

ZB# 00-45

John & Elsie Pearson

59-2-6

Index.

Aug. 14, 2000

Proxy: Kevin J.

Pearson

Notice to Paperwork \$1100.

Public Hearing:

Sept. 11, 2000.

Area Variance

Granted.

Refund:

\$207.50

#00-45- Pearson, John & Elsie

Area
59-2-b.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Pearson, Elsie & John

FILE# 00-45

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE.....\$ 50.00

*paid ck.
1101
8/11/00*

ESCROW DEPOSIT FOR CONSULTANT FEES.....\$ 300.00

*paid ck.
1102*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE	<u>8/14/00</u> ..3..	\$ <u>13.50</u>
2ND PRELIMINARY- PER PAGE	<u>9/11/00</u> ..2..	\$ <u>9.00</u>
3RD PRELIMINARY- PER PAGE		\$ <u> </u>
PUBLIC HEARING - PER PAGE		\$ <u> </u>
PUBLIC HEARING (CONT'D) PER PAGE		\$ <u> </u>
TOTAL		\$ <u>22.50</u>

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING:	<u>8/14/00</u>	\$ <u>36.00</u>
2ND PRELIM.	<u>9/11/00</u>	\$ <u>35.00</u>
3RD PRELIM.		\$ <u> </u>
PUBLIC HEARING		\$ <u> </u>
PUBLIC HEARING (CONT'D)		\$ <u> </u>
TOTAL		\$ <u>70.00</u>

MISC. CHARGES:

.....	\$ <u> </u>
TOTAL	\$ <u>92.50</u>

LESS ESCROW DEPOSIT	\$ <u>300.00</u>
(ADDL. CHARGES DUE)	\$ <u> </u>
REFUND DUE TO APPLICANT	..	\$ <u>207.50.</u>

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

JOHN PEARSON

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#00-45.
-----X

WHEREAS, JOHN PEARSON, residing at 9 Hillcrest Drive, Salisbury Mills, N.Y. 12577, has made application before the Zoning Board of Appeals for a 9 ft. 6 in. rear yard variance for an existing shed at above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 11th day of September, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, John Pearson appeared together with Ms. Losarro on behalf of this Application; and

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

WHEREAS, no one spoke in opposition to this 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) John Pearson was the prior owner of the property and Ms. Losarro is the present owner of the property, the property just having been sold. Both persons appeared before the ZBA for the purpose of continuity.

(c) The pool shed has been in place for approximately 27 years. The shed houses equipment which is necessary for the maintenance and safe operation of the adjacent pool.

(d) The shed cannot easily be moved because of the nature of the equipment. For the shed to be moved the entire pool would have to be reconstructed involving considerable electrical and plumbing work.

(e) From the time that the shed has been in place, there have been no complaints, neither formal nor informal.

(f) The pool shed is not constructed on top of any well or septic system, water or sewer easement.

(g) The pool shed does not create the ponding or collection of water, or interfere with the course of water drainage.

(h) The placing of the pool shed was necessary in order to provide service for the pool and to comprise the least amount of intrusion onto the available yard area.

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 for the reasons listed above.

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, outweigh 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 a 9 ft. 6 in. rear yard variance for an existing pool shed at the above residence, 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: November 13, 2000.



Chairman

Date 9/13/00, 19.....

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
9/11/00		Zoning Board Mtg	75 00	
		Misc 1		
		Slepoy - 3		
		Sandcastle - 2		
		Calvet - 4		
		Evans - 4		
		Moore - 3		
		Hmsinger - 3		
		Kelly - 3		
		Pearson - 2 9.00		
		Schlesinger - 8		
		Lehman - 2	157 50	
		35	<u>232 50</u>	

PEARSON, JOHN

MR. TORLEY: Request for 9 ft. 6 in. rear yard variance for pool pump shed at 9 Hillcrest Drive, Salisbury Mills in an R-4 zone. Is there anyone in the audience besides the applicant who wishes to speak on this? There being no on, we'll continue.

Mr. John Pearson and Mrs. Lasarro (phonetic) appeared before the board for this proposal.

MR. PEARSON: I'm John Pearson, formerly of 9 Hillcrest Drive, this is Mrs. Lasarro, who's now the owner of the property as of Friday. However, I suggested I come along with her to give her any help I can in resolving this, in completing it. We have an existing pool shed on the property which is according to the request is six inches from the line and photographic evidence which you hold would show it to be a little further away than that, something like three foot from the line. But our request is to have that it's been there for 27 years but when we did the sale, we ran into this so we're looking to have a variance in place so no problems will exist.

MS. CORSETTI: For the record, we sent out 37 notices to adjacent property owners on August 11 and we didn't get any response.

MR. NUGENT: Really out of the question to move the shed?

MR. PEARSON: Really, it's, there's a pool shed, it's not a shed, it's a cover for the pool pump and so forth.

MR. TORLEY: Require extensive plumbing electrical work and economically infeasible to move it?

MR. PEARSON: Reconstruction of the whole pool area in order to move it, pull up the lines, it's an inground pool, therefore, all the lines and pipes an electrical work would have to be dug up and relocated.

MR. MC DONALD: Received any complaints from any of the

neighbors?

MR. PEARSON: Never have.

MR. KRIEGER: None on file?

MR. BABCOCK: No.

MR. KRIEGER: It's not over the top of any well or septic system?

MR. PEARSON: Not anywhere near anything.

MR. KRIEGER: Not over any water or sewer easement?

MR. PEARSON: Not at all.

MR. KRIEGER: Doesn't create the ponding or collection of water?

MR. PEARSON: Absolutely not.

MR. KRIEGER: Or interfere with water drainage?

MR. PEARSON: Got excellent drainage, believe me.

MR. KRIEGER: Just have to get it on the record.

MR. MC DONALD: Accept a motion? Make a motion we grant the variance to Mr. Pearson for 9 foot 6 inch rear yard.

MR. NUGENT: Second it.

ROLL CALL

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

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

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 7/31/00

APPLICANT: John & Elsie Pearson
9 Hillcrest Drive
Salisbury Mills, NY 12577

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Accessory Building; 7ftx10ft pool pump shed

LOCATED AT: 9 Hillcrest Drive

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 59-2-6

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-14 Accessory Buildings.

1. Such Building shall be set back 10ft from any lot line. Existing pool pump shed is located @ 6in from rear lot line.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: Accessory Building

MIN. LOT AREA:

MIN LOT WIDTH:

REQ=D.. FRONT YD:

REQ=D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ=D REAR YD: 10ft

6in

9ft6in

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.

FOR OFFICE USE ONLY:

Building Permit #:

723-2000

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

JOHN & ELSIE E PEARSON

Address

9 HILLCREST DRIVE SAUSBORO MILLS N.V. 12577 Phone 914-496 7629

Mailing Address

SAME.

Name of Architect

Address

Phone

Name of Contractor

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 59 Block 2 Lot 06

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

EXISTING POOL PUMP HOUSE

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ 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 _____

PAID

10. Estimated cost _____

Fee

\$ 50.00 CASH

D. H. H.

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 Lisi & Louis Krychear

New Windsor Town Hall

555 Union Avenue

New Windsor, New York 12553

(914) 563-4618

(914) 563-4693 FAX

Bldg Insp Examined _____

Fire Insp Examined _____

Approved _____

Disapproved _____

Permit No. _____

INSTRUCTIONS

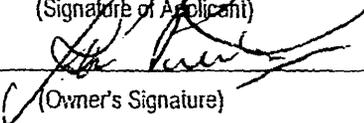
- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.



(Signature of Applicant)

(Address of Applicant)

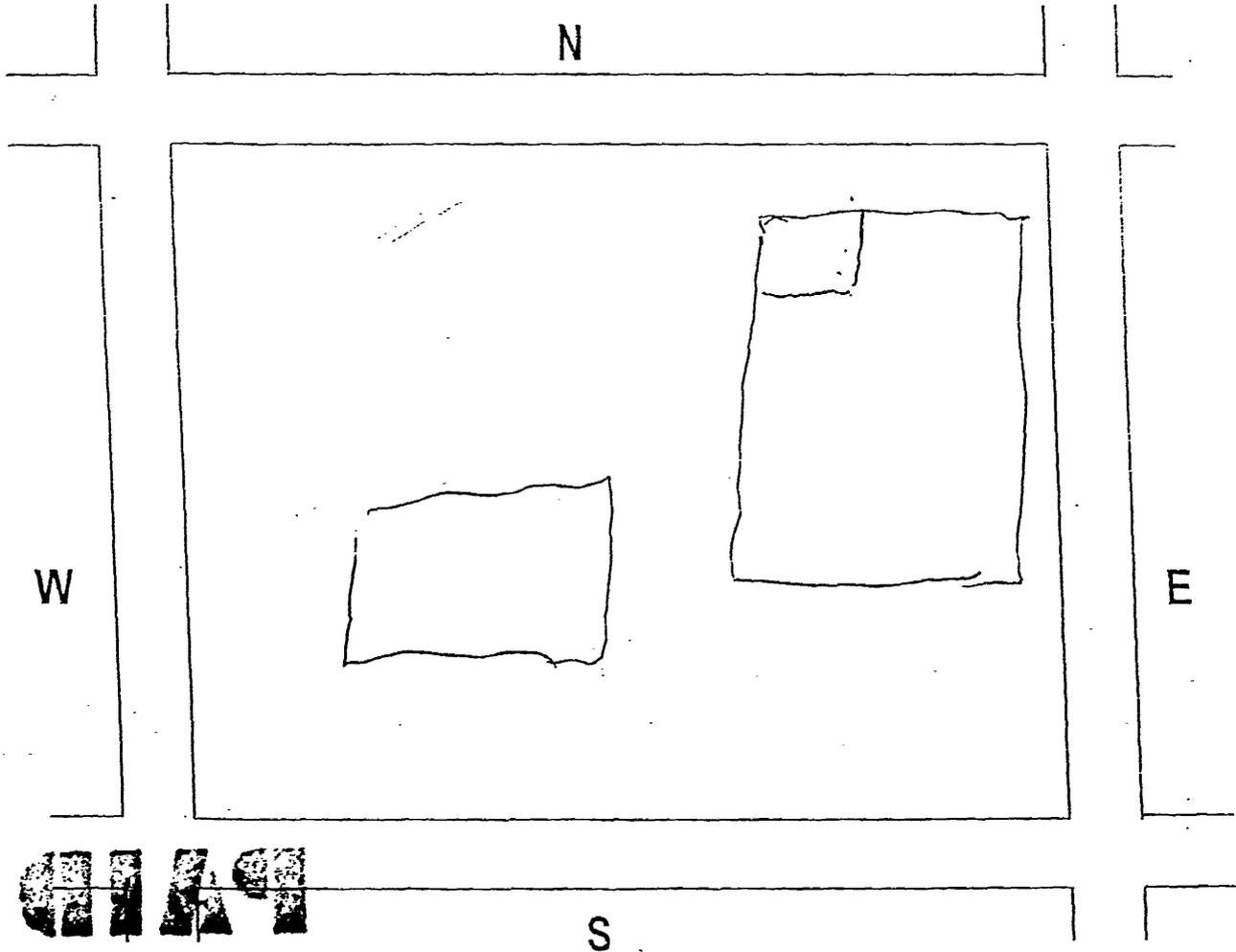


(Owner's Signature)

(Owner's Address)

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.

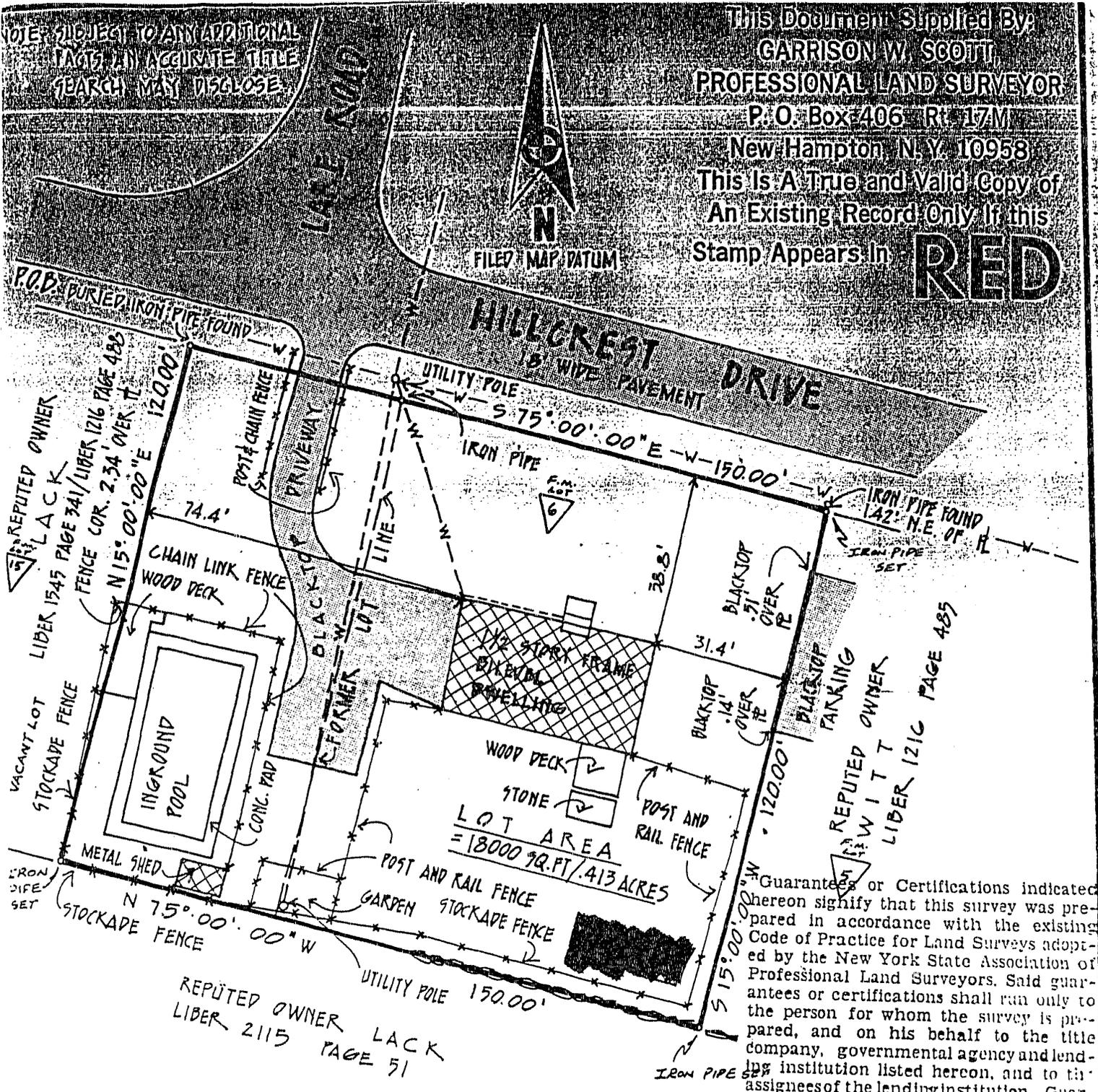


NOTE: SUBJECT TO ANY ADDITIONAL FACTS, AN ACCURATE TITLE SEARCH MAY DISCLOSE.

This Document Supplied By
GARRISON W. SCOTT
PROFESSIONAL LAND SURVEYOR
 P. O. Box 406 Rt. 17M
 New Hampton, N. Y. 10958

This Is A True and Valid Copy of
 An Existing Record Only If this
 Stamp Appears In **RED**

FILED MAP DATUM



REPUTED OWNER
 LACK
 LIBER 1845 PAGE 341 / LIBER 1216 PAGE 485
 FENCE COR. 2.34' OVER IT

VACANT LOT
 STOCKADE FENCE
 IRON PIPE SET

REPUTED OWNER
 LACK
 LIBER 2115 PAGE 51

REPUTED OWNER
 TIT
 LIBER 1216 PAGE 485

Guarantees or Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said guarantees or certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Guarantees or certifications are not transferable to additional institutions or subsequent owners."

I HEREBY CERTIFY TO THE PARTIES OF INTEREST LISTED BELOW THAT THIS MAP AND THE ACTUAL FIELD SURVEY ON WHICH IT WAS BASED WERE PREPARED UNDER MY SUPERVISION AND THAT BOTH CONFORM TO OR EXCEED STANDARDS SET FORTH BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS AND THE NEW YORK STATE TITLE ASSOCIATION:

JOHN PEARSON
 ELSIE E. PEARSON
 SECURITY - TITLE COMPANY

Garrison W. Scott
 GARRISON W. SCOTT, N.Y.P.L.S. #49150

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 2, of the New York State Education Law.

"Copies from the original of this survey map not marked with an original of the land surveyor's inked seal or his embossed seal shall not be considered to be a valid true copy."

SURVEY OF PROPERTY PREPARED FOR
JOHN PEARSON AND ELSIE E. PEARSON



ADDRESS: HILLCREST DRIVE		TITLE #:	
TOWN OF NEW WINDSOR	COUNTY OF: ORANGE	STATE OF: NEW YORK	
SCALE 1" = 30'	SURVEY DATE: AUGUST 10, 1982	REVISED:	
TAX MAP SECTION: 57		BLOCK: 2	LOT: 6
REFERENCES: DEED LIBER 2188 PAGE 314 AND ADJOINING DEEDS AS SHOWN MAP ENTITLED "WINDSOR HILLS" DATED MAY 1950 AND FILED IN THE OFFICE OF THE COUNTY CLERK AUGUST 26, 1950			
GARRISON W. SCOTT - PROFESSIONAL LAND SURVEYOR			
(914) 374-6666			REFER TO
P.O. BOX 406. RT. 17 M. NEW HAMPTON, N.Y. 10958			# 82-112

PEARSON, JOHN

Mr. John Pearson and Mr. Kevin Pearson appeared before the Board for this proposal.

MR. TORLEY: Request for 9 foot 6 inch rear yard variance for pool pump shed at 9 Hillcrest Drive, Salisbury Mills in an R-4 zone.

MR. KEVIN PEARSON: John Pearson and his son Kevin Pearson. I'm also a New Windsor resident.

MR. KANE: How long has the shed been existing?

MR. JOHN PEARSON: Well, the shed was on the property since 1973 I believe.

MR. KEVIN PEARSON: The house was built in 1969. And we believe that the pool and shed was constructed in 1973 to the best of our knowledge. My father purchased the house in 1982 with the shed, obviously, and pool preexisting.

MR. KANE: Nothing came up in the purchase in '82?

MR. BABCOCK: No.

MR. JOHN PEARSON: Actually, there was a purchase prior to that too which it never showed up in.

MR. BABCOCK: Back in the early 80s the banks and title insurance companies didn't get us involved.

MR. REIS: Mr. Pearson and son, what brings you to the board?

MR. JOHN PEARSON: Well, we're looking actually for a variance on the shed.

MR. REIS: I know. Why at this point?

MR. KEVIN PEARSON: This is a precondition to a sale. The house is up for sale. We're trying to meet all the C.O criteria. This is going to be a little hard to move, the pool, the pump, the electrical, all that has been C.O.'d. The shed itself, it is really a pool house. I think what we're looking for, actually, is it, nine foot six inches, it's actually a little less than that. It's actually set back from the property line about three and a half feet. The six inches, I think,

came from a deed, from a site survey done which indicates I think it's an inch, quarter inch.

MR. JOHN PEARSON: One inch equals 30 feet.

MR. KEVIN PEARSON: It's very hard to see on that thing. It looks like it could be six inches, but it turns out to be, as we've indicated in these photos, it's actually three and a half feet to the property line. It may or may not make a difference. We just want to indicate it.

MR. REIS: You're being too thorough.

MR. KEVIN PEARSON: I'm an engineer myself.

MR. TORLEY: If you think you don't need quite nine foot six, you're better off nine foot six.

MR. KEVIN PEARSON: I'm just indicating that to the board. The board did grant the nine foot six. The back of the property as indicated on the photos, it's a rear yard totally in the rear of the yard. There's just bare property line where they owned with no building. This I did indicated on photos that there's nothing back there.

MR. REIS: Just for the record, you haven't had any complaints from your neighbors?

MR. JOHN PEARSON: None whatsoever.

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: I make a motion we set up Mr. Pearson for a public hearing for his requested variance at 9 Hillcrest Drive.

MR. KANE: Second the motion.

ROLL CALL

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

MR. TORLEY: Since this is an area variance, our

August 14, 2000

23

attorney will give you the state regulations we're required to follow in deciding variances.

MR. KEVIN PEARSON: Actually, we're trying to sell the property and we want to meet all the criteria to make it legal.

MR. KRIEGER: Otherwise, they won't pay for it.

MR. KEVIN PEARSON: Otherwise they won't buy it, that's correct, sir.

MR. TORLEY: Okay, you're all set.

40

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. 45

Request of John + Elsie Pearson.

for a VARIANCE of the Zoning Local Law to Permit:

existing pool pump shed w/ insufficient rear yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs. - G. +
48-14 - Accessory Bldgs. - Supp. Yard Regs.
for property situated as follows:

9 Hillcrest Drive, Salisbury Mills, N.Y.

known and designated as tax map Section 59, Blk. 2 Lot 6

PUBLIC HEARING will take place on the 11th day of Sept., 192000 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-45

Date: 8/1/00

I. Applicant Information:

- (a) John & Elsie Pearson, 9 Hillcrest Drive, Salisbury Mills, N.Y.
(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
- Area Variance
- Sign Variance
- Interpretation

III. Property Information:

- (a) R-4 9 Hillcrest Drive, Salisbury Mills, N.Y. 59-2-6 150 x 120⁺
(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? Yes
- (d) When was property purchased by present owner? 1982
- (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. 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 X.

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 48-12, Table of Use/Bulk Regs., Col. G.
48-14 - Accessory Bldgs. - Supp. Yard Regs.

Requirements	Proposed or Available	Variance Request
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>10ft.</u>	<u>6in.</u>	<u>9ft. 6in.</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:

Accessory building was rebuilt in 1990 to replace damaged structure;
The building was existing prior to Applicant's ownership and
will not have an adverse impact on the neighborhood or
district.

(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

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-45

Date: 8/1/00

I. Applicant Information:

- (a) John & Elsie Pearson, 9 Hillcrest Drive, Salisbury Mills, N.Y.
(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
- Area Variance
- Sign Variance
- Interpretation

III. Property Information:

- (a) R-4 9 Hillcrest Drive, Salisbury Mills, N.Y. 59-2-6 150 x 120⁺
(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? Yes
- (d) When was property purchased by present owner? 1982
- (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. 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 X.

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 48-12, Table of Use/Bulk Regs., Col. G.
48-14 - Accessory Bldgs. - Supp. Yard Regs.

Requirements	Proposed or Available	Variance Request
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>10ft.</u>	<u>6in.</u>	<u>9ft. 6in.</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:

Accessory building was rebuilt in 1990 to replace damaged structure;
The building was existing prior to Applicant's ownership and
will not have an adverse impact on the neighborhood or
district.

(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

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4630
Fax: (845) 563-4693

Attorney for the Town

August 2, 2000

Eugene Grillo, Esq.
225 Dolson Avenue
Middletown, N. Y. 10940

Re: Application for Variance #00-45 – 59-2-6
John and Elsie Pearson – 9 Hillcrest Drive, Salisbury Mills, N.Y.

Dear Mr. Grillo:

This is to advise that the above-named Applicants are presently before the Zoning Board of Appeals for purposes of obtaining a rear yard variance for the existing pool shed.

The variance, if granted, will run with the land. Any new owners can proceed with the application.

If you require additional information concerning this variance, please contact this office.

Very truly yours,

Patricia A. Corsetti, Secretary
Zoning Board of Appeals

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # 00-45.

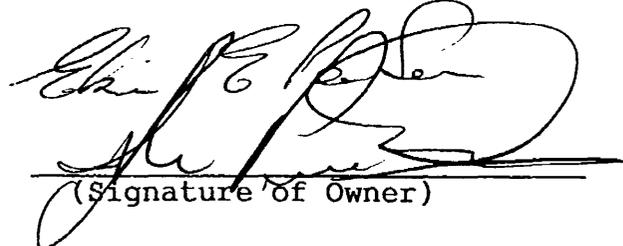
ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

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

John & Elsie Pearson, deposes and says:
I am the OWNER of a certain parcel of land within the TOWN OF NEW WINDSOR designated as tax map SECTION 59 BLOCK 2 LOT 6. I HEREBY AUTHORIZE Kevin J. Pearson ~~(company name)~~ to make an application before the ZONING BOARD OF APPEALS as described in the within application.

Dated: 8/1/00.


(Signature of Owner)

Sworn to before me this 1st day of Aug., 2000.

Patricia A. Corsetti
Notary Public

(ZBA DISK#1-060895.PXY)

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4804434
Qualified in Orange County
Commission Expires August 31, 2 001.

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(914) 583-4811

RECEIPT
#632-2000

08/11/2000

Pearson, John & Elsie E.

Received \$ 50.00 for Zoning Board Fees, on 08/11/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Dorothy H. Hansen
Town Clerk

Date 4/13/00, 19.....

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
2/14/00	Zoning Board Mtg, Misc - 2	75.00	
	Lasio - 2 Ferguson - 3		
	Marulanda - 5		
	Dunkin Donuts - 3		
	Lehman - 3		
	Schlesinger - 3		
	Panella - 3		
	Pearson - 3 13.50.		
	Cuto - 1		
	Young - 3		
	Days Inn - 3		
	Czepiel - 2	175.50	
	Lahey - 3 39	<u>250.50</u>	



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

August 1, 2000

37

Elsie & John Pearson
9 Hillcrest Drive
Salisbury Mills, NY 12577

Re: 59-2-6

Dear Mr. & Mrs. John Pearson,

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 \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town's Clerk Office.

Sincerely,

A handwritten signature in cursive that reads "L. Cook" followed by a circled initial "LC".

Leslie Cook
Sole Assessor

LC/bw
Attachments

CC:Pat Corsetti, ZBA

Beaver Dam Lake Protection & Rehabilitation District
C/o Department of Public Works
Route 17 M
Goshen, NY 10924

Maria & William Castellane
PO Box 165
Salisbury Mills, NY 12577

Marie & Christopher Moran
13 Hillcrest Drive
Salisbury Mills, NY 12577

Brian Donohue
7 Park Rd
Salisbury Mills, NY 12577

Alma & Anton Krona
25 Hillcrest Drive
Salisbury Mills, NY 12577

Annette & Joseph Capone
15 Hillcrest Drive
Salisbury Mills, NY 12577

Amy & Sean Campo
5 Park Rd
Salisbury Mills, NY 12577

Deborahann & Robert Carroll
53 Valley View Drive
New Windsor, NY 12553

Elba & Edward Chinga
17 Hillcrest Drive
Salisbury Mills, NY 12577

Josephine & Vincent Rispolio
& Mary Ann Filippini
279 Lake Rd
Salisbury Mills, NY 12577

Alice & Vito Nasta
8 Hillcrest Drive
Salisbury Mills, NY 12577

Antrim Associates
44 Station Road
Salisbury Mills, NY 12577

Annette & Raymond Filippini
PO Box 187
Salisbury Mills, NY 12577

Bernadette & Gary Walters
6 Hillcrest Drive
New Windsor, NY 12553

Patricia Stoveland,
Thomas & Steven Hagerth
3 Austin Court
Monroe, NY 10950

Joan Deyo
260 Lake Rd
Salisbury Mills, NY 12577

The County of Orange
F/b/o Beaver Dam Lake Protection and Rehabilitation District
265 Main Street
Goshen, NY 10924

Sharleen & Joseph Wunderlich
50 Valley Drive
Salisbury Mills, NY 12577

Ellen Sass
183 Willow Ave
Cornwall, NY 12518

Erna & Erwin Schelhammer
211 Lake Road
Salisbury Mills, NY 12577

Lisa & Oscar Gomez
48 Valley Drive
Salisbury Mills, NY 12577

County of Orange
255-275 Main Street
Goshen, NY 10924

Patricia & Thomas Larke
171 Lake Street
Salisbury Mills, NY 12577

Kevin Fallo
122 Windsor Terrace
Salisbury Mills, NY 12577

Debra & Steven Kaiser
PO Box 87
Salisbury Mills, NY 12577

Andrew Lelo
5 Hillcrest Drive
New Windsor, NY 12553

Jennifer Bates & Russell Leiter
118 Windsor Terrace
Salisbury Mills, NY 12577

Natalie & Alexander Bar
PO Box 239
Cornwall, NY 12518

Robert Witt
7 Hillcrest Drive
Salisbury Mills, NY 12577

Margaret & Charles Decker
189 Lake Rd
Salisbury Mills, NY 12577

Mary O'Brien Trust ✓
111 Briny Ave, Apt 2614
Pompano Beach, FL 33062

Sandra & Robert Haight ✓
7 Finnegan Lane
Goshen, NY 10924

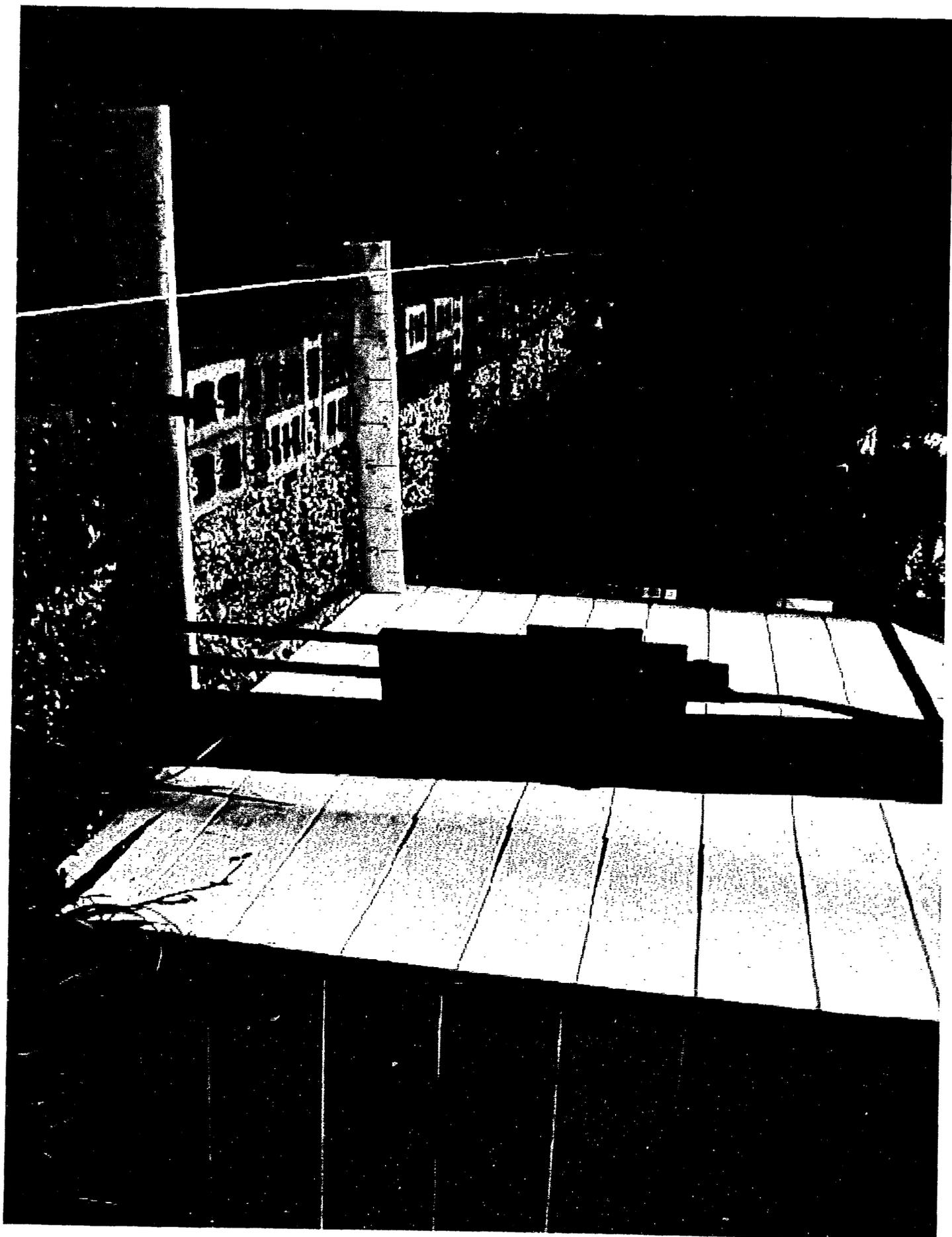
Jane & Tad Seaman ✓
542 Union Ave
New Windsor, NY 12553

State of New York Office of Comptroller ✓
Bureau of Finance Administration
Att: Colin Campbell
5th Fl. A.E. Smith Bldg.
Albany, NY 12236

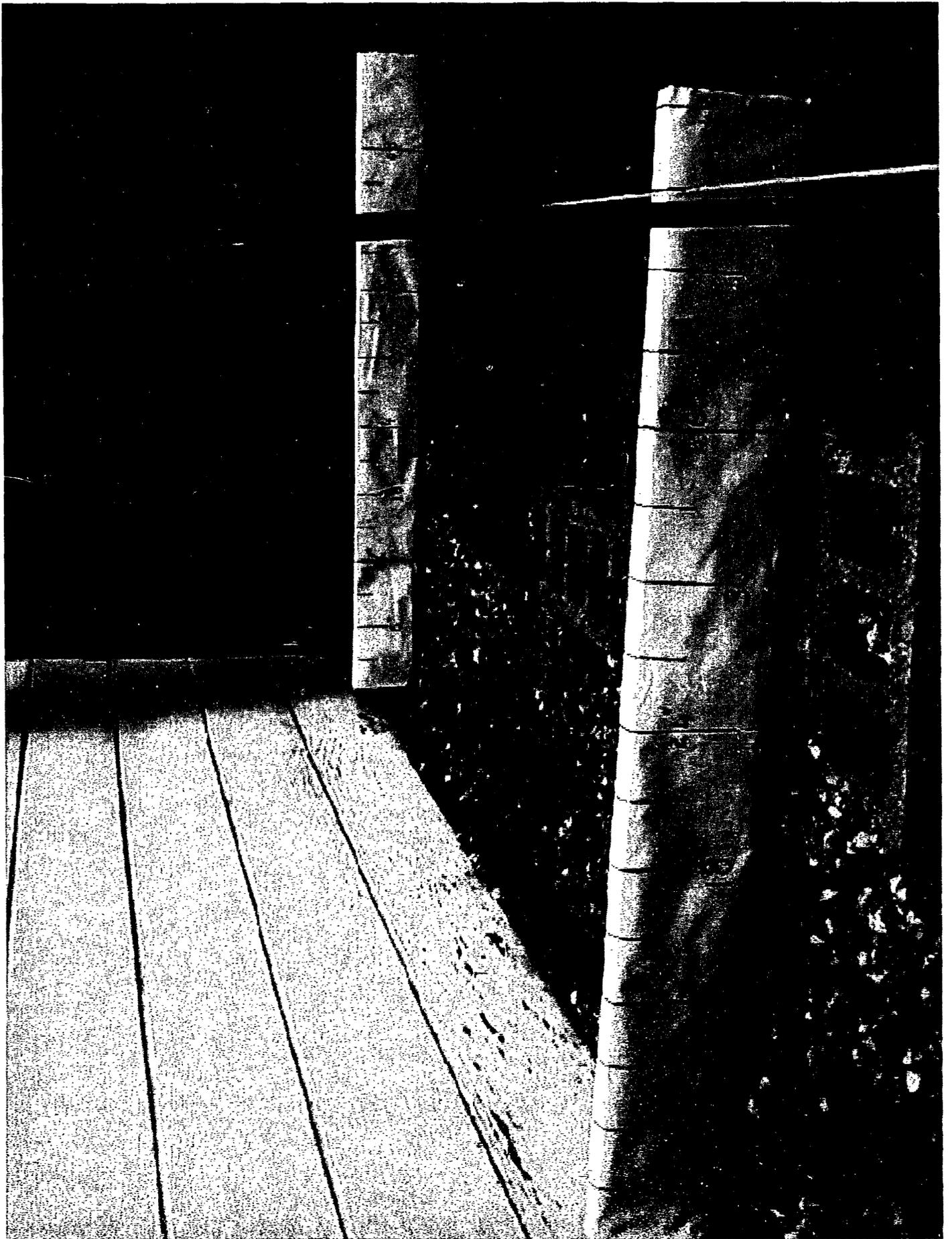
Josephine & Guy Osmer ✓
16 Hillcrest Drive
Salisbury Mills, NY 12577

Helen & William Adams ✓
39 Donna Lane
Wallkill, NY 12589

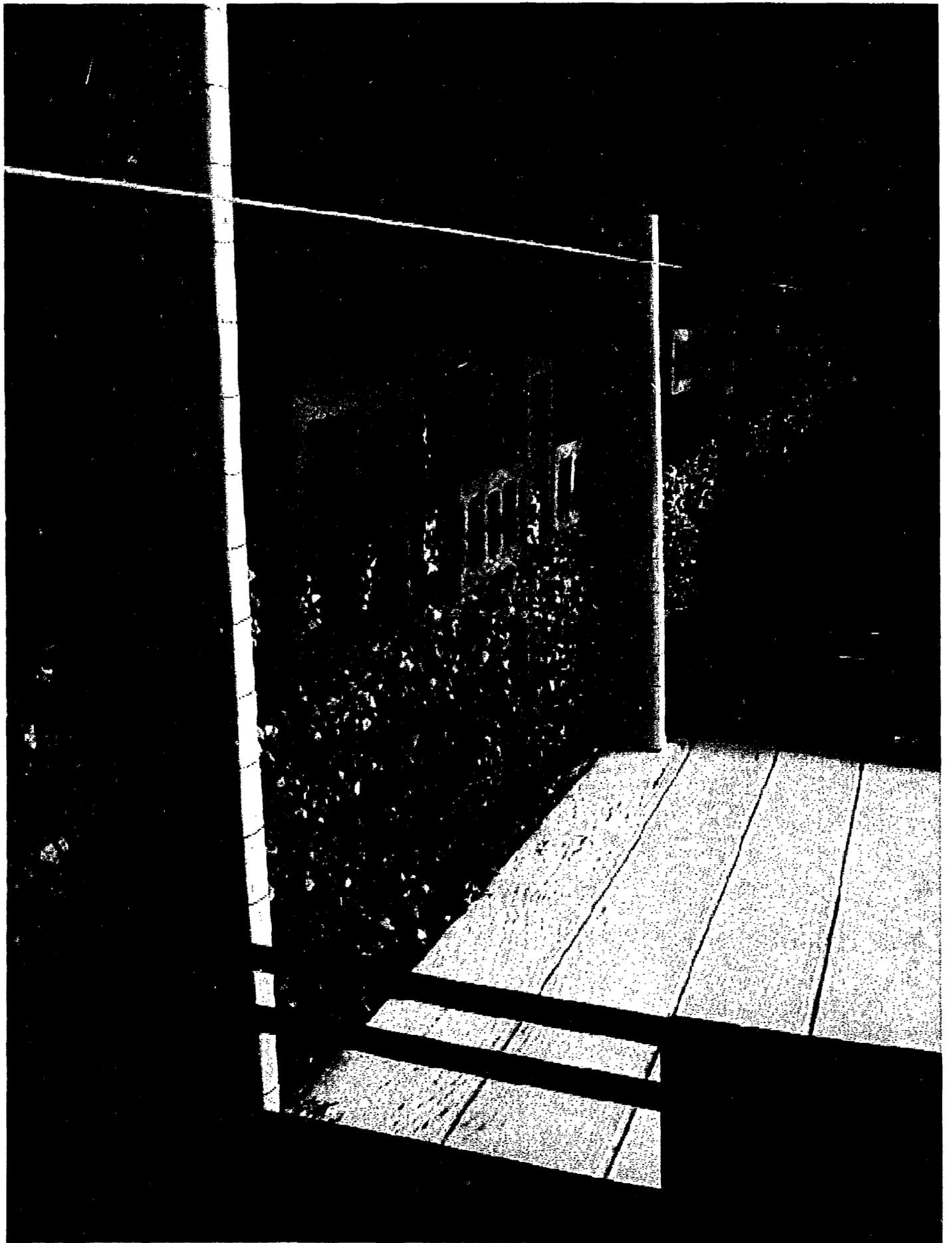
Margarete Obermeier Ex. ✓
12 Hillcrest Drive
Salisbury Mills, NY 12577



Shed 05



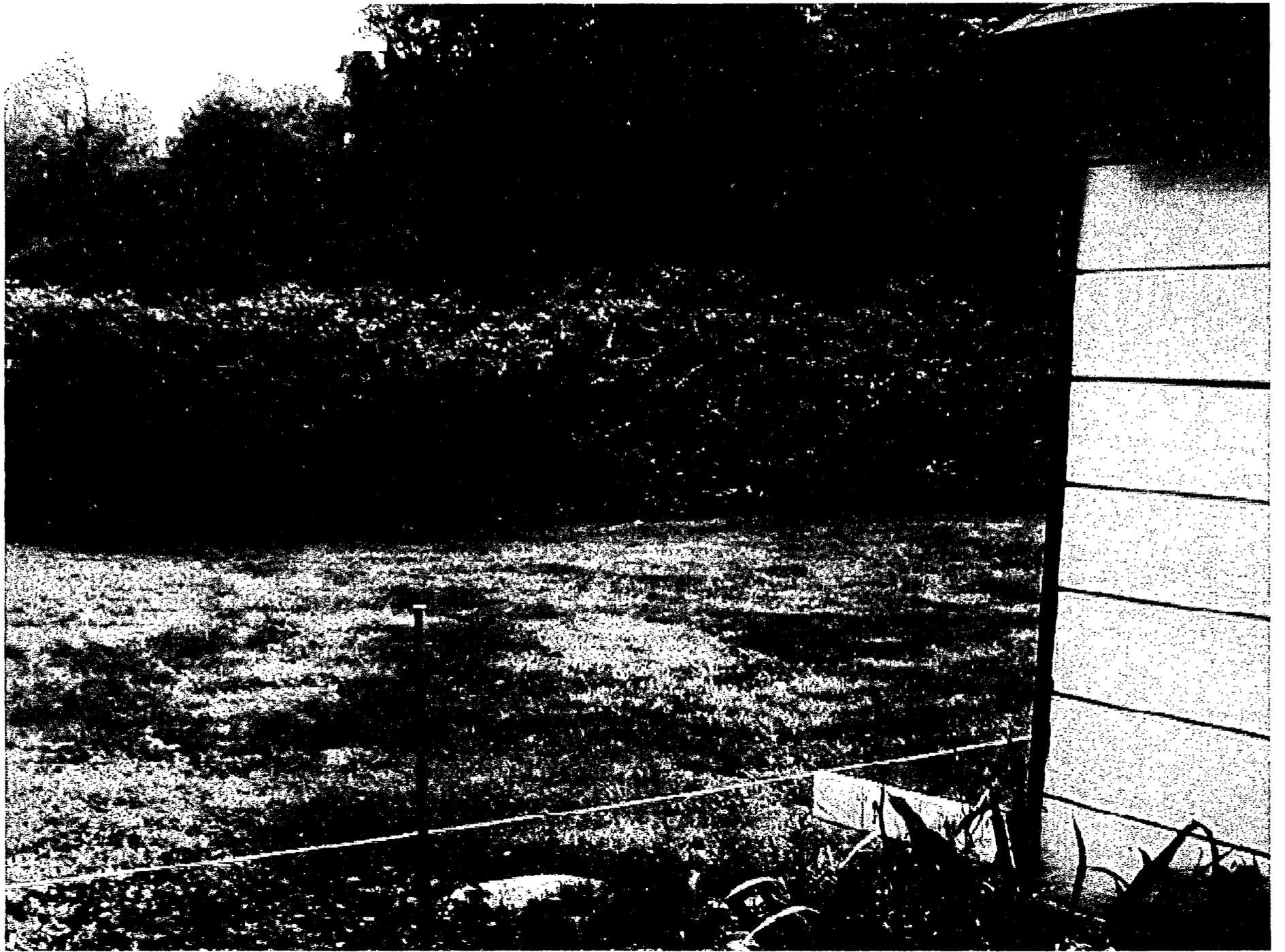
shed 04



Shed 09



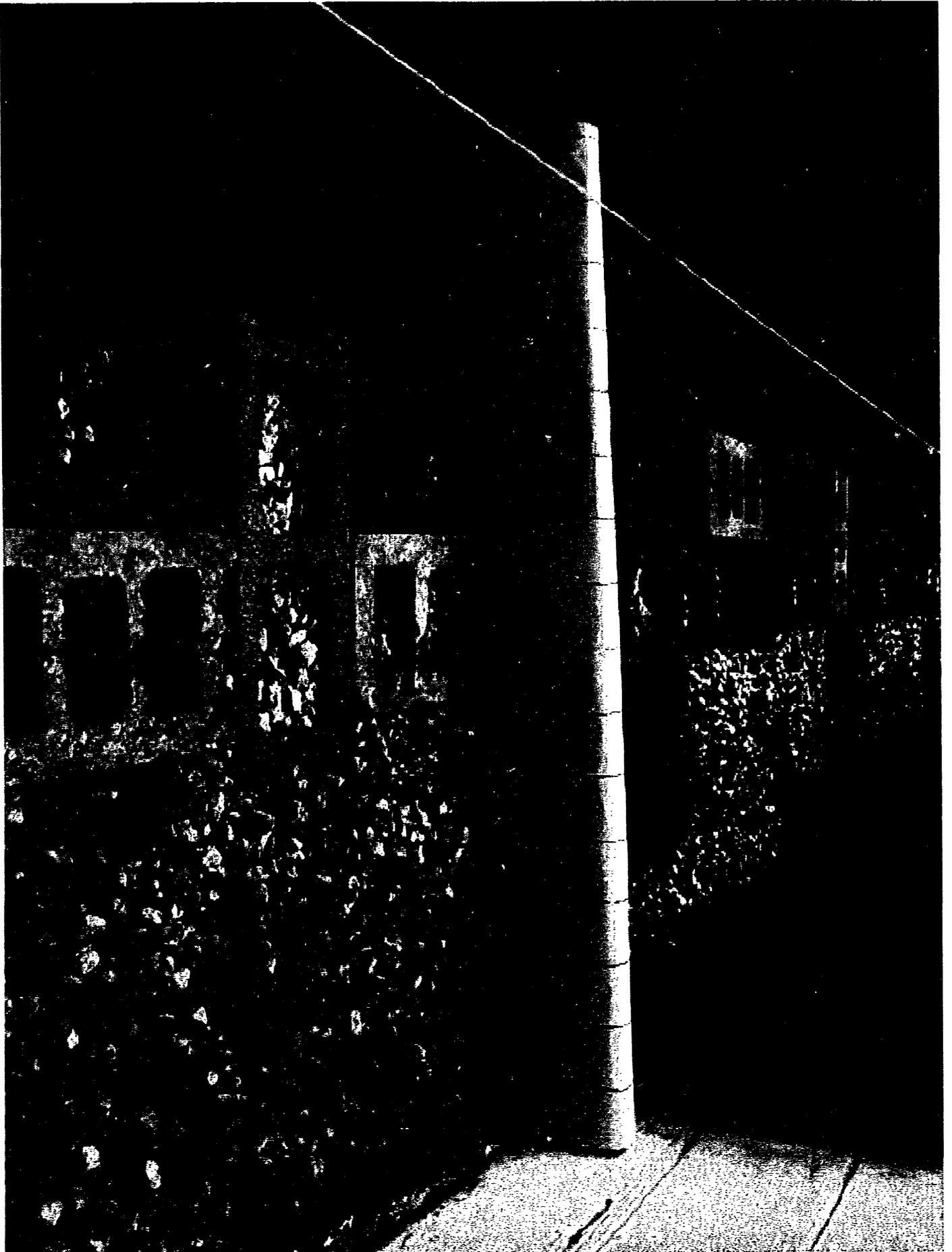
shed 10



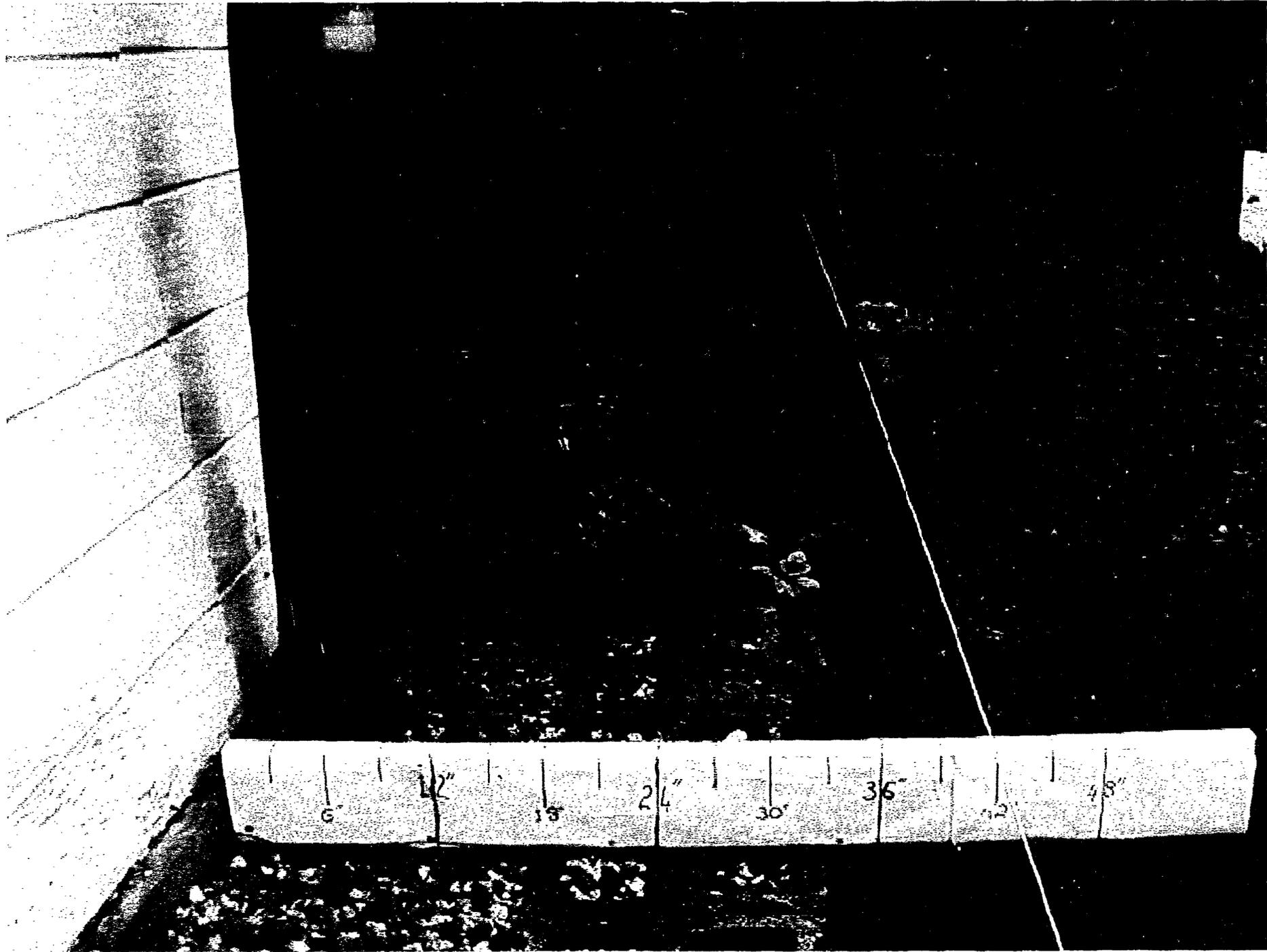
shed 11



shed 12



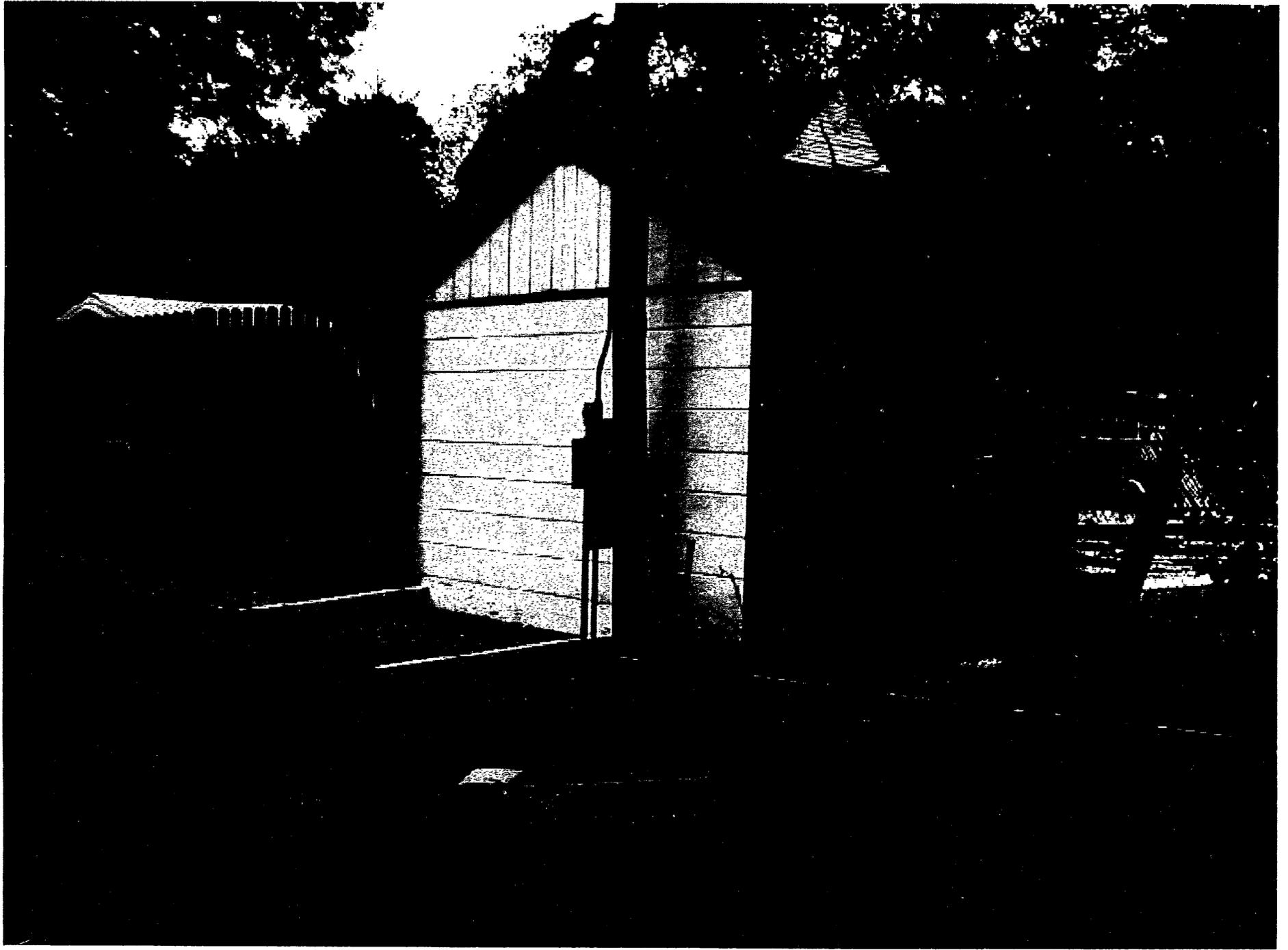
shed 13



shed 17



shed 15



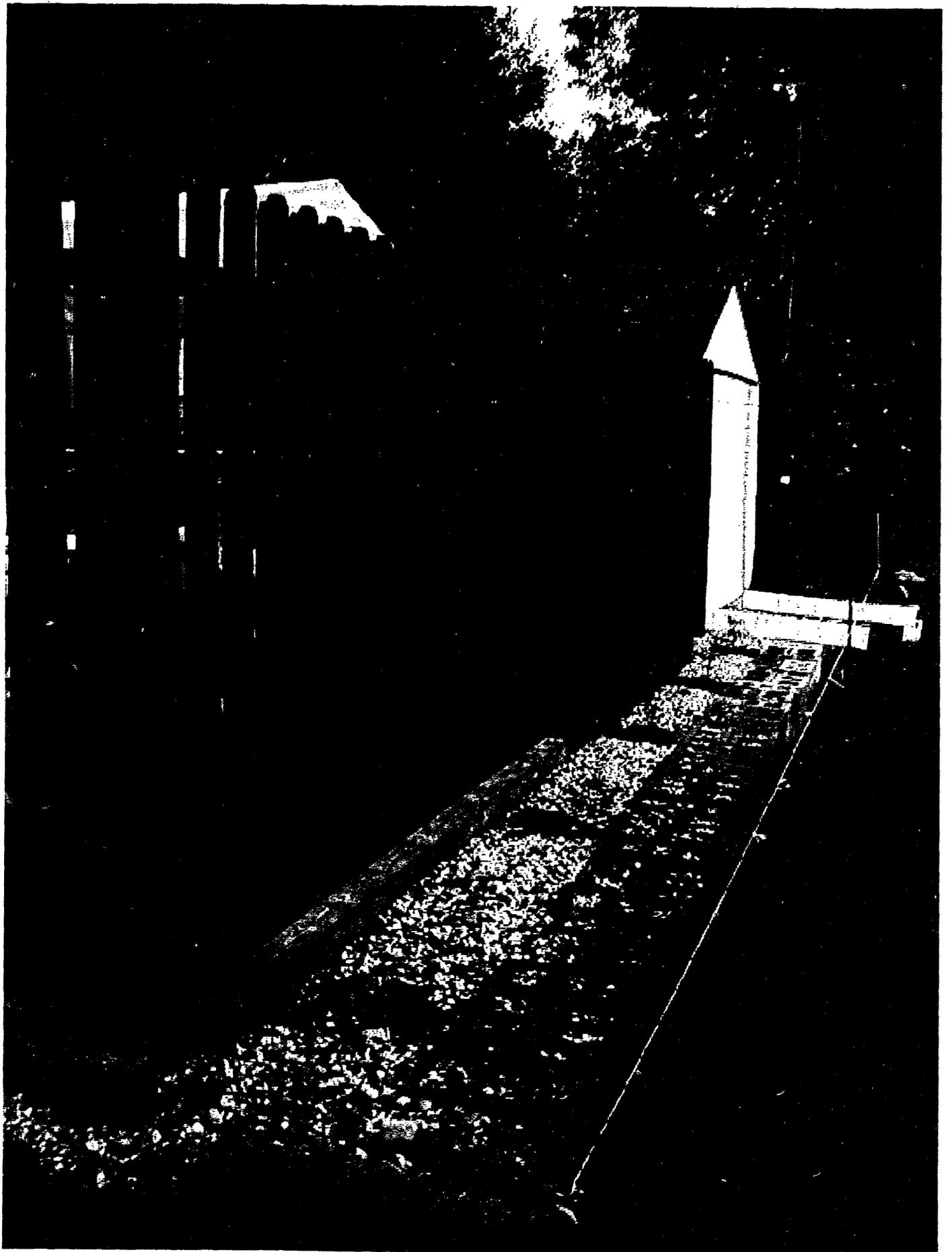
shed 16



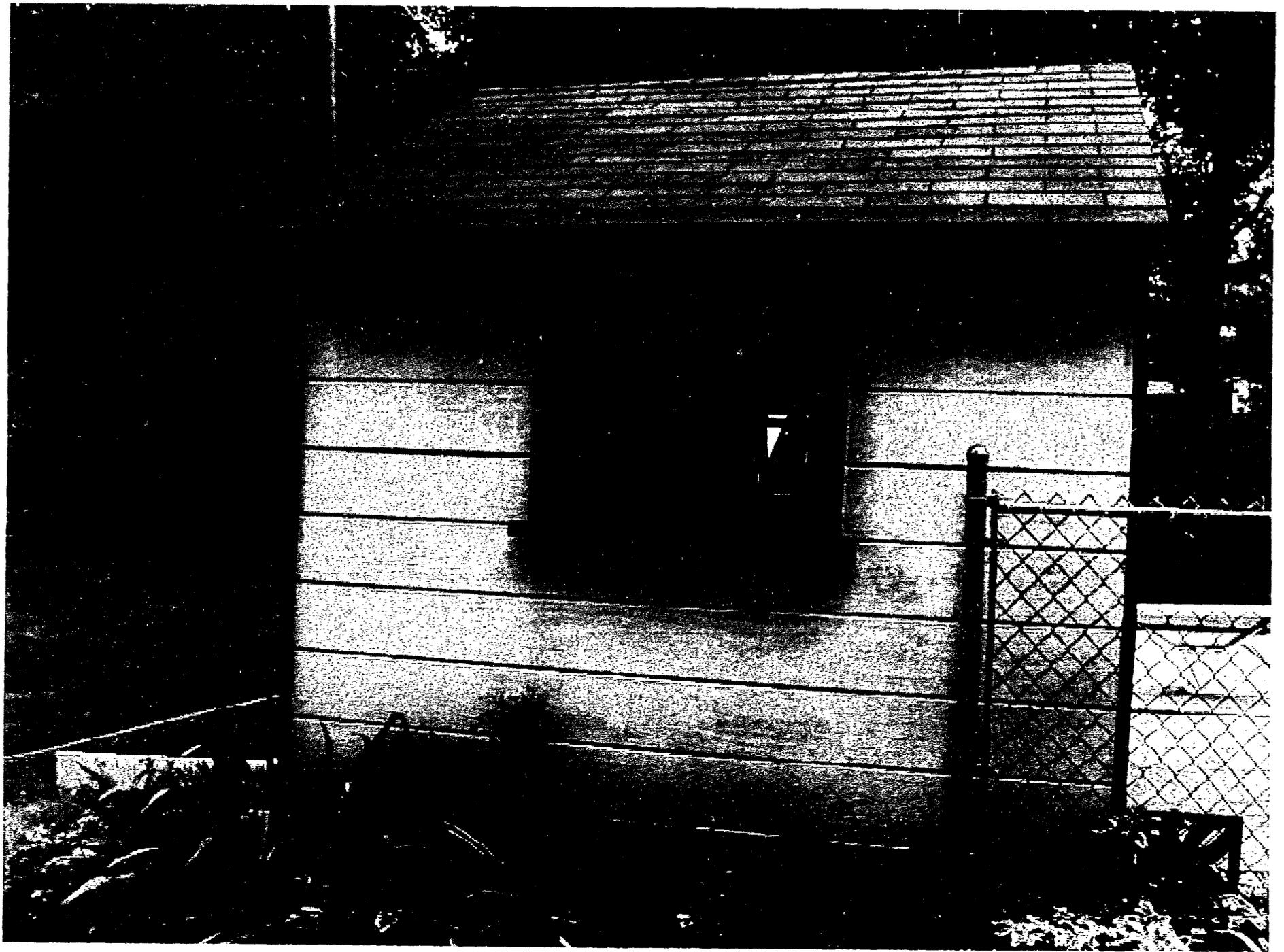
shed03



shed 02



Shed 01



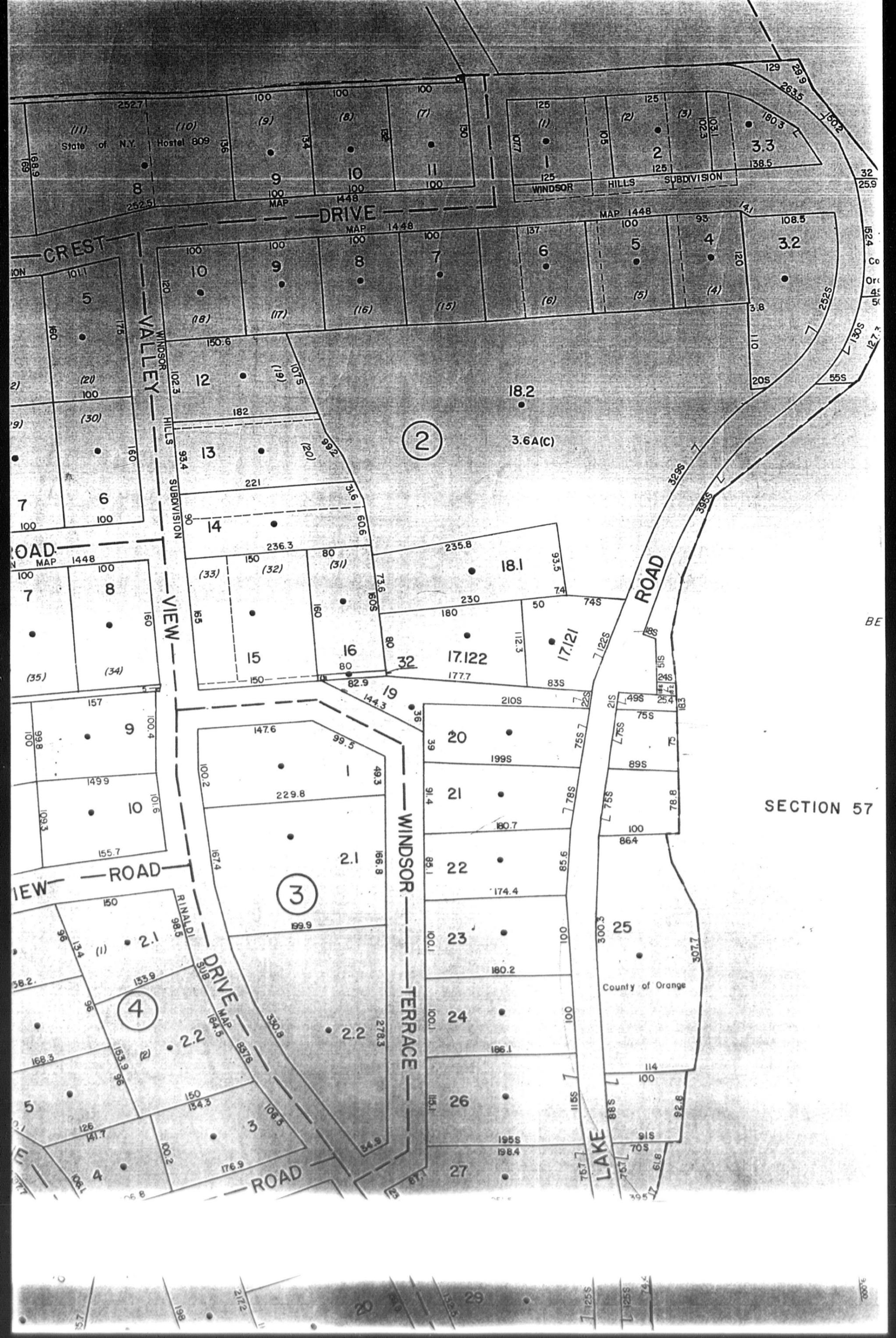
shed of



shed 07



shed 03



State of N.Y. Hostel 809

WINDSOR HILLS SUBDIVISION

WINDSOR HILLS SUBDIVISION

2

ROAD

SECTION 57

WINDSOR TERRACE

3

4

LAKE ROAD

County of Orange

1" = 200'