

ZB# 02-37

Mary Billik

77-9-4

#02-37- Billik, Mary

Area

77-9-4.

Pelham.

June 24, 2002.

Public Hearing:

July 8, 2002.

Granted

Repend: \$ 203.00





APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Billik

FILE# 02-37

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*Paid 6/26/02.
3664*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*Paid #
3665.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 6/24/02-2 \$ 9.00
2ND PRELIMINARY- PER PAGE 7/2/02-4 \$ 18.00
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 27.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 6/24/02 \$ 35.00
2ND PRELIM. 7/2/02 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING. \$ _____
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 97.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT .. \$ 203.00

PHILIP BILLIK
MARY ROSE BILLIK
3 ROCKRIDGE DR.
THIELLS, NY 10984

50-235-654
219

3664

Date 6/26/02

CHECKS UNLIMITED - FARMERS MARKET
TO REQUEST "800" 366-4666 - www.checks-unlimited.com

Pay to
the order of

Tony New Windsor

\$ 50⁷⁵/₁₀₀

fifty and 75
100

Dollars

THE BANK OF NEW YORK
ROUTE 9W
HAVERSTRAW, NY 10927

For pol variance ZBA #02-37 Mary Rose Billik

⑆026902352⑆ ⑆0265459305⑆ 3664

PHILIP BILLIK
MARY ROSE BILLIK
3 ROCKRIDGE DR
THIELLS, NY 10984

50-235654
219

3665

Date 6/26/02

CO-OP UNLIMITED - FARM MARKET
TO RECORDS 1-800-761-2741 - www.Chickadee.com

Pay to the order of Town of New Windsor \$ 300^{00/100}
three hundred 00/100 Dollars

THE BANK OF NEW YORK
ROUTE 9W
HAVERSTRAW, NY 10927

For pool variance 2002-37 Mary Rose Billik

⑆021902352⑆ ⑆0265459305⑆ 3665

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

RECEIPT
#572-2002

06/26/2002

#02-37

Billik, Philip & Mary Rose
3 Rockridge Drive
Thiells, NY 10984

Received \$ 50.00 for Zoning Board Fees on 06/26/2002. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

BA # 02-35

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

**RECEIPT
#569-2002**

06/26/2002

**Weissman, Steven
324 Nina Street
New Windsor, NY 12553**

**Received \$ 50.00 for Zoning Board Fees on 06/26/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

file

-----X

In the Matter of the Application of

MARY BILLIK

MEMORANDUM
OF DECISION
GRANTING
VARIANCE

#02-37.

-----X

WHEREAS, MARY BILLIK, 2307 Pioneer Trail, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 3 ft. rear yard variance for construction of an in-ground pool at the above single-family residence in an R-3 zone; and

WHEREAS, a public hearing was held on the 8th day of July, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant, Mary Billik appeared with Mr. Billik for this Application; and

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

WHEREAS, no one spoke 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 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) The property abuts property owned by the Town of New Windsor.

(c) The construction of the requested in-ground pool will not create any drainage problems or cause the ponding or collection of water.

(d) The variance is requested so that the pool may be located a sufficient distance from the house so that persons exiting the house will not fall into the pool.

(e) The pool will be similar to other pools in the neighborhood.

(f) The property abuts property on which a hiking trail is proposed and therefore needs to be screened from neighbors.

(g) The pool will not be built on top of any water or sewer easements.

(h) No significant environmental change will be created by the construction of the pool.

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

1. The variance 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 requested is substantial in relation to the Town regulations, but nevertheless is warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variance.

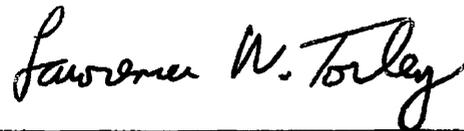
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 3 ft. rear yard variance for construction of an in-ground pool, at the above residence, in an R-3 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

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

Dated: September 23, 2002.

A handwritten signature in black ink that reads "Lawrence W. Torley". The signature is written in a cursive style with a horizontal line underneath it.

Chairman

Date 7/24/02

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

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

DATE			CLAIMED	ALLOWED
<u>6/24/02</u>		Zoning Board Mte	75 00	
		Misc. - 2		
		Erden - 5		
		Billik - 2		
		Hiley - 2		
		Yankers Contracting - 3		
		Yhnaggs - 4		
		Kochan - 8		
		Oslandrea - 3		
		Corbett - 2		
		Traver - 21	234 00	
		<u>52</u>		
			<u>309 00</u>	

BILLIK, MARY

Mr. Billik appeared before the board for this proposal.

MR. TORLEY: Request for 3 ft. rear yard variance for proposed in-ground pool at 2307 Pioneer Trail in the Mt. Airy subdivision.

MR. BILLIK: I have some pictures to present from the different positions. I know we submitted the application and gave the lot survey along with the application that was initially denied by the zoning board because of the variance issue.

MR. TORLEY: Building department, he must deny it because of the law.

MR. TORLEY: Now, area variances are somewhat different than use variances here, it's a balance, you have to convince us that on the balance of granting you this use variance is more benefit to you than it is a detriment to the surrounding neighborhoods, if any, so it's a balancing act. So, is there, you have to show us why you couldn't put the pool someplace where you don't need the variance.

MR. BILLIK: Based on the limited access of the property, this would be the only place where it's situated.

MR. TORLEY: And the slope.

MR. BILLIK: Yes and the rock wall in the back.

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: I make a motion that we set up Mary Billik for the requested variance at 2307 Pioneer Trail.

MR. MC DONALD: Second it.

ROLL CALL

June 24, 2002

8

MR. REIS	AYE
MR. MC DONALD	AYE
MR. TORLEY	AYE

BILLIK, MARY

MR. TORLEY: Request for 3 ft. rear yard variance for construction of in-ground pool at 2307 Pioneer Trail in an R-3 zone.

Mr. and Mrs. Billik appeared before the board for this proposal.

MR. TORLEY: Before we start, there's no one in the audience regarding this matter.

MR. KANE: You want to tell us what you want to do?

MRS. BILLIK: We'd like to put an in-ground pool 16 foot wide, but our back yard is only 33 feet deep so therefore, we need, we only have 7 foot on the rear property line, we request a 3 foot variance because it has to start ten foot from the house.

MR. BILLIK: The back of the property borders on the area where we're going to build, the Town of New Windsor Sports Complex, we got a copy of the plan, it appears somewhere passed the rock wall there will be a parking area and a hiking trail and we don't see any impacts on the environment. We have spoken to the pool person as far as any kind of water or drainage problems, all those will be addressed in the construction and excavation of the pool. Reason why we need the variance is because coming out of the back of the house, I'm not sure if the pictures detects that, there's 6 steps, so we need to give a little leeway on the house side of the property, also at the end of the house, we have a Bilco door which extends from the structure.

MR. KANE: Who's doing your pool?

MR. BILLIK: Paragon Pools.

MR. TORLEY: Mike, also, they have to be ten foot from the house for a pool?

MR. BABCOCK: No, actually, what they want to do is they don't want to come down the bottom of the stairs

and fall in the pool, so they need the ten foot, the steps are probably out three or four foot now, you don't have to be ten foot, but for safety reasons, they really need to be.

MR. BILLIK: Would hate to have them fall into the pool or on the ground.

MR. TORLEY: They'd fall into the fence around your pool.

MR. BILLIK: Right.

MS. CORSETTI: For the record, Mrs. Billik only had to send out four notices. That never happens. We did that on June 26th.

MR. BILLIK: We tried to check the area, I guess this would be the first inground pool in the development, but there are other people in the complex who have above-ground pools and some we notice were close to the property line as ours is going to be so--

MS. CORSETTI: Everybody up there is going to come in, all 400 and how many homes, 421.

MR. TORLEY: Mike, is there any, you're the pool expert, is there any problem with excavation one foot from the property line, anything like that?

MR. KANE: No, all depends on what's underneath the ground, but other than that, no, shouldn't be a problem.

MR. BABCOCK: Actually, it's very good material, Mr. Chairman, we excavated right behind their house probably about 20 foot deep, all bank run material, we're doing the excavation where the parking lot is going.

MR. KANE: You're putting a fence up?

MR. BILLIK: Absolutely, we just wanted to check with the requirement, four or six foot?

MR. BABCOCK: Four foot.

MR. KANE: Self-closing, self-latching.

MR. TORLEY: You may wish to come in at some point once the foliage is gone and the pool's in. One of the variances that they maybe requesting would be for fences in the back which is--

MRS. BILLIK: We noticed on the plan looked like there will be a hiking trail so there will be people constantly walking so to--

MR. TORLEY: The law says you can only have, it can be, can't have a 6 foot fence even in the back.

MR. BABCOCK: Yes, you can.

MR. TORLEY: But 6 feet in the back can't be over 6 feet but there's nothing in the code that says you can't put all the plantings you want, that's perfectly okay.

MR. KANE: Better off with the fence because of the pool.

MRS. BILLIK: But if we want to put shrubs right behind the fence, that will work.

MR. BILLIK: Do you know if there's going to be a fence by the hiking trail or parking lot?

MR. BABCOCK: As of now, no.

MRS. BILLIK: Leave the natural rock wall as far as you know?

MR. BABCOCK: Yes.

MR. TORLEY: Rock wall is actually not on your property.

MR. BABCOCK: That's ours, yeah, and we're not removing it, we're as close to you as we're going to be.

MR. BILLIK: Hiking trail will be--

MR. BABCOCK: Up on the plateau before it drops off, that's where we planned on the hiking trail.

MR. KANE: Building of the pool isn't going to go over any easements or anything along those lines?

MR. BILLIK: No easement problems, nothing, no drainage.

MR. RIVERA: Not creating any water hazards?

MR. BILLIK: No water or environmental, drainage will be taken care of.

MR. TORLEY: Again, this variance if it were granted would not relieve you from any other requirements for the pool as far as building, electrical, fencing, all that you must still abide by.

MRS. BILLIK: Yes, I understand.

MR. KANE: Accept a motion?

MR. TORLEY: If there are no other questions, yes.

MR. KREIGER: Yes.

MR. KANE: Move that we approve Mary Billik's request for three foot rear yard variance for construction of an inground pool at 2307 Pioneer Trail.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 5/28/02

APPLICANT: Mary Billik
2307 Pioneer Trail
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/23/02

FOR : In-ground pool & fence

LOCATED AT: 2307 Pioneer Trail

ZONE: R-3 Sec/ Blk/ Lot: 77-9-4

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-21G(1) Pool shall be 10ft from any property line. Proposed in-ground pool will be 7ft from the rear property line. A variance of 3ft is required.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-3 USE: Pool

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 10ft 7ft 3ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

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

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.

RECEIVED

MAY 22 2002

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 under slab 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 pond 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 #: 2002-535

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 Mary Billik

Address 2307 Pioneer Trail Phone # 914 419 3376

Mailing Address New Windsor Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor Paragon Pools and SPAs

Address 26 Ackerman Ave. Suffern, NY Phone 845-357-2000

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 Pioneer Trail
and 400 ft. (N, S, E or W) 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 _____ Block _____ Lot _____

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy residential b. Intended use and occupancy _____

5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other pool + 4' fence

6. Is this a corner lot? no

7. Dimensions of entire new construction. Front 16 ft. Rear 36 ft. Depth 8 ft. 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 \$13,100.00

Fee ~~_____~~ **PAID**
50 -
#E3652

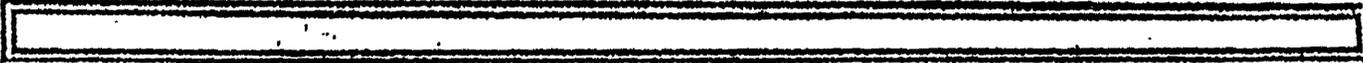
5124102

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 Liel & Louis Kryshear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4805 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.

Mary Billie
(Signature of Applicant)

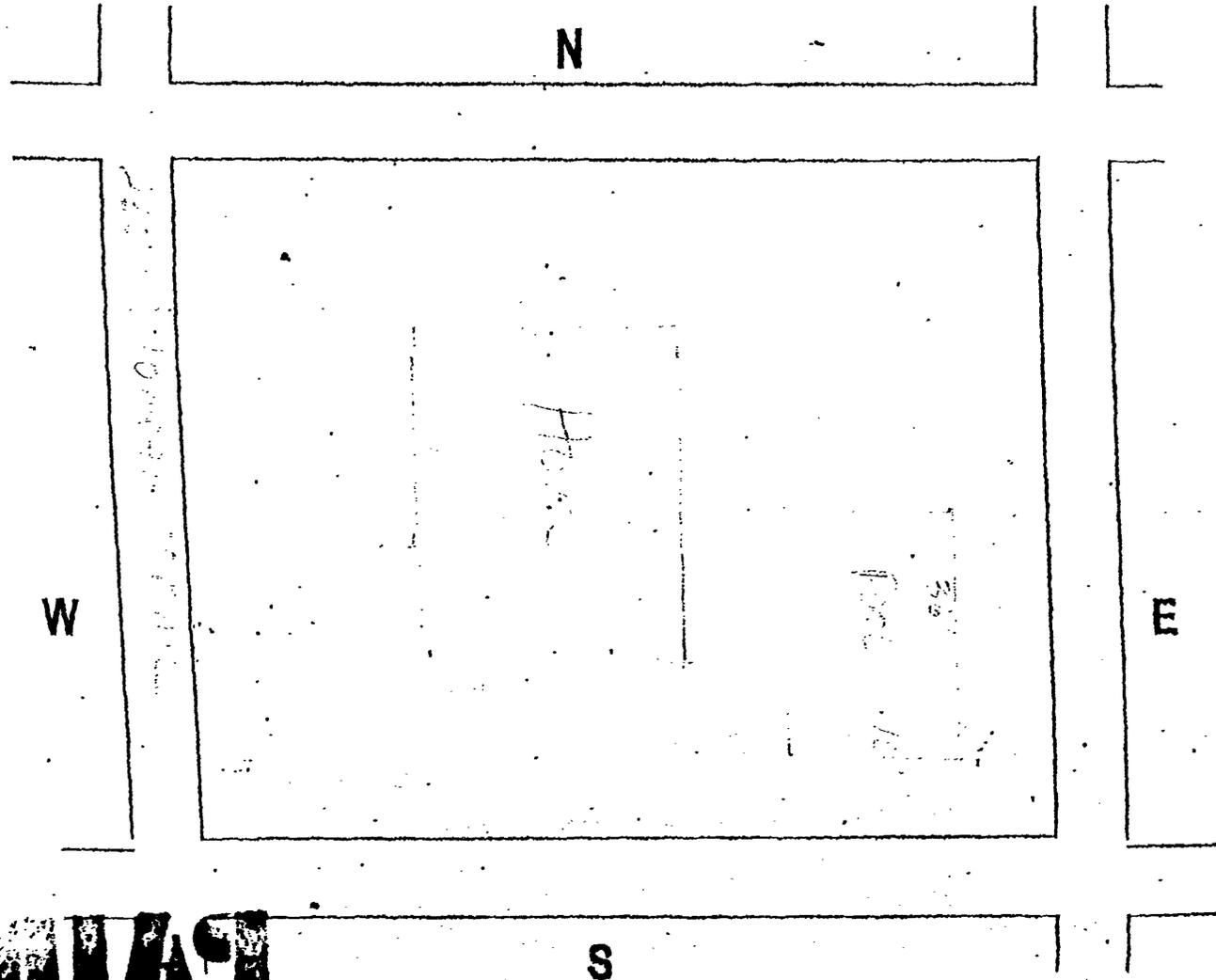
2307 Pioneer Trail New Windsor, NY
(Address of Applicant)

Mary Billie
(Owner's Signature)

2307 Pioneer Trail New Windsor NY

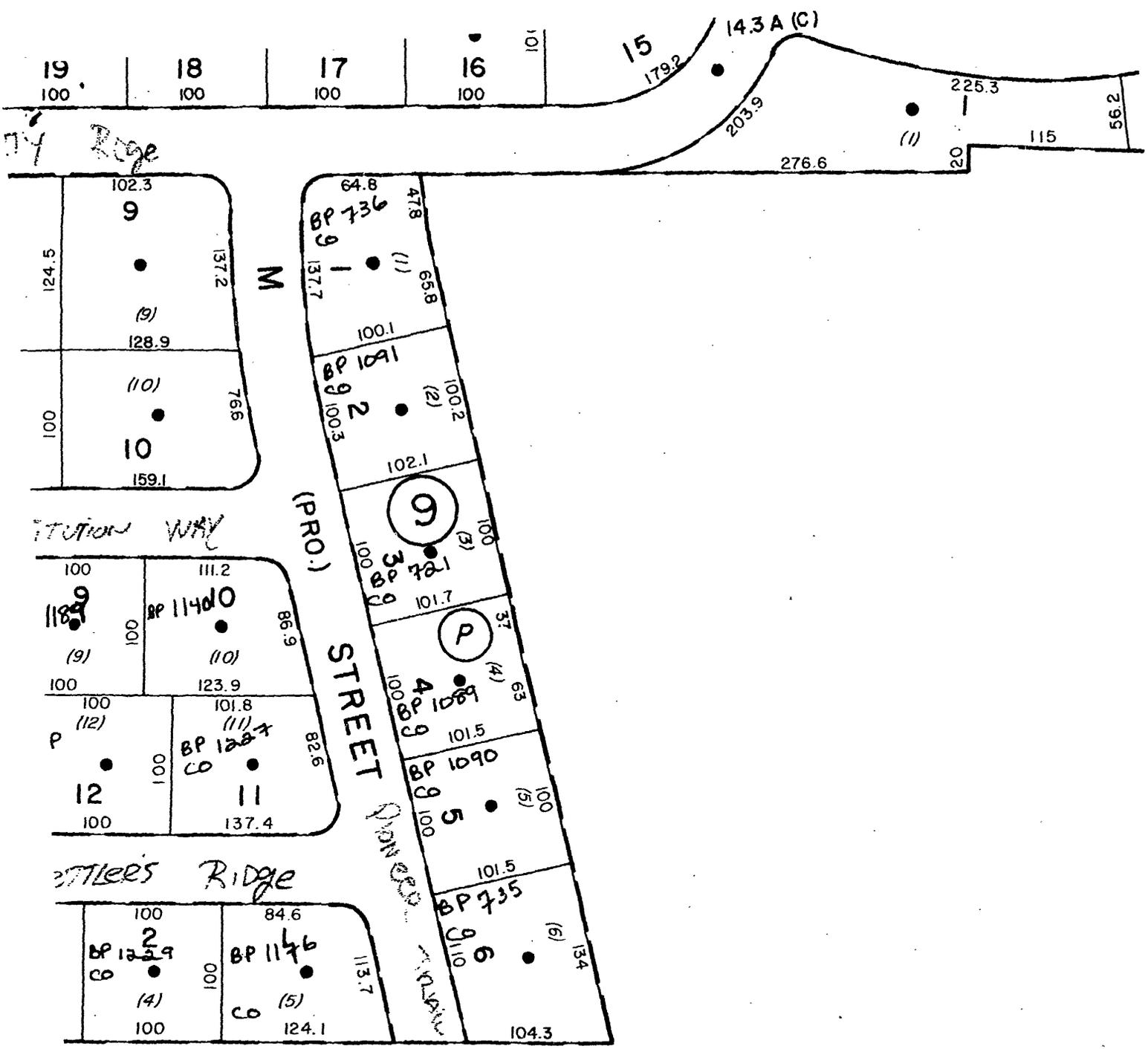
PLOT PLAN

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

S

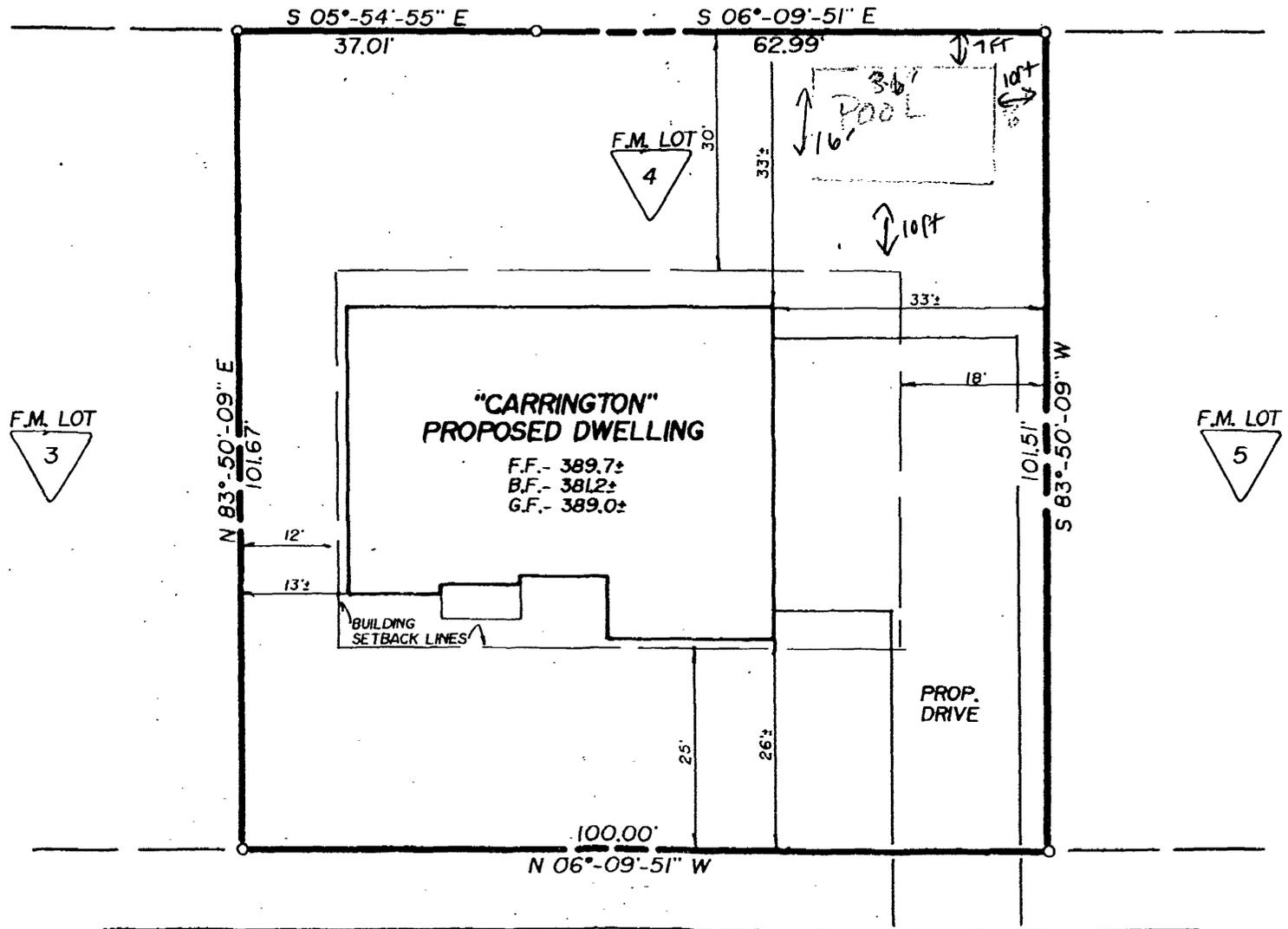


LEGEND		TAX MAP BLOCK NO. (4)	FILED PLAN BLOCK NO. (2) (A)
LAN LOT LINE	---	TAX MAP PARCEL NO. 32	FILED PLAN LOT NO. (15)
NT LINE	--- Z ---	AREAS (Deed) 11.1A, (Calculated) 11.6A(C)	STATE HIGHWAYS N.Y. STATE HWY NO. 17
LINE	---	DIMENSIONS (Deed) 66 (Scaled) 75s	COUNTY HIGHWAYS COUNTY HWY. NO. 4
AS	---		

Billik

AS PER F.M. #3485

LANDS N/F OF
TOWN OF NEW WINDSOR
L. 3986, P. 75
S. 65, B. I, L. 62



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

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

Appeal No. 37

Request of Mary Billik

for a VARIANCE of the Zoning Local Law to Permit:

construction of in-ground pool w/ less than
the allowable rear yard;

being a VARIANCE of Section 48-216(1) of Supp. Use. Regs.

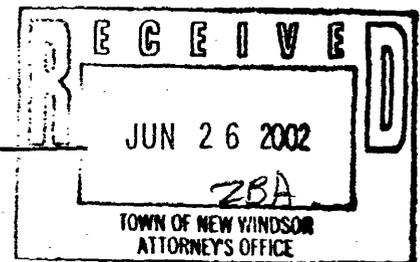
for property situated as follows:

2307 Pioneer Trail, New Windsor, NY

known and designated as tax map Section 77, Blk. 9 Lot 4

PUBLIC HEARING will take place on the 8th day of July,
2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman





Town of New Windsor

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

Assessors Office

June 25, 2002

4

Mary Billik
2307 Pioneer Trail
New Windsor, NY 12553

Re: 77-9-4

Dear Ms. Mary Billik,

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

There is no further balance due.

Sincerely,

Leslie Cook
Sole Assessor

LC/srr

Attachments

CC: Pat Corsetti, ZBA

Section 77 (Various SBL)
Mt. Airy Estates
C/o Sarna Enterprises
15 Engle Street-Suite 100
Englewood, NJ 07631

65-1-61.1
Etruscan Enterprises, Inc.
Route 94
New Windsor, NY 12553

65-1-62
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

02-37
Date: 6/25/02

I. ✓ Applicant Information:

- (a) Mary + Phil Billik 2307 Pioneer Trail New Windsor
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) Mr. Tom Newman Jr. Washington Av. Suffern, NY 12701 845 357-2660
(Name, address and phone of attorney)
- (d) Nick Paragon Pools, Suffern, NY 845 357-2000
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
 Area Variance Interpretation

III. ✓ Property Information:

- (a) R-3 2307 Pioneer Trail 77-9-4 100 x 101.5 ±
(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? 5/24/02
- (e) Has property been subdivided previously? _____
- (f) Has property been subject of variance previously? no
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A

IV. Use Variance. N/A

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

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

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

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

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

✓ v. Area variance:
 (a) Area variance requested from New Windsor Zoning Local Law, Section 48-216, Table of Use/Bulk Regs., Col. G.
(1) + Supp. Use Regs.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>10ft</u>	<u>7ft</u>	<u>3ft</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____%	_____%	_____%
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only
 ** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

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

VI. Sign Variance: *N/A*

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

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

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

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

VII. Interpretation. *N/A*

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

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

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

✓ IX. Attachments required:

- ____ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ____ Copy of tax map showing adjacent properties.
- ____ Copy of contract of sale, lease or franchise agreement.
- ____ Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ____ Copy(ies) of sign(s) with dimensions and location.
- ✓ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: 6/25/02

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

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

Mary Billik
(Applicant)

Sworn to before me this 26th day of June, 2002.

XI. ZBA Action: Patricia A. Corsetti

(a) Public Hearing date: _____

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 2005