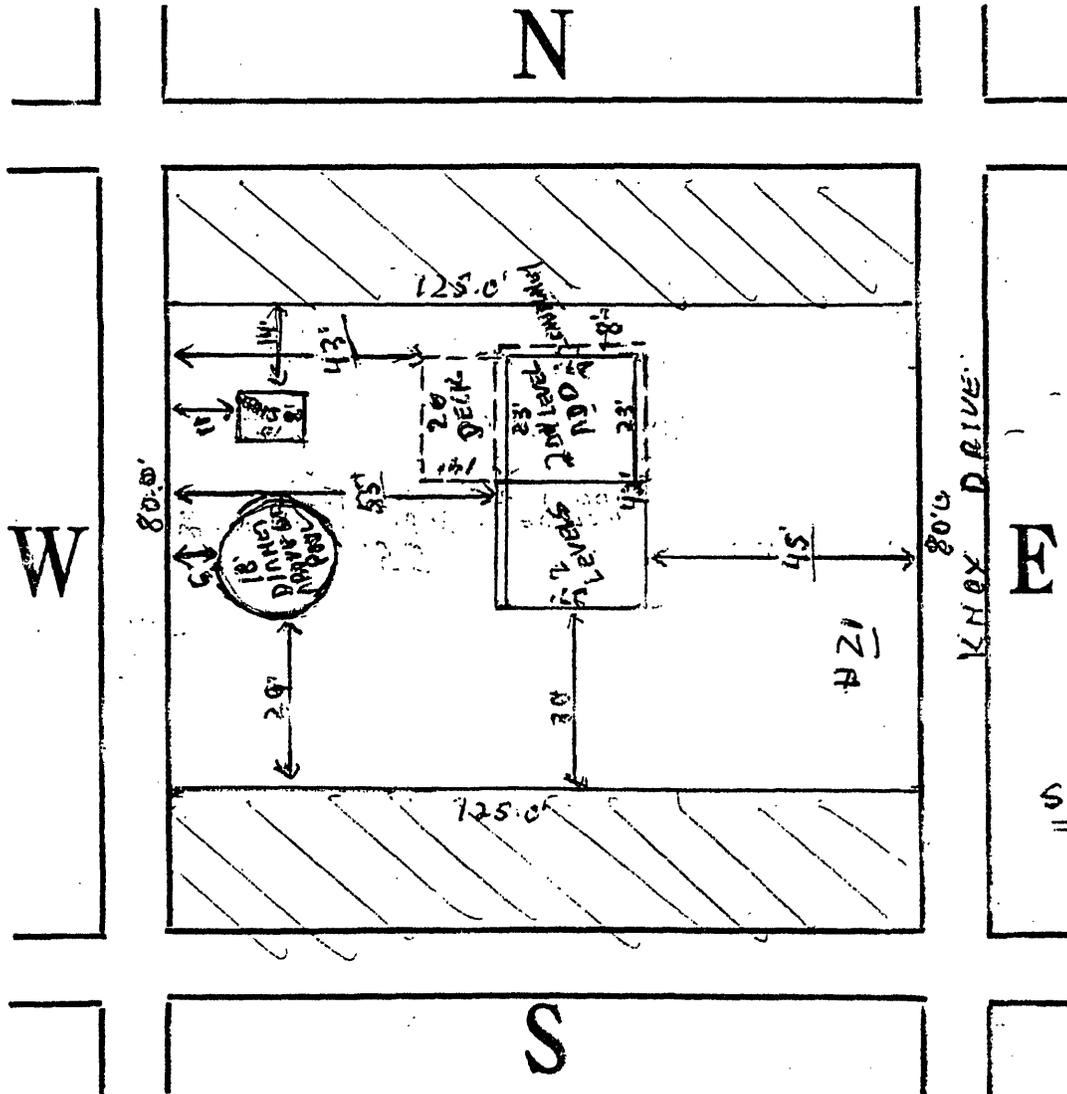
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein 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.

[Handwritten Signature]
 (Signature of Applicant)

21 KNOX DRIVE, NEW WINDSOR, NY 12553
 (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
 Applicant must indicate the building line or lines clearly and distinctly on the drawings.





SECTION 4

KNOX

DRIVE

MITCHELL

AVENUE

KNOX

DRIVE

ROAD

GIAMMARCO SUB

N542,000
E574,000

MAP 3162
418

MAP 1637

MAP 1706
REV 162.5

7

2

3

4

F

5

C

X

4

171

200.8

511

109.5

119.3

108.1

128.7

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

80

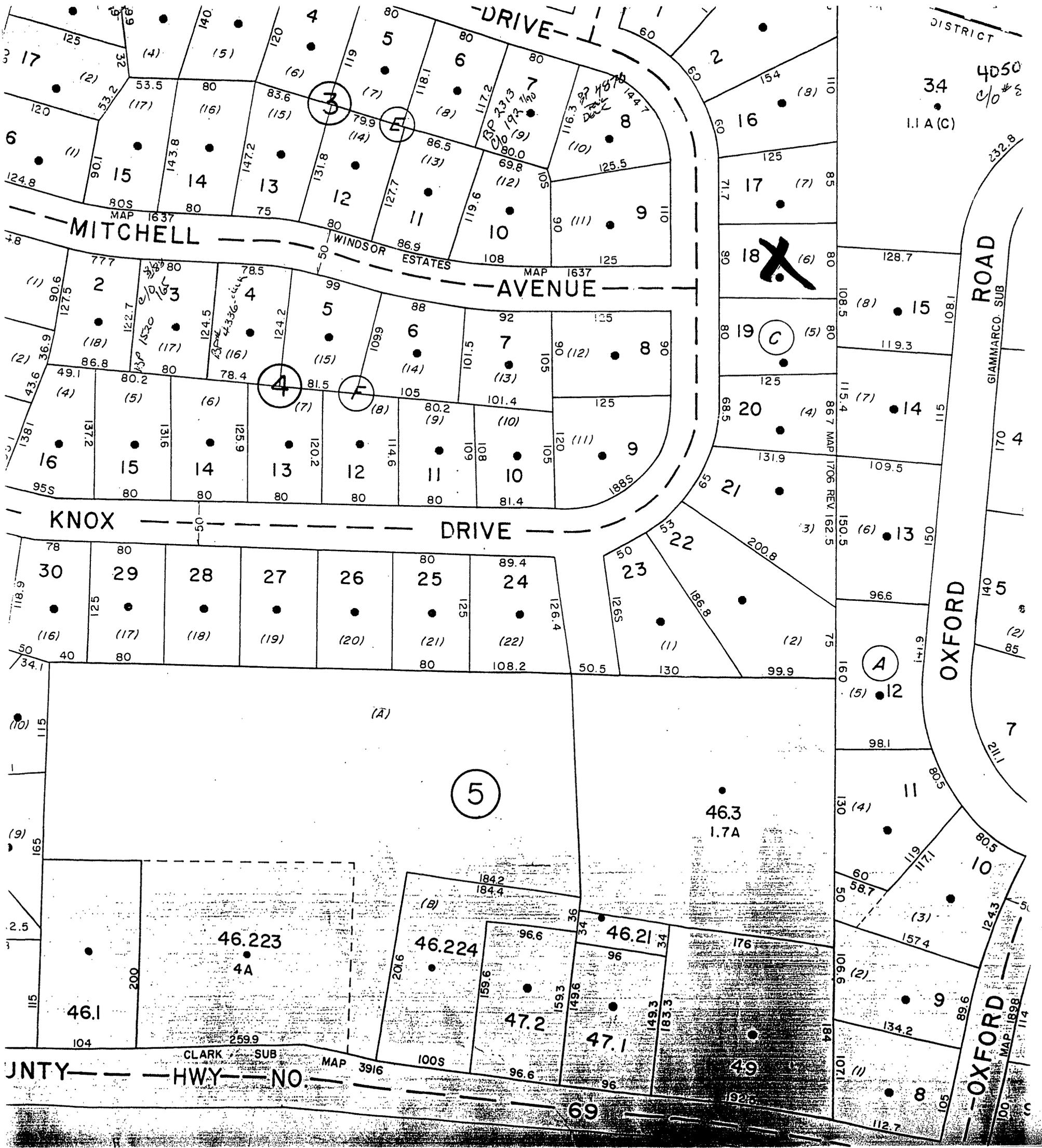
80

80

80

80

8



DISTRICT

4050
c/o #2

34
I.I.A(C)

DRIVE

MITCHELL

WINDSOR ESTATES

AVENUE

ROAD

GIAMMARCO SUB

KNOX

DRIVE

OXFORD

OXFORD

JNTY HWY NO

69

CLARK SUB MAP 3916

MAP 1898

BENJAMIN HARRIS REALTY, INC.

INDUSTRIAL - COMMERCIAL



MORTGAGES - MANAGEMENT - LEASES

290 Route 9W, New Windsor, N. Y. 12550
one mile South of Newburgh

Telephone 914 - 562-3800

January 9, 1991

Mr. Clifford Paige
21 Knox Drive
New Windsor, New York 12553

Dear Mr. Paige:

At the request of Marksons Affiliates, Inc., your contractor for the addition being planned on your home, we are pleased to offer you the following information.

A three bedroom side split home such as yours is on the market for \$110,000.00. A six bedroom house, which would be hard to come by, would not in my opinion be available for less than \$200,000 - \$225,000.

I trust this information answered your question.

Very truly yours,

A handwritten signature in cursive script that reads 'Benjamin Harris'. The signature is written in dark ink and includes a stylized flourish at the end.

Benjamin Harris

BH:bs

IBM-EF- 72

IBM-EF- 72

12-10-90

PAIGE, CLIFFORD - PRELIMINARY

MR. FENWICK: This is a request for 7 foot side yard variance to construct addition on existing single family residential dwelling located at 21 Knox Drive in an R-4 zone.

Mr. John Seyferth and Clifford Paige came before the Board representing this proposal.

MR. FENWICK: Tell us what you want to do.

MR. PAIGE: We have a three bedroom house at the present time and there's seven people in my family and we'd like to have a little more space for everyone in the house. We want to expand the upstairs portion of the house to a three bedroom and additional bath area.

MR. JACK BABCOCK: There's seven members in the family, children or family members, adults?

MR. PAIGE: Well, there's seven family members, there are three adults and the rest are children.

MR. JACK BABCOCK: These are all your children?

MR. PAIGE: Yes, they are all my children.

MR. JACK BABCOCK: I see why you need a bigger place.

MR. MIKE BABCOCK: Maybe I can add some light to this. Right now, the house is located at 10 foot off the property line, okay, as it sits right now. I am not sure if it's nonconforming. It was there before the 15 foot requirement was or not. What he wants to do when he puts the second floor addition on is put a 2 foot cantilever on the house, cantilever the top floor over 2 foot, that is why he's coming within the 8 foot. If you saw the denial existing side yard of house is 10 foot, on the application on the back you can see that the house is 10 foot off the property line as it sits right now.

MR. FENWICK: Just 2 foot because on the minutes it says 7 foot side yard variance so you're going for a total of 15, okay?

MR. MIKE BABCOCK: Maybe we can ask Dan if that is the correct way.

MR. LUCIA: Yes.

MR. JACK BABCOCK: If he went off the present house, he wouldn't need a variance but he's going to cantilever the two foot over, now he encroaches on the side yard?

MR. MIKE BABCOCK: Right.

MR. TORLEY: Is there some difficulty with going to the other side so you don't cantilever over.

MR. SEYFERTH: It's almost impossible. He can build on top of the living room/dining room area on this side of the house on the other side it would become a three-story building.

MR. FENWICK: What do you have, a split?

MR. PAIGE: Yes, a split level.

MR. TORLEY: Do you happen to have a picture?

MR. JACK BABCOCK: He doesn't need a height there, does he?

MR. MIKE BABCOCK: No, he doesn't. We addressed that with the contractor and we are going to be well under the 35 foot requirement. He's going to be at 25 feet.

MR. JACK BABCOCK: On the side where the addition is, how close is the neighbors to the lot line, same distance?

MR. PAIGE: No, they are 15 feet from their line, same as I am on the opposite side.

MR. SEYFERTH: There's already a chimney on that one side that already encroaches 2 feet into the side yard so we are trying to just encompass the chimney and try to make some decent sized bedrooms upstairs because otherwise, they get rather small.

MR. TORLEY: For clarification, a chimney does not count as part of encroachment?

MR. MIKE BABCOCK: No, it's exempt from the setbacks where this is livable space which wouldn't be exempt.

MR. TORLEY: So, the applicant isn't trying to push really any further into the real physical side of the yard, it's the chimney there now he's just going up and around the chimney?

12-10-90

MR. MIKE BABCOCK: Well, no, the chimney probably 3 to 4 foot wide, this is 27 foot wide.

MR. TORLEY: I'm thinking about the distance.

MR. MIKE BABCOCK: Oh, yes, the distance in is no more greater.

MR. FENWICK: Motion to set him up for a public hearing?

MR. NUGENT: I make a motion that we set him up for a public hearing.

MR. TORLEY: I will second that.

ROLL CALL:

Mr. Torley	Aye
Mr. Finnegan	Aye
Mr. J. Babcock	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. LUCIA: When you come back, the legal requirement for this Board to grant you an area variance is something that is called practical difficulty. That is the showing legally you have to make to this Board so you have to show us why it's difficult for you to expand the house in any other way to achieve the same addition that you're proposing here. Either with no variance at all or with a lesser variance. You might bring in a little better layout of the house on the land to show why you can't do it on the other side. You might also want to bring in some proof of significant economic injury why the parcel compared to the value as zoned doesn't allow you to get a reasonable return on the property and how that will change once you put the addition on the house. Basically, dollars and cents type of proof. Bring in some photographs of the property if you would, please and I'd like to see a copy of the deed and/or title policy.

MR. PAIGE: Okay.

1/13/91

We do not object
to the variance proposed
by etc. Paige's.

Barbara L. Pfeiffer
Joseph Pfeiffer

Buehler

19 Oxford Rd

New Windsor NY

I do not object to the variance
requested by Clifford &
Marianne Page.

J'ann Buehler

I do not object to the
variance requested by
Clifford & Marianne Page.

Stephanie R. Racchiolo
7 Oxford Road

I do not object to the
Variance requested by
Clifford & Marianne
Paige

Hrumpendra
Upadhyay.

14 Oxford Road.

I do not object to the
variance requested by
Clifford and Marianne Paige

John Wurster
12 Oxford Ad
New Windsor, NY

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

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 90-39

Request of Clifford + Marianne Paige

for a VARIANCE of

the regulations of the Zoning Local Law to

permit construction of addition to residential dwelling w/ insufficient side yard;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs. - Col. F.

for property situated as follows:

21 Knox Drive, New Windsor, N.Y.

Known & designated as tax map

Section 6 - Blk. 5 - Lot 18

SAID HEARING will take place on the 14th day of

January, 1991, at the New Windsor Town Hall,

555 Union Avenue, New Windsor, N. Y. beginning at

7:30 o'clock P. M.

*I have no objection
to this variance.*

Richard Fenwick
Chairman

*I live behind the
property of Mrs. Paige
at 15 Oxford Road*

Mrs. Luigina Trifelo



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

IBM-EF- 72

1763

December 18, 1990

61 received

Clifford H. & Marianne Paige
21 Knox Drive
New Windsor, NY 12553

Re: Tax Map Parcel #6-5-18
Clifford H. & Marianne Paige

Dear Mr. & Mrs. Paige:

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

The charge for this service is \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

Leslie Cook
LESLIE COOK
Sole Assessor

LC/po
Attachments

cc: Patricia Barnhardt

68 names

IBM-EF- 72

- ✓ Lujan Homes Builder's, Inc.
236 Route 306
Monsey, NY 10952
- ✓ Hennessey, Robert E. & Katherine I.
5 Knox Drive
New Windsor, NY 12553
- ✓ Slenker, Richard E. & Betty R.
7 Knox Dr.
New Windsor, NY 12553
- ✓ Saltzberg, Allan P.
9 Knox Dr.
New Windsor, NY 12553
- ✓ Wenzel, Gary J. & Patricia
11 Knox Dr.
New Windsor, NY 12553
- ✓ Russio, Vincent & Angelina A.
6 Knox Dr.
New Windsor, NY 12553
- ✓ Barry, Patrick J. & Patricia
8 Knox Dr.
New Windsor, NY 12553
- ✓ Rotherbusch, William Martin & Evelyn F.
10 Knox Dr.
New Windsor, NY 12553
- ✓ Rigolini, John & Maureen
12 Knox Dr.
New Windsor, NY 12553
- ✓ Bates, Edward & Beverly
14 Knox Dr.
New Windsor, NY 12553
- ✓ Harris, Donald Earl & Barbara A.
20 Knox Dr.
New Windsor, NY 12553
- ✓ Gordon, Hillard & Florence B.
11 Mitchell Lane
New Windsor, NY 12553
- ✓ Merkl, Robert & Patricia
9 Mitchell Lane
New Windsor, NY 12553

- ✓ Shanahan, Charles R. & Mildred L.
7 Mitchell Lane
New Windsor, NY 12553
- ✓ Dirago, Anthony J. & Elizabeth M.
5 Mitchell Lane
New Windsor, NY 12553
- ✓ Stapleton, Peter W. & Marion J.
6 Mitchell Lane
New Windsor, NY 12553
- ✓ White, Harry E. & Marjorie J.
8 Mitchell Lane
New Windsor, NY 12553
- ✓ Hannon, John & Kathleen
10 Mitchell Lane
New Windsor, NY 12553
- ✓ Dubois, George C. & Janet C.
12 Mitchell Lane
New Windsor, NY 12553
- ✓ Benson, John J. & Claire M.
24 Knox Dr.
New Windsor, NY 12553
- ✓ Wilson, Robert & Dorothea B.
28 Knox Dr.
New Windsor, NY 12553
- ✓ Kenna, Richard G. & Anna M.
32 Knox Dr.
New Windsor, NY 12553
- ✓ Verdiglione, Donna M.
37 Whitaker Place
Staten Island, NY 10304
- ✓ Alario, Jeffrey
& Case, Marina
36 Knox Dr.
New Windsor, NY 12553
- ✓ Ferris, John A. & Roberta
46A Monsey Blvd.
Monsey, NY 10952

- ✓ Gorglione, Michael E. & Janet
13 Knox Dr.
New Windsor, NY 12553
- ✓ Kelly, Richard & Maureen
506 MacNary Rd.
New Windsor, NY 12553
- ✓ Upadhyay, Nrupendra & Vilas
14 Oxford Rd.
New Windsor, NY 12553
- ✓ Nucifore, Joseph & Barbara
32 Oxford Rd.
New Windsor, NY 12553
- ✓ Walmsley, Gordon L. & Janet M.
30 Oxford Rd.
New Windsor, NY 12553
- ✓ Buehler, Russell E.
& Monro, Jo'Ann L.
19 Oxford Rd.
New Windsor, NY 12553
- ✓ Wurster, John H. & Barbara J.
12 Oxford Rd.
New Windsor, NY 12553
- ✓ Rizzo, Anthony A. & Susan J.
10 Oxford Rd.
New Windsor, NY 12553
- ✓ Giammarco, Josephine R. & Hugo
28 Oxford Rd.
New Windsor, NY 12553
- ✓ Cavallo, Rosario & Amalia
8 Oxford Rd.
New Windsor, NY 12553
- ✓ Cracchiolo, Jr. Vito & Stephanie
7 Oxford Rd.
New Windsor, NY 12553
- ✓ Radulski, Marie C.
c/o Marie C. Napoleon
9 Oxford Rd.
New Windsor, NY 12553

- ✓ Jagger, Robert H. & Mary Ann
RD 32, Box 523D
Walden, NY 12586
- ✓ Seaman, J. Tad
542 Union Ave.
New Windsor, NY 12553
- ✓ Dullea, Gerald J.
& Gulley, Ervene J.
27 Oxford Rd.
New Windsor, NY 12553
- ✓ Gilbert, H. Joseph & Angela M.
29 Oxford Rd.
New Windsor, NY 12553
- ✓ Ciccone, Louis R. & Virginia
31 Oxford Rd.
New Windsor, NY 12553
- ✓ Ciccone, Anthony M. & Emma L.
33 Oxford Rd.
New Windsor, NY 12553
- ✓ Spells, Rhoda S.
340 E. 64th St.
New York, NY 10021
- ✓ Spells, Nathan L.
340 E. 64th St.
New York, NY 10021
- ✓ Rona Properties Corp.
654 Madison Ave.
New York, NY 10021
- ✓ Antelo, Jose & Georgia Dawn
520 MacNary Rd.
New Windsor, NY 12553
- ✓ Sands, William & Angela
518 MacNary Rd.
New Windsor, NY 12553
- ✓ Ronca, Anthony & Carol
516 MacNary Rd.
New Windsor, NY 12553
- ✓ Zeccola, Vincent A. & Irma
514 MacNary Rd.
New Windsor, NY 12553

- ✓ Grad, Benjamin & Florence
11 Oxford Rd.
New Windsor, NY 12553
- ✓ Baldwin, Joe & Mary
13 Oxford Rd.
New Windsor, NY 12553
- ✓ Trifilo, Luigina T.
15 Oxford Rd.
New Windsor, NY 12553
- ✓ Gutcheus, Dolores & Edna M.
17 Knox Dr.
New Windsor, NY 12553
- ✓ Carillo, Frank A. & Emma G.
19 Knox Dr.
New Windsor, NY 12553
- ✓ Hoag, Allen W. & Joanne E.
23 Knox Dr.
New Windsor, NY 12553
- ✓ Mehlig, Jr. Gerard E.
25 Knox Dr.
New Windsor, NY 12553
- ✓ Weber, Robert & Olive D.
27 Knox Dr.
New Windsor, NY 12553
- ✓ Prisco, Michael A. & Holly Jean
29 Knox Dr.
New Windsor, NY 12553
- ✓ Irving, James H. & Mary
31 Knox Dr.
New Windsor, NY 12553
- ✓ Hassdenteufel, Jr. Edward Joseph
33 Knox Dr.
New Windsor, NY 12553
- ✓ Nergelovic, Charles F. & Lucy
35 Knox Dr.
New Windsor, NY 12553
- ✓ Smith, Thomas M. & Christine
37 Knox Dr.
New Windsor, NY 12553

✓ Talarico, John J.
511 MacNary Rd.
New Windsor, NY 12553

✓ Schaustal, Frank J. & Nancy M.
509 MacNary Rd.
New Windsor, NY 12553

✓ Belaus, Kathleen T.
517 MacNary Rd.
New Windsor, NY 12553

✓ Camarda, Richard J. & Mary D.
515 MacNary Rd.
New Windsor, NY 12553

✓ Weber, Wayne A. & Dorothy A.
513 MacNary Rd.
New Windsor, NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

90-39.

Date: 12/14/90.

I. ✓ Applicant Information:

- (a) Clifford + Marianne Paife - 21 Knox Dr. New Windsor. 562-3073
(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 Interpretation.

III. ✓ Property Information:

- (a) R-4 21 Knox Dr. New Windsor 6-5-18 80 x 125
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A.
- (c) Is a pending sale or lease subject to ZBA approval of this application? No.
- (d) When was property purchased by present owner? 1974
- (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: One 10' x 8' tool shed.

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) ^{N/A.} 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 use/Bulk Regs., Col. F.

Mike.

Requirements	Proposed or Available	Variance Request
Min. Lot Area	_____	_____
Min. Lot Width	_____	_____
Reqd. Front Yd.	_____	_____
Reqd. Side Yd. <u>151</u>	<u>81</u>	<u>71</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.

There are 7 members of our immediate family currently living at the house with 3 bedrooms and 1 bath. (3 adults and 4 children). We wish to add 3 bedrooms and 1 bath to the house and need to extend two feet into the side yard space to allow for suitable sized rooms.

VI. Sign Variance: N/A

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

	Requirements	Proposed or Available	Variance Request
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) ^{N/A} Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) ^{N/A} 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 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 extension will resemble the rest of the existing house.

IX. Attachments required:

- Copy of letter of referral from Bldg./Zoning Inspector.
- Copy of tax map showing adjacent properties.
- 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.
- Copy(ies) of sign(s) with dimensions.
- Check in the amount of \$ 25.00. payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 12/14/90

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.

Clifford H. Paige
(Applicant)

Sworn to before me this

14th day of December, 1990.

Patricia A. Barnhart

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1991.

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.