

ZB# 03-06

Paul Decker

80-3-1

03-06

DECKER, PAUL - AREA VARIANCE
BUTTERNUT DRIVE (80-3-1)

APPROVED

4/03

APPLICATION FEE (DUE AT TIME OF FILLING OF APPLICATION)

FILE # 03-06 TYPE: AREA ✓ USE _____

APPLICANT: Paul Decker
323 Butternut Dr.
N.W

TELE: 565-1628

RESIDENTIAL: \$ 50.00 CHECK # 3424
 COMMERCIAL: \$150.00 CHECK # _____
 INTERPRETATION: \$150.00 CHECK # _____

ESCROW: \$300 / ~~\$500.00~~ CHECK # 3422

DISBURSEMENTS:

	<u>MINUTES</u> <u>\$4.50 PER PAGE</u>	<u>ATTORNEY FEES</u> <u>\$35.00 / MEETING</u>
PRELIM..... <u>2/10/03</u>	\$ <u>13.50</u>	\$ <u>35.00</u>
2 ND PRELIM.....	_____	_____
3 RD PRELIM.....	_____	_____
PUB HEARING.... <u>2/24/03</u>	<u>31.50</u>	<u>35.00</u>
PUB HEARING (CON'T) <u>3/10/03</u>	<u>18.00</u>	<u>35.00</u>
TOTAL	\$ <u><u>63.00</u></u>	\$ <u><u>105.00</u></u>

OTHER CHARGES:..... \$ _____



ESCROW POSTED: \$ 300.00
 AMOUNT DUE: \$ _____
 REFUND DUE: \$ 132.00



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

April 29, 2003

Mr. & Mrs. Paul Decker
323 Butternut Drive
New Windsor, NY 12553

SUBJECT: 80-3-1 VARIANCE REQUEST

Dear Mr. & Mrs. Decker:

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 Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

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

MEMORANDUM OF
DECISION GRANTING

PAUL AND LU ANN DECKER

AREA

CASE #03-06
-----X

WHEREAS, Paul and LuAnn Decker, owners of 323 Butternut Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 5 ft. Required Front Yard Setback for a 5 ft X 15 ft. covered front porch and 21 ft. Required front Yard Setback for proposed two-story addition in a CL Zone; and

WHEREAS, a public hearing was held on the March 20th, 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) The property is located on the intersection of two roadways, although visually it appears to have only one front yard;
 - (c) If the variance is granted, no trees or substantial vegetation will be removed in the construction of the addition and porch;

- (d) Neither the addition nor the porch will create the ponding or collection of water and will not create any water hazards or divert the flow of water drainage;
- (e) The porch is consistent in size and appearance with other porches in the neighborhood;
- (f) With the construction of the addition, the house will appear to be consistent with other houses in the neighborhood;
- (g) The house will not be constructed on top of any well or septic system;
- (h) The house will not be constructed on top of any water, sewer or other easements;
- (i) Even with construction of the addition, the house will still be smaller than other houses in the neighborhood;
- (j) The addition will not impair the vision of or adversely effect the safe operation of motor vehicles on the adjacent roadways;
- (k) The house will not appear to be any closer to the road than other houses 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 variances 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 variances requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances 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 variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances 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 variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 5 ft. Required Front Yard Setback for a 5 ft X 15 ft. covered front porch and 21 ft. Required front Yard Setback for proposed two-story addition in a CL 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: April 22, 2003



Chairman

**TOWN OF NEW WINDSOR
ENGINEER, PLANNING BOARD
AND ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: APRIL 25, 2003
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 132.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #03-06

NAME: PAUL & LUANN DECKER

ADDRESS: 323 BUTTERNUT DRIVE

NEW WINDSOR, NY 12553

THANK YOU,

MYRA

*4/25/03
L.R.*

PUBLIC HEARINGS:

PAUL & LUANN DECKER

Mr. Paul Decker appeared before the board for this proposal.

MR. TORLEY: Request for 5 ft. required front yard setback on Butternut Drive for 5 ft. x 15 ft. covered front porch and 21 ft. required front yard setback on Butternut Drive for proposed two-story addition on Butternut Drive in a CL zone.

Is there anyone in the audience who wishes to speak on this matter? Again, anyone who wishes to speak on Luann and Paul Decker? Hearing no one, let the record so show. Yes, sir?

MR. DECKER: Yes, I'm here seeking a variance for a front yard and porch addition to a residence at 323 Butternut Drive.

MR. KANE: Five foot required front yard setback that's because you're on a corner piece of property?

MR. DECKER: That's correct.

MR. KANE: So he has two front yards?

MR. BABCOCK: That's correct.

MR. KRIEGER: Even though visually he appears to just have one?

MR. BABCOCK: That's correct.

MR. KANE: You're not going to be cutting down any trees in the building of this?

MR. DECKER: No.

MR. KANE: Creating any water hazards or water runoff?

MR. DECKER: No.

MR. KANE: The size of the deck, do you feel that it

will change the nature of the neighborhood, any bigger than the other houses making it look like something different?

MR. DECKER: No, we're just trying to tie into the existing architecture to make it look appropriate.

MR. TORLEY: Because of the nature of your lot with two front yards, there's no economically feasible place for you to put the deck that would not encroach on the front yard?

MR. DECKER: No. We tried actually doing some preliminary designs with a couple different versions but we couldn't come up with an alternative.

MR. KANE: No easements or anything through your yard?

MR. DECKER: Not that I'm aware of, no.

MR. KRIEGER: You're connected to municipal water and sewer, correct?

MR. DECKER: Right.

MR. KRIEGER: This deck will be substantially the same as other decks in the neighborhood?

MR. BABCOCK: This is an addition.

MR. TORLEY: Deck and addition.

MR. KRIEGER: Won't make the house any bigger than other houses in the neighborhood?

MR. DECKER: No, the square footage of the house is the smallest model in Butterhill Estates.

MR. KRIEGER: Just bring it up a little bit.

MR. DECKER: It will still be below average.

MR. TORLEY: Similar to other houses?

MR. DECKER: Yes.

MR. TORLEY: The additional will not impede the vision of any drivers?

MR. DECKER: No, it's well off the street.

MR. KRIEGER: Won't cause the house to appear to be any closer to the road than any other houses?

MR. DECKER: No.

MR. TORLEY: Final chance, anyone wishing to speak on this matter? Hearing none, I will open and close the public hearing, turn it back to the members of the board. Gentlemen?

MR. RIVERA: Accept a motion?

MR. TORLEY: If you have no other questions, yes.

MR. RIVERA: I move that we approve Mr. Paul and Luann Decker their requested variance for the five foot required front yard setback but this is the addition, the proposed two story addition on Butternut Drive.

MR. REIS: Second it.

MR. KRIEGER: Also wants a 21 foot required.

MR. TORLEY: 21 foot required front yard setback and 5 by, well, let's rephrase this.

MR. KRIEGER: So your motion is to grant all the variances requested?

MR. RIVERA: Yes cause he was here last time and there was some confusion.

MR. TORLEY: Right, so we're set. Do I hear a second?

MR. REIS: Second it.

ROLL CALL

MR. RIVERA AYE

March 10, 2003

11

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



RESULTS OF Z.B.A. MEETING OF: March 10, 2006

PUBLIC HEARING PROJECT: Paul Decker

ZBA # 03-06 Addition
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) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____
REIS _____ CARRIED: Y _____ N _____
KANE _____
TORLEY _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) Riv S) Reis VOTE: A 4 N 0.
RIVERA A
~~MCDONALD~~ _____ CARRIED: Y N _____
REIS A
KANE A
TORLEY A

Two Front Yards
No Easements

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: 1/21/03

APPLICANT: Paul & LuAnn Decker
323 Butternut Drive
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/17/03

FOR : 2 Story Addition & New entry way

LOCATED AT: 323 Butternut Drive

ZONE: CL Sec/Blk/ Lot: 80-3-1

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-12 Clustered open space (CL)

1. 5ftx15ft covered front porch requires a 5ft front yard variance. Proposed addition requires a 21ft front yard variance.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: CL USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD: 40ft

35ft
19ft

5ft-Butternut Drive
21ft-Butterhill Drive

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 underlab 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 plumbing. Building to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JULY 2003

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2003-49

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 Paul & LuAnn Decker

Address 323 Butternut Drive Phone # 565-1628

Mailing Address 323 Butternut Dr., New Windsor, NY 12553 Fax # 368-6337

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 South side of Butternut Drive
(N, S, E or W)
and zero feet from the intersection of Butterhill Drive

2. Zone or use district in which premises are situated clustered suburban residential is property a flood zone? Y N X
R-4

3. Tax Map Description: Section 80 Block 3 Lot 1

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

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

6. Is this a corner lot? Yes

7. Dimensions of entire new construction. Front 15 feet Rear 35.6' Depth 26'6" Height 20' No. of stories partial 3rd

**NOT ALLOWED
YOU**

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

Number of bedrooms 4 Baths 3 Toilets 3 Heating Plant: Gas X Oil _____
Electric/Hot Air _____ Hot Water X If Garage, number of cars 2

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

10. Estimated cost _____ Fee \$ 50 - ch # 3397

ZONING BOARD

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

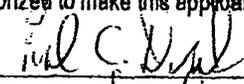
Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

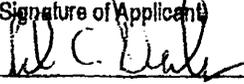
- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property 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.


(Signature of Applicant)

323 Butternut Dr., New Windsor, NY 12553

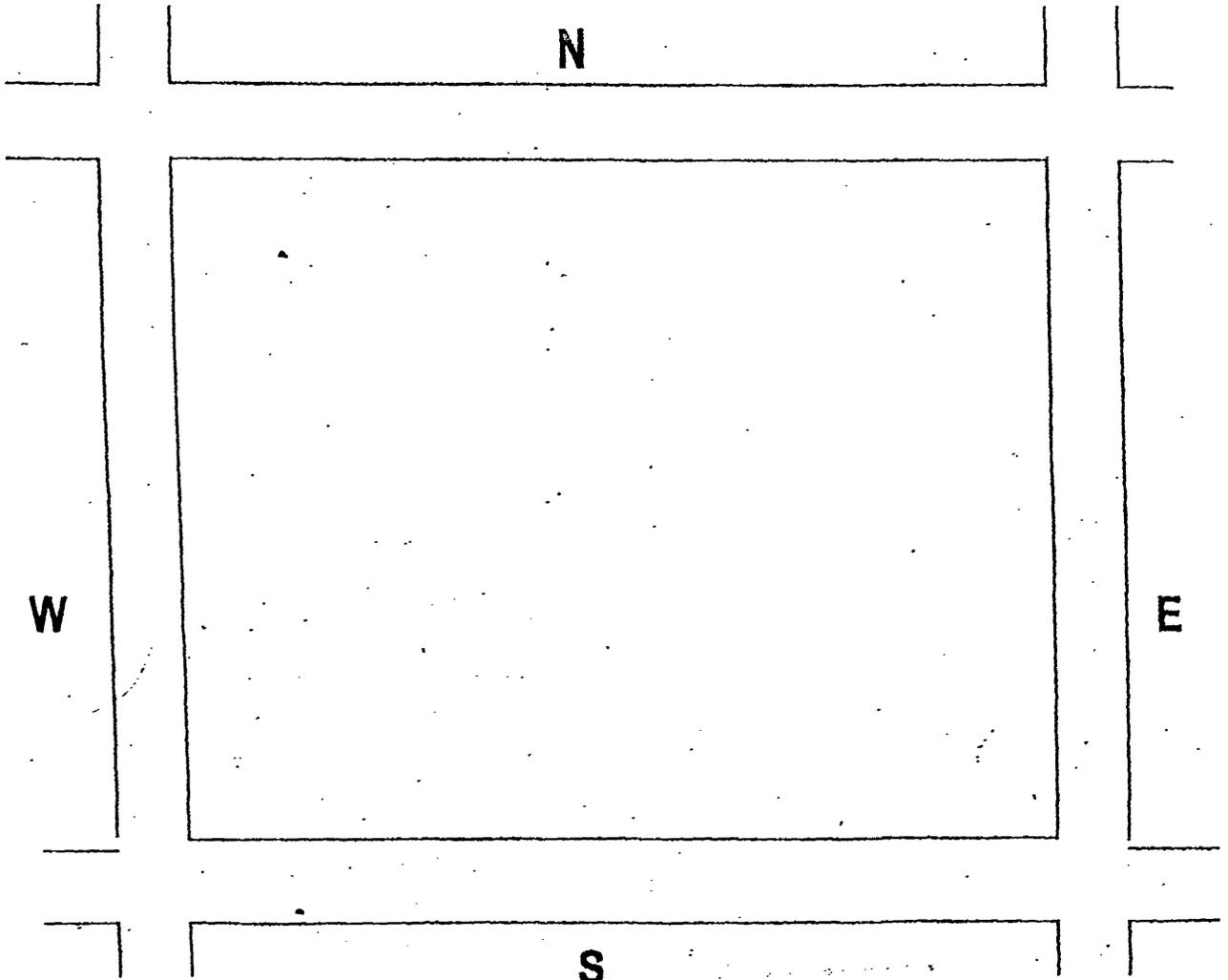
(Address of Applicant)


(Owner's Signature)

323 Butternut Dr., New Windsor, NY 12553

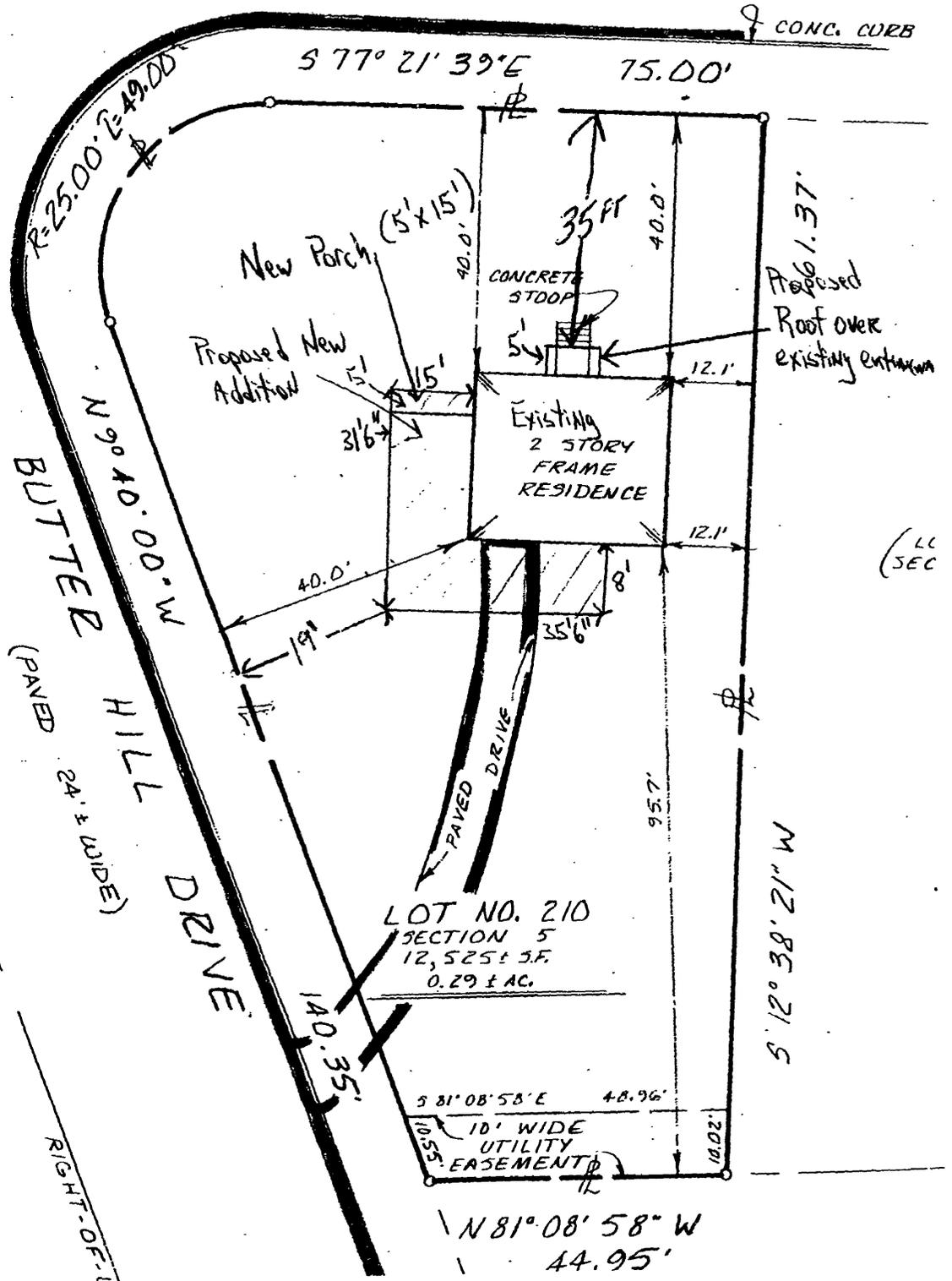
PLOT PLAN

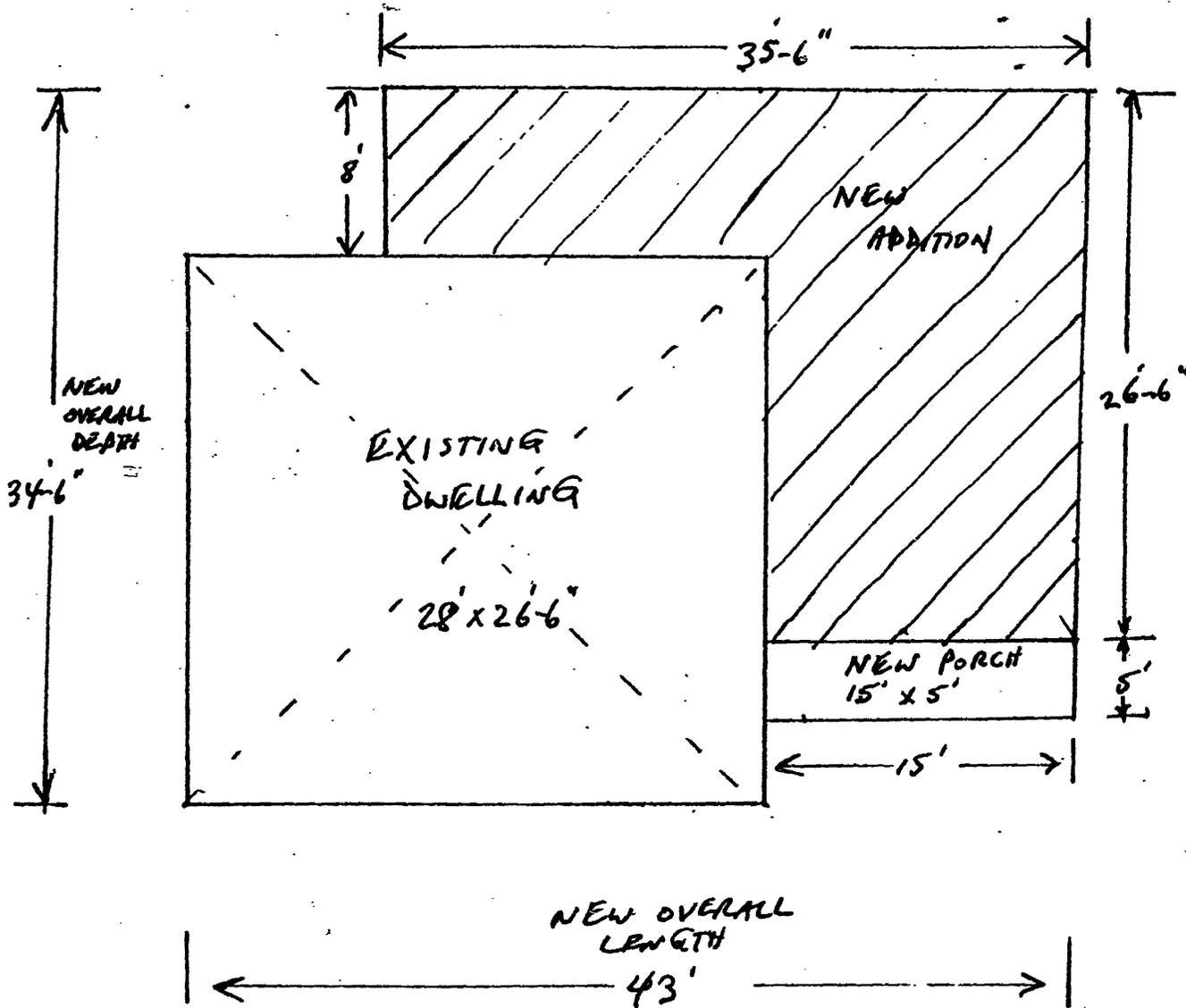
NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



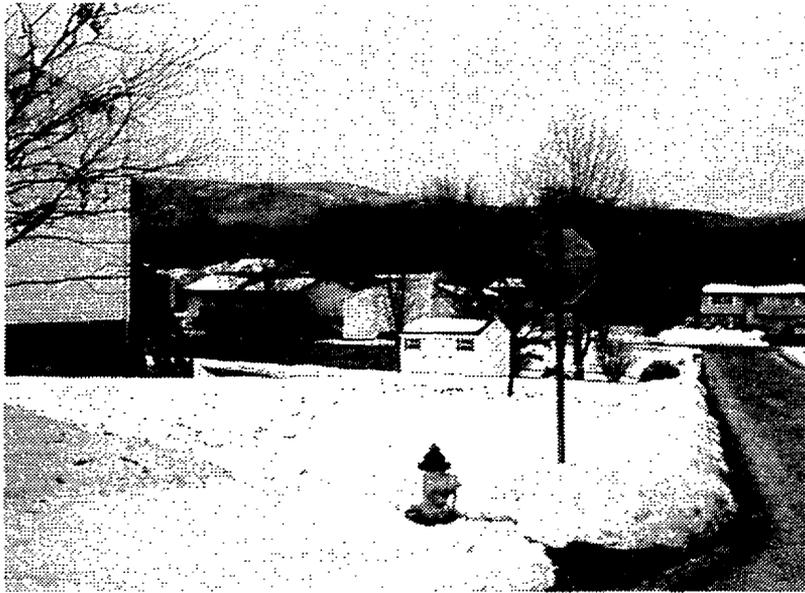
BUTTERNUT DRIVE

(PAVED 24'± WIDE)





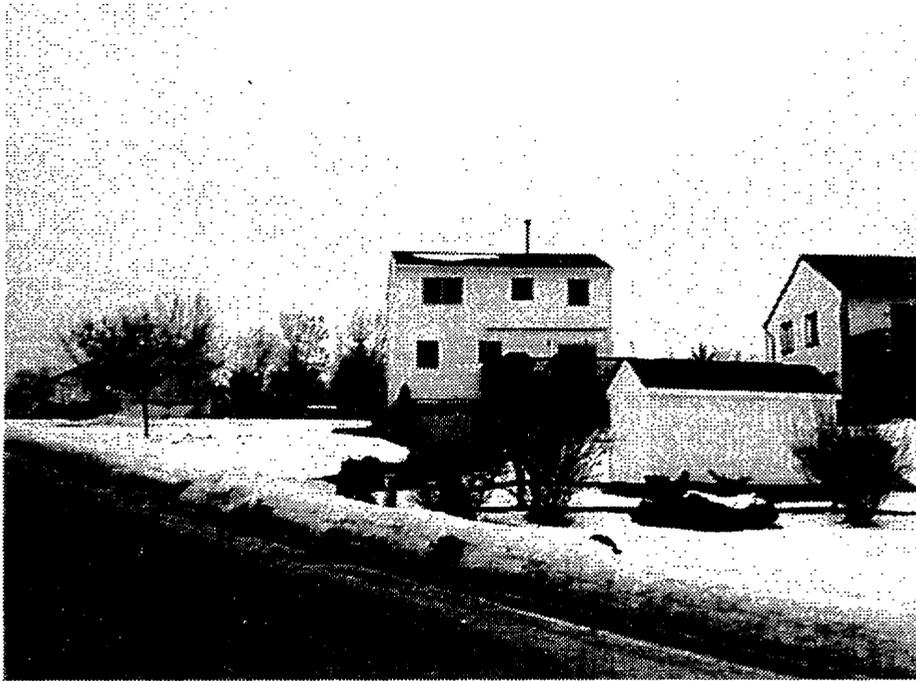
Paul Becker



Front to back view on Butterhill Drive side

03-06

Paul Decker



Back to front view on Butterhill Drive side

03-06

Paul DeLoe



Side view from Butterhill Drive looking East.

03-06

PAUL DROCK



Front to back view.

03-06

PUBLIC HEARINGS:

PAUL AND LUANN DECKER (03-06)

MR. TORLEY: Request for variance of Section 48-14(A)(4) existing shed which projects closer to the road than the house on a corner lot in a CL zone at 323 Butternut Drive.

Mr. Paul Decker appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter? Hearing none, we'll please note that for the record.

MR. BABCOCK: Mr. Chairman, there's two variances that they're seeking, the second one doesn't appear on the agenda, one's for a shed and one's for a two story addition and entranceway. My fault, they were stuck together, there's two separate denials.

MR. MC DONALD: I will recuse myself on this one.

MR. TORLEY: Note that, I thank you for taking the care to recuse yourself in this matter. This board has always been very good about that and we're all proud of the integrity with which we maintain it. Sir?

MR. DECKER: Yes, I'm here to seek the variance for the existing shed that was placed in my back yard on a gravel base approximately 18 months ago, due to the pie-shaped rear yard that tapers to a smaller cross-sectional area, requesting refinancing it was noted that since the residence was picked up 40 feet from the I guess easement line here 52 feet from the road, the shed comes in at 32 feet. So we're requesting relief for that back space from the roadway.

MR. KANE: The property you have I see it's a corner property?

MR. DECKER: Correct.

MR. KANE: And that means you have technically two

front yards. If you were on a regular lot, you would not be here, is that correct?

MR. DECKER: That's correct.

MR. KANE: Did you create any water hazards or runoffs in the building of this?

MR. DECKER: No.

MR. KANE: The shed similar in size and construction as to other sheds in the neighborhood?

MR. DECKER: Yes.

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

MR. DECKER: No.

MR. TORLEY: Water, sewer easements, anything like that? It's not being built on any water or sewer easements?

MR. DECKER: No.

MR. KANE: No cutting down of any trees?

MR. DECKER: No.

MR. KANE: Doesn't drastically change the neighborhood, correct?

MR. DECKER: No, it doesn't.

MR. KANE: Obviously moving it would be a hardship and you would require a variance in any case because you're on the side?

MR. DECKER: Yes, and as you move closer to the residence to try to get within that small window, there's an elevation on the rear yard that would you have to create a rather large retaining wall to try to keep it level.

MR. KANE: So this is the safest place on your property for it?

MR. DECKER: Yes.

MR. TORLEY: The second part of the variance request is for the two story addition. Gentlemen, we don't seem to have the copy of the actual denial, but if you look at your package, you'll see a sketch map of the property.

MR. BABCOCK: Did you come in two different times?

MR. DECKER: No, just for the preliminary two weeks ago.

MR. BABCOCK: Are you coming back for the addition?

MR. DECKER: I know we haven't had any discussions with the board on the addition as of yet.

MR. TORLEY: In other words--

MR. BABCOCK: I think he came in, I think we were supposed to do it, should we have done it last time? Did we have both of them last time? I don't know.

MR. DECKER: Yeah, the actual addition for the house was put in same time as the shed. I haven't heard anything on the house addition as of yet.

MR. TORLEY: Did the notice that went out reflect this as well.

MR. BABCOCK: I don't think so, it's just the shed.

MR. TORLEY: Without that, we can't legally take action on it, as I recall, am I correct on that?

MR. KRIEGER: Correct.

MR. KANE: Can we table this until the notice goes out and keep it under that portion of the thing or would it have to be something completely new and different?

MR. TORLEY: I don't know, I would like to do it that way, I'm not sure if we can.

MR. KRIEGER: No, you can't table it because you can't.

MR. BABCOCK: Well, I think what we should do is at least give him a preliminary on the addition tonight and then set up for a public hearing on that.

MR. TORLEY: Now, two story addition you want to put up first. Gentlemen, if you have no other questions as to, there's no one in the audience who indicated their desire to speak, I'll open and close the public hearing. Do you have any other questions that you have on this variance request for the shed? That's all we're talking about right now.

MR. KANE: No. Mr. Chairman, accept a motion?

MR. TORLEY: Yes.

MR. KANE: I move we approve the request for a variance at 323 Butternut Drive as written.

MR. RIVERA: Second it.

ROLL CALL

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

MR. TORLEY: Now we're shifting to a preliminary meeting regarding this addition.

MR. KANE: Same basic questions come up, how long has the addition been there, about 18 months you said same time as the shed?

MR. DECKER: No, the addition has not yet been constructed.

MR. BABCOCK: It's proposed, yeah.

MR. KANE: For the preliminary, I mean, for the public hearing please bring some pictures in so we can see the area where it's going to go. Are you going to create any water hazards or runoffs in the building of the addition?

MR. DECKER: No.

MR. KANE: Cut down any trees?

MR. DECKER: No.

MR. KANE: How far is the addition going straight down on the ground or up off the ground? Is it going to be high?

MR. DECKER: One story over the family room and the rear section which should be the the variance request would be two story but the lot tapers to the rear.

MR. KANE: And in the variance what are we looking for?

MR. BABCOCK: Larry's got my paperwork.

MR. RIVERA: There's a photograph.

MR. BABCOCK: We have a photograph in the shed one also.

MR. TORLEY: Basically, it's a front yard variance that he's looking for.

MR. DECKER: Based on my understanding.

MR. KANE: He's going to need 21 feet.

MR. TORLEY: So it's a front yard variance request.

MR. DECKER: Measure from the corner of the house to the curb. Right now, it's 52 feet six inches.

MR. TORLEY: It's not the curb.

MR. KANE: They're both front yards so he's going to need 5 from one and 21 feet from the other, since he's

on the corner lot, it makes both front yards. What size is the deck that you're putting up, sir?

MR. TORLEY: Not a deck.

MR. KANE: The addition.

MR. DECKER: Fifteen foot that way starts to merge into the area we're requesting the variance and eight foot in the back but that wouldn't impede on any area that we'd request a variance, just a side yard.

MR. TORLEY: It's not a side yard, you have two front yards because of the way the road curves around.

MR. KANE: And the addition of this would not change, drastically change the neighborhood and the look of the homes in that particular neighborhood?

MR. DECKER: No, actually, it was one of two houses that were constructed originally from the original developer, they're the smallest versions of the houses in the subdivision.

MR. KANE: Yeah, I know. I have no further questions, Mr. Chairman.

MR. TORLEY: Gentlemen, any other questions?

MR. RIVERA: No.

MR. KANE: Accept a motion?

MR. TORLEY: Yes, sir.

MR. KANE: Move we set up Mr. Decker for a public hearing on his requested variance at 323 Butternut Drive.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE

February 24, 2003

16

MR. KANE
MR. TORLEY

AYE
AYE

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. 03-06

Request of PAUL AND LUANN DECKER

for a VARIANCE of the Zoning Local Law to Permit:

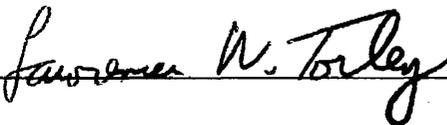
A proposed 5 foot by 15 foot covered front porch and a proposed two-story addition on existing house on a corner lot.

being a VARIANCE of Section 48-12

for property located at: 323 Butternut Drive - New Windsor, NY

known and designated as tax map Section 80 Block 3 Lot 1

**PUBLIC HEARING will take place on March 10th, 2003 at 7:30 p.m.
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**



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: January 22, 2003

APPLICANT: Paul Decker
323 Butternut Dr.
New Windsor, N. Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: January 21, 2003

FOR : Existing Shed

LOCATED AT: 323 Butternut Dr.

ZONE: CL Sec/Blk/ Lot: 80-3-1

COPY

DESCRIPTION OF EXISTING SITE: SBL 80-3-1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing shed projects closer to road than house. This is a corner lot.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: CL USE: 48-14-(A)(4)

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

03-06

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

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JAN 21 2003

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2003-53

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 Paul & LuAnn Decker

Address 323 Butternut Drive Phone # 565-1628

Mailing Address 323 Butternut Dr., New Windsor, NY 12553 Fax # 368-6337

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 South side of Butternut Drive
(N,S,E or W)
and zero (0) feet from the intersection of Butterhill Drive

2. Zone or use district in which premises are situated Clustered Residential (R -4) property a flood zone? Y _____ N X

3. Tax Map Description: Section 80 Block 3 Lot 1

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

a. Existing use and occupancy residential home b. Intended use and occupancy residential home

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

6. Is this a corner lot? Yes

7. Dimensions of entire new construction. Front 14' Rear 14' Depth 10' Height 8' No. of stories 1

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

Number of bedrooms 0 Baths 0 Toilets 0 Heating Plant: Gas N/A Oil N/A
Electric/Hot Air N/A Hot Water N/A If Garage, number of cars N/A

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

10. Estimated cost _____ Fee _____

03-06

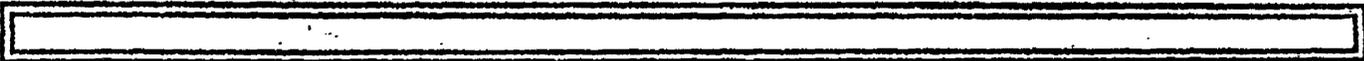
PAID
ck# 3404

____/____/____
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

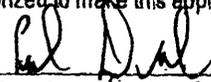
Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



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.



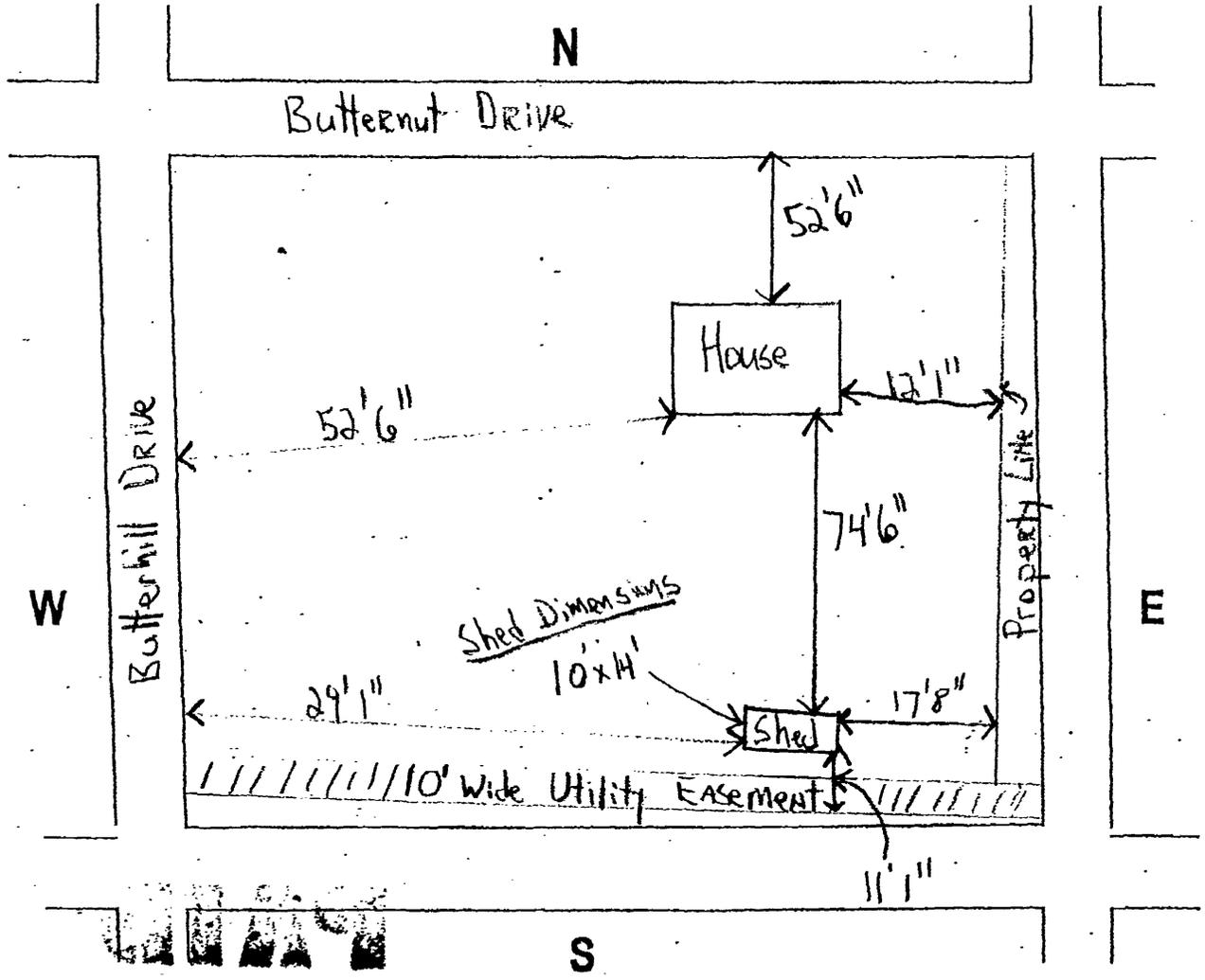
(Signature of Applicant)

323 Butternut Dr., New Windsor, NY 12553
(Address of Applicant)

323 Butternut Dr., New Windsor, NY 12553

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.



§ 48-14. Supplementary yard regulations.

A. Accessory buildings.

- (1) An accessory building may be located in any required side or rear yard, provided that:
 - (a) Such building shall not exceed 15 feet in height or the maximum height of the principal building, whichever is less. [Amended 4-20-1988 by L.L. No. 3-1988]
 - (b) Such building shall be set back 10 feet from any lot line.
 - (c) (Reserved)^{EN(1)}
- (2) (Reserved)^{EN(2)}
- (3) An accessory building on that portion of a lot not included in any required yard shall not exceed the height of the principal building. [Amended 4-20-1988 by L.L. No. 3-1988]
- (4) No accessory building shall project nearer to the street on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the Planning Board may authorize the erection of such garages under the following conditions:
 - (a) If the natural slope is from 10% to 20% within 25 feet of the street line, the Board may permit a garage not closer than 20 feet to the street line.
 - (b) Where such slope exceeds 20%, a garage may be permitted not closer than 10 feet to the street line.



Public Hearing For Shed Only
 RESULTS OF Z.B.A. MEETING OF: February 24, 2003



PROJECT: Paul Decker - Pub. Hearing ZBA # 03-06
 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: *for Addition Only*

SCHEDULE PUBLIC HEARING: M) K S) R VOTE: A 3 N _____
 RIVERA A
~~MCDONALD~~ _____
~~REIS~~ _____ CARRIED: Y ✓ N _____
 KANE A
 TORLEY A

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) K S) R VOTE: A 3 N _____
 RIVERA A
 MCDONALD Excused Self CARRIED: Y ✓ N _____
~~REIS~~ _____
 KANE A
 TORLEY A

*Proposed
 Preliminary - Addition
 Need pictures
 March 10th*



Town of New Windsor

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

03-06

Assessors Office

February 5, 2003

Paul Decker
323 Butternut Drive
New Windsor, NY 12553

Re: 80-3-1 ZBA#03-06

Dear Mr. Decker:

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 \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley
Sole Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

78-9-19
Gerard & Cheryl Walker ✓
215 Dairy Lane
New Windsor, NY 12553

78-9-20
Alex & Lois Fulin ✓
217 Dairy Lane
New Windsor, NY 12553

78-9-21
Michael & Maureen Busweiler ✓
219 Dairy Lane
New Windsor, NY 12553

78-9-22
Robert & Perry Smith ✓
221 Dairy Lane
New Windsor, NY 12553

80-1-1
David & Barbara Gray ✓
215 Butterhill Drive
New Windsor, NY 12553

80-1-2
Charles & Elia Flynn ✓
213 Butterhill Drive
New Windsor, NY 12553

80-1-3
Michael & Lizette Fulco ✓
211 Butterhill Drive
New Windsor, NY 12553

80-1-4
Andrew & Carol Elstob ✓
209 Butterhill Drive
New Windsor, NY 12553

80-1-5
Michael Mulligan ✓
207 Butterhill Drive
New Windsor, NY 12553

80-1-12
Alan & Maureen Scheck ✓
332 Butternut Drive
New Windsor, NY 12553

80-1-13
Michael & Nancy Bell ✓
330 Butternut Drive
New Windsor, NY 12553

80-1-14
Anthony & Venus Sanchez ✓
328 Butternut Drive
New Windsor, NY 12553

80-1-15
Raymond & Sherri Bosse ✓
326 Butternut Drive
New Windsor, NY 12553

80-1-20
Louis Hernandez ✓
Iris Cordero-Hernandez
92 Guernsey Drive
New Windsor, NY 12553

80-1-21
Luigi & Linda DiCocco ✓
90 Guernsey Drive
New Windsor, NY 12553

80-2-1
Robert & Rosemarie Meyers ✓
217 Butterhill Drive
New Windsor, NY 12553

80-2-2
Peter & Ellen Chiavaro ✓
219 Butterhill Drive
New Windsor, NY 12553

80-2-3
Robert & Angela Donaldson ✓
221 Butterhill Drive
New Windsor, NY 12553

80-2-4
Philip & Irene Hernandez ✓
84 Creamery Drive
New Windsor, NY 12553

80-2-5
Gerald Jr. & Rose Marie Bohr ✓
86 Creamery Drive
New Windsor, NY 12553

80-2-6
Gary & Theresa Hall ✓
88 Creamery Drive
New Windsor, NY 12553

80-2-7
Andres & Deirdre Washington ✓
90 Creamery Drive
New Windsor, NY 12553

80-2-8
Victor & Sylvia Santiago ✓
92 Creamery Drive
New Windsor, NY 12553

80-2-9
Michael & Tracy Diaz ✓
94 Creamery Drive
New Windsor, NY 12553

80-2-12
Richard & Carol Keber ✓
331 Butternut Drive
New Windsor, NY 12553

80-2-13
Craig & Patricia Wood ✓
329 Butternut Drive
New Windsor, NY 12553

80-2-14
Keith & Colleen Schafer ✓
327 Butternut Drive
New Windsor, NY 12553

80-2-15
Joseph & Audrey Addo ✓
325 Butternut Drive
New Windsor, NY 12553

80-4-3
Roy & Cynthia Gutshall ✓
705 Mara Drive
Blue Bell, PA 19422

80-4-4
Ava & Herbert Benjamin ✓
208 Butterhill Drive
New Windsor, NY 12553

37-1-42.12

Caetus Resort Properties, Inc.
C/o Finova Capital
115 West Century Road
Paramus, NJ 07652 ✓

78-6-19

Ismet & Norma Ramos ✓
313 Butternut Drive
New Windsor, NY 12553

78-9-1

Joseph & Milagros Arce ✓
322 Butternut Drive
New Windsor, NY 12553

78-6-1

James Dietz ✓
220 Butterhill Drive
New Windsor, NY 12553

78-6-20

Donna Mulder ✓
315 Butternut Drive
New Windsor, NY 12553

78-9-2

Jan & Angelina Rostek ✓
320 Butternut Drive
New Windsor, NY 12553

78-6-2

Dennis & Erin Craig ✓
78 Creamery Drive
New Windsor, NY 12553

78-6-21

Jean Kelley ✓
317 Butternut Drive
New Windsor, NY 12553

78-9-3

Michael & Sheila Brock ✓
318 Butternut Drive
New Windsor, NY 12553

78-6-3

Carlos & Cecilia Medina ✓
76 Creamery Drive
New Windsor, NY 12553

78-6-22

Michael Burge ✓
Barbara Trotta Burge
319 Butternut Drive
New Windsor, NY 12553

78-9-4

James & Dolores Davitt ✓
316 Butternut Drive
New Windsor, NY 12553

78-6-4

Michael & Marcella Trotman ✓
74 Creamery Drive
New Windsor, NY 12553

78-6-23

David & Cathy Ann Principato ✓
321 Butternut Drive
New Windsor, NY 12553

78-9-5

Joseph & Maria Molina ✓
314 Butternut Drive
New Windsor, NY 12553

78-6-5

Thomas & Victoria Mac Donald ✓
72 Creamery Drive
New Windsor, NY 12553

78-7-14

Emilio & Anna Megaro ✓
85 Creamery Drive
New Windsor, NY 12553

78-9-6

Robert Dubee ✓
312 Butternut Drive
New Windsor, NY 12553

78-6-6

Charles Patterson ✓
70 Creamery Drive
New Windsor, NY 12553

78-7-15

Edith Soll ✓
87 Creamery Drive
New Windsor, NY 12553

78-9-7

Martin & Jean Cossavella ✓
310 Butternut Drive
New Windsor, NY 12553

78-6-7.1

Thomas & Lisa Marshall ✓
68 Creamery Drive
New Windsor, NY 12553

78-7-16

Peter & Joanne Samplaski ✓
89 Creamery Drive
New Windsor, NY 12553

78-9-16

Mark & Ann Campbell ✓
209 Dairy Lane
New Windsor, NY 12553

78-6-17.2

Christopher & Christine Trieste ✓
309 Butternut Drive
New Windsor, NY 12553

78-7-17

Thomas & Amalia Smith ✓
91 Creamery Drive
New Windsor, NY 12553

78-9-17

Amalia Fonzeca ✓
211 Dairy Lane
New Windsor, NY 12553

78-6-18

Prakash Shukla ✓
311 Butternut Drive
New Windsor, NY 12553

78-7-18

Gary Capodiecici ✓
93 Creamery Drive
New Windsor, NY 12553

78-9-18

John & Lisa Walsh ✓
213 Dairy Lane
New Windsor, NY 12553

80-4-5
Anthony DiLorenzo
Linda Pulz
210 Butterhill Drive
New Windsor, NY 12553 ✓

80-4-6
Charles Anderson
212 Butterhill Drive
New Windsor, NY 12553 ✓

80-4-7
John Guido
Leslie Hynes
214 Butterhill Drive
New Windsor, NY 12553 ✓

80-4-8
Donald & Donna Bigi
216 Butterhill Drive
New Windsor, NY 12553 ✓

80-5-5
Antonius Tinnemans
105 Creamery Drive
New Windsor, NY 12553 ✓

80-5-6
Sean & Monica Jones
103 Creamery Drive
New Windsor, NY 12553 ✓

80-5-7
Thomas & Donna Brouard
101 Creamery Drive
New Windsor, NY 12553 ✓

80-5-8
Christopher & Michele Wing
99 Creamery Drive
New Windsor, NY 12553 ✓

80-5-9
William & Donna Perk
97 Creamery Drive
New Windsor, NY 12553 ✓

80-5-10
Miguel & Frances Rodriguez
95 Creamery Drive
New Windsor, NY 12553 ✓

30
30
10

70 Mailed 2/10/03

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. 03-06

Request of PAUL & LUANN DECKER

for a VARIANCE of the Zoning Local Law to Permit:

EXISTING SHED WHICH PROJECTS CLOSER TO THE ROAD THAN THE HOUSE - ON A CORNER LOT.

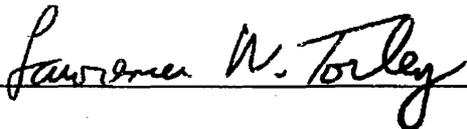
being a VARIANCE of Section 48-14 (A)(4)

for property located at: 323 BUTTERNUT DRIVE - NEW WINDSOR, NY

known and designated as tax map Section 80 Block 3 Lot 1

PUBLIC HEARING will take place on FEBRUARY 24TH, 2003 AT 7:30 P.M.

**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**



Chairman

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 01-28-2003 PROJECT NUMBER: ZBA# 03-06 P.B. # _____

APPLICANT NAME: PAUL DECKER

PERSON TO NOTIFY TO PICK UP LIST:

PAUL DECKER
323 BUTTERNUT DRIVE
NEW WINDSOR, NY 12553

TELEPHONE: 565-1628

TAX MAP NUMBER: SEC. 80 BLOCK 3 LOT 1
SEC. _____ BLOCK _____ LOT _____
SEC. _____ BLOCK _____ LOT _____

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: 3423

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

February 19, 2003

Mr. & Mrs. Paul Decker
323 Butternut Drive
New Windsor, NY 12553

SUBJECT: ZBA #03-06 REQUEST FOR VARIANCE

Dear Mr. & Mrs. Decker:

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

323 Butternut Drive
New Windsor, NY

is scheduled for the February 24th, 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

PRELIMINARY MEETINGS:

PAUL DECKER - #03-06

MR. TORLEY: Request for variance of Section 48-14(A)(4) of the Zoning Code - existing shed projects closer to road than house (corner lot) on Butternut Drive in a CL zone.

Mr. Paul Decker appeared before the board for this proposal.

MR. MC DONALD: I will recuse myself on this because this is family.

MR. TORLEY: Corner lot, right?

MR. DECKER: Yes.

MR. TORLEY: So what's the problem, Mr. Decker?

MR. DECKER: The rear portion of my lot is a pie shaped lot that tapers to a smaller cross-sectional area. As you move towards the rear property line, the house measured 52 feet six inches from the road, the shed where I installed we measured it's actually 32 feet from the road, hence it's closer to the road than the house. The information I submitted to the board you'll see I drew a parallel line where it would show where you could actually put it, I have some other ones here that show a marked up survey but due to the incline in the back yard and the current deck that's there, I was very limited where I could put the shed.

MR. KANE: Considering that if you didn't have a corner piece of property you wouldn't be here.

MR. DECKER: Correct.

MR. TORLEY: It's definitely an odd shaped lot.

MR. KANE: The shed itself is similar to other sheds in the neighborhood?

MR. DECKER: Yes.

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

MR. DECKER: No.

MR. TORLEY: And you're seeking what's called an area variance. Now, that requires a balancing of, by this board of the benefit to you if we grant you the variance versus any impact on your neighbors or the town. So one of the things we want to know, you said why you have to put it where it is, in other words, you couldn't practically put it someplace where it fits the code, that kind of thing. That's the kind of thing. Gentlemen, do you have any other questions you'd like to bring up?

MR. REIS: Accept a motion?

MR. KRIEGER: They want to know, in the public hearing want to know about the ponding or collection of water?

MR. KANE: Right, are you going to create any runoffs or water hazards?

MR. DECKER: No.

MR. KANE: Knocked down any trees?

MR. DECKER: No.

MR. KRIEGER: How long has it been up?

MR. DECKER: Approximately 19 months. At this point, it's installed on a gravel base that's surrounding it for plenty of drainage.

MR. KANE: Again, for safety reasons, it's practically the only spot left in your yard?

MR. DECKER: It goes down and kind of levels out.

MR. TORLEY: Topo of the lot?

MR. DECKER: Yes.

MR. TORLEY: Gentlemen?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: Make a motion we set up Mr. Decker for his requested variance at Butternut Drive.

MR. KANE: Second it.

ROLL CALL

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

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

**RECEIPT
#97-2003**

01/31/2003

**Decker, Paul
323 Butternut Drive
New Windsor, NY 12553**

**Received \$ 50.00 for Zoning Board Fees, on 01/31/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 01/28/2003

FOR: 03-06

FROM: **PAUL & LU ANN DECKER**

323 BUTTERNUT DRIVE

NEW WINDSOR, NY 12553-8036

CHECK NUMBER: 3422

AMOUNT: **\$300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

1.31.03
DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

PAUL C. DECKER
LU'ANN S. DECKER
323 Balthurst Dr.
New Windsor, NY 12553-8036

3424
1-108/210

1-28-03

Date

Pay to the Order of Laura J. Decker \$ 500.00
for Dollars



HSBC Bank USA, Vails Gate, NY 12584

For Laura J. Decker

⑆021001088⑆078784377⑆ 3424

D PAUL C. DECKER
LU'ANN S. DECKER
323 Balthurst Dr.
New Windsor, NY 12553-8036

3422
1-108/210

1-28-03

Date

Pay to the Order of Laura J. Decker \$ 300.00
for Dollars



HSBC Bank USA, Vails Gate, NY 12584

For Laura J. Decker

⑆021001088⑆078784377⑆ 3422



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



APPLICATION FOR VARIANCE

03-06 / 1/25/03
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. **Owner Information:** Phone Number: (845) 565-1628
Paul & LuAnn Decker Fax Number: (845) 368-6337
(Name)
323 Butternut Drive, New Windsor, NY 12553
(Address)

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

III. **Attorney:** Phone Number: ()
Fax Number: ()
(Name)
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
Fax Number: ()
(Name)
(Address)

V. **Property Information:**
Zone: CL Property Address in Question: 323 Butternut Drive
Lot Size: 12,525 ft² Tax Map Number: Section 80 Block 30 Lot 1
a. What other zones lie within 500 feet? None
b. Is pending sale or lease subject to ZBA approval of this Application? -Refinance
c. When was property purchased by present owner? MARCH 1990
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? Existing Shed

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

03-06

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

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE:

Area Variance requested from New Windsor Zoning Local Law,

Section 48, Table of 14 Regs., Col. (A)(4)

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	12,525 ft ²		
Min. Lot Width	60.96 ft.		
Reqd. Front Yd.	52'6"		
Reqd. Side Yd.	12'1"		
Reqd. Rear Yd.	85'7"		
Reqd. St Front*	75'		
Max. Bldg. Hgt.	2 story		
Min. Floor Area*	1200 ft ²		
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

**PLEASE NOTE:
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OF SUBMITTAL.**

03-06

**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:

Approx 1 1/2 years ago I placed a shed (10'x14') on a near level portion of my rear yard. This location was selected since it is the only near-level portion of my rear yard. My rear yard slopes down in a pie shaped configuration. I've made every effort to make this shed as aesthetically appealing as possible and paid a premium price for a well constructed, nice looking shed. I contacted the N.W. Building Dept. at the time who instructed me to ensure I placed it a minimum of 10' from all property lines and a permit wasn't required. I recently applied to re-finance my mortgage and was notified that my shed projects too close to the road due to the pie-shaped lot. Please accept/approve this variance request for the shed's location.

* See Attached diagram.

PLEASE NOTE:

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

03-06

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.)

XIII. ATTACHMENTS REQUIRED:

- Copy of referral from Building /Zoning Inspector or Planning Board.
- Copy of tax map showing adjacent properties.
- 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 , (escrow)
 - One in the amount of \$ 50.00 , (application fee)
 - One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- Photographs of existing premises from several angles.

1/27/03
Date:

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.

Paul C. Decker
 (Applicant Signature)

 Paul Charles Decker
 (Please Print Name)

Sworn to before me this 27th day of JANUARY,
2003
CATHERINE VIGGIAN
 NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires July 8, 2004

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

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

(This Page is Part of the Instrument)

901058

PRINT OR TYPE: BLACK INK ONLY

SECTION 80 BLOCK 3 LOT 1

MOODNA DEVELOPMENT CO., INC.

TO

PAUL C. DECKER and
LuANN SERRANO

13.74

RECORD AND RETURN TO:
(Name and Address)

JERALD FIEDELHOLTZ, P.C.
P. O. Box 4088
New Windsor, NY 12550

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 52705 DATE 3/15/90 AFFIDAVIT FILED _____ 19 _____

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

BG20 Blooming Grove _____	SERIAL NO. _____	CHECK _____ CASH _____ CHARGE <input checked="" type="checkbox"/>
CH22 Chester _____	Mortgage Amount \$ _____	
CO24 Cornwall _____	Exempt Yes _____ No _____	MORTGAGE TAX \$ _____
CR26 Crawford _____	3-6 Cooking Units Yes _____ No _____	TRANSFER TAX \$ <u>484.00</u>
DP28 Deerpark _____	Received Tax on above Mortgage	
GO30 Goshen _____	Basic \$ _____	<i>Ed Fund</i> 5.00
GR32 Greenville _____	MTA \$ _____	RECORD. FEE \$ <u>17.00</u>
HA34 Hamptonburgh _____	Spec. Add. \$ _____	REPORT FORMS \$ <u>5.00</u>
HI36 Highland _____	TOTAL \$ _____	CERT. COPIES \$ _____
MK38 Minisink _____		
ME40 Monroe _____	MARION S. MURPHY Orange County Clerk	<i>Kare Vin</i>
MY42 Montgomery _____	by: _____	
MH44 Mount Hope _____	ORANGE COUNTY CLERK'S OFFICE S.S.	
NT46 Newburgh (T) _____	Recorded on the <u>19th</u> day of	
NW48 New Windsor <input checked="" type="checkbox"/>	<u>MARCH</u> 19 <u>90</u> at <u>1:18:21</u>	
TU50 Tuxedo _____	O'Clock <u>P</u> M. in Liber/Film <u>3266</u>	
WL52 Walkkill _____	<i>Deeds</i> at page <u>341</u> and examined.	
WK54 Warwick _____	<i>Marion S. Murphy</i> County Clerk	
WA56 Wawayanda _____		
WO58 Woodbury _____		
MN09 Middletown _____		
NC11 Newburgh _____		
PJ13 Port Jervis _____		
9999 Hold _____		

RECEIVED

\$ 484.00

REAL ESTATE

MAR 19 1990

TRANSFER TAX

ORANGE COUNTY

MRL

(8)

ORG 03/19/90 01:18:21 4446 22.00

***** EDUCATION FUND: 5.00 *****

DEED CONTROL NO: 52705 484.00 *

***** SERIAL NUMBER: 005263 *****

03-06

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 15th day of March, nineteen hundred and NINETY
BETWEEN

MOODNA DEVELOPMENT CO., INC., a Domestic
Corporation, having its principal place of business at No. 33 Sweet
Briar Road, Stamford, Connecticut 06905,

party of the first part, and

PAUL C. DECKER and LuANN SERRANO, residing at
12 Split Tree Drive, New Windsor, New York 12552, AS JOINT TENANTS WITH
THE RIGHT OF SURVIVORSHIP.

party of the second part,

WITNESSETH, that the party of the first part, in consideration of _____TEN_____

_____ (\$10.00) _____ dollars,

lawful money of the United States, and other good and valuable consideration paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

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, Orange County, New York,
being more particularly described as follows:

Lot #210 as shown on a map entitled "Final Subdivision Plan, Section 5, Butter Hill" last revised 10 October 1983 and filed in the Orange County Clerk's Office on 20 July 1984 as Map No. 6638 bounded and described as per the attached schedule "A".

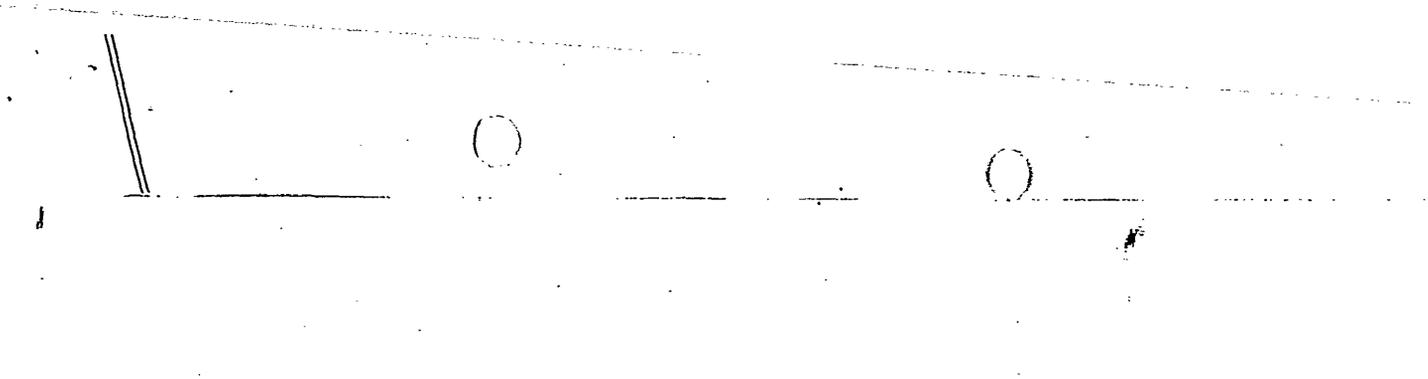
SUBJECT to covenants, easements and restrictions of record, if any.

TOGETHER with a right-of-way over Creamery Lane and Butter Hill Drive referenced on the aforescribed subdivision map until such lane is dedicated to the Town of New Windsor.

BEING the same premises described in that certain deed dated December 23rd, 1984 from NORTH AMERICAN HOMES, INC. TO MOODNA DEVELOPMENT CO., INC., which deed is intended to be recorded simultaneously herewith.

This deed is given in the usual course of corporate business of the party of the first part and does not exhaust or substantially deplete the assets of the corporation.

03-06



All that certain piece or parcel of land situate, lying and being in the Town of New Windsor, Orange County, New York, known as Lot No. 210 as shown on a map entitled "Butter Hill Section Five", said map having been filed in the Orange County Clerk's Office on 20 July 1984 as Map No. 6638, being more particularly described as follows:

BEGINNING at a point in the easterly line of Butter Hill Drive where said line is intersected by the division line between Lot No. 210 and Lot No. 211, running thence, the following courses:

1. Along the easterly line of Butter Hill Drive, $N 09^{\circ} 40' 00''$ W, 140.35' to a point;
2. On a curve to the right having a radius of 25.00' a distance of 49.00' to a point;
3. Along the southerly line of Butternut Drive, $S 77^{\circ} 21' 39''$ E, 75.00' to a point;
4. Along the division line between Lot No. 209 and Lot No. 210, $S 12^{\circ} 38' 21''$ W, 161.37' to a point;
5. Along the division line between Lot No. 210 and Lot No. 211, $N 81^{\circ} 08' 58''$ W, 44.95' to the point or place of BEGINNING.

CONTAINING 12,525 square feet or 0.29 acres of land more or less.

SUBJECT to a ten (10) foot wide utility easement running along the southerly line of the above described premises being more particularly described as follows:

BEGINNING at a point in the easterly line of Butter Hill Drive where said line is intersected by the division line between Lot No. 210 and Lot No. 211, running thence, the following courses:

1. Along the easterly line of Butter Hill Drive, N 09° 40' 00" W, 10.55' to a point;
2. Running through the above described premises, S 81° 08' 58" E, 48.96' to a point;
3. Along the division line between Lot No. 209 and Lot No. 210, S 12° 38' 21" W, 10.02' to a point;
4. Along the division line between Lot. No. 210 and Lot No. 211, N 81° 08' 58" W, 44.95' to the point or place of BEGINNING.

03-06

TOGETHER with all right, title and interest of 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.

1
F
2

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 indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

MOODNA DEVELOPMENT CO., INC.



Gerrit V. Lydecker
BY: GERRIT V. LYDECKER, President

LIBER 3266 PAGE 344

***** SERIAL NUMBER: 005263 *****

03-06

STATE OF NEW YORK, COUNTY OF

ss:

On the _____ day of _____ 19____, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the 15th day of March 1990, before me personally came GERRIT V. LYDECKER to me known, who, being by me duly sworn, did depose and say that he resides at No. 33 Sweet Briar Road, Stamford, CT 06905; that he is the President of MOODNA DEVELOPMENT CO., INC.

_____, 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.

Elizabeth M. Backer

ELIZABETH M. BACKER
NOTARY PUBLIC, State of New York
Qualified in Orange County
Reg. No. 4502856
Commission Expires March 30, 1991

STATE OF NEW YORK, COUNTY OF

ss:

On the _____ day _____ 19____, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

ss:

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 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.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

MOODNA DEVELOPMENT CO., INC.

TO

PAUL C. DECKER
LuANN SERRANO

SECTION
BLOCK
LOT
COUNTY OR TOWN

RETURN BY MAIL TO:

JERALD FIEDELHOLTZ, P.C.
P. O. Box 4088
New Windsor, NY 12550

Zip No.

ice.

03-06