

**ZB# 01-47**

**Wayne Hughes**

**70-4-4**

#01-47 Hughes, Wayne -  
Area - 70-4-4.

Prelim.

Sept. 10, 2001

Public Hearing:

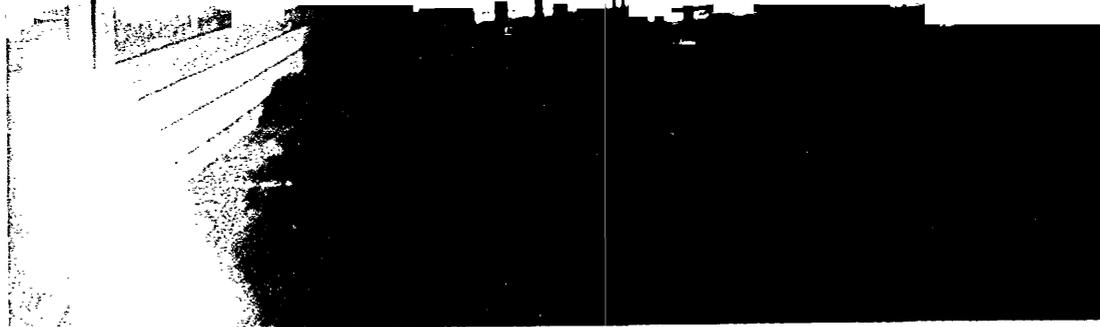
Oct. 22, 2001.

mailed notice to  
Sentinel 10/26/01

Granted

Refund \$208.00







401-  
11/19/41  
Cuba - 70-4-4



ina - 70-4-4.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Hughes, Wayne

FILE# 01-47

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE     

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

*paid ck # 710  
10/02/01*

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

*paid ck # 711 - 10/02/01*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 9/10/01 3 ..... \$ 13.50  
2ND PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_  
3RD PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE 10/22/01 2 ..... \$ 9.00  
PUBLIC HEARING (CONT'D) PER PAGE ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 22.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 9/10/01 ..... \$ 35.00  
2ND PRELIM. .... \$ \_\_\_\_\_  
3RD PRELIM. .... \$ \_\_\_\_\_  
PUBLIC HEARING 10/22/01 ..... \$ 35.00  
PUBLIC HEARING (CONT'D) ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$ \_\_\_\_\_  
TOTAL ..... \$ 92.00

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_  
REFUND DUE TO APPLICANT .. \$ 208.00

Date 11/1/01

**TOWN OF NEW WINDSOR**

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

TO Wayne R Hughes DR.  
8 Marshall Drive New Windsor, NY

DATE		CLAIMED	ALLOWED
11/01/01	Refund for Escrow deposit	208.00	

*Lawrence W. Torley*

WAYNE R. HUGHES  
P.O. BOX 131  
VAILS GATE NY 12584-0131

50-235617  
218  
6801558024

710

DATE October 2<sup>nd</sup> 2001

© 2000 WELLS FARGO BANK, N.A.

TOWN OF New Windsor \_\_\_\_\_ \$ 50.00  
PAY TO THE ORDER OF  
Fifty Dollars and no/100 \_\_\_\_\_ DOLLARS

THE  
BANK OF  
NEW  
YORK

Branch 17K Office, 201 Auto Park Place  
Newburgh, NY 12550

MEMO ZBA # 01-47

Wayne R. Hughes

⑆021902352⑆ ⑆6801559024⑆ 0710

WAYNE R. HUGHES  
P.O. BOX 13  
VAILS GATE NY 12584-0131

50-235617  
219  
6801559024

711

DATE October 2, 2001

TOWN OF New Windsor \_\_\_\_\_ \$ 300.00  
PAY TO THE ORDER OF  
Three Hundred Dollars and No/100 \_\_\_\_\_ DOLLARS

THE  
BANK OF  
NEW  
YORK

Route 175 Office, 201 Astor Park Place  
Newburgh, NY 12550

MEMO

28A #01-47

Wayne R. Hughes

⑆021902352⑆ ⑆6801559024⑆ 0711

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

**WAYNE HUGHES**

MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE

#01-47.  
-----X

**WHEREAS, WAYNE HUGHES**, residing at 8 Marshall Drive, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for an 8 ft. front yard variance for an existing deck on a corner lot at the above single-family residence in an R-4 zone; and

**WHEREAS**, a public hearing was held on the 22nd day of October, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared for this Application; and

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

**WHEREAS**, no one spoke in favor 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 an R-4 zone neighborhood containing one-family homes.

(b) The Applicant seeks a variance to permit an existing deck located on what would be classified as the front yard of a triangular, corner lot.

(c) When Applicant purchased the property in 1993, the previous owner had replaced the original deck as part of the sale of the property, and thereafter Applicant found out that the previous owner never applied for or received a building permit for the deck.

(d) The existing deck does not create any ponding or collection of water or interfere with water drainage and is not constructed on the top of any septic or well, sewer or water easement.

(e) The existing deck is similar to other decks in the neighborhood.

(e) There is a door leading from the house onto the deck. If the deck were not there, a person exiting the house would fall to the ground, probably causing serious injury.

(f) There have been no complaints received, either formal or informal regarding the deck that has been in existence for a number of years.

**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.

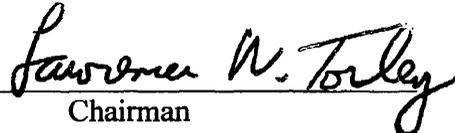
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an 8 ft. front yard variance for an existing deck at the above address, 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: December 17, 2001.

  
Chairman

Date ..... 10/26/01 .....

### TOWN OF NEW WINDSOR

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

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

DATE			CLAIMED	ALLOWED
10/23/01		Zoning Board Meeting	75	00
		Misc. - 1		
		- Searing - 5		
		Moishele - 4		
		Santos - 4		
		- Sheehan - 2		
		Lucas - 3		
		- Weed - 6		
		- Manera - 2		
		- Schenemann - 2		
		Di Micelli - 6		
		Bila/OC Trust - 3		
		Botzakis - 3		
			47	
			211	50
			286	50

HUGHES, WAYNE

MR. TORLEY: Request for 8 ft. front yard variance for existing deck at 8 Marshall Drive in an R-4 zone.

Mr. Wayne Hughes appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter? Again seeing none, we'll so note.

MR. HUGHES: Okay, I purchased a house from Mr. James Gafford (phonetic) back in April of '93. Mr. Gafford had replaced the deck as part of the sale and I have a copy of residential contract for sale, on the back purchaser agrees to replace the, reconstruct the back porch of the premises at seller's expense prior to closing. What happened it was my understanding that all the permits were in place. Then when I sold the house or was in the process of selling the house, I figured I better come down, make sure all my ducks are in a row, because I don't like surprises and low and behold, I came into a surprise. Mr. Gafford had never gotten the permits for the deck.

MR. KANE: Do you have any pictures?

MR. TORLEY: Yeah. The problem arises because basically, it's a corner lot.

MR. KRIEGER: And it's approximately triangular in shape as well.

MR. HUGHES: Yes.

MR. KANE: Without the deck being there, it would be considered a safety hazard walking out of the sliding doors?

MR. HUGHES: Yes, it would, sir, you couldn't use it.

MR. MC DONALD: Not over any easements or sewer lines?

MR. HUGHES: No.

MR. KANE: Any water hazards recreated, runoff created by building the deck?

MR. HUGHES: No.

MR. KANE: Any complaints formally or informally about the deck?

MR. HUGHES: None, sir, but I do have a letter from the Vails Gate United Methodist Church behind me saying that they, that what they do is they're standing behind me in this, that they approve it.

MS. CORSETTI: We sent out 43 letters on October 4 and this was the only response.

MR. TORLEY: Because it's a front yard, this deck does not impinge on any motorist's view of the road?

MR. HUGHES: No.

MR. KANE: The deck itself is similar to decks in size to other decks in the neighborhood?

MR. HUGHES: Yes, it is.

MR. REIS: I move that we approve Mr. Wayne Hughes' request for a variance at 8 Marshall Drive.

MR. KANE: Second it.

ROLL CALL

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

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

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

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

DATE: 8/16/01

APPLICANT: Wayne Hughes  
PO Box 131  
Vails Gate, NY 12584-1131

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing 12x14 rear deck

LOCATED AT: 8 Marshall Drive

ZONE: R-4      Sec/Blk/ Lot: 70-4-4

DESCRIPTION OF EXISTING SITE: Existing one family

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing rear deck does not meet minimum front yard set-back. This is a corner lot.

  
BUILDING INSPECTOR

**COPY**

PERMITTED 35

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE: 8-E,\*48-14-B-2

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD: 27ft 8ft

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.

FOR OFFICE USE ONLY:  
Building Permit #: 2001-870

**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

X Owner of Premises Wayne R. Hughes

X Address 8 Marshall Drive Phone # 845-565-3129

X Mailing Address 8 Marshall Drive Fax # 845-565-2322

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

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

Name of Contractor \_\_\_\_\_

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

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of Marshall Drive East  
(N,S,E or W)  
and Marshall Drive West feet from the intersection of Marshall E & W & Kearney Drive

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

X 3. Tax Map Description: Section 70 Block 4 Lot 4

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 deck

6. Is this a corner lot? Yes

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 \_\_\_\_\_

10. Estimated cost \_\_\_\_\_

Fee \$50.00  
CR # 665

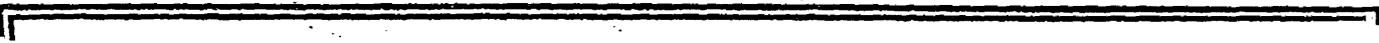
**PAID**

8, 9, 01  
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  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

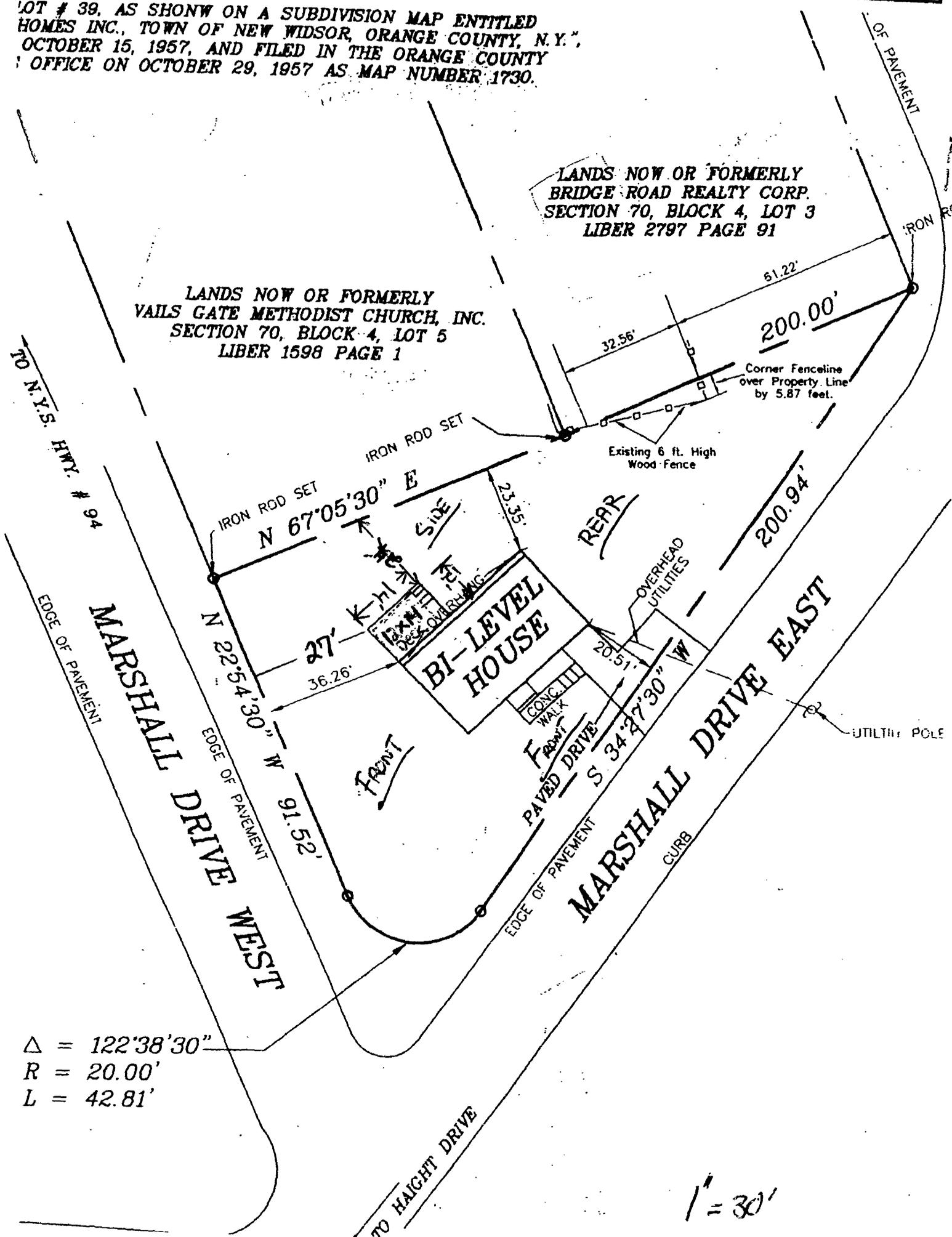


REFERENCE:

LOT # 39, AS SHOWN ON A SUBDIVISION MAP ENTITLED HOMES INC., TOWN OF NEW WIDSOR, ORANGE COUNTY, N.Y., OCTOBER 15, 1957, AND FILED IN THE ORANGE COUNTY OFFICE ON OCTOBER 29, 1957 AS MAP NUMBER 1730.

LANDS NOW OR FORMERLY BRIDGE ROAD REALTY CORP. SECTION 70, BLOCK 4, LOT 3 LIBER 2797 PAGE 91

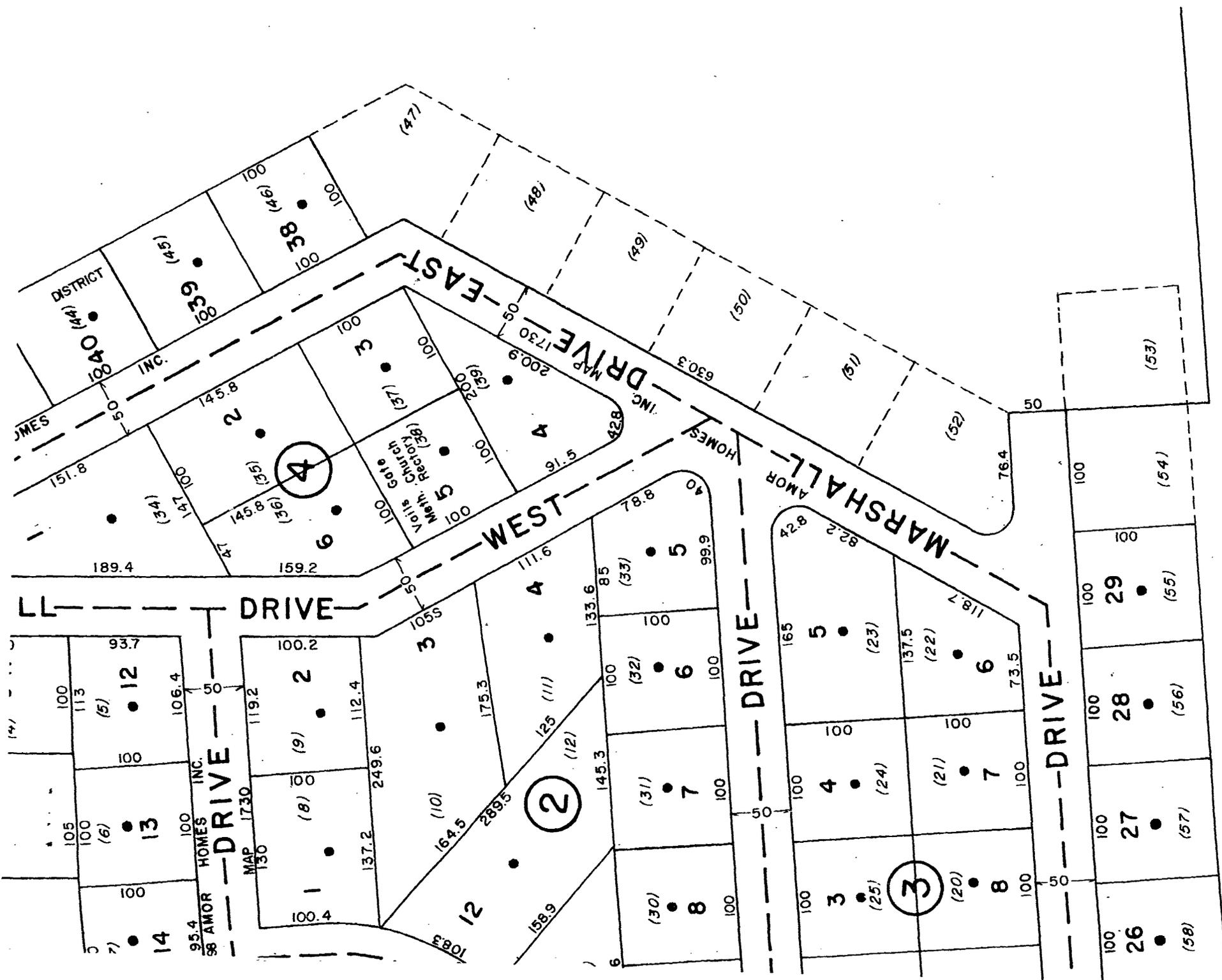
LANDS NOW OR FORMERLY VAILS GATE METHODIST CHURCH, INC. SECTION 70, BLOCK 4, LOT 5 LIBER 1598 PAGE 1



$\Delta = 122'38'30''$   
 $R = 20.00'$   
 $L = 42.81'$

1" = 30'

TO HAIGHT DRIVE



49 ●  
5.9A(C)

OF  
CORNWALL



# Town of New Windsor

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

## Assessors Office

September 19, 2001

43

Wayne R. Hughes  
8 Marshall Drive  
New Windsor, NY 12553

Re: 70-4-4

Dear Mr. Hughes:

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 \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook  
Sole Assessor

LC/bw  
Attachments

CC:Pat Corsetti, ZBA

37-1-47  
Palisades Inst. Park Comm. ✓  
Att: Barbara Lynch  
Administrative Building  
Bear Mountain, NY 10911

✓70-1-15.1  
Jo Ann & Edward Lekis  
P.O. Box 204  
Vails Gate, NY 12584

✓70-1-46.5  
Knox Village Association  
835 Blooming Grove Tpke  
New Windsor, NY 12553

65-2-43  
Forge Hill Inc. ✓  
815 Blooming Grove Tpke  
New Windsor, NY 12553

✓70-1-15.7  
Barbara & Miguel Bencosme  
16 Truex Drive  
New Windsor, NY 12553

✓70-1-49  
Knox Village Inc.  
2375 Hudson Terr.  
Fort Lee, NJ 07024

65-2-44  
Anne Vradenburgh & ✓  
Herbert Sohni  
811 Blooming Grove Tpke  
New Windsor, NY 12553

✓70-1-15.8  
Donna Dooley  
14 Truex Drive  
New Windsor, NY 12553

✓70-2-1  
Zenobia & Clarence Reed  
3 Truex Drive  
New Windsor, NY 12553

70-1-6  
Route 94 Associates, LLC ✓  
2 Hearthstone Way  
New Windsor, NY 12553

✓70-1-27  
Paraskevi & George Lenko  
9 Haight Drive  
New Windsor, NY 12553

✓70-2-4  
Elise Bates Carlson  
P.O. Box 462  
Vails Gate, NY 12584

70-1-7  
V.G. Maximus Inc. ✓  
C/o Joseph Pisani  
203 Cambridge Court  
New Windsor, NY 12553

✓70-1-28  
Bernadette & Jeffrey Fairbanks  
7 Haight Drive  
New Windsor, NY 12553

70-2-5  
✓Josephine & Richard Weed  
2 Kearney Drive  
New Windsor, NY 12553

70-1-10  
Edna & Ronald Edwards ✓  
20 Marshall Drive  
New Windsor, NY 12553

✓70-1-29  
Joyce & Runston Lewis  
P.O. Box 62  
Vails Gate, NY 12584

✓70-2-6  
Gina, Fernando & Edgardo Guerrero  
4 Kearney Drive  
New Windsor, NY 12553

70-1-11; 70-1-42; 70-2-2; 70-2-3; 70-3-8  
Bella & Benjamin Harris ✓  
P.O. Box 780  
Cornwall, NY 12518

✓70-1-38  
Elizabeth & Samuel Vriesma  
11 Marshall Drive  
New Windsor, NY 12553

✓70-2-7  
Roseann Coakley  
6 Kearney Drive  
New Windsor, NY 12553

70-1-12  
Yvonne & Harold Abrams ✓  
P.O. Box 462  
Vails Gate, NY 12584

✓70-1-39  
Kim Trask & Brian Watkins  
9 Marshall Drive  
New Windsor, NY 12553

✓70-2-8  
Angelo Luongo & Marian Buckheit  
8 Kearney Drive  
New Windsor, NY 12553

70-1-13  
Larry Reynolds ✓  
4 Truex Drive  
New Windsor, NY 12553

✓70-1-40  
Yveta & Michael Thompson  
7 Marshall Drive  
New Windsor, NY 12553

✓70-2-9; 70-3-6  
Benjamin Harris Realty Inc.  
P.O. Box 780  
Cornwall, NY 12518

70-1-14  
Deborah & Christopher Smith ✓  
6 Truex Drive  
New Windsor, NY 12553

✓70-1-41  
Laura & Juan Eiras  
5 Marshall Drive  
New Windsor, NY 12553

✓70-2-10  
Byron Russell  
15 Truex Drive  
New Windsor, NY 12553

70-2-11  
Fred Saintmire ✓  
13 Truex Drive  
New Windsor, NY 12553

70-2-12  
Timothy Strobel ✓  
11 Truex Drive  
New Windsor, NY 12553

70-3-2  
Dorothy & Joseph De Feo ✓  
P.O. Box 246  
Vails Gate, NY 12584

70-3-3  
Raquel & David Valazquez ✓  
5 Kearney Drive  
New Windsor, NY 12553

70-3-4  
Maria Estrada ✓  
83-40 Britton Ave, Apt. 3L  
Elmhurst, NY 11373

70-3-5  
Hillary & Gregg Wright ✓  
1 Kearney Drive  
New Windsor, NY 12553

70-3-7  
Janet & Andrew Cos ✓  
4 Haight Drive  
New Windsor, NY 12553

70-3-9  
Charles Kall ✓  
8 Haight Drive  
New Windsor, NY 12553

70-4-1  
Denise Bedell ✓  
21 Marshall Drive  
New Windsor, NY 12553

70-4-2  
Shirley & John Bonsell ✓  
4 Marshall Drive  
New Windsor, NY 12553

70-4-3  
Martha Ruiz ✓  
6 Marshall Drive  
New Windsor, NY 12553

70-4-5  
Vails Gate United Methodist Church ✓  
C/o Treasurer  
P.O. Box 37  
Vails Gate, NY 12584

70-4-6  
Marie & David Worden ✓  
P.O. Box 134  
Vails Gate, NY 12584

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

**RECEIPT  
#955-2001**

**10/02/2001**

ZBA 01-47  
Hughes, Wayne

**Received \$ 50.00 for Zoning Board Fees on 10/02/2001. Thank you for stopping by  
the Town Clerk's office.**

**As always, it is our pleasure to serve you.**

**Deborah Green  
Town Clerk**

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR  
COUNTY OF ORANGE:STATE OF NEW YORK

-----X  
In the Matter of the Application for Variance of

Wayne R. Hughes

AFFIDAVIT OF  
SERVICE  
BY MAIL

#01-47.

\_\_\_\_\_  
STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 4<sup>th</sup> day of October, 2001, I compared the 43 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**Bail's Gate United Methodist Church**

ORGANIZED IN 1789

P. O. BOX 37

VAIL'S GATE, NEW YORK 12584

**CHURCH :**

Route 94 - Tel. 562-0580

Study : 562-8281

**PARSONAGE :**

25 Marshall Drive, West

Tel. 562-8281

September 9, 2001

Mr. Wayne Hughes  
8 Marshall Drive  
New Windsor, NY 12553

Dear Mr. Hughes,

The Board of Trustees met today, and unanimously voted to approve the variance you requested for your deck. We realize that the existing deck replaced an old deck and that it does not meet the current Town of New Windsor zoning regulations. The deck certainly does not infringe on our property.

You have indeed been a good neighbor, keeping an eye on our parsonage for these many years when our pastors have been on extended vacations.

Good luck in your new location.

Best wishes,



Kenneth R. Pick  
President, Board of Trustees

**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. 47

Request of Wayne R. Hughes

for a VARIANCE of the Zoning Local Law to Permit:

existing deck of less than the allowable front  
yard setback;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs - Col. E

for property situated as follows:

8 Marshall Drive, New Windsor, N.Y.

known and designated as tax map Section 70, Blk. 4 Lot 4

**PUBLIC HEARING** will take place on the 22nd day of October, 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

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE BLACK INK ONLY

JAMES GAFFORD  
TO  
WAYNE R. HUGHES

**COPY**

SECTION 20 BLOCK 4 LOT 4

RECORD AND RETURN TO:  
(Name and Address)

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH RECORDED INSTRUMENT ONLY.

Decker & Darcy  
Thomas J. Darcy, Esquire  
20 Roberts Street  
P.O. Box 2200  
Middletown, NY 10940

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 55099 DATE 4-19-93 AFFIDAVIT FILED: 19

INSTRUMENT TYPE: DEED  MORTGAGE  SATISFACTION  ASSIGNMENT  OTHER

- BG20 Blooming Grove \_\_\_\_\_
- CH22 Chester \_\_\_\_\_
- CO24 Cornwall \_\_\_\_\_
- CR26 Crawford \_\_\_\_\_
- DP28 Deepperk \_\_\_\_\_
- GO30 Goshen \_\_\_\_\_
- GR32 Greenville \_\_\_\_\_
- HA34 Hamptonburgh \_\_\_\_\_
- HI36 Highlands \_\_\_\_\_
- MK38 Minkink \_\_\_\_\_
- ME40 Monroe \_\_\_\_\_
- MY42 Montgomery \_\_\_\_\_
- MH44 Mount Hope \_\_\_\_\_
- NT46 Newburgh (T) \_\_\_\_\_
- NW48 New Windsor
- TU50 Tuxedo \_\_\_\_\_
- WL52 Walkill \_\_\_\_\_
- WK34 Warwick \_\_\_\_\_
- WA58 Wawayanda \_\_\_\_\_
- WO56 Woodbury \_\_\_\_\_
- MN08 Middletown \_\_\_\_\_
- NC11 Newburgh \_\_\_\_\_
- PJ13 Port Jarvis \_\_\_\_\_
- 9999 Hold \_\_\_\_\_

SERIAL NO. \_\_\_\_\_  
 Mortgage Amount \$ \_\_\_\_\_  
 Exempt Yes \_\_\_\_\_ No \_\_\_\_\_  
 3-6 Cooking Units Yes \_\_\_\_\_ No \_\_\_\_\_  
 Received Tax on above Mortgage \_\_\_\_\_  
 Base \$ \_\_\_\_\_  
 MTA \$ \_\_\_\_\_  
 Spec. Add. \$ \_\_\_\_\_  
 TOTAL \$ \_\_\_\_\_

CHECK  CASH  CHARGE   
 MORTGAGE TAX \$ \_\_\_\_\_  
 TRANSFER TAX \$ 360-  
 ED, FUND \$ 5.00  
 RECORD. FEE \$ 14-  
 REPORT FORMS \$ 30-  
 CERT. COPIES \$ \_\_\_\_\_

MARION S. MURPHY  
Orange County Clerk

by LS  
 ORANGE COUNTY CLERK'S OFFICE B.S.  
 Recorded on APR 29 1993  
 at 1:29 O'Clock P M.  
 In Liber/Film 3803 Dead  
 at Marion S. Murphy and examined.  
 County Clerk

Handell  
 RECEIVED  
 \$ 360-  
 REAL ESTATE  
 APR 29 1993  
 TRANSFER TAX  
 ORANGE COUNTY

LIBER 3803 PAGE 146

ORG 04/25/93 01:29:40 20712 44.00  
 \*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*  
 DEED CONTROL NO: 55099 360.00 \$  
 \*\*\*\*\* SERIAL NUMBER: 006510 \*\*\*\*\*

CONSUMER YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 19th day of April, nineteen hundred and ninety-three  
BETWEEN

JAMES GAFFORD  
205 Butter Hill Drive  
New Windsor, New York 12553

party of the first part, and

WAYNE R. HUGHES  
P. O. Box 212  
West Point, New York 10996

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten and 00/100

dollars,

lawful money of the United States,

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,

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 more accurately bounded and described as follows:  
Beginning at an iron rod set in the northeasterly line of  
Marshall Drive West, said point also being the southerly most  
corner of lands now or formerly Vails Gate Methodist Church, Inc.,  
Liber 1598, page 1, and runs thence along said lands now or formerly  
Vails Gate Methodist Church, Inc., and lands now or formerly  
Bridge Road Realty Corp., Liber 2797, page 91, north 67-06'-30"  
east passing through a set iron rod on line at 100.00' for a total  
distance of 200.00' to an iron rod set; thence along Marshal Drive  
east, south 34-27'-30" west 200.94' to a point; thence along a  
curve to the right with a Delta of 122-38'-30", radius of 20.00',  
and an arc length of 42.81' to a point; thence along the north-  
easterly line of said Marshall Drive West, north 22-54'-30" west  
91.52' to the point or place of beginning.

TOGETHER with all right, title and interest, if any, of the party of the first part 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 incumbered 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 instrument 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:

James Gallo  
James Gallo

STATE OF NEW YORK, COUNTY OF

STATE OF NEW YORK, COUNTY OF

On the day of 19 before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

On the day of 19 before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

**Morgan and Gail Reed**  
WITH COVENANT AGAINST GRANTOR'S ACTS  
TITLE No. \_\_\_\_\_

SECTION  
BLOCK  
LOT  
COUNTY OR TOWN

TO

RETURN BY MAIL TO:

Zip No.

Reserve this space for use of Recording Office.

LINER 3803 PAGE 149

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
APPLICATION FOR VARIANCE

# 01-47

Date: September 19, 2001

I. ✓ Applicant Information:

845-565-3129

- (a) Wayne R. Hughes 8 Marshall Drive New Windsor NY 12553 (Owner)  
(b) \_\_\_\_\_  
(c) \_\_\_\_\_  
(d) \_\_\_\_\_

II. Application type:

- Use Variance  Sign Variance  
 Area Variance  Interpretation

III. ✓ Property Information:

- (a) R-4 8 Marshall Drive 70-4-4 ODD SIZED 12,500 SQ. FT.  
(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? 4/93  
(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: NO

IV. Use Variance. N/A

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 8-12, Table of Use/Bulk Regs., Col. E.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>35 ft.</u>	<u>27 ft.</u>	<u>8 ft.</u>
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:

This Deck was existing when I purchased the property on 4/19/93.  
It is my intention to ensure that I have met all zoning & building regulations so that the  
future owners will not encounter any obstacles and zoning issues.

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

VI. Sign Variance: N/A

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

VII. Interpretation. N/A

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

✓ VIII. Additional comments:

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

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

This Deck was existing when I purchased the property on 4/93. I have made all necessary repairs & improvements to the deck to ensure code compliance. I have discussed with my neighbors any concerns that they might have with my property. All have supported my efforts to improve my property & the neighborhood.

No Drainage or infringements have been created from this deck.

IX. Attachments required:

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

X. Affidavit.

Date: 10/2/01.

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

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

x Wayne R. Hughes  
(Applicant)

Sworn to before me this

2nd day of October, 2001, 19  .

XI. ZBA Action: Patricia A. Corsetti

(a) Public Hearing date: \_\_\_\_\_

PATRICIA A. CORSETTI  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 2001.

Date 9/12/01

**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
9/10/01	Zoning Board Mtg	75.00	
	Misc. -		
	(cont'd) - 2		
	Sisters of the Presentation - 4		
	Harris - 4		
	Carbett - 3		
	Hughes - 3		
	Mans - 19		
	Kalpan - 3		
	Singh - 6		
	45	207.50	
		277.50	

HUGHES, WAYNE

Mr. Wayne Hughes appeared before the board for this proposal.

MR. TORLEY: Request for 8 ft. front yard variance for deck on corner lot located at 8 Marshall Drive in an R-4 zone.

MR. HUGHES: Yes, good evening, how are you? I'm a little confused because I've never done this before so please bear with me. When I purchased the house back in 1993 from a gentlemen by the name of James Gaffer (phonetic), the deck was supposed to have been constructed, all the permits were supposed to have been issued, everybody was supposed to have been taken care of. When I was in process of selling the house, I figured I better go check and lo and behold, it wasn't there, they never filed for anything. The house was built in 1965 and it's my understanding that the, that this deck is the same footprint of the original deck that was on the back of the house, it's a Schoonmaker bi-level. So as far as that goes. I also have spoken to two of my neighbors, the neighbor that's on the rear of me is the Vails Gate United Methodist Church, they have no problem with the deck or me asking for the variance and also Mr. Reed who's right opposite me. If you want to look at the pictures.

MR. KANE: Any complaints formally or informally about the deck?

MR. HUGHES: No, sir.

MR. TORLEY: Is there any way, you say that you believe this deck is the same footprint as the one that was put up when the house was originally built, if you can have any evidence for that?

MR. BABCOCK: Mr. Chairman, just so we can go here in March 11, 1993, we have a survey that shows it was just a concrete slab, that's where the problem is.

MR. HUGHES: That's when they were in the process because I have papers here, what it was was they had to

rip down, there was an enclosed, they had taken the deck and enclosed the porch and they had to rip the deck down, here's a copy of the contracts and also here's a copy of the binder agreement.

MR. BABCOCK: Why did they have to rip it down?

MR. HUGHES: Because there was a letter from you, Mr. Babcock, that said there was not C.O. on the deck, I mean, on the enclosed porch.

MR. TORLEY: We'll get it taken care of now, you're doing the right thing, there will be no question in the future.

MR. KANE: Deck is similar in size to other decks in the neighborhood?

MR. HUGHES: Yes.

MR. KANE: Without the deck being there, it would be a safety hazards coming out of the sliding glass doors?

MR. HUGHES: Yes, it would be.

MR. MC DONALD: Not over any easement or sewage line or doesn't create any kind of drainage problem?

MR. HUGHES: It doesn't.

MR. TORLEY: These are the kinds of questions you'll be asked at the public hearing.

MR. HUGHES: Okay. You can keep the pictures.

MS. CORSETTI: We'll bring them out at the public hearing.

MR. HUGHES: Not a problem.

MR. MC DONALD: Make a motion we set Mr. Hughes up for a public hearing for his requested variance on his deck.

MR. KANE: Second the motion.

September 10, 2001

17

ROLL CALL

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

SURVEY: LANDS OF

# WAYNE R. HUGHES

8 MARSHALL DRIVE EAST, TOWN OF NEW WINDSOR, COUNTY OF ORANGE, STATE OF NEW YORK,

SCALE: 1" = 30 FEET

DATE: MARCH 11, 1993

REV. : AUGUST 21, 1997 - FENCE LOCATION

SEPTEMBER 17, 2001 - UPDATED

TAX MAP DESIGNATION: SECTION 70, BLOCK 4, LOT 4

DEED REFERENCE: LIBER 3146 PAGE 345

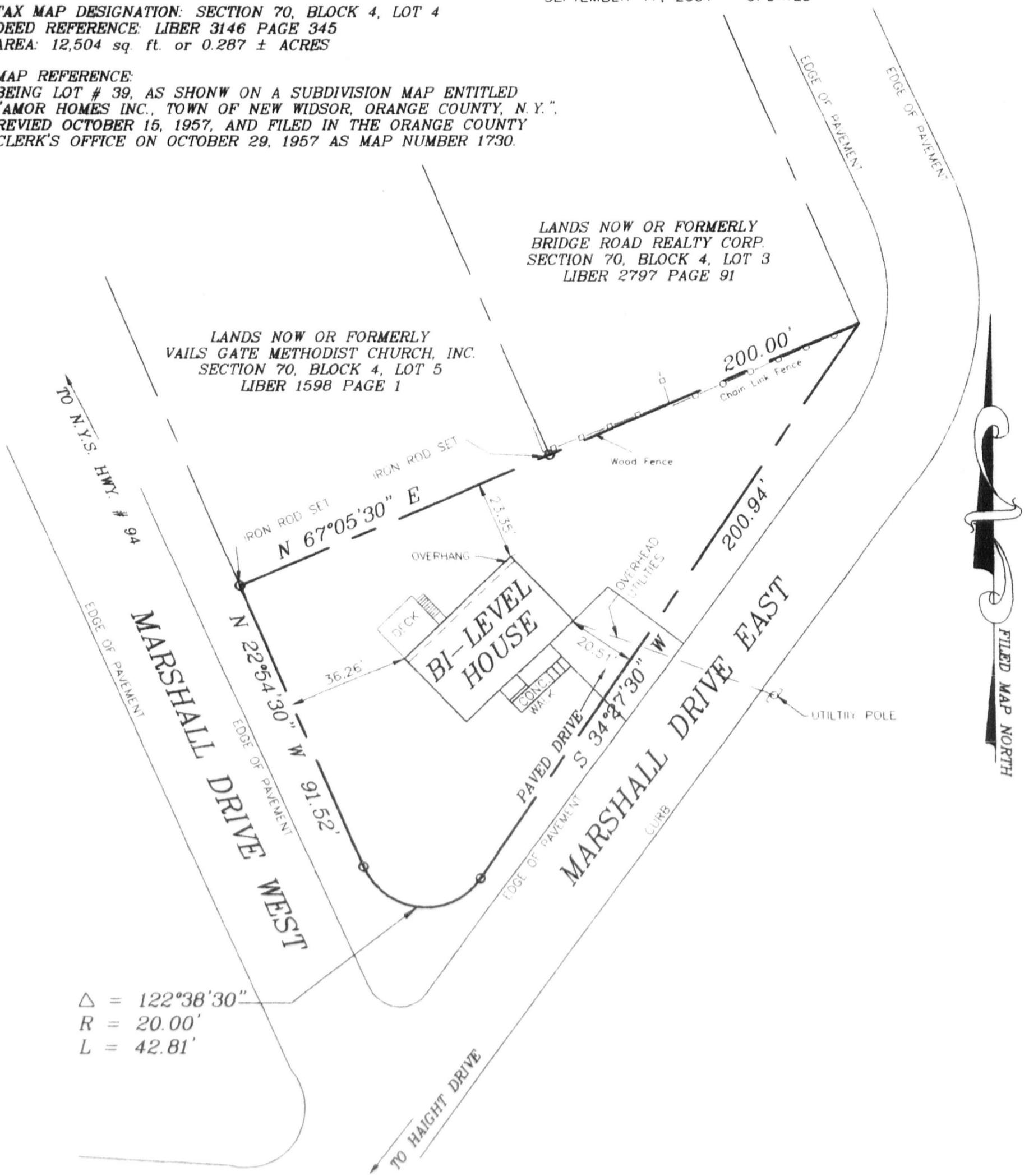
AREA: 12,504 sq. ft. or 0.287 ± ACRES

### MAP REFERENCE:

BEING LOT # 39, AS SHOWN ON A SUBDIVISION MAP ENTITLED "AMOR HOMES INC., TOWN OF NEW WINDSOR, ORANGE COUNTY, N.Y.", REVISED OCTOBER 15, 1957, AND FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON OCTOBER 29, 1957 AS MAP NUMBER 1730.

LANDS NOW OR FORMERLY  
BRIDGE ROAD REALTY CORP.  
SECTION 70, BLOCK 4, LOT 3  
LIBER 2797 PAGE 91

LANDS NOW OR FORMERLY  
VAILS GATE METHODIST CHURCH, INC.  
SECTION 70, BLOCK 4, LOT 5  
LIBER 1598 PAGE 1



$$\Delta = 122^{\circ}38'30''$$

$$R = 20.00'$$

$$L = 42.81'$$

SEPTEMBER 17, 2001  
CERTIFIED TO:  
WAYNE R. HUGHES,  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY,  
FLEET REAL ESTATE FUNDING CORP.,  
ITS SUCCESSORS AND/OR ASSIGNS,  
FOR THIS MORTGAGE ONLY.

TO BE A TRUE SURVEY PERFORMED IN THE  
FIELD AND THAT IT IS TO THE BEST OF MY  
KNOWLEDGE AND BELIEF CORRECT.

*(Signature)*  
DANIEL P. YANOSH, L.L.S.  
N.Y.S. LIC. # 49561

DANIEL P. YANOSH, L.L.S.

N.Y.S. ROUTE 302  
P.O. BOX 320  
CIRCLEVILLE, NEW YORK 10919

PHONE #: (914) 361 - 4700  
FAX #: (914) 361 - 4722