

ZB# 01-07

Jeff McCurry

13-12-1

Prelim.

March 26, 2001.

Public Set-Asp

Public Hearing:

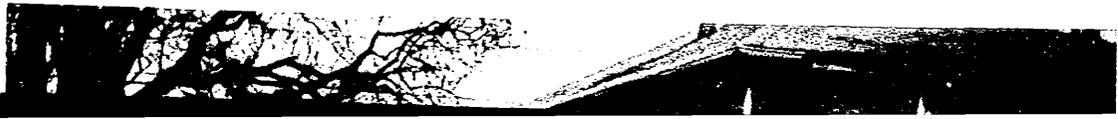
May 14, 2001

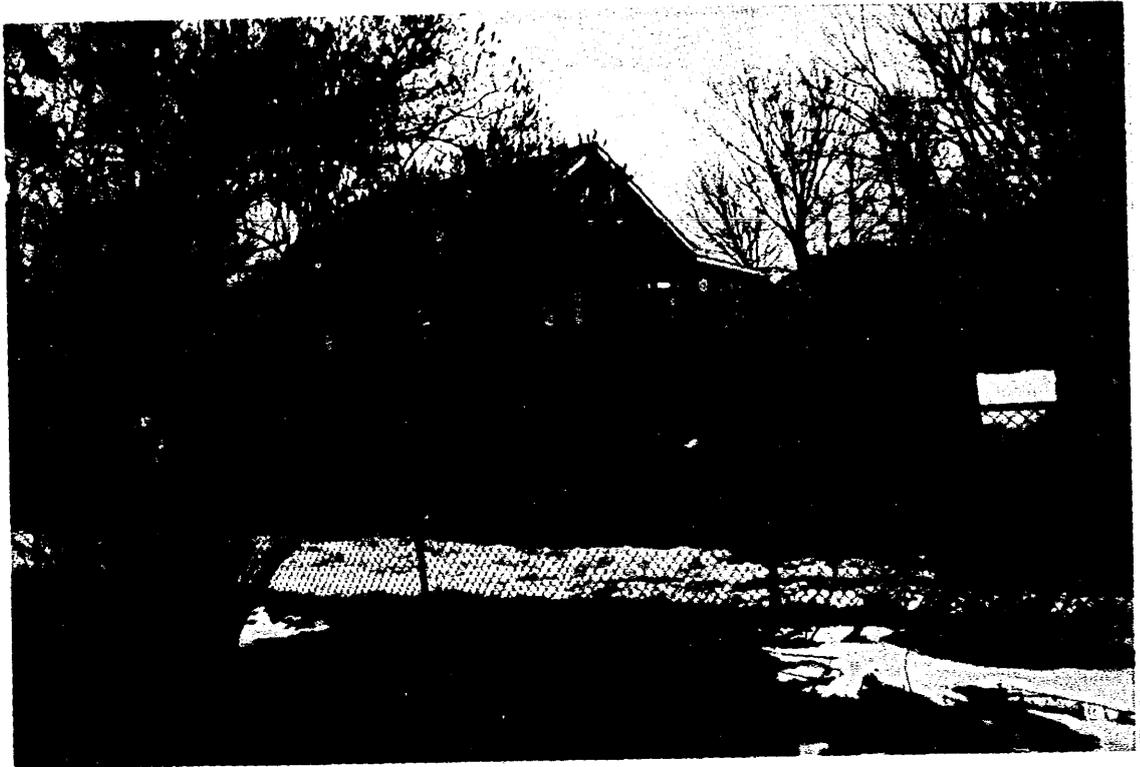
Granted

Refund: \$203.00

01-07 McCurry, Jeff
Area (face)

13-12-1









01-01 McConny, T. E. J.
Area (fence) 13-12-1

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: McCurry, Jeff.

FILE# 01-07

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*Paid ck,
#574
4/18/01*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*Paid ck,
575
4/18/01*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 3/26/01 - 3 \$ 13.50
2ND PRELIMINARY- PER PAGE 5/14/01 - 3 \$ 13.50
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: 3/26/01 \$ 35.00
2ND PRELIM. 5/14/01 \$ 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

JEFFREY T. McCURRY
3204 RT. 9W APT. 4A
NEW WINDSOR, NY 12553

50-7936/2219

575

DATE 4/18/01

PAY TO THE ORDER OF Town of New Windsor \$ 300.⁰⁰/₁₀₀
Three hundred and ⁰⁰/₁₀₀ DOLLARS

 **Hudson Valley**
Federal Credit Union

120 SPANE CAT ROAD, P.O. BOX 1118, NEW WINDSOR, NY 12553-0118

MEMO SBK-3344 ZBA # 01-07 Jeffrey T. McCurry

⑆ 228979363⑆ 00000945377009⑆ 0575

JEFFREY T. McCURRY
3204 RT. 9W APT. 4A
NEW WINDSOR, NY 12553

DATE 4/18/01

PAY TO THE
ORDER OF

Town of New Windsor \$ 50.⁰⁰

fifty and 00/100

DOLLARS

Hudson Valley
Federal Credit Union

130 DANBURY ROAD, PO BOX 346, NEW WINDSOR, NY 12553

MEMO 568-3314 ZBA #01-07

Jeffrey T. McCurry

⑆228979363⑆00000945377009⑆0574

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

JEFFREY MC CURRY

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#01-07.
-----X

WHEREAS, JEFFREY MC CURRY, residing at 19 Merline Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for variation of Section 48-14C(1)(c) of the Supplemental Yard Regulations to allow a 6 ft. fence to be constructed in front of the principal residence, a corner lot, at the above location in an R-4 zone; and

WHEREAS, a public hearing was held on the 14th day of May, 2001 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 in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

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

(b) The proposed location of the 6 ft. fence will replace the existing chain link fence in the front yard of the property on Clancy Avenue. The residence actually faces Merline Avenue, but since it is a corner lot, there are two front yards to consider.

(c) The fence, if allowed, would not be constructed on the top of any water or sewer easements.

(f) The fence would not interfere with any well or septic systems.

(g) The fence, if permitted, would be constructed a sufficient distance from the roadway so that it would not be a hazard for motorists using the adjacent roadway.

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 will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The 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 requested variance is appropriate and is the minimum variance 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.

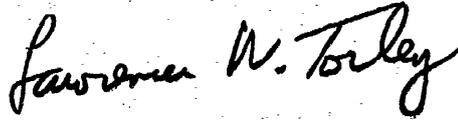
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for variation of Section 48-14C(1)(c) of the Supplemental Yard Regulations to allow construction of a 6 ft. fence to project closer to road than principal residence, on a corner lot, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

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

Dated: September 24, 2001.

A handwritten signature in cursive script that reads "Lawrence W. Torley".

Chairman

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

RECEIPT
#363-2001

#01-07

04/18/2001

McCurry, Jeffrey
3204 Route 9w, Apt. 4 A
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 04/18/2001. 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

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

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

DATE		CLAIMED	ALLOWED
5/14/01	Zoning Board Mtg	75.00	
	Misc -		
	Zupitza - 3		
	Byron - 1		
	McLurry - 3 13.50		
	Boffs - 3		
	Waldo - 2		
	Merced - 2		
	Bila/Big V Centre - 8	<u>157.50</u>	
	Bila/KMart - 5		
	Bila/KMart - 3	237.50	
	Gargiulo/Lyons - 3 // 35 pgs.		

PUBLIC HEARINGS:

MC CURRY, JEFF

MR. TORLEY: Request for variation of Section 48-14C of the Supplemental Yard Regulations for proposed 6 ft. fence which will project closer to road than principle structure at 19 Merline Avenue in an R-4 zone.

(Whereupon, Mr. Kane entered the room.)

Mr. Jeff McCurry appeared before the board for this proposal.

MR. TORLEY: Anyone in the audience besides the applicant wishes to speak on this variance?

MS. CORSETTI: Mr. McCurry sent out 104 notices on April 19, actually, we sent them out together on April 19 so--

MR. TORLEY: Let the record show there's no one in the audience requesting to speak. Okay, what do you want to do? Tell us what your problem is.

MR. MC CURRY: Six foot fence for the existing fence that's already there.

MR. TORLEY: This is a corner lot?

MR. MC CURRY: Yeah.

MR. KANE: If it wasn't a corner lot, where you're putting the fence, you wouldn't be here, Michael?

MR. BABCOCK: That's correct.

MR. KRIEGER: So it will not appear as though we're looking at the property to project closer, just does cause as a technical matter, is that right?

MR. MC CURRY: I guess, yeah.

MR. TORLEY: I'm trying to recall this also surrounds the pool in the back yard?

May 14, 2001

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MR. MC CURRY: Yes.

MR. TORLEY: Six foot fence will be additional safety for the pool?

MR. MC CURRY: Yes.

MR. TORLEY: It will, the fence will not interfere with the sight lines of any drivers on the roads?

MR. MC CURRY: No.

MR. TORLEY: This will not be, you're not putting a fence up over any easements, sewer lines, et cetera?

MR. MC CURRY: No.

MR. KRIEGER: Septic systems, sewer lines, wells or water easements, none of those?

MR. MC CURRY: No.

MR. KANE: Other homes in the area have similar type fences?

MR. MC CURRY: One right across the street, if you're looking in the picture, there's one right there in the picture.

MR. TORLEY: Gentlemen, any other questions?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: Make a motion that we pass Mr. McCurry's request for his requested variance at 19 Merline Avenue.

MR. KANE: Second it.

ROLL CALL

MR. KANE

AYE

May 14, 2001

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MR. MCDONALD
MR. REIS
MR. TORLEY

AYE
AYE
AYE

MCCURRY, JEFF

MR. TORLEY: Request for variation of Sec. 48-14C(1)(1) to replace existing chain link fence with 6 foot fence which will project closer to road than principal structure at 19 Merline Avenue in an R-4 zone.

Mr. Jeff McCurry appeared before the Board for this proposal.

MR. TORLEY: Is Mr. McCurry hear?

MR. McCURRY: Yes.

MR. TORLEY: Okay.

MR. McCURRY: I have pictures. I guess what's in question is the road side there. I want to, like, box in the property which would make it safer for the pool being in the backyard. And it's not going through the whole fence, it's just enclosing the backyard side.

MR. TORLEY: How high is the existing fence?

MR. McCURRY: I think it's 4 foot 9.

MR. TORLEY: This is a corner lot, that's what's giving the problem?

MR. McCURRY: Yeah.

MR. TORLEY: It's in what you consider your backyard, but it's actually front yard because it's a corner lot.

MR. KANE: So, basically, Michael, he's here because it's a corner lot?

MR. BABCOCK: That's correct. His house, basically, faces on Merline. And he's projecting closer to Clancy Avenue by 12 feet than what that house is.

MR. REIS: The 6 foot fence, is that going to be a chain link fence as well?

MR. McCURRY: No, stockade.

MR. McDONALD: Will that obstruct any visibility on the corner like that by bringing it up, say, on the side of Clancy here?

MR. McCURRY: No, because we're not going to the corner of Clancy and Merline. It's in the back.

MR. McDONALD: I mean, the sight distance won't be changed in any way?

MR. McCURRY: No.

MR. KANE: Won't block any views from vehicles or cars?

MR. McCURRY: No.

MR. TORLEY: You want the additional height for the added security for your pool?

MR. McCURRY: Right, exactly. And not to say that the bar in back too, I'm getting bottles in the yard and whatnot.

MR. KANE: A little security and privacy.

MR. TORLEY: I'm sorry, you said it was going to be stockade fence?

MR. McCURRY: Yeah.

MR. TORLEY: If it were not for the fact that it's a corner lot and there was, therefore, two front yards, there would be no problems with the 6 foot stockade fence in either side or backyard?

MR. BABCOCK: No. In his position the piece of fence that's a problem is in his side yard.

MR. TORLEY: Gentlemen, any other questions?

MR. McCURRY: I have a picture too where the people across the street has the stockade, and it would be the same distance. So, you can see it won't be blocking a view of anything.

MR. KANE: Do you mind if I keeps those pictures for the record?

MR. McCURRY: No.

MR. McDONALD: Accept a motion?

MR. TORLEY: Yes.

March 26, 2001

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MR. McDONALD: I make a motion we set Mr. McCurry up for a public hearing.

MR. REIS: Second it.

ROLL CALL

MR. McDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. KANE: If you would fill these out and read these. Return them to Patricia in the office. The sooner you get that done, the sooner we can get you set up for a public hearing. If you have any further questions, you can ask her.

MR. TORLEY: One other thing. The notice that goes out in the paper can be confusing to some people. It's a good idea to talk to your neighbors and tell them what you're doing. Tell them you're just putting up a fence and not a toxic waste dump or something. This way they'll know what's going on.

MR. McCURRY: Okay. Thank you.



Town of New Windsor

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

Assessors Office

April 2, 2001

Brian Pierce
19 Merline Ave
New Windsor, NY 12553

Re: 13-12-1

Dear Mr. Pierce,

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 \$119.00, minus your deposit of \$25.00.

Please remit the balance of \$94.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive that reads "L. Cook".

Leslie Cook
Sole Assessor

LC/bw
Attachments

CC: Pat Corsetti, ZBA

Jeff McCune

104

9-1-63
F.T. Realty Holding Corp.
C/o Fred E. Thompson
229 Walsh Ave
New Windsor, NY 12553 X

13-2-16
Carmen Damario
40 Clancy Ave
New Windsor, NY 12553 X

13-3-10; 13-3-11
Darla & Gary Dreyer
18 Veronica Ave
New Windsor, NY 12553 X

9-1-64
John Montford
C/o Federal Block Corp.
247 Walsh Ave
New Windsor, NY 12553 X

13-2-18
Faricellia LTD
650 Blooming Grove Tpke
New Windsor, NY 12553 X

13-5-57
William Babcock
255 Walsh Ave
New Windsor, NY 12553 X

13-2-3
Mary Faricellia
C/o Carmen Monaco
Box 292 Prospect Hill Rd
Walkkill, NY 12589 X

13-2-20
Carmen Monaco
110 Prospect Hill Road
Walkkill, NY 12589 X

13-5-58.2
Walsh Street Properties Inc.
C/o Sam Kaufman
5 Quickway Rd Unit 201
Monroe, NY 10950 X

13-2-4 ; 13-2-6
William & Iris Rodriguez Bessette
128 Walsh Rd
New Windsor, NY 12553 X

13-3-1
Darla & Gary Dreyer
18 Veronica Ave
New Windsor, NY 12553 X

13-6-1
Hotzlucha Walsh Realty Corp.
256 Walsh Ave
New Windsor, NY 12553 X

13-2-7
Three -D Realty Inc.
C/o Da Mario Carmine & Louise
40 Clancy Ave
New Windsor, NY 12553 X

13-3-2
Mary & Harry Connolly
252 Walsh Ave
New Windsor, NY 12553 X

13-6-2
Elizabeth Rahm
15 Lawrence Ave
New Windsor, NY 12553 X

13-2-8 ; 13-2-17
Ellen & Edward Jacopino
44 Clancy Ave
New Windsor, NY 12553 X

13-3-3
Robert J. Zamenick
254 Walsh Ave
New Windsor, NY 12553 X

13-6-3
Eileen Sharrow
19 Lawrence Ave
New Windsor, NY 12553 X

13-2-9
Susan & Edward Wein
242 Walsh Ave
New Windsor, NY 12553 X

13-3-5 ; 13-3-6.2
Geraldine A. Lee, Frederick
& Michael Pettine
59 Clancy Ave
New Windsor, NY 12553 X

13-6-4
Evelyn & Chester Grzibowski
12 Melrose Ave
New Windsor, NY 12553 X

13-2-10.1
Petrillo Properties Inc.
246 Walsh Ave
New Windsor, NY 12553 X

13-3-6.1; 13-3-7
Geraldine & James Lee
12 Lawrence Ave
New Windsor, NY 12553 X

13-6-6
Arianne & James Lake
12 Ora Street
New Windsor, NY 12553 X

13-2-13 ; 13-2-14
Anna Crudele
12 Merline Ave
New Windsor, NY 12553 X

13-3-8
Deborah & Edward Thompson
22 Lawrence Ave
New Windsor, NY 12553 X

13-6-7; 13-6-8
Alison , Albert A. & Albert J. Coritz
268 Walsh Ave
New Windsor, NY 12553 X

13-2-15
Leslie Green King
38 Clancy Ave
New Windsor, NY 12553 X

13-3-9
Anthony Messina
15 Merline Ave
New Winsaor, NY 12553 X

13-7-1
Shirley June & Stephen Ferrara
5 Ora Street
New Windsor, NY 12553 X

13-7-3
Lenora Grable X
313 Walsh Ave
New Windsor, NY 12553

13-10-4; 13-10-5; 13-10-6
Agnes & Joseph Conklin X
28 Blanche Ave
New Windsor, NY 12553

13-11-4
Mary & Daniel Baxter X
30 Melrose Ave
New Windsor, NY 12553

13-7-4
John Babcock & Angela Grack X
12 Blanche Ave
New Windsor, NY 12553

13-10-7
Rose Grossholtz X
19 Windsor Drive
New Windsor, NY 12553

13-11-5
Mira Ellen Rumsey X
C/o Mira Ellen Blythe
7 Perry Street
Morristown, NJ 07960

13-7-5
George Vinson X
P.O. Box 756
Vails Gate, NY 12584

13-10-8; 13-10-9
Joyce & Joseph Rahemba X
40 Blanche Ave
New Windsor, NY 12553

13-11-6
Amelia Kulik X
38 Melrose Ave
New Windsor, NY 12553

13-7-6
Donna & Arthur Glynn X
307 River Rd North
Wappingers Falls, NY 12590

13-10-10
Dominick De Robertis X
24 Glacier Drive
Walkkill, NY 12589

13-11-7; 13-11-13
Percy Reyes X
44 Melrose Ave
New Windsor, NY 12553

13-7-7
Toni & Edna Di Donato X
10 Clancy Ave
New Windsor, NY 12553

13-10-20; 13-10-21
Angela Monteleone X
37 Melrose Ave
New Windsor, NY 12553

13-11-8
Frances & Jeffrey Kirk X
46 Melrose Ave
New Windsor, NY 12553

13-7-8; 13-7-9; 13-10-23
Debra Ann Regan & Roy Coykendall X
25 Melrose Ave
New Windsor, NY 12553

13-10-22
Pauline & Edward Starr X
33 Melrose Ave
New Windsor, NY 12553

13-11-9
Helen & Edward Simanoski X
56 Melrose Ave
New Windsor, NY 12553

13-7-11.2
Leroy Porter X
9 Melrose Ave
New Windsor, NY 12553

13-10-24; 13-10-25
William Ramos X
23 Melrose Ave
New Windsor, NY 12553

13-11-11
Rhoda Ciancio X
6 Old Indian Rd
Milton, NY 12547

13-7-12
Loretta & Robert Brown X
3 Melrose Ave
New Windsor, NY 12553

13-11-1
Christine & Peter Gandolfini X
16 Melrose Ave
New Windsor, NY 12553

13-11-14
Thaddeus Malinowski X
& John Rymaszewski
39 Lawrence Ave
New Windsor, NY 12553

13-10-1
Jeanne & Jeffery Stent X
15 Melrose Ave
New Windsor, NY 12553

13-11-2
Jayne & John Kelly X
20 Melrose Ave
New Windsor, NY 12553

13-11-15
Paula & Bradley Sanguinetti X
33 Lawrence Ave
New Windsor, NY 12553

13-10-2; 13-10-3
Angela Szajko X
9 Clancy Ave
New Windsor, NY 12553

13-11-3
Padilla Adalberto M. aka Adalberto Padilla X
26 Melrose Ave
New Windsor, NY 12553

13-11-17
Ryan Chillemi X
27 Lawrence Ave
New Windsor, NY 12553

13-12-2
The Disabled American Veterans
C/o The Thomas Peterkin Post Chapt. 152
Att: Treasurer
30 Lawrence Ave
New Windsor, NY 12553

13-12-15
Anna & Hazelton Kerr
37 Merline Ave
New Windsor, NY 12553

13-13-5
Mary & Everett Smith
36 Merline Ave
New Windsor, NY 12553

13-12-3
Brett Cunningham
36 Lawrence Ave
New Windsor, NY 12553

13-12-16
Rose & James Sears
C/o Robert Sears
35 Merline Ave
New Windsor, NY 12553

13-13-6; 13-13-7
Joan Livingstone & Gerald Gillispie
38 Merline Ave
New Windsor, NY 12553

13-12-4
Evelt Mitchell
40 Lawrence Ave
New Windsor, NY 12553

13-12-17
Stacey & Ryan Boast
104 Lakeside Rd
Newburgh, NY 12550

13-13-9
Candi Lee & Charles Coddington
42 Merline Ave
New Windsor, NY 12553

13-12-5
Christina Nieves
44 Lawrence Ave
New Windsor, NY 12553

13-12-18
North Plank Development Corp. LLC
5020 Route 9 W
Newburgh, NY 12550

13-13-11
Sheila & George Manning
46 Merline Ave
New Windsor, NY 12553

13-12-8
Harvey Dorrel
44 Lawrence Ave
New Windsor, NY 12553

13-12-19
Jean & Nicholas Garzione
27 Merline Ave
New Windsor, NY 12553

13-13-12
Jerry Stuit
48 Merline Ave
New Windsor, NY 12553

13-12-10; 13-12-14.2
Malinda Nieves
60 Lawrence Ave
New Windsor, NY 12553

13-12-20
Katalin Tolnai
25 Merline Ave
New Windsor, NY 12553

13-13-13
Joan & Dennis Maher
54 Merline Ave
New Windsor, NY 12553

13-12-11
Maria & Abie Colon
57 Merline Ave
New Windsor, NY 12553

13-13-1
Alfred Crudele
37 Clancy Ave
New Windsor, NY 12553

13-13-14
Kristina & Michael Paz
60 Merline Ave
New Windsor, NY 12553

13-12-12
Rose Etal Piperato
51 Merline Ave
New Windsor, NY 12553

13-13-2
Simon Ojulo
31 Fowler Ave
Newburgh, NY 12550

13-13-18.1
Alice & Bartholew Menga
39 Myrtle Ave
New Windsor, NY 12553

13-12-13
Valerie Robinson
47 Merline Ave
New Windsor, NY 12553

13-13-3.1
Fanny & Charles Davis
30 Merline Ave
New Windsor, NY 12553

13-13-20
Maria & Miguel Cruz
31 Myrtle Ave
New Windsor, NY 12553

13-12-14.1
Rose & Thomas De Toro
45 Merline Ave
New Windsor, NY 12553

13-13-4.1
Mary & Byron Hulse
34 Merline Ave
New Windsor, NY 12553

13-13-21
Michelle & Adan Gomez
27 Myrtle Ave
New Windsor, NY 12553

13-13-22
Daniel Wick
23 Myrtle Ave
New Windsor, NY 12553

13-14-12; 13-14-13; 13-14-14; 13-14-15
Vincent Yannone
63 Myrtle Ave
New Windsor, NY 12553

4-14

13-13-23
John Kaczmarek
13 Myrtle Ave
New Windsor, NY 12553

13-13-24
Alfred Crudele
37 Clancy Ave
New Windsor, NY 12553

13-14-19
Anna & Frank Cardamone
15 Cherry Ave
New Windsor, NY 12553

13-14-1; 13-14-22.2
Janet & John Duda
45 Clancy Ave
New Windsor, NY 12553

13-14-20
Dorothea & Richard Makarewicz
11 Cherry Ave
New Windsor, NY 12553

13-14-2
Richard Bucci
2 Myrtle Ave
New Windsor, NY 12553

13-14-22.1
Catherine & Hector Bonet
9 Cherry Ave
New Windsor, NY 12553

13-14-3
Maureen Grace
12 Myrtle Ave
New Windsor, NY 12553

13-14-4
Ethel & Joseph Reardon
14 Myrtle Ave
New Windsor, NY 12553

13-14-6.1
Elizabeth & Gasper Cangelosi
20 Myrtle Ave
New Windsor, NY 12553

13-14-9
Carl & Gwendolyne Carlson
26 Myrtle Ave
New Windsor, NY 12553

13-14-11; 13-14-18
Edward Makarewicz
31 Cherry Ave
New Windsor, NY 12553

**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. 07

Request of Jeffrey McCusny

for a VARIANCE of the Zoning Local Law to Permit:

6 ft. fence that will project closer to road than principle structure;

being a VARIANCE of Section 48-14 C(1)(c) E7 - Supp. Yard Regs.

for property situated as follows:

19 Marline Avenue, New Windsor, N.Y.

known and designated as tax map Section 13, Blk. 12 Lot 1

PUBLIC HEARING will take place on the 14th day of May, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

CHARLES V. RHODES, JR. &
 ANN E. RHODES
 TO
 JEFFREY T. McCURRY &
 BRIAN F. PIERCE

SECTION 13 BLOCK 12 LOT 1

RECORD AND RETURN TO:
 (Name and Address)

Michelle Anderson, Esq.
 Werner & Saffioti, LLP
 5031 Rte. 9W
 Newburgh, NY 12550

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE
 ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
 RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE *Harvin 201268*

STRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

- | | |
|---|--|
| <input type="checkbox"/> 2089 BLOOMING GROVE (TN) | <input type="checkbox"/> 4289 MONTGOMERY (TN) |
| <input type="checkbox"/> 2001 WASHINGTONVILLE (VLG) | <input type="checkbox"/> 4201 MAYBROOK (VLG) |
| <input type="checkbox"/> 2289 CHESTER (TN) | <input type="checkbox"/> 4203 MONTGOMERY (VLG) |
| <input type="checkbox"/> 2201 CHESTER (VLG) | <input type="checkbox"/> 4205 WALDEN (VLG) |
| <input type="checkbox"/> 2489 CORNWALL (TN) | <input type="checkbox"/> 4489 MOUNT HOPE (TN) |
| <input type="checkbox"/> 2401 CORNWALL (VLG) | <input type="checkbox"/> 4401 OTISVILLE (VLG) |
| <input type="checkbox"/> 2600 CRAWFORD (TN) | <input checked="" type="checkbox"/> 4600 NEWBURGH (TN) |
| <input type="checkbox"/> 2800 DEERPARK (TN) | <input type="checkbox"/> 4800 NEW WINDSOR (TN) |
| <input type="checkbox"/> 3089 GOSHEN (TN) | <input type="checkbox"/> 5089 TUXEDO (TN) |
| <input type="checkbox"/> 3001 GOSHEN (VLG) | <input type="checkbox"/> 5001 TUXEDO PARK (VLG) |
| <input type="checkbox"/> 3003 FLORIDA (VLG) | <input type="checkbox"/> 5200 WALKKILL (TN) |
| <input type="checkbox"/> 3005 CHESTER (VLG) | <input type="checkbox"/> 5489 WARWICK (TN) |
| <input type="checkbox"/> 3200 GREENVILLE (TN) | <input type="checkbox"/> 5401 FLORIDA (VLG) |
| <input type="checkbox"/> 3489 HAMPTONBURGH (TN) | <input type="checkbox"/> 5403 GREENWOOD LAKE (VLG) |
| <input type="checkbox"/> 3401 MAYBROOK (VLG) | <input type="checkbox"/> 5405 WARWICK (VLG) |
| <input type="checkbox"/> 3689 HIGHLANDS (TN) | <input type="checkbox"/> 5600 WAWAYANDA (TN) |
| <input type="checkbox"/> 3601 HIGHLAND FALLS (VLG) | <input type="checkbox"/> 5889 WOODBURY (TN) |
| <input type="checkbox"/> 3889 MINISINK (TN) | <input type="checkbox"/> 5801 HARRIMAN (VLG) |
| <input type="checkbox"/> 3801 UNIONVILLE (VLG) | |
| <input type="checkbox"/> 4089 MONROE (TN) | CITIES |
| <input type="checkbox"/> 4001 MONROE (VLG) | <input type="checkbox"/> 0900 MIDDLETOWN |
| <input type="checkbox"/> 4003 HARRIMAN (VLG) | <input type="checkbox"/> 1100 NEWBURGH |
| <input type="checkbox"/> 4005 KIRYAS JOEL (VLG) | <input type="checkbox"/> 1300 PORT JERVIS |

NO. PAGES 4 CROSS REF _____
 CERT. COPY _____ AFFT. _____

PAYMENT TYPE: CHECK
 CASH _____
 CHARGE _____
 NO FEE _____

CONSIDERATION \$ 94000
 TAX EXEMPT _____

MORTGAGE AMT \$ _____
 DATE _____

- MORTGAGE TYPE:**
- (A) COMMERCIAL
 - (B) 1 OR 2 FAMILY
 - (C) UNDER \$10,000.
 - (E) EXEMPT
 - (F) 3 TO 6 UNITS
 - (I) NAT.PERSON/CR.UNION
 - (J) NAT.PER-CR.UNI OR 2
 - (K) CONDO

9999 HOLD

Donna L. Benson

DONNA L. BENSON
 Orange County Clerk

RECEIVED FROM: Harvin

LIBER 5374 PAGE 306

ORANGE COUNTY CLERKS OFFICE 53457 DAB
RECORDED/FILED 09/26/2000 11:27:40 AM
FEES 47.00 EDUCATION FUND 5.00
SERIAL NUMBER: 001998
DEED CNTL NO 62830 RE TAX 376.00

Bargain and Sale Deed with Covenant against Grantor's Acts
Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT

THIS INDENTURE, made the 20th day of September 2000.

BETWEEN CHARLES V. RHODES, JR. and ANN M. RHODES, residing at 20 Birchwood Drive, New Windsor, NY 12553,

party of the first part, and **JEFFREY T. McCURRY and BRIAN F. PIERCE**, joint tenants, both residing at 3204 Rte. 9W, Apt. 4A, New Windsor, NY 12553,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

Schedule A annexed

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

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

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

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

IN WITNESS WHEREOF, the party of the first part has duly executed this

deed the day and year first above written.

IN PRESENCE OF:

C. J. Williams
witness

Charles V. Rhodes, Jr.
CHARLES V. RHODES, JR.

Ann E. Rhodes
ANN E. RHODES

STATE OF NEW YORK)

: SS. :

COUNTY OF ORANGE)

On September 20th, 2000, before me, the undersigned, personally appeared CHARLES V. RHODES, JR. and ANN E. RHODES personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacity and that by their signatures on the instrument, the individuals or the persons upon behalf of which the individuals acted, executed the instrument.

C. J. Williams

Notary Public

My Commission Expires: 11/30/00

ALLEN L. ROSS

Notary Public for the State of New York

My Commission Expires 11/30/00

Notary Public for the State of New York

BARGAIN & SALE DEED

CHARLES V. RHODES, JR.
& ANN E. RHODES

Section 13
Block 12
Lot 1

-TO-

JEFFREY T. McCURRY &
BRIAN F. PIERCE

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, being Lots No. 347 and 348 as shown on a filed map entitled "City Park", said filed map being filed in the Orange County Clerks Office on August 30, 1909, as map no. 647, bounded and described as follows:

Beginning at a point on the Southeasterly line of Merline Avenue, said point being the intersection of the Southeasterly line of Merline Avenue with the Northeasterly line of Lot No. 349, as shown on said filed map no. 647, being lands now or formerly Tolnai (Liber 1601, Cp-249); thence along the Southeasterly line of Merline Avenue, North 44-50-00 East 60.00 feet to a point, thence along the Southwesterly line of Clancy Avenue, South 45-10-00 East 100.00 feet to a point; thence along Lots No. 329, and 328, as shown on said filed map no. 647, being lands now or formerly The Disabled American Veterans (Liber 2621, Cp-79) South 44-50-00 West 60.00 feet to a point; thence along Lot No. 349, as shown on said filed map no. 647, being lands now or formerly Tolnai, (Liber 1601, Cp-249) North 45-10-00 West 100.00 feet to the point or place of beginning.

BEING and intended to be the same premises conveyed by Deed dated 10/22/90 Anthony P. Messina and Helen M. Messina to Charles V. Rhodes, Jr. and Ann E. Rhodes, recorded in the Office of the Clerk of the County of Orange on 10/23/90 in Liber 3363 of Deeds at page 243.

SCHEDULE A

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

01-07

Date: 04/18/01

I. Applicant Information:

- ✓ (a) Jeffrey McCorry, 19 Marline Ave, NW X
(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 contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

✓ III. Property Information:

- (a) R-4 (Same as above) 13-12-1 60 x 100 ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO.
- (d) When was property purchased by present owner? 9/00.
- (e) Has property been subdivided previously? NO.
- (f) Has property been subject of variance previously? NO.
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A
- _____
- _____
- _____

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.

(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 48-14, ~~Table of Supp. Yard Regs. Regs., etf.~~

C(1)(c)(1) - Fence 6ft. closer to roads than principal structure.

<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. _____	_____	_____
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:

There will be no adverse effect or impact on the physical or environmental conditions due to this application.

(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

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

Prelim.
March 26, 2001
#01-07.

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: 3/12/01

APPLICANT: Jeffrey Mc Curry
19 Merline Avenue
New Windsor, NY 12553

568-3314

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Proposed 6ft fence

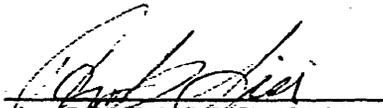
LOCATED AT: 19 Merline Avenue

ZONE: R-4 Sec/ Blk/ Lot: 13-12-1

DESCRIPTION OF EXISTING SITE: Existing One Family House

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed 6ft fence will project closer to the road than the house. This is a corner lot.


BUILDING INSPECTOR

PERMITTED NOT

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 48-14-C-1-C-1, (B-1)

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

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.

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 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 here is no fee for this.

RECEIVED

MAR 08 2001

Town of New Windsor Bldg. Dept.

FOR OFFICE USE ONLY:
Building Permit #: 2001-156

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

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

Owner of Premises Jeff McCurdy

Address 19 Mecline Ave Phone 568-3314

Mailing Address SAME

Name of Architect _____

Address _____ Phone _____

Name of Contractor KETCHAM FENCING

Address 9 MT Hope Avenue Phone 791-4311

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 _____ Block _____ Lot _____

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

a. Existing use and occupancy Home b. Intended use and occupancy Home

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

6. Is this a corner lot? Yes

Replace chain link fence with stucco

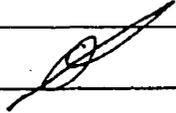
7. Dimensions of entire new construction. Front _____ Rear Depth 6' Height 6' No. of stories _____

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 3,150.00 Fee 

Proposal

Page No. of Pages

KETCHAM FENCING, INC.

9 Mt. Hope Avenue
 Otisville, New York 10963
 (845) 386-1161 • (845) 791-4311
 FAX (845) 386-9964

PROPOSAL SUBMITTED TO <i>Jeff McCurry</i>	PHONE <i>568-3314</i>	DATE <i>2/2/01</i>
STREET <i>19 Marliner Rd</i>	JOB NAME	
CITY, STATE AND ZIP CODE <i>New Windsor NY 12553</i>	JOB LOCATION	
ARCHITECT <i>Rich Baker</i>	DATE OF PLANS	JOB PHONE

We propose hereby to furnish material and labor - complete in accordance with specifications below, for the sum of:

dollars (\$ *3150.00*)

Payment to be made as follows:

20 % down (630.00)

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED. ALL WORK TO BE COMPLETED IN A WORKMANLIKE MANNER ACCORDING TO STANDARD PRACTICES. ANY ALTERATIONS OR DEVIATION FROM SPECIFICATIONS BELOW INVOLVING EXTRA COSTS WILL BE EXECUTED ONLY UPON WRITTEN ORDERS, AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE. ALL AGREEMENTS CONTINGENT UPON STRIKES, ACCIDENTS OR DELAYS BEYOND OUR CONTROL. OWNER TO CARRY FIRE, TORNADO AND OTHER NECESSARY INSURANCE. OUR WORKERS ARE FULLY COVERED BY WORKMEN'S COMPENSATION INSURANCE.

Authorized Signature

RWBaker

Note:

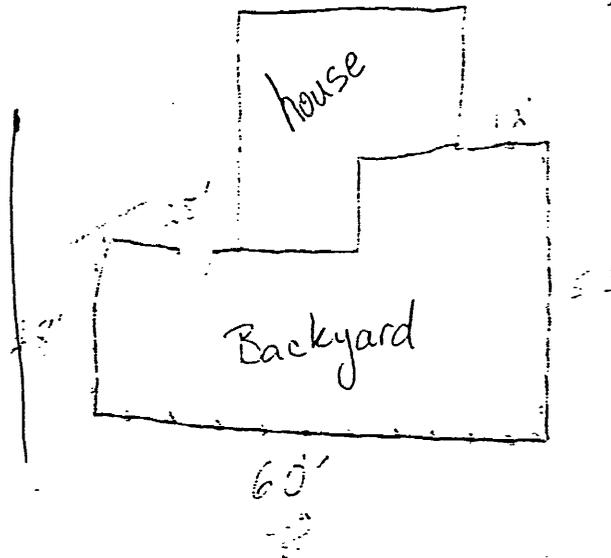
This proposal may be withdrawn by us if not accepted within _____ days.

We hereby submit specifications and estimates for:

Supply and install 198' of 6' high
stockade on 4x4 post with 1 48" gate
— Take down and away 110' of 4' chain link

M&L INC

~~2112.00~~
3150.00



ADAMSON

LATE PAYMENT CHARGES at the rate of 1.5% per month or an annual percentage rate of 18% will be charged on all accounts over 30 days past billing date.

RESPONSIBILITY OF BUYER, I agree to locate and identify the property line, easements and all underground cables and pipes. I agree that I am solely responsible for the location of the fence described in this proposal. I will also defend Ketcham Fencing Inc. and reimburse them for all costs in connection with any claims made by anyone about the location of the fence. I am responsible for any special work described on the back of this proposal.

CUSTOMER IS ALSO RESPONSIBLE FOR any necessary permits or variances.

CONTRACTS INCLUDING INSTALLATION of fence are based on the condition that the entire work can be completed without interruption. If the work is interrupted for any reason due to changes or delays on the part of the Purchaser, an extra charge covering the time lost and the extra expenses incurred will be made.

UNTIL COMPLETE PAYMENT HAS BEEN MADE for the entire job, all materials used thereon shall be the property of the seller, and the seller shall at its option, in the event of a default in any of the payments, remove the materials whether they be attached, or may otherwise appear to be part of the

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance _____

Signature _____

