

**ZB# 03-39**

**Tran Nguyen**

**77-11-5**

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

*Granted 9-22-03*

ZBA #03-39 TRAN NGUYEN - AREA  
SETTLERS RIDGE (77-11-5)

567-3425

**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: June 24, 2003**

**APPLICANT: Tran Nguyen  
2419 Settlers Ridge  
New Windsor, NY 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 6/24/03**

**FOR : Proposed 16x30 rear deck.**

**LOCATED AT: 2419 Settlers Ridge**

**ZONE: R-3 Sec/Blk/ Lot: 77-11-5**

**COPY**

**DESCRIPTION OF EXISTING SITE: 77-11-5**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Proposed attached rear deck does not meet minimum 30' rear yard set-back.**

  
**BUILDING INSPECTOR**

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-3 USE: See original site plan approval Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

30'

18'

12'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

APPROVED

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 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 percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: PA 2003-0737

**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 TRAN NGUYEN A.

Address 2419 SETTLERS Ridge Phone # 845-567-3475

Mailing Address 2419 SETTLERS Ridge, New Windsor Fax # \_\_\_\_\_

Name of Architect Mark Hayes

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

Name of Contractor Hudson Valley Home craft

Address Newburgh, N.Y. Phone 914-564-0832

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

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

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

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

3. Tax Map Description: Section 334800 Block \_\_\_\_\_ Lot 77-11-5

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

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

6. Is this a corner lot? \_\_\_\_\_ 16x30 Rear Deck

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 2.50

Cash

**PAID**

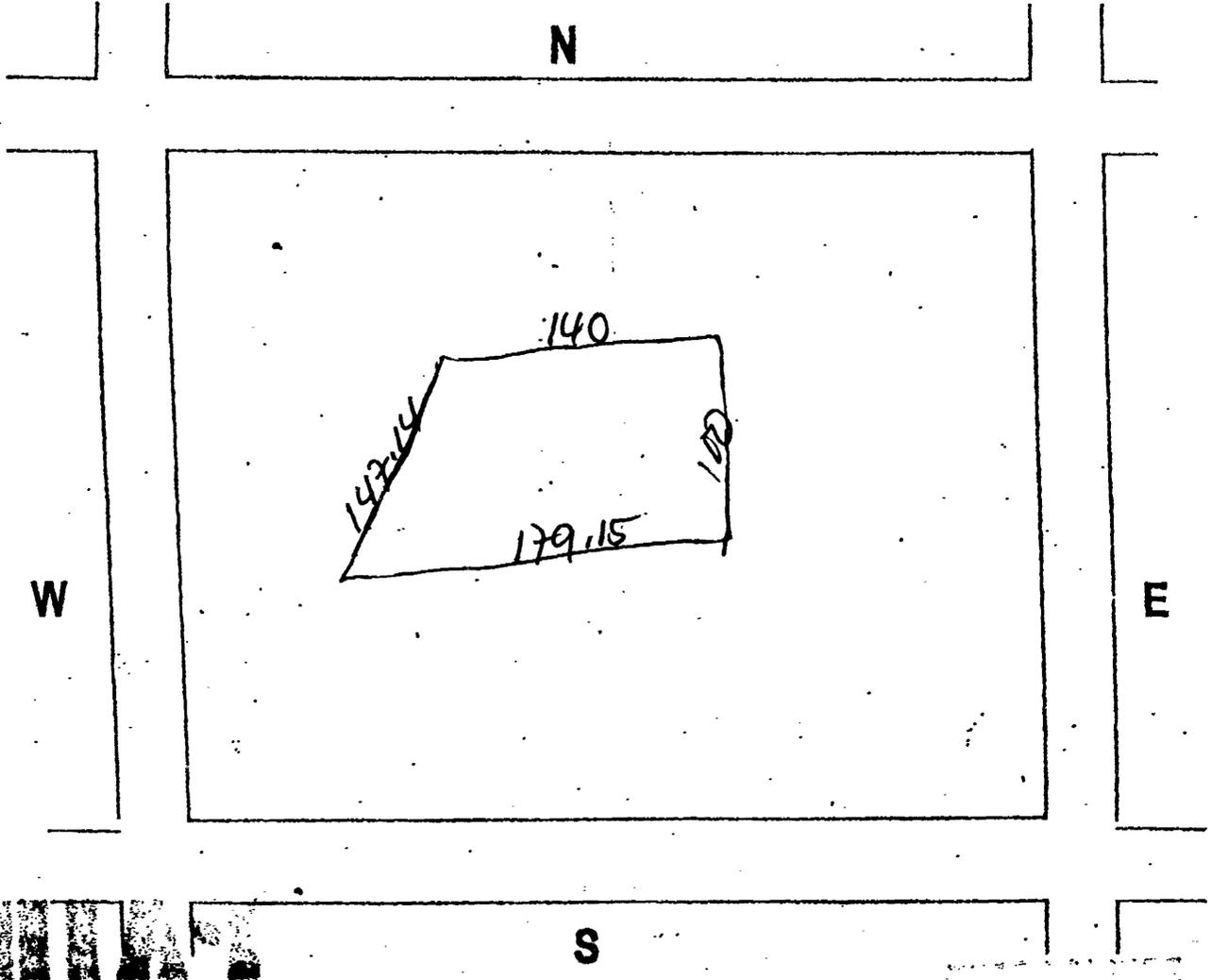
**ZONING BOARD**

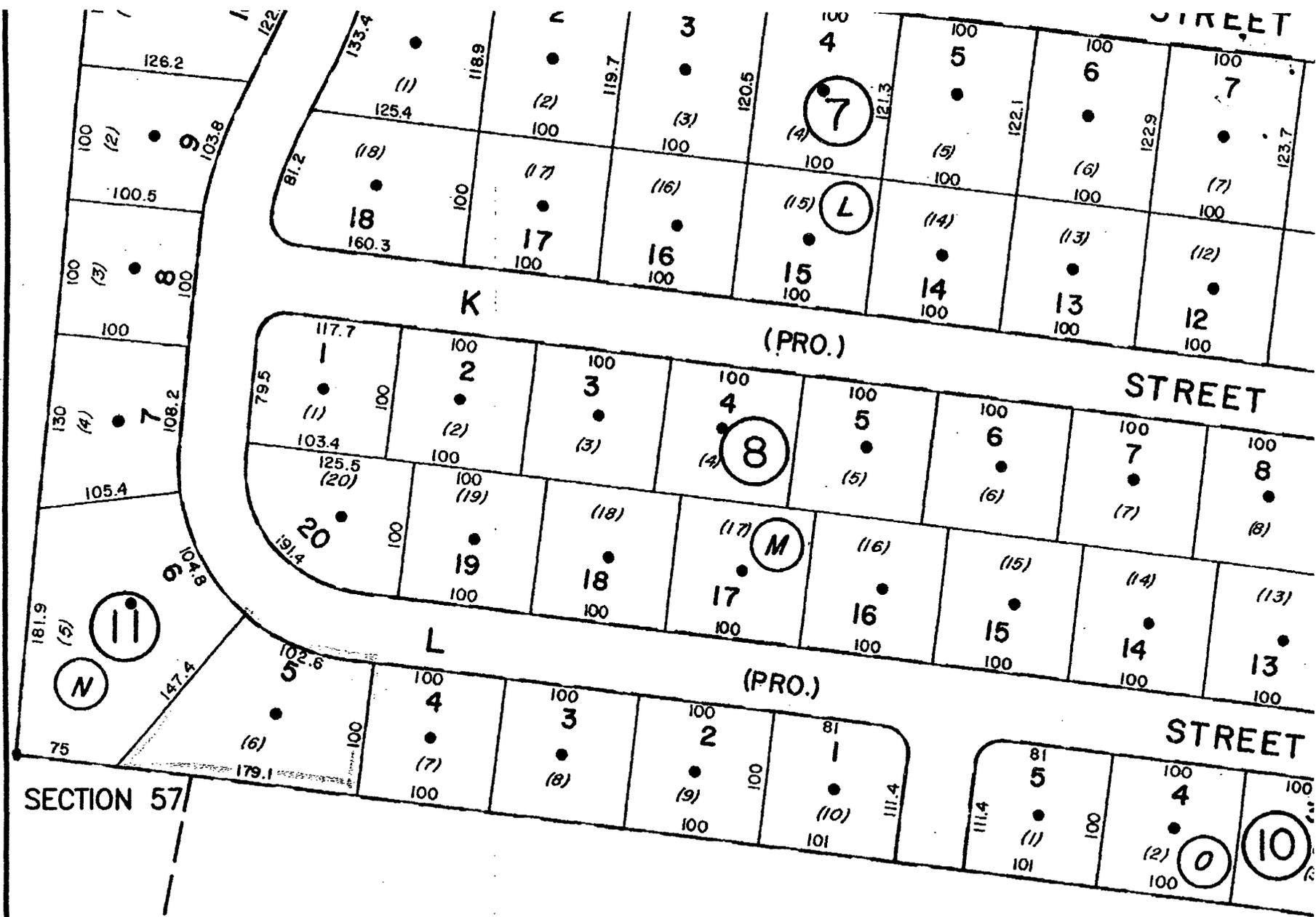


PLOT PLAN

NOTE:

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



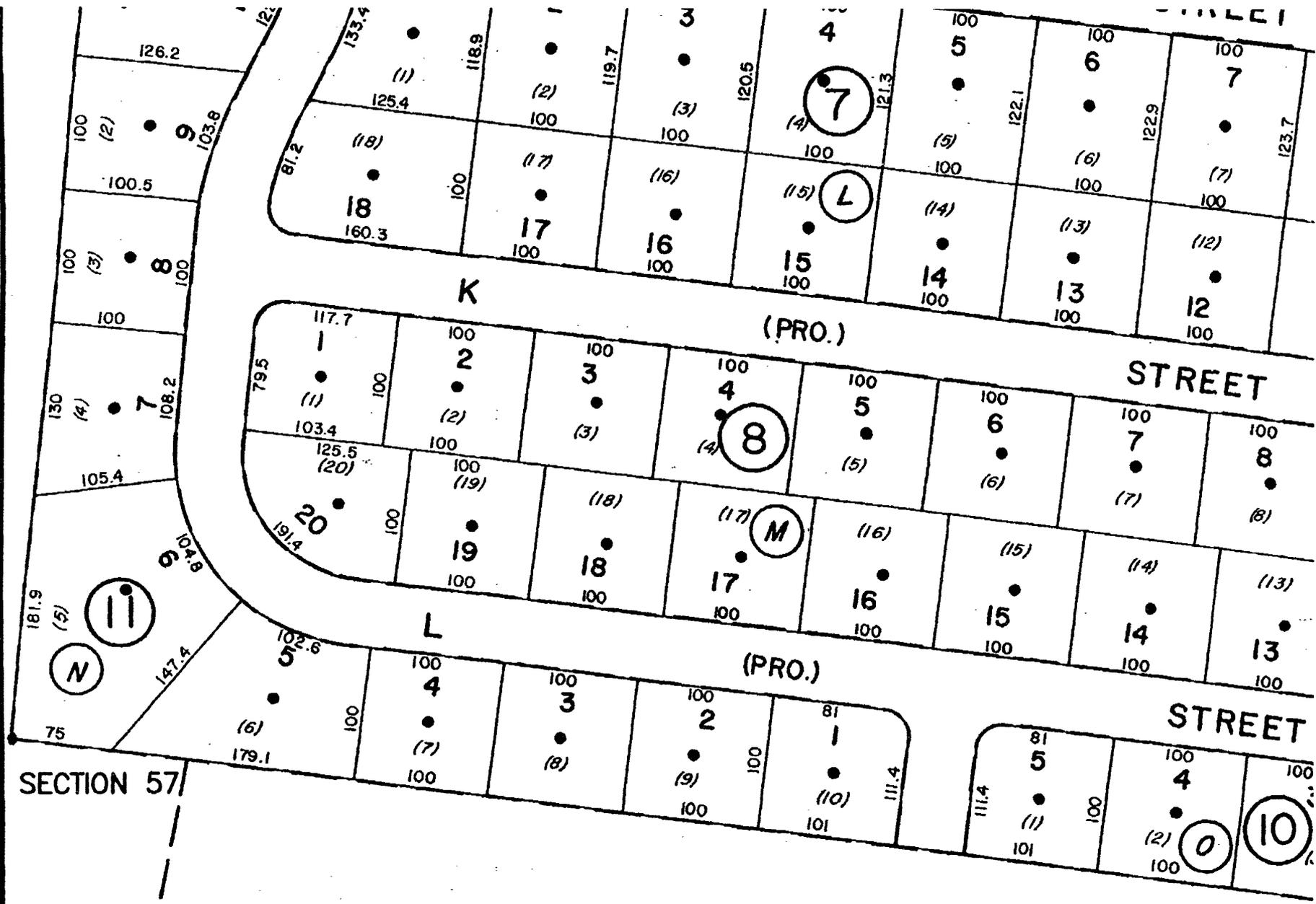


SECTION 57

SECTION 65

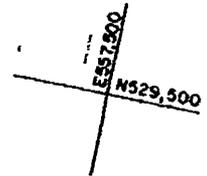
# LEGEND

STATE OR COUNTY LINE	—————	FILED PLAN LOT LINE	-----	TAX MAP BLOCK NO.	(4)	FILED PLA
CITY TOWN OR VILLAGE	—————	EASEMENT LINE	———	TAX MAP PARCEL NO.	32	FILED PLA



SECTION 65

# LEGEND



STATE OR COUNTY LINE	-----	FILED PLAN LOT LINE	-----	TAX MAP BLOCK NO.	(4)	FILED PL
CITY TOWN OR VILLAGE	-----	EASEMENT LINE	-----	TAX MAP PARCEL NO.	32	FILED PL





# 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

January 8, 2004

Tran Nguyen (or Present Owner of)  
2419 Settlers Ridge  
New Windsor, NY 12553

**SUBJECT: REQUEST FOR VARIANCE #03-39**

Dear Mr. Tran (or Present Owner):

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

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 77-11-5

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

MEMORANDUM OF  
DECISION GRANTING

TRAN NGUYEN

AREA

CASE #03-39  
-----X

**WHEREAS**, Tran Nguyen , owner(s) of 2419 Settlers Ridge, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 12 ft. Rear Yard Setback for proposed deck in an R-3 zone; and

**WHEREAS**, a public hearing was held on September 22, 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 applicant seeks to erect a deck which will be similar in size and appearance to other decks in the area.
  - (c) To erect the deck the applicant will not remove any trees or other substantial vegetation.

(d) The deck will not be located on any water, sewer or other easements.

(e) A deck is necessary so that a person exiting or entering the adjacent area of the house will not sustain serious injury.

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

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

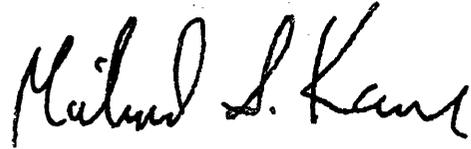
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 12 ft. Rear Yard Setback for proposed deck in an R-3 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/or Building Inspector and Applicant.

Dated: September 22, 2003

A handwritten signature in cursive script, reading "Michael S. Kane". The signature is written in black ink and is positioned above a horizontal line.

---

Chairman

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

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: OCTOBER 28, 2003**  
**SUBJECT: REFUND ESCROW - NGUYEN TRAN**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 207.50 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #03-39**

**NAME: NGUYEN TRAN**

**ADDRESS: 2419 SETTLERS RIDGE**

**NEW WINDSOR, NY 12553**

**THANK YOU,**

**MYRA**

L.R. 10/28/03



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #03-39      TYPE: AREA

APPLICANT:  
TRAN NGUYEN

TELEPHONE:    567-3425

RESIDENTIAL:	\$ 50.00	CHECK #606
COMMERCIAL	\$ 150.00	CHECK #
INTERPRETATION	\$ 150.00	CHECK #

ESCROW:            RESIDENTIAL \$300.00      CHECK #598

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> \$4.50 / PAGE	<u>ATTORNEY</u> FEE	
PRELIMINARY:	<u>2</u>	PAGES	\$ <u>9.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	<u>   </u>	PAGES	\$ <u>   </u>	\$ <u>   </u>
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>13.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u>   </u>	PAGES	\$ <u>   </u>	\$ <u>   </u>
	TOTAL:		\$ <u>22.50</u>	\$ <u>70.00</u>

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>92.50</u>
AMOUNT DUE:	\$ <u>   </u>
REFUND DUE:	\$ <u>207.50</u>

L.R. 10/28/03

PUBLIC HEARING:

TRAN NGUYEN(#03-39)

Mr. Tran Nguyen appeared before the board for this proposal.

MR. KANE: Request for 12 ft. rear yard setback for proposed deck at 2419 Settlers Ridge in an R-3 zone. Similar to the preliminary hearing, tell us what you want to do, sir. You want to repeat what we did at the preliminary hearing.

MR. NGUYEN: Yes.

MR. KANE: You have to do it all over again, tell us what you want to do.

MR. NGUYEN: So I want, I want, the deck is 16 x 30 so on the plan I draw everything here.

MR. KANE: So you want to put up a 16 x 30 deck?

MR. NGUYEN: Yes.

MR. KANE: Is the size of the deck similar in size to other decks in the neighborhood?

MR. NGUYEN: My neighborhood nobody have a deck.

MR. KANE: But it's not an unusually big deck, it's a fairly normal size?

MR. NGUYEN: Normal size.

MR. KANE: Will you be cutting down any trees or creating any water hazards with the building of this deck?

MR. NGUYEN: No, sir.

MR. KANE: Is it on any easements?

MR. NGUYEN: No.

MR. KANE: And I see you have a fairly steep stairwell off the back of your home. Without a deck there, it would be a safety issue not to have the deck?

MR. NGUYEN: Yes.

MR. KANE: And you think it will be safer than having the fairly steep stairs that you have right now?

MR. NGUYEN: Yes.

MR. KRIEGER: How is the parcel served, municipal water and sewer or well and septic, how do you get your water?

MR. NGUYEN: The water from the public.

MR. KANE: Public water.

MR. BABCOCK: It's town water and town sewer.

MR. MINUTA: Is this deck to be enclosed at any time?

MR. NGUYEN: Excuse me?

MR. MINUTA: Are you planning on enclosing the deck at any time?

MR. NGUYEN: Yes.

MR. MINUTA: So it is going to be an enclosed deck?

MR. KANE: You're going to cover the deck over?

MR. NGUYEN: Oh, no, no.

MR. MINUTA: Thank you.

MR. KANE: We'll take this moment to open it up and see if there's anybody in the public for this particular meeting. Seeing as there's no one, we'll close it and bring it back to the board. Gentlemen, any further questions?

MR. REIS: Notices sent out?

MS. MASON: On September 10, 32 addressed envelopes containing the notice of public hearing were mailed out, no responses.

MR. REIS: I think we covered it. Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we pass Mr. Hguyen's request for his variance of a 12 foot rear yard setback for a proposed deck at 2419 Settlers Ridge.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. KANE: In a couple of days get in touch with the building inspector.

MS. MASON: Just read that over, it tells you what to do.

MR. NGUYEN: Thank you.



RESULTS OF Z.B. MEETING OF: September 22, 2003

PROJECT: Iran Nguyen

ZBA # 03-39  
P.B.#



USE VARIANCE:      NEED: EAF      PROXY

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

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

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

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

ALL VARIANCES - PRELIMINARY APPEARANCE:

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

PUBLIC HEARING:      STATEMENT OF MAILING READ INTO MINUTES



VARIANCE APPROVED:      M) Rs S) lv      VOTE: A 4 N 0.

RIVERA A  
~~MCDONALD~~ \_\_\_\_\_  
REIS A  
MINUTA A  
KANE A

CARRIED: Y  N \_\_\_\_\_.

Large empty rectangular box with horizontal lines, likely for additional notes or signatures.





# Town of New Windsor

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

## Assessor's Office

August 14, 2003

Tran Nguyen  
2419 Settlers Ridge  
New Windsor, NY 12553

Re: 77-11-5 ZBA#03-39

Dear Mr. Tran:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

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

Sincerely,

*J. Todd Wiley* *BAN*

J. Todd Wiley, IAO  
Sole Assessor

JTW/baw  
Attachments

CC: Myra Mason, ZBA

57-1-28  
Richard Ostner & ETAL  
82 Bethlehem Rd  
New Windsor, NY 12553

65-1-61.1  
Etruscan Enterprises Inc.  
Route 94  
New Windsor, NY 12553

77-7-1  
Robert & Alma Aponte  
2625 Liberty Ridge  
New Windsor, NY 12553

77-7-2  
Amunatequi & Ana Rosario  
2623 Liberty Ridge  
New Windsor, NY 12553

77-7-3  
Nancy Weber  
2621 Liberty Ridge  
New Windsor, NY 12553

77-7-4  
Ryan & Lisa Doyle  
2619 Liberty Ridge  
New Windsor, NY 12553

77-7-14  
Alicio & Michele Valle  
2510 Constitution Way  
New Windsor, NY 12553

77-7-15  
Earl & Latoya Rattray  
2512 Constitution Way  
New Windsor, NY 12553

77-7-16  
Keith Holloway  
2514 Constitution Way  
New Windsor, NY 12553

77-7-17  
Christine & Kevin Brelesky  
2516 Constitution Way  
New Windsor, NY 12553

77-7-18  
Jeffrey & Amy Dunko  
2518 Constitution Way  
New Windsor, NY 12553

77-8-1  
Fausto & Awilda Fienco  
2519 Constitution Way  
New Windsor, NY 12553

77-8-2  
Ragotham & Faustin Venkatesh  
2517 Constitution Way  
New Windsor, NY 12553

77-8-3  
Anthony & Paula Natale  
2515 Constitution Way  
New Windsor, NY 12553

77-8-4  
Robert & Marnie Aaron  
P.O. Box 555  
Cornwall, NY 12518

77-8-5  
Adrian & Jeanne Lakowski  
2511 Constitution Way  
New Windsor, NY 12553

77-8-6  
Rodney & Sophia Goitia  
2509 Constitution Way  
New Windsor, NY 12553

77-8-15  
Jason & Grace Vazquez  
2410 Settlers Ridge  
New Windsor, NY 12553

77-8-16  
Ming Qiang Wang & Lin Zhao  
2412 Settlers Ridge  
New Windsor, NY 12553

77-8-17  
Dashawn & Damaris Jones  
2414 Settlers Ridge  
New Windsor, NY 12553

77-8-18  
Ronald Yeadon  
2416 Settlers Ridge  
New Windsor, NY 12553

77-8-19  
Robert & Kathleen Santarsiero  
2418 Settlers Ridge  
New Windsor, NY 12553

77-8-20  
Inez Cooper  
2420 Settlers Ridge  
New Windsor, NY 12553

77-10-5; 77-11-10  
Mt. Airy Est.Inc.c/o Sarna Enterprises  
15 Engle Street- Suite 100  
Englewood, NJ 07631

77-11-1  
Ronald & Sabrina Pean  
2411 Settlers Ridge  
New Windsor, NY 12553

77-11-2  
Ryan & Kerry Fitzgerald  
2413 Settlers Ridge  
New Windsor, NY 12553

77-11-3  
Richard & Tammy Evans  
2415 Settlers Ridge  
New Windsor, NY 12553

77-11-4  
Victor & Lois Lugo Reich  
2417 Settlers Ridge  
New Windsor, NY 12553

77-11-6  
Louella Gonsalves  
2421 Settlers Ridge  
New Windsor, NY 12553

77-11-7  
Jose Rodriguez & Bailey Shantella  
2423 Settlers Ridge  
New Windsor, NY 12553

77-11-8  
Joseph & Margaret Englese  
2425 Settlers Ridge  
New Windsor, NY 12553

77-11-9  
Nanjappa Vasudeva  
2427 Settlers Ridge  
New Windsor, NY 12553

# TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: AUGUST 12, 2003 PROJECT NUMBER: ZBA# 03-39 P.B. # \_\_\_\_\_

APPLICANT NAME: TRAN NGUYEN

PERSON TO NOTIFY TO PICK UP LIST:

TRAN NGUYEN  
2419 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

TELEPHONE: 567-3425

TAX MAP NUMBER:	SEC. <u>77</u>	BLOCK <u>11</u>	LOT <u>5</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	BLOCK _____	LOT _____

PROPERTY LOCATION: 2419 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

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 XXX

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



AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 597

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

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. 03-39**

**Request of TRAN NGUYEN**

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

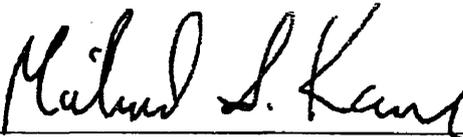
**Request for 12 ft. Rear Yard Setback for proposed deck at 2419 Settlers Ridge (The Reserve)**

**being a VARIANCE of Section R-3 BULK TABLES**

**for property located at: 2419 SETTLERS RIDGE**

**known and designated as tax map Section 77 Block 11 Lot 5**

**PUBLIC HEARING will take place on SEPTEMBER 22, 2003  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York  
beginning at 7:30 P.M.**



**Michael Kane, Chairman**



RESULTS OF Z.B. MEETING OF: August 11, 2003

PROJECT: Iran Nguyen

ZBA # 03-39  
P.B.#

USE VARIANCE:      NEED: EAF      PROXY

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

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

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

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

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) RY S) RS VOTE: A 3 N 0  
RIVERA A  
~~MCDONALD~~ \_\_\_\_\_  
REIS A CARRIED: Y ✓ N \_\_\_\_\_  
~~MINUTA~~ \_\_\_\_\_  
KANE A

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

VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_ N \_\_\_.

RIVERA \_\_\_\_\_  
MC DONALD \_\_\_\_\_ CARRIED: Y \_\_\_ N \_\_\_.  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

Large empty rectangular box with horizontal lines, likely for additional notes or signatures.



# Town of New Windsor

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

## ZONING BOARD OF APPEALS

September 10, 2003

Tran Nguyen  
2419 Settlers Ridge  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-39

Dear Mr. Tran:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

2419 Settlers Ridge  
New Windsor, NY

is scheduled for the September 22, 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

TRAN NGUYEN (#03-39)

MR. KANE: Request for 12 ft. rear yard setback for proposed deck at 2419 Settlers Ridge (The Reserve) in an R-3 zone.

Mr. Tran Nguyen appeared before the board for this proposal.

MR. KANE: You have to speak up so that the stenographer can hear you.

MR. NGUYEN: I want 16 feet long by 30.

MR. KANE: You're proposing to put in, you need a 12 foot rear yard setback?

MR. RIVERA: 16 x 30 deck?

MR. NGUYEN: Yes, sir.

MR. KANE: That will take the place of these existing stairs that are on here that are kind of steep?

MR. NGUYEN: Yes.

MR. KANE: And the size of the deck is similar to decks in your neighborhood?

MR. NGUYEN: My neighborhood, nobody have.

MR. KANE: Nobody has any decks yet?

MR. NGUYEN: No.

MR. KANE: Do you consider it a normal size deck that you're putting up?

MR. NGUYEN: Yes.

MR. KANE: Will you be cutting down any trees or substantial vegetation?

MR. NGUYEN: No, sir.

MR. KANE: Creating any water hazards on runoffs?

MR. NGUYEN: No, sir.

MR. KANE: Any easements in your back yard?

MR. NGUYEN: No.

MR. KANE: Obviously without a deck there, actually the steps themselves look kind of dangerous, without a deck there, it would, you would consider it a safety hazard?

MR. NGUYEN: Yes.

MR. KANE: Any questions?

MR. RIVERA: No, I'm good. Make a motion?

MR. KANE: I'll accept a motion.

MR. RIVERA: That we set up Mr. Tran Nguyen for his requested 12 foot rear yard setback for proposed deck at 1219 Settlers Ridge.

MR. REIS: Second it.

ROLL CALL

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

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

**RECEIPT**  
**#733-2003**

#03-39 application fee

07/29/2003

**Tran, Nguyen**  
**2419 Settlers Ridge**  
**New Windsor, NY 1253**

**Received \$ 50.00 for Zoning Board Fees, on 07/29/2003. 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: 07-28-2003

FOR: 03-39 ESCROW

FROM: TRAN NGUYEN

2419 SETTLERS RIDGE

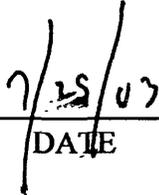
NEW WINDSOR, NY 12553

CHECK NUMBER: 598

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

  
\_\_\_\_\_  
DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



# Town of New Windsor

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

## ZONING BOARD OF APPEALS

July 28, 2003

Tran Nguyen  
2419 Settler's Ridge  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-39

Dear Mr. Nguyen:

This letter is to inform you that you have been placed on the August 11th, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

2419 Settlers Ridge  
New Windsor, NY 12553

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

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

**ZBA #03-39 Application fee**

NGUYEN TRAN 567-3425  
 XIAOQING ZHAO 2419 Settlers Ridge  
 216 OLD NYACK TPKE. APT. 12B, New Windsor, NY  
 SPRING VALLEY, NY 10977

10-4/220 606

Date July 27, 03

Pay To Town of New Windsor \$ 50.00  
 The Order Of Fifty Dollars

MANUFACTURERS AND TRADERS TRUST COMPANY  
 HUDSON VALLEY DIVISION  
 MONSEY OFFICE - MONSEY, NEW YORK 10952 429

For \_\_\_\_\_

⑆022000046⑆11000911290154⑆0606

**ZBA 03-39 ESCROW**

NGUYEN TRAN  
 XIAOQING ZHAO 567-3425  
 216 OLD NYACK TPKE. APT. 12B  
 SPRING VALLEY, NY 10977  
 2419 Settlers Ridge

10-4/220 598

Date July 14, 03

Pay To Town of New Windsor \$ 300.00  
 The Order Of Three Hundred Dollars

MANUFACTURERS AND TRADERS TRUST COMPANY  
 HUDSON VALLEY DIVISION  
 MONSEY OFFICE - MONSEY, NEW YORK 10952 429

For Application fee

⑆022000046⑆11000911290154⑆0598

**ZBA 03-39 Assessor's List**

NGUYEN TRAN  
 XIAOQING ZHAO 567-3425  
 216 OLD NYACK TPKE. APT. 12B  
 SPRING VALLEY, NY 10977  
 2419 Settlers Ridge

10-4/220 597

Date July 14, 03

Pay To Town of New Windsor \$ 25.00  
 The Order Of Twenty-five Dollars

MANUFACTURERS AND TRADERS TRUST COMPANY  
 HUDSON VALLEY DIVISION  
 MONSEY OFFICE - MONSEY, NEW YORK 10952 429

For deposit

⑆022000046⑆11000911290154⑆0597



✱

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

**APPLICATION FOR VARIANCE - continued**

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

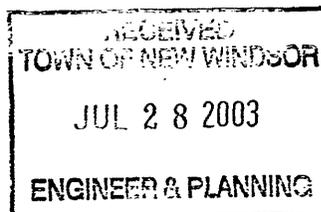
Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	30 -	18	12
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

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



**COMPLETE THIS PAGE**

★

**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.

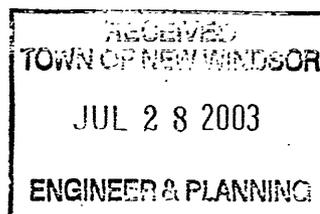
After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

*My primary reason for making a deck is to make a safer exit off the back of the house. My toddler has fallen off the steps of a 10 ft stair leading from my back door to the ground level. The deck will be situated on back of the house, facing wooded area. It cannot be seen from the front of the house, and will not affect the neighboring house, in terms of the distance between each property house. This improvement will give the family better access and more usage of our back yard. Hoping the Variance will be granted*

*Thank you.*

**PLEASE NOTE:**

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



**COMPLETE THIS PAGE**

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 contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - One in the amount of \$ 300.00 or 500.00, (escrow)
  - One in the amount of \$ 50.00 or 150.00, (application fee)
  - One in the amount of \$ 25.00, (Public Hearing List Deposit)
- Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

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

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

Sworn to before me this:

21<sup>st</sup> day of July, 2003.

*Cheryl L. Canfield*  
 CHERYL L. CANFIELD

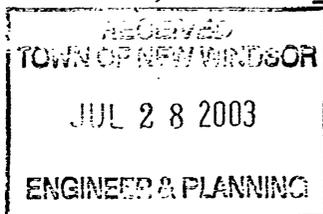
Notary Public, State of New York  
 Qualified in Orange County  
 #01CA6073319  
 Commission Expires April 2, 2006

*Nguyen Minh Tran*  
 Owner's Signature (Notarized)

TRAN NGUYEN. B.  
 Owner's Name (Please Print)

Applicant's Signature (If not Owner)

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



COMPLETE THIS PAGE



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



## ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

\*

**ESCROW**  
IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

\*\*\*

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:	
APPROXIMATE COST FOR PUBLIC HEARING LIST:	
1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00
ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME	

RECEIVED  
TOWN OF NEW WINDSOR  
JUL 28 2003  
ENGINEER & PLANNING

