

**ZB# 03-23**

**Jesus Hernandez**

**40-3-7**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

**APPROVED**

6/23/03

**03-23** JESUS HERNANDEZ  
(AREA) 35 CROSS ST. (40-3-7)

APPLICATION FEE (DUE AT TIME OF FILLING OF APPLICATION)

FILE # 03-23 TYPE: AREA  USE \_\_\_\_\_

APPLICANT: Jesus & Josefa Hernandez  
35 Cross Street  
New Windsor, N.Y. 12553  
 TELE: 565-1248

RESIDENTIAL: \$ 50.00 CHECK # 2228  
 COMMERCIAL: \$150.00 CHECK # \_\_\_\_\_  
 INTERPRETATION: \$150.00 CHECK # \_\_\_\_\_  
 ESCROW: ~~\$500.00~~ <sup>300.00</sup> CHECK # 2227

DISBURSEMENTS:

	<u>MINUTES</u> <u>\$4.50 PER PAGE</u>	<u>ATTORNEY FEES</u> <u>\$35.00 / MEETING</u>
PRELIM..... <u>5/12</u> ...	\$ <u>13.50</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIM.....	_____	_____
3 <sup>RD</sup> PRELIM.....	_____	_____
PUB HEARING... <u>6/23/03</u>	<u>13.50</u>	<u>35.00</u>
PUB HEARING (CON'T)...	_____	_____
TOTAL	\$ <u>27.00</u>	\$ <u>70.00</u>

OTHER CHARGES:..... \$ \_\_\_\_\_



ESCROW POSTED: \$ 300.00  
 AMOUNT DUE: \$ \_\_\_\_\_  
 REFUND DUE: \$ 203.00

8/11/03  
v.r.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW .

COPIES OF THIS SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

CERTIFICATIONS SHOWN HEREON ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.

EASEMENTS OR RIGHT-OF-WAYS ON, OR UNDER THE LANDS, AND NOT VISIBLE, ARE NOT SHOWN.

**BEING:**

LOT NO. 108 AND THE NORTHERLY ONE-HALF OF LOT NO. 109 AS SHOWN ON A MAP ENTITLED "WINDSOR ACRES", RECORDED IN THE ORANGE COUNTY CLERK'S OFFICE ON MAY 22, 1939 AS MAP #1145.

ALSO BEING LOT 7, BLOCK 3, SECTION 40 AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP.

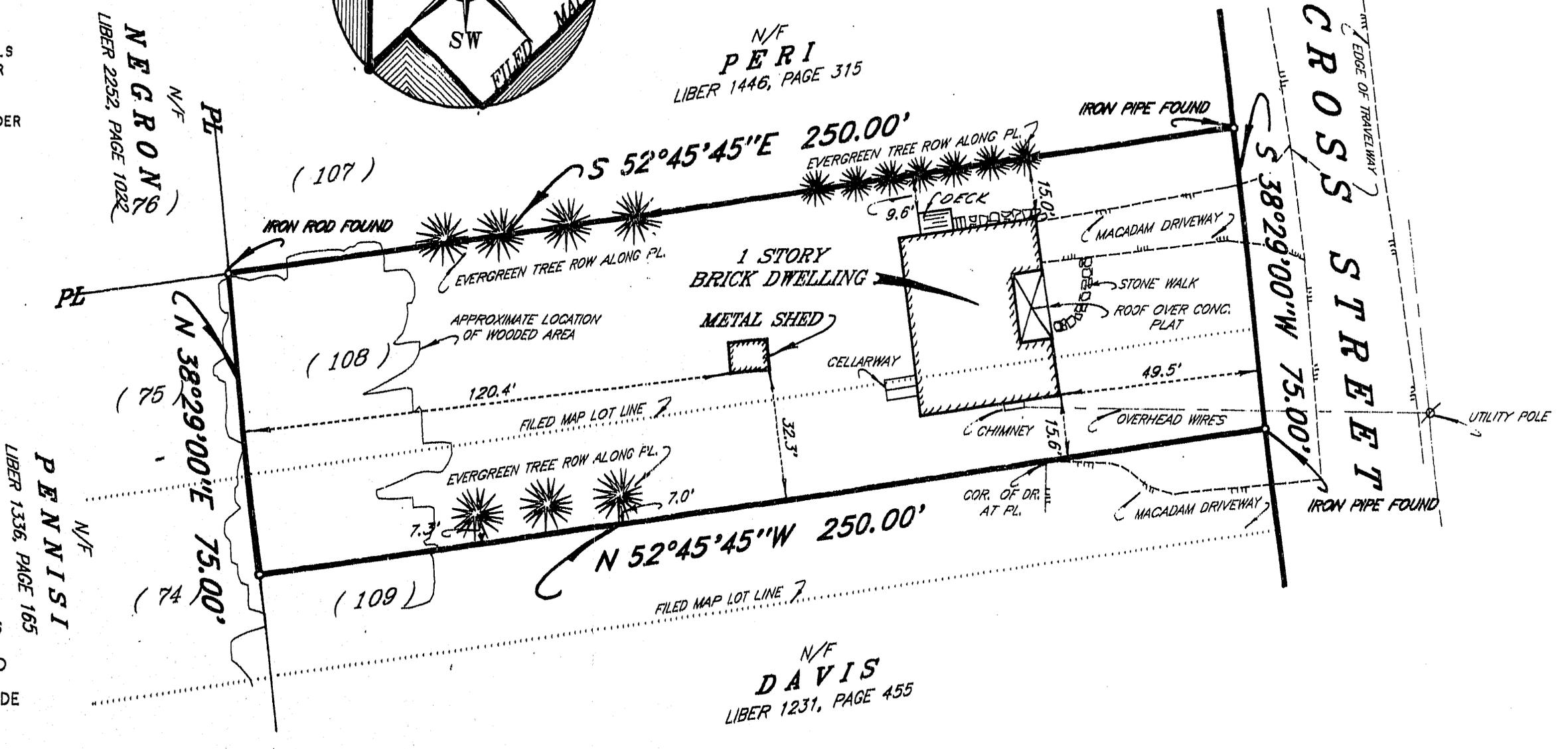
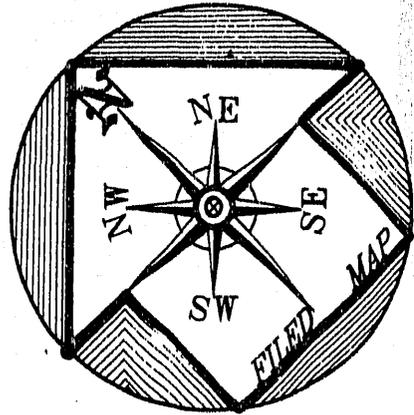
**AREA =**  
**0.4303 ACRE OR**  
**18,746 SQ. FT.**

I HEREBY CERTIFY ONLY TO THE PARTIES LISTED BELOW THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON 8/31/95 AND HAS BEEN PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE ESTABLISHED BY THE N.Y.S. ASSOC. OF PROFESSIONAL LAND SURVEYORS, INC.

THIS CERTIFICATION DOES NOT RUN WITH TITLE TO THE LAND AND IS SUBJECT TO ANY STATE OF FACTS A TITLE SEARCH MAY REVEAL.

- \* JESUS M. HERNANDEZ & JOSEFA HERNANDEZ
- \* FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK,
- \* KEY BANK OF NEW YORK,
- ITS SUCCESSORS AND/OR ASSIGNS,
- \* MARY SCALZO

**STEVEN P. DRABICK P.L.S., PC**  
PROFESSIONAL LAND SURVEY  
PO BOX 539, CONTINENTAL RL  
CORNWALL, N.Y. 12518  
(914)-594-8808



N/F  
**PERI**  
LIBER 1446, PAGE 315

N/F  
**DAVIS**  
LIBER 1231, PAGE 455

**SURVEY OF PROPERTY**  
**FOR**  
**JESUS M. & JOSEFA**  
**HERNANDE**

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

MEMORANDUM OF  
DECISION GRANTING

**JESUS & JOSEFA HERNANDEZ**

**AREA**

CASE #03-23  
-----X

**WHEREAS, Mr. & Mrs. Hernandez**, owners of 35 Cross Street, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 5.4 ft. Required Side Yard Setback for existing deck; and

**WHEREAS**, a public hearing was held on the 23rd of June 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

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

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

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

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

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

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) There have been no complaints, either formal or informal, about the deck.
  - (c) The deck is necessary for safety purposes, since it is immediately adjacent to an entranceway to the house and without the deck a person exiting from the house would probably sustain serious injury.

- (d) In building the deck, no ponding or collection of water was created and the course of water drainage was not diverted.
- (e) In building the deck, no trees or substantial vegetation were removed.
- (f) The deck was not built over any water, sewer or utility easements.
- (g) The property is served by municipal water and sewer.
- (h) The deck is consistent in appearance and size to other decks in the neighborhood.

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

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

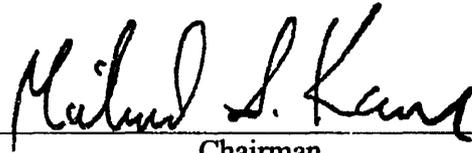
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 5.4 ft. Required Side Yard Setback for existing deck 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: August 18, 2003

A handwritten signature in black ink, reading "Michael S. Kemp", is written over a horizontal line. The signature is cursive and fluid.

Chairman

**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) 563-4615 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: April 22, 2003**

**APPLICANT: Jesus & Josefa Hernandez  
35 Cross St.  
New Windsor, NY 12553-3778**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: April 22, 2003**

**FOR : 8 X 17 Rear and Side Deck—Renewal of BP 7614**

**LOCATED AT: 35 Cross St.**

**ZONE: Sec/Blk/ Lot: 40/3/7**

**DESCRIPTION OF EXISTING SITE: SECTION 40 BLOCK 3 LOT 7**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. EXISTING SIDE DECK DOES NOT MEET MINIMUM 15' SIDE YARD SET BACK**

  
**BUILDING INSPECTOR**

**COPY**

PERMITTED 15'

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE: 8-F

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

9.6 FT

5.4 FT

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

**APPROVED**

03-231

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 reworked.

RECEIVED

APR 14 2003

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 #: 2003-322

**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 JESUS M HERNANDEZ

Address 35 CROSS ST Phone # 845) 565 1248

Mailing Address NEW WINDSOR Fax # \_\_\_\_\_

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

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

Name of Contractor SELF

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

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

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

6. Is this a corner lot? \_\_\_\_\_

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_  
*EXISTING* *REMOVE SIDE PORCH* *ADD NEW PECK 5x8*

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

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

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

10. Estimated cost \_\_\_\_\_ Fee \$50

CL# 2216

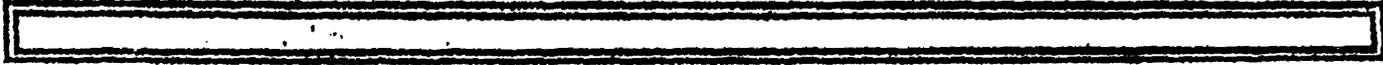
**PAID**

\_\_\_\_/\_\_\_\_/\_\_\_\_  
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 Krysheer**  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4885 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.

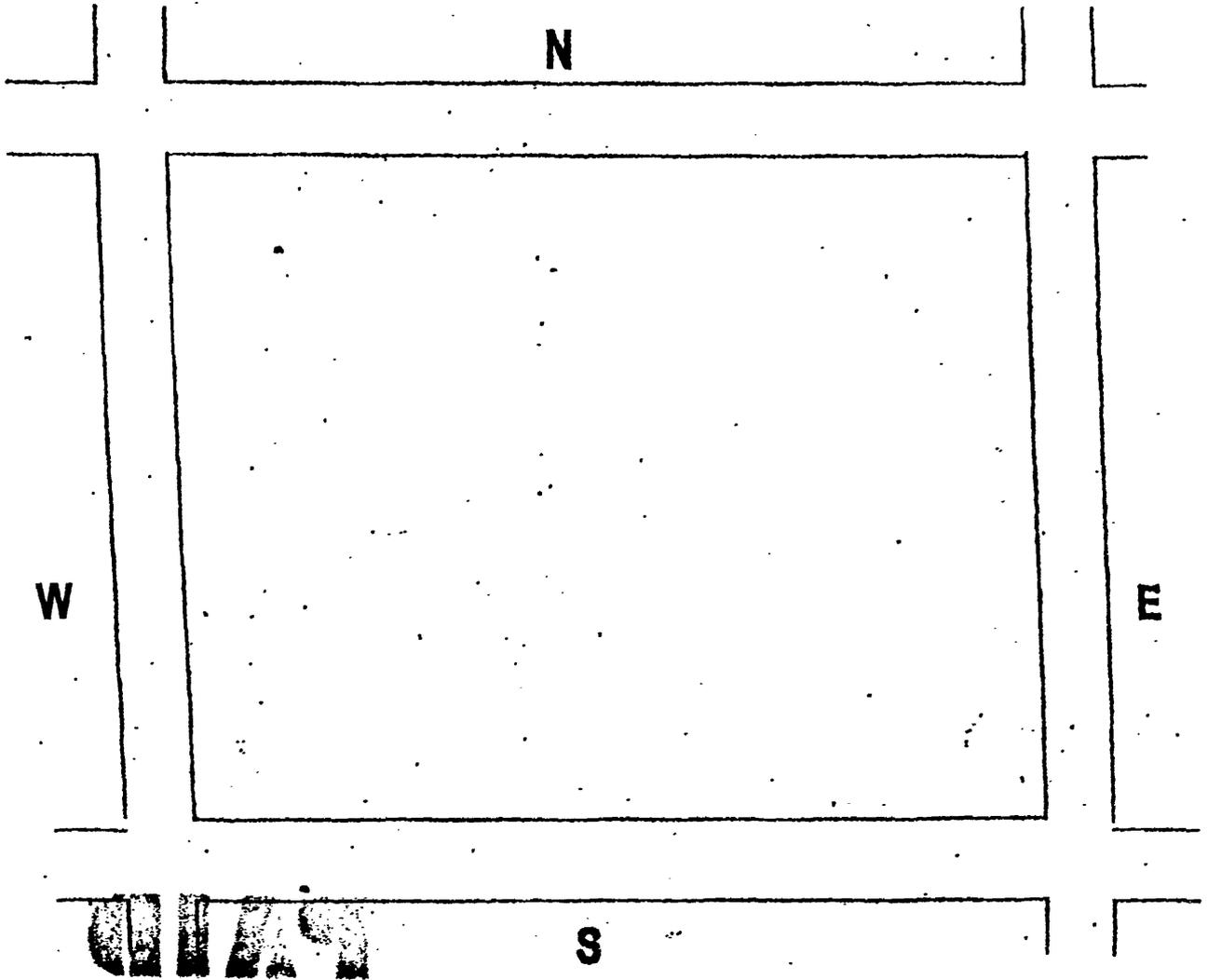
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein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

Josefa Hernandez  
(Signature of Applicant) \_\_\_\_\_ (Address of Applicant)

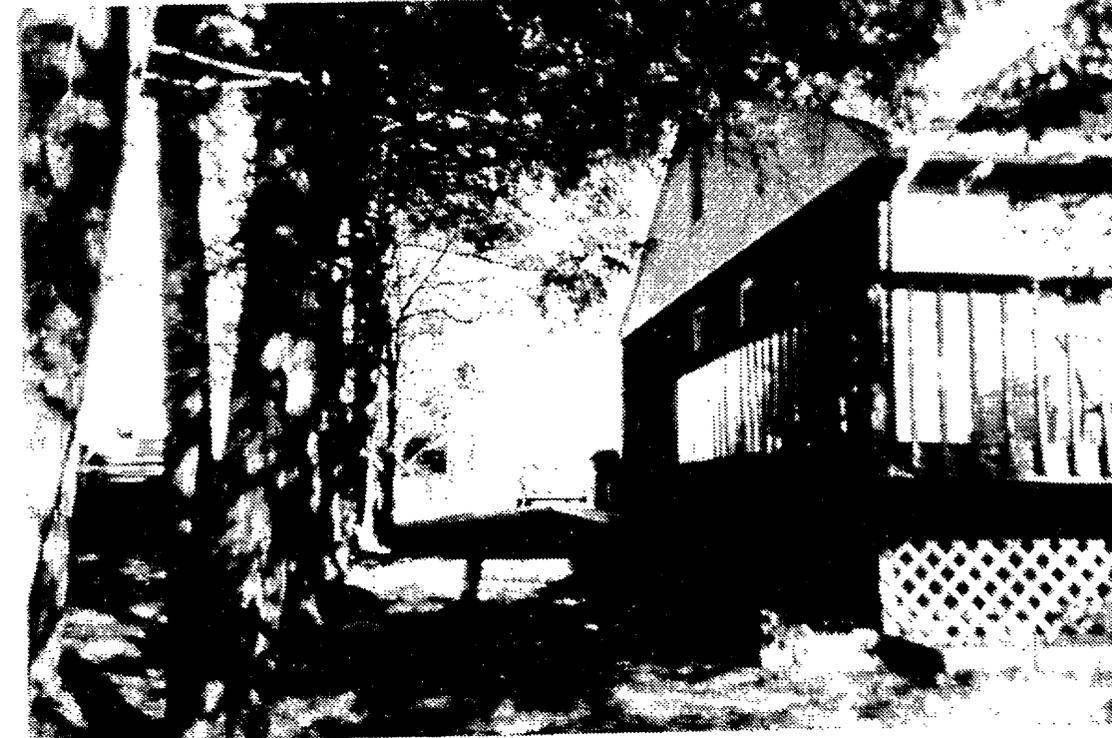
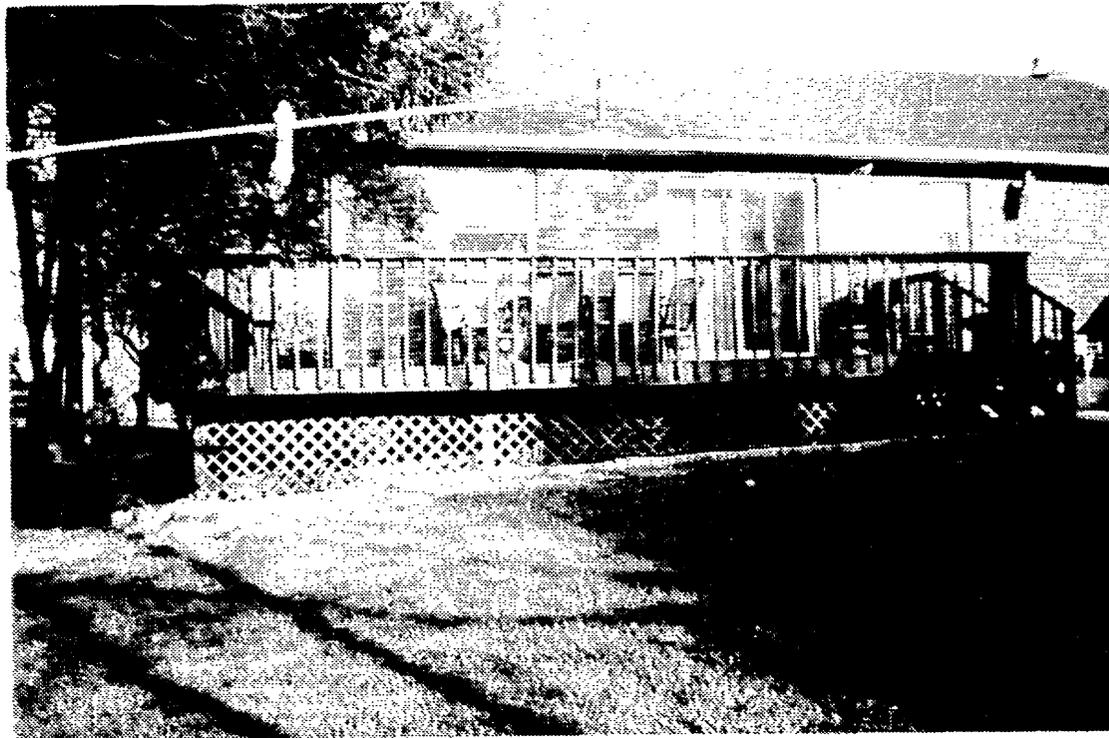
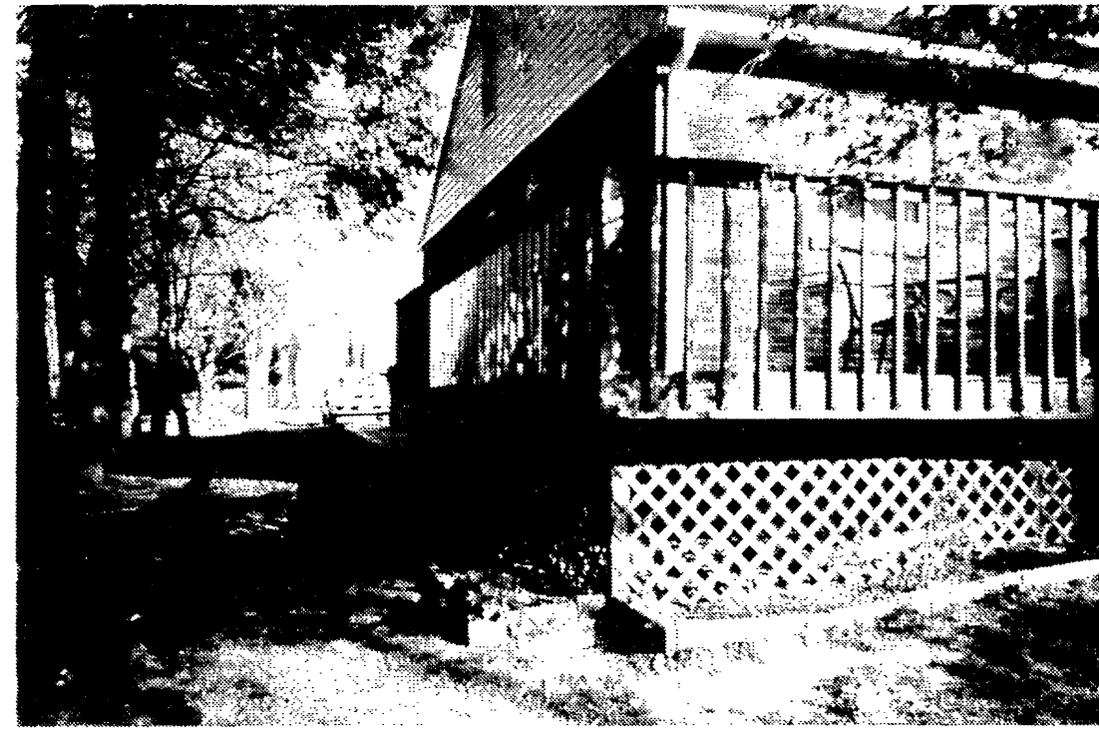
Josefa Hernandez  
(Owner's Signature) \_\_\_\_\_

**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.











# Town of New Windsor

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

## OFFICE OF THE ZONING BOARD OF APPEALS

September 11, 2003

Jesus & Josefa Hernandez  
35 Cross Street  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-23

Dear Mr. & Mrs. Hernandez:

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

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

Very truly yours,

---

Myra Masoni, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

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

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: AUGUST 11, 2003**  
**SUBJECT: REFUND ESCROW - 03-23 - HERNANDEZ**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 203.00 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #03-23**

**NAME: JESUS & JOSEFA HERNANDEZ**

**ADDRESS: 35 CROSS STREET**

**NEW WINDSOR, NY 12553**

**THANK YOU,**

**MYRA**

**L.R. 8/11/03**



RESULTS OF Z.B.A. MEETING OF: June 23, 2003

PROJECT: Jose & Josefa Hernandez

ZBA # 03-23  
P.B.# \_\_\_\_\_

USE VARIANCE:      NEED: EAF \_\_\_\_\_      PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

NEGATIVE DFC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING:      M) \_\_\_\_\_ S) \_\_\_\_\_      VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

PUBLIC HEARING:      STATEMENT OF MAILING READ INTO MINUTES



VARIANCE APPROVED:      M) K S) R      VOTE: A 5 N 0.  
RIVERA      A  
MC DONALD      A      CARRIED: Y  N \_\_\_\_\_  
REIS      A  
KANE      A  
TORLEY      A

Large empty rectangular box with a double-line border, likely for additional notes or signatures.

JESUS & JOSEFA HERNANDEZ (#03-25)

MR. TORLEY: Request for 5.4 ft. required side yard setback for existing deck at 35 Cross Street in an R-4 zone.

MS. HERNANDEZ: We had a small deck off the door in the kitchen and we didn't know that we needed to get a variance first and we built a deck onto the existing deck towards the back out towards the yard.

MR. MC DONALD: Was this a new deck?

MS. HERNANDEZ: No, it's already out, it's already there, we showed the pictures of it already.

MR. RIVERA: Had any problems, any complaints?

MS. HERNANDEZ: No, not at all.

MR. TORLEY: If you were required to remove this deck, exiting the house would become a hazardous venture?

MS. HERNANDEZ: Yes.

MR. KANE: Not creating any water hazards or runoffs with the building of the deck?

MS. HERNANDEZ: No.

MR. KANE: No cutting down of any trees?

MS. HERNANDEZ: No.

MR. KANE: You're not over any easements, water or sewer or otherwise?

MS. HERNANDEZ: No.

MR. TORLEY: You have city water and sewer on this property?

MR. MC DONALD: Yes.

MS. HERNANDEZ: Yes, I do.

MR. REIS: What brings you to the zoning board?

MS. HERNANDEZ: To make it legal.

MR. REIS: Are you trying to sell? Did someone complain about this?

MS. HERNANDEZ: No, there were no complaints.

MR. TORLEY: Just trying to do the right thing. We're glad to see that.

MS. HERNANDEZ: Yes.

MR. TORLEY: Certainly looks nice. At this point, if there are no questions at the moment, I'll open it up to the members of the public. Anyone in the audience who wishes to comment on this application? Anyone wish to comment? Seeing none, I'll close the public hearing and ask for the letters.

MS. MASON: On the second day of June, I mailed out 56 addressed envelopes containing the notice of public hearing. I had no responses.

MR. TORLEY: Is this deck then going to be consistent with other decks in the neighborhood?

MS. HERNANDEZ: Right.

MR. KRIEGER: In appearance?

MS. HERNANDEZ: Right.

MR. TORLEY: So it's not going to alter the essential nature of the neighborhood?

MS. HERNANDEZ: Not at all.

MR. TORLEY: You've had no complaints from the neighbors?

MS. HERNANDEZ: No.

June 23, 2003

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MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. KANE: I move that we approve the requested variance by Jesus and Josefa Hernandez at 35 Cross Street.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE





# Town of New Windsor

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

## Assessor's Office

May 15, 2003

Jesus & Josefa Hernandez  
35 Cross Street  
New Windsor, NY 12553

Re: 40-3-7                      ZBA#03-23

Dear Mr. & Mrs. Hernandez:

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 \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office

Sincerely,

A handwritten signature in black ink that reads "J. Todd Wiley" followed by a circled "IAO".

J. Todd Wiley, IAO  
Sole Assessor

JTW/lrd  
Attachments

CC: Myra Mason, ZBA

27-1-7  
Stewart D'Angela  
43 Cross Street  
New Windsor, NY 12553

27-1-8  
Constance Hanna  
5 Jay Street  
New Windsor, NY 12553

27-1-9  
Ann Couturier  
251 Quassaick Avenue  
New Windsor, NY 12553

27-2-8  
Harriet Comfort  
23 Jay Street  
New Windsor, NY 12553

27-2-9  
Eugene & Virginia DeMarco  
19 Jay Street  
New Windsor, NY 12553

27-2-10.1  
Ralph Landron Sr.  
Eva Bellber-Landron  
50 Cross Street  
New Windsor, NY 12553

27-2-10.2  
Tina Marchie  
48 Cross Street  
New Windsor, NY 12553

40-2-9 & 40-2-13  
Lahey's Midway Market Inc.  
264 Quassaick Avenue  
New Windsor, NY 12553

40-2-10  
Grace & Leonard Herbert  
260 Quassaick Avenue  
New Windsor, NY 12553

40-2-11  
Mohammad & Ruby Motevallian  
258 Quassaick Avenue  
New Windsor, NY 12553

40-2-12  
Bruno Brothers Automotive Technicians  
Inc.  
262 Quassaick Avenue  
New Windsor, NY 12553

40-2-14  
Bi Fang Zheng  
Xiao Ji Zhang  
266 Quassaick Avenue  
New Windsor, NY 12553

40-2-15  
Jerald & Rachel Fiedelholtz  
301 Beattie Road  
Washingtonville, NY 10992

40-2-16  
John Carpenter  
277 Quassaick Avenue  
New Windsor, NY 12553

40-2-17  
Naomi Anne Pacione & Theresa Burke  
Naomi Poliotti  
276 Quassaick Avenue  
New Windsor, NY 12553

40-3-1  
Mildred Duval  
8 Jay Street  
New Windsor, NY 12553

40-3-2  
Eugene & Jeanne-Marie Pavlik  
10 Jay Street  
New Windsor, NY 12553

40-3-3  
Heriberto Caceres  
14 Jay Street  
New Windsor, NY 12553

40-3-4  
Timothy & Sherri Kelly  
39 Cross Street  
New Windsor, NY 12553

40-3-6  
John & Toni Marie Ahearn  
37 Cross Street  
New Windsor, NY 12553

40-3-9  
Arif Lofgren  
Jennifer Lech  
33 Cross Street  
New Windsor, NY 12553

40-3-10  
Thomas & Joan Mc Mahon  
31 Cross Street  
New Windsor, NY 12553

40-3-11  
Angelo & Anna Alessi  
29 Cross Street  
New Windsor, NY 12553

40-3-13  
Edgar & Rose Coppola  
27 Cross Street  
New Windsor, NY 12553

40-3-14 & 40-3-15  
Virginia Cimorelli  
25 Cross Street  
New Windsor, NY 12553

40-3-16 & 40-3-46  
Jose & Ida Benitez  
23 Cross Street  
New Windsor, NY 12553

40-3-30  
James & Irma Minard  
283 Quassaick Avenue  
New Windsor, NY 12553

40-3-34  
Linda Nilsson Big  
279 Quassaick Avenue  
New Windsor, NY 12553

40-3-35  
GUT Holdings Inc.  
277 Quassaick Avenue  
New Windsor, NY 12553

40-3-36  
Vincent & Kary Tangredi  
273 Quassaick Avenue  
New Windsor, NY 12553

40-3-37  
ABC Learning Center  
271 Quassaick Avenue  
New Windsor, NY 12553

40-3-39  
Richard & Ruth Pennisi  
265 Quassaick Avenue  
New Windsor, NY 12553

40-3-41  
Angel & Margarita Negron  
263 Quassaick Avenue  
New Windsor, NY 12553

40-3-43  
Eric & John Grzibowski  
Eric Grzibowski  
261 Quassaick Avenue  
New Windsor, NY 12553

40-3-45  
Thomas & Robyn McGuinness  
259 Quassaick Avenue  
New Windsor, NY 12553

41-3-1  
Anthony Billesimo Jr.  
Kathleen Hedlund  
46 Cross Street  
New Windsor, NY 12553

41-3-2.1  
Arnold & Edna Zubalsky  
20 Jay Street  
New Windsor, NY 12553

41-3-2.2  
George & Roseanne Meyers  
2 Brandon Court  
New Windsor, NY 12553

41-3-2.45  
George & Lisa Rodriguez  
6 Brandon Court  
New Windsor, NY 12553

41-3-2.46  
Edward Ferguson  
4 Brandon Court  
New Windsor, NY 12553

41-3-2.5 & 41-3-41  
Russell & Regina Gandt  
38 Cross Street  
New Windsor, NY 12553

41-3-27  
Patrick O'Connor  
Christine Nunes  
24 Cross Street  
New Windsor, NY 12553

41-3-28  
Anthony & Virginia Martini  
26 Cross Street  
New Windsor, NY 12553

41-3-29  
Michael & Barbara McNally  
8 Lillian Place  
New Windsor, NY 12553

41-3-30  
Michael & Teresa Pagano  
10 Lillian Place  
New Windsor, NY 12553

41-3-31  
Thomas & Rosella Bean  
12 Lillian Place  
New Windsor, NY 12553

41-3-32  
Delroy & Paulette King  
14 Lillian Place  
New Windsor, NY 12553

41-3-35  
John & Denise Patterson  
13 Lillian Place  
New Windsor, NY 12553

41-3-36  
Domenick & Louise Colotti  
11 Lillian Place  
New Windsor, NY 12553

41-3-37  
Salvatore & Salvatrice Cocchia  
9 Lillian Place  
New Windsor, NY 12553

41-3-38  
Holger & Evelyn Holt  
32 Cross Street  
New Windsor, NY 12553

41-3-39  
William & Evelyn Lampack  
34 Cross Street  
New Windsor, NY 12553

41-3-40  
George & Mildred Dittbrenner  
36 Cross Street  
New Windsor, NY 12553

41-3-42.2  
Glen & Lori Weller  
40 Cross Street  
New Windsor, NY 12553

41-3-45.1  
Kevin & Linda McCaffrey  
44 Cross Street  
New Windsor, NY 12553

Section 87  
Windshire Village Management Office  
256 Quassaick Avenue  
New Windsor, NY 12553

# TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: MAY 13, 2003 PROJECT NUMBER: ZBA# 03-23 P.B. # \_\_\_\_\_

APPLICANT NAME: JESUS & JOSEFA HERNANDEZ

PERSON TO NOTIFY TO PICK UP LIST:

JESUS & JOSEFA HERNANDEZ  
35 CROSS STREET  
NEW WINDSOR, NY 12553

TELEPHONE: 565-1248

TAX MAP NUMBER:      SEC. 40      BLOCK 3 LOT 7  
                                 SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
                                 SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: 35 CROSS STREET  
NEW WINDSOR, N Y

THIS LIST IS BEING REQUESTED BY:

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

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

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

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



NEW WINDSOR ZONING BOARD XX

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



AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 2229

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



# Town of New Windsor

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

## ZONING BOARD OF APPEALS

May 13, 2003

Jesus & Josefa Hernandez  
35 Cross Street  
New Windsor, NY 12553

SUBJECT: PUBLIC HEARING LIST FOR ZBA FILE #03-23

Dear Mr. & Mrs. Hernandez:

On May 13th, 2003 your \$25.00 deposit check for Public Hearing List, which was submitted to me with your application, has been sent to the Assessor's Office along with a request that they prepare a list of properties located within 500 feet of your property.

The Assessor's Office will notify you when the list is complete. At that time you will be asked to come in and pick up the list and pay a balance due. When this is complete, please come to my office and we will schedule a date for your public hearing.

If you have any questions, please feel free to contact me at the above number.

Myra Mason,  
Secretary to the Zoning Board of Appeals

PUBLIC HEARING NOTICE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

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

**Appeal No. 03-23**

**Request of JESUS & JOSEFA HERNANDEZ**

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

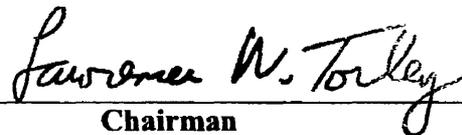
**Request for 5.4 ft. Required Side Yard Setback for existing deck**

**being a VARIANCE of Section BULK TABLES R-4 (USE 8-F)**

**for property located at: 35 CROSS STREET - NEW WINDSOR, NY**

**known and designated as tax map Section 40 Block 3 Lot 7**

**PUBLIC HEARING will take place on JUNE 23RD, 2003  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York  
beginning at 7:30 P.M.**

  
Chairman



# Town of New Windsor

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

## ZONING BOARD OF APPEALS

June 4, 2003

Mr. & Mrs. Hernandez  
35 Cross Street  
New Windsor, NY 12553

**SUBJECT: REQUEST FOR VARIANCE #03-23 - PUBLIC HEARING**

Dear Mr. & Mrs. Hernandez:

This is just a reminder that your Public Hearing before the Zoning Board of Appeals for your requested variance at:

35 Cross Street  
New Windsor, NY

is scheduled for the June 23rd, 2003 agenda.

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

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

*Sent 6/5/03*

JESUS & JOSEFA HERNANDEZ (03-23)

MR. TORLEY: Request for 5.4 ft. required side yard setback for existing deck at 35 Cross Street in an R-4 zone.

Ms. Gabrielle Martinez appeared before the board for this proposal.

MS. MARTINEZ: There was a small porch there and we had added an extension to it, it was a side porch and we added an extension to the side porch and the work was already done, we didn't know that we needed to get the variance before we did the work.

MR. TORLEY: Mike, this looks like it's an exit from the house. What kind of an area are they permitted for that?

MR. BABCOCK: Well, they're only allowed the size of the door, Mr. Chairman, if it's a rear entrance and this is apparently five foot by eight foot or actually it's 9 foot 6 on the end.

MR. TORLEY: So the deck goes around the back of your house and wraps around the side, is that it?

MS. MARTINEZ: Yes, it connects the door.

MR. TORLEY: Connects the door with the deck.

MR. BABCOCK: Is there a door on the side of your house also?

MS. MARTINEZ: It's a kitchen door, it had a small deck that was, you know, like a small square.

MR. BABCOCK: So you can go into the first door or go around back to the house to go to the second door?

MS. MARTINEZ: Yes.

MR. TORLEY: Does that change any of the requirements?

MR. BABCOCK: No.

MR. KANE: Without the deck there or some kind of entry system, it would be considered a safety hazard to get into the entrances?

MS. MARTINEZ: Pardon?

MR. KANE: It would be considered a safety hazard if you didn't have anything there to get into the entrances?

MS. MARTINEZ: Yes, yes.

MR. RIVERA: Have you had any complaint since you put this up?

MS. MARTINEZ: No, not at all.

MR. REIS: What brings you to the board?

MS. MARTINEZ: What brought me here?

MR. REIS: What was the reason that you had to come?

MS. MARTINEZ: The porch was already done, we didn't know that we had to get permission to have it done first.

MR. REIS: You added the porch?

MS. MARTINEZ: Yes, well, it was a little piece there, we added the extension.

MR. TORLEY: Improved it.

MS. MARTINEZ: Right.

MR. KANE: Porch is similar in size or not overly big to other porches in the neighborhood?

MS. MARTINEZ: It's not bigger.

MR. KANE: Creation of any water hazards or runoffs?

MS. MARTINEZ: Not at all.

MR. REIS: No complaints from your neighbors?

MS. MARTINEZ: No.

MR. TORLEY: These are the same kinds of things you'll be asked at the public hearing, just so you're aware. We're doing this off a survey, so that's how we get the 9.6 feet?

MR. BABCOCK: That's correct.

MR. TORLEY: I'm always concerned that if we grant you a 5.4 foot variance and turns out somebody mis-measured and the bank comes in, has somebody else survey, turns out you need a 5.7 foot variance, sometimes the banks get sticky and you have to do it again to make sure of your measurements.

MS. MARTINEZ: We'll doublecheck the measurements, it was surveyed.

MR. TORLEY: Gentlemen?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: Make a motion that we set up Mr. and Mrs. Hernandez for the requested variance at 35 Cross Street.

MR. KANE: Second it.

ROLL CALL

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



RESULTS OF Z.B.A. MEETING OF: May 12, 2003

PROJECT: Jesus Hernandez ZBA # 03-23  
P.B.#



USE VARIANCE: NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Reis S) K VOTE: A 4 N 0  
RIVERA A  
~~MCDONALD~~ \_\_\_\_\_  
REIS A  
KANE A  
TORLEY A  
CARRIED: Y  N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MC DONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

Decl is a safety requirement  
No complaints

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

**RECEIPT**  
**#427-2003**

05/06/2003

Hernandez, Jesus  
35 Cross Street  
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 05/06/2003. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

#03-83 application fee

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

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: MAY 5, 2003

FOR: **03-23 ESCROW**

FROM: **JESUS HERNANDEZ**

**35 CROSS STREET**

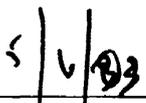
**NEW WINDSOR, NY 12553**

CHECK NUMBER: **2227**

AMOUNT: **\$300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

  
\_\_\_\_\_  
DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



# Town of New Windsor

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

## ZONING BOARD OF APPEALS

May 5, 2003

Jesus & Josefa Hernandez  
35 Cross Street  
New Windsor, NY 12553

**SUBJECT: VARIANCE REQUEST #03-23**

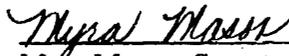
Dear Mr. & Mrs. Hernandez:

This letter is to inform you that you have been placed on the May 12<sup>th</sup>, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

35 Cross Street  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

  
\_\_\_\_\_  
Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

ZBA #03-23 Application

JESUS M. HERNANDEZ 9-93 2228  
 JOSEFA HERNANDEZ  
 35 CROSS ST. 845-565-1248  
 NEW WINDSOR, NY 12553

Date May 2 03 50-693/219 333

Pay to the Order of the TOWN OF NEW WINDSOR \$ 50.00  
fifty  $\frac{00}{100}$  Dollars

KeyBank National Association  
 Newburgh, New York 12550  
 1-800-KEY2YOU Key.com

For Josefa Hernandez  
 :021906934: 323350004871 2228

© Charles American GUARDIAN SAFETY BLUE WOOL

ZBA #03-23 Escrow

JESUS M. HERNANDEZ 9-93 2227  
 JOSEFA HERNANDEZ  
 35 CROSS ST. 845-565-1248  
 NEW WINDSOR, NY 12553

Date May 2-03 50-693/219 333

Pay to the Order of the TOWN OF NEW WINDSOR \$ 300.00  
three hundred  $\frac{00}{100}$  Dollars

KeyBank National Association  
 Newburgh, New York 12550  
 1-800-KEY2YOU Key.com

For Josefa Hernandez  
 :021906934: 323350004871 2227

© Charles American GUARDIAN SAFETY BLUE WOOL



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

5-1-03

Date

Application Type: Use Variance  Area Variance   
Sign Variance  Interpretation

I. **Owner Information:** Phone Number: (845) 565 1248  
JESUS + JOSEFA HERNANDEZ Fax Number: ( )  
(Name)  
35 CROSS ST. NEW WINDSOR - NY - 12553  
(Address)

\* II. **Purchaser or Lessee:** Phone Number: ( )  
Fax Number: ( )  
(Name)  
(Address)

III. **Attorney:** Phone Number: (845) 561 6920  
BLOOM + BLOOM. P.C. Fax Number: (845) 561 0978  
(Name)  
530 BLOOMING GROVE TURNPIKE - NEW WINDSOR - NY - 12553  
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 534 2208  
Fax Number: ( )  
STEVEN P. DRABICK P.L.S. PC  
(Name)  
PO BOX 539, CONTINENTAL RD. CORNWALL, NY. 12518  
(Address)

V. **Property Information:**

Zone: R4 Property Address in Question: 35 CROSS ST.  
Lot Size: 0.43034 acres Tax Map Number: Section 40 Block 3 Lot 7  
\* a. What other zones lie within 500 feet? \_\_\_\_\_  
b. Is pending sale or lease subject to ZBA approval of this Application? NO  
c. When was property purchased by present owner? 10/26/95  
d. Has property been subdivided previously? NO If so, When: \_\_\_\_\_  
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO  
f. Is there any outside storage at the property now or is any proposed? Yes

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

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

RECEIVED  
TOWN OF NEW WINDSOR  
MAY - 5 2003  
ENGINEER & PLANNING

03-23

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

**APPLICATION FOR VARIANCE - continued**

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

Area Variance requested from New Windsor Zoning Local Law,

Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.		9.6 FT	5.4 FT
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

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

RECEIVED TOWN OF NEW WINDSOR  MAY - 5 2003  ENGINEER & PLANNING
--

03-23

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

**APPLICATION FOR VARIANCE - continued**

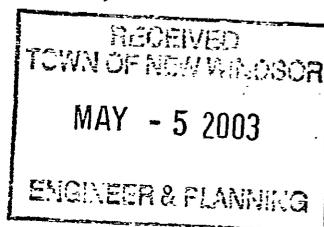
- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change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

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

We built an extension of  
our existing porch off our kitchen side door. We  
did not know that we needed to get a permit,  
for this work to be done. We are asking for permission  
to allow us to keep our porch as it is today. All  
work has already been completed. It does not  
deface the value of the property or the neighborhood  
Thank you for your cooperation

**PLEASE NOTE:**

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



03-23

**XII. ADDITIONAL COMMENTS:**

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

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**XIII. ATTACHMENTS REQUIRED:**

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy 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.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - One in the amount of \$ 300.00 or 500.00, (escrow)
  - One in the amount of \$ 50.00 or 150.00, (application fee)
  - One in the amount of \$ 25.00, (Public Hearing List Deposit)
- Photographs of existing premises from several angles.

**XIV. AFFIDAVIT.**

STATE OF NEW YORK

) SS.:

COUNTY OF ORANGE )

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

Sworn to before me this:

1 day of MAY 2003

*Jesus Hernandez*

Owner's Signature (Notarized)

Jose Hernandez

Owner's Name (Please Print)

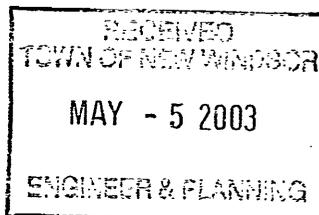
*Jose Otero*

JOSE OTERO  
Notary Public, State of New York  
Qualified in Orange County  
Registration No. 5081174  
Commission Expires 6/30/03

Applicant's Signature (If not Owner)

PLEASE NOTE:

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



03-23