

**ZB# 04-12**

**Ella Mae Harris**

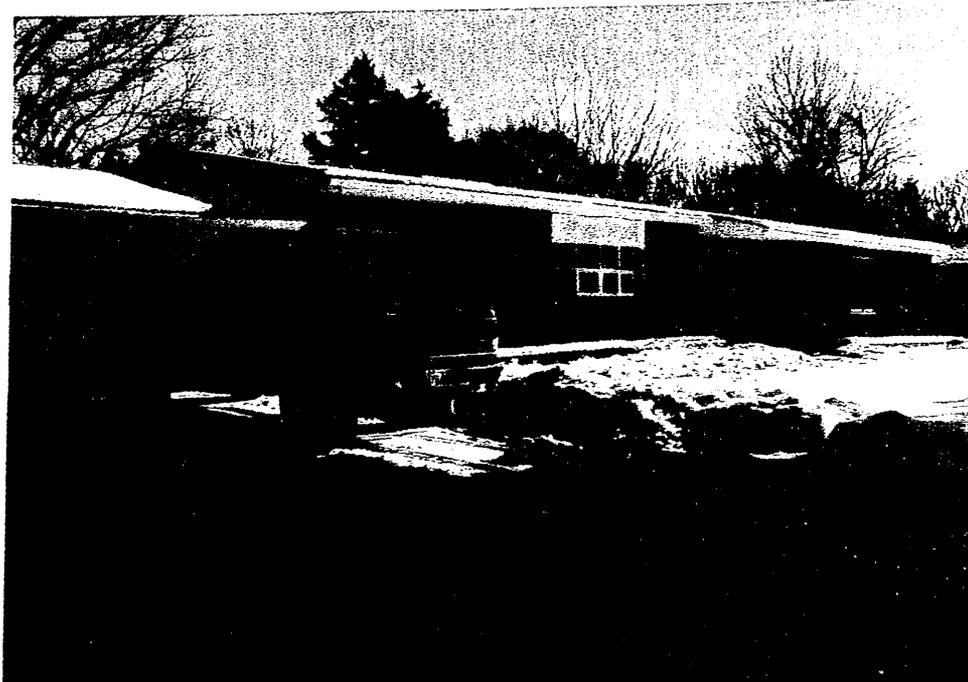
**67-4-1.2**

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

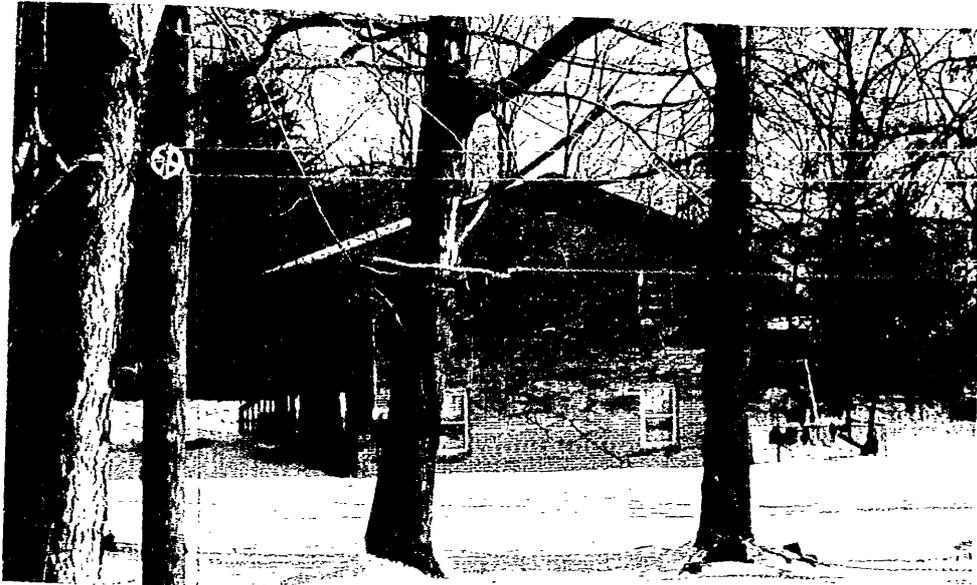
Granted 5-10-04

ZBA # **04-12** ELLA MAE HARRIS  
RILEY ROAD (67-4-1.2) AREA

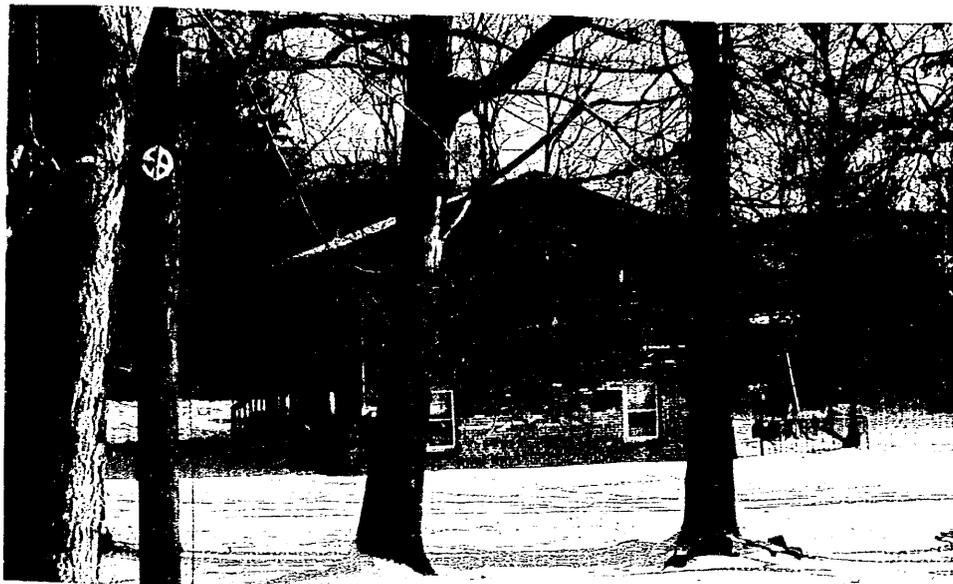
Lot 1







RILEY ROAD (67-4-1.2) AREA



**OFFICE OF THE PLANNING BOARD  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY**

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION**

PLANNING BOARD FILE NUMBER: 03-25

DATE: 12/5/2003

APPLICANT:

**ELLA MAE HARRIS**  
**62 RILEY ROAD**  
**NEW WINDSOR, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 07-25-03

FOR: SUBDIVISION

LOCATED AT: 62 RILEY ROAD

ZONE: R-3

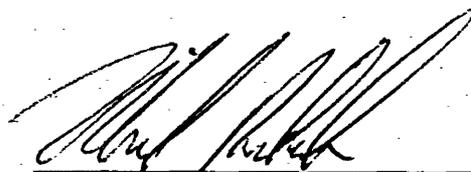
DESCRIPTION OF EXISTING SITE: SEC: 67 BLOCK: 4 LOT: 1.2

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

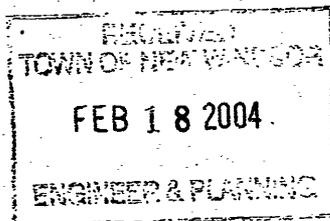
**LOT #1: NEEDS LOT AREA, FRONT YARD, SIDE YARD AND DEVELOPMENTAL  
COVERAGE.**

**LOT #2: NEEDS LOT AREA, REAR YARD AND REQUIRED FRONTAGE.**

TOWN OF NEW WINDSOR CODE: \_\_\_\_\_



MICHAEL BABCOCK,  
BUILDING INSPECTOR



**APPROVED**

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued**

**REQUIREMENTS**

P.B. # 03-25

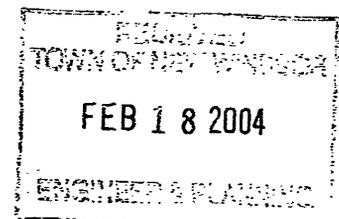
ZONE: R-3

USE: LOT 1

|                          | REQUIRED | PROPOSED                       | VARIANCE REQUESTED |
|--------------------------|----------|--------------------------------|--------------------|
| MIN. LOT AREA            | 80,000   | 17,223                         | 62,777             |
| MIN. LOT WIDTH           |          |                                |                    |
| REQUIRED FRONT YARD      | 45 FT    | 82.7/10                        | 0/35               |
| REQUIRED SIDE YARD       | 40 FT    | 1.4                            | 38.6               |
| REQUIRED TOTAL SIDE YARD |          |                                |                    |
| REQUIRED REAR YARD       |          |                                |                    |
| REQUIRED FRONTAGE        |          |                                |                    |
| MAX. BLDG. HT.           |          |                                |                    |
| FLOOR AREA RATIO         |          |                                |                    |
| MIN. LIVABLE AREA        |          |                                |                    |
| DEVELOPMENTAL COVERAGE   | 20%      | 26 <sup>e</sup> / <sub>b</sub> | 6%                 |
| O/S PARKING SPACES       |          |                                |                    |

**PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.**

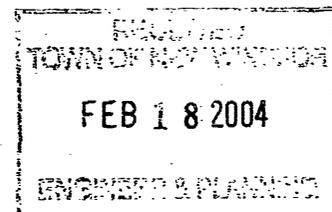
**CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE**



**REQUIREMENTS**P.B. # 03-25ZONE: R-3USE: LOT 2

|                          | REQUIRED | PROPOSED | VARIANCE<br>REQUESTED |
|--------------------------|----------|----------|-----------------------|
| MIN. LOT AREA            | 80,000   | 22,334   | 57,666                |
| MIN. LOT WIDTH           |          |          |                       |
| REQUIRED FRONT YARD      |          |          |                       |
| REQUIRED SIDE YARD       |          |          |                       |
| REQUIRED TOTAL SIDE YARD |          |          |                       |
| REQUIRED REAR YARD       | 50 FT    | 30.6     | 19.4                  |
| REQUIRED FRONTAGE        | 70 FT    | 12.96    | 57.04                 |
| MAX. BLDG. HT.           |          |          |                       |
| FLOOR AREA RATIO         |          |          |                       |
| MIN. LIVABLE AREA        |          |          |                       |
| DEVELOPMENTAL COVERAGE   |          |          |                       |
| O/S PARKING SPACES       |          |          |                       |

**PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.**



NEW WINDSOR ZONING BOARD OF APPEALS  
-----X

SBL: 67-4-1.2

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**ELLA MAE HARRIS**

**AREA**

**PB**  
CASE #03-25 + 04-12  
-----X

**WHEREAS, Michael Harris represented Ella Mae Harris , owner(s) of 62 Riley Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for:**

|  |                                     |
|--|-------------------------------------|
| LOT#1: 62,777 ft. Minimum Lot Area             | LOT #2: 57,666 ft. Minimum Lot Area |
| 35 Ft. Front Yard Setback                      | 19.4 ft. Rear Yard Setback          |
| 6% Developmental Coverage                      | 57.4 ft. Frontage                   |
| All at 62 Riley Road in an R-3 Zone (67-4-1.2) |                                     |

**WHEREAS, a public hearing was held on May 10, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, Michael Harris representing Ella Mae Harris appeared on behalf of this Application; and**

**WHEREAS, there were three spectators appearing at the public hearing; and**

**WHEREAS, two persons had no opinion in favor of or in opposition to the Application and one person had no objection; 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 presently contains two homes that have been pre-existing with one home in existence on or before 1960 and the other home constructed in 1984.
- (c) The applicant now seeks to subdivide the property so that there is a separate piece of property for each of the dwelling units. The variance is applied for in connectin with the proposed subdivision.
- (d) There have been no complaints about the property, either formal or informal.
- (e) There is no removal of trees or substantial vegetation.
- (f) Neither home creates the ponding or collection of water or diverts the flow of water drainage. The applicant does not propose any new construction.
- (g) The owner of the property has been paying taxes for two separate dwelling units.
- (h) The properties are served by both municipal water and sewer service.

**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 Request for:

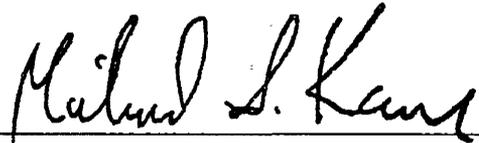
|                                    |                                     |
|------------------------------------|-------------------------------------|
| LOT#1: 62,777 ft. Minimum Lot Area | LOT #2: 57,666 ft. Minimum Lot Area |
| 35 Ft. Front Yard Setback          | 19.4 ft. Rear Yard Setback          |
| 6% Developmental Coverage          | 57.4 ft. Frontage                   |

All at 62 Riley Road in an R-3 Zone (67-4-1.2) 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: May 10, 2004



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Chairman



# 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

August 10, 2004

Michael Harris  
Intelligent Systems, Inc.  
3709 Southgate Court  
Temple Hills, MD 20748

SUBJECT: REQUEST FOR VARIANCE #04-12

Dear Mr. Harris:

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

**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: 08-09-04**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 142.00 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #04-12**

**NAME & ADDRESS:**

**Michael Harris  
Intelligent Systems, Inc.  
3709 Southgate Court  
Temple Hills, MD 20748**

**THANK YOU,**

**MYRA**

**L.R.08-09-04**



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



FILE #04-12      TYPE: AREA

APPLICANT Name & Address:

**Michael Harris  
Intelligent Systems, Inc.  
3709 Southgate Court  
Temple Hills, MD 20748**

TELEPHONE:      564-6089 (Ella Mae Harris)

|                |           |               |
|----------------|-----------|---------------|
| RESIDENTIAL:   | \$ 50.00  | CHECK #711    |
| COMMERCIAL     | \$ 150.00 | CHECK # _____ |
| INTERPRETATION | \$ 150.00 | CHECK # _____ |

ESCROW:            RESIDENTIAL \$300.00      CHECK #712



| <u>DISBURSEMENTS:</u>        |           | <u>MINUTES</u><br><u>\$4.50 / PAGE</u> | <u>ATTORNEY</u><br><u>FEE</u>   |
|------------------------------|-----------|--|---------------------------------|
| PRELIMINARY:                 | 4         | PAGES                                  | \$ <u>22.00</u>                 |
| 2 <sup>ND</sup> PRELIMINARY: | —         | PAGES                                  | \$ _____                        |
| PUBLIC HEARING:              | <u>12</u> | PAGES                                  | \$ <u>66.00</u>                 |
| PUBLIC HEARING:              | —         | PAGES                                  | \$ _____                        |
|                              | TOTAL:    |  | \$ <u>88.00</u> \$ <u>70.00</u> |



|                      |                  |
|----------------------|------------------|
| ESCROW POSTED:       | \$ 300.00        |
| LESS: DISBURSEMENTS: | \$ <u>158.00</u> |
| AMOUNT DUE:          | \$ _____         |
| REFUND DUE:          | \$ <u>142.00</u> |

PUBLIC HEARINGS:

ELLA MAE HARRIS (04-12)

Mr. Michael Harris appeared before the board for this proposal.

MR. KANE: Request for lot #1, 62,777 ft. minimum lot area, 35 ft. front yard setback, 6% developmental coverage. Lot #2, 57,666 ft. minimum lot area, 19.4 ft. rear yard setback and 57.4 frontage all at 62 Riley Road in an R-3 zone. First question, is there anybody here for this particular meeting? Okay, we need to, we're going to send a form out that you can put your name and address down so that we have it for the stenographer. At a certain point, we will open it up, at that point, we will allow you to speak or ask any questions that you have, just keep it to the point. Okay, sir?

MR. HARRIS: Michael Harris, the son of Ella Mae Harris here on her behalf. One item I didn't see it on here for lot number 1 there's a variance for the side yard for 38.6, I think the original inspection.

MR. KANE: Yeah, there's a side yard.

MR. HARRIS: Just wanted to make certain that that's there.

MR. KANE: Note that it is not on the agenda for tonight but it was a 38.6 was requested for a side yard on lot number 1. Okay, tell us what you want to do.

MR. HARRIS: This is basically the property which was originally purchased back in 1960, father built a home on it in 1961, there are basically two homes on the lot that have been pre-existing, my mother pretty much was caught in a catch 22 in that the zoning regulations changed prior to her connecting to the central sewer

and water which she has done now but at the time that the connection was physically made, the zoning had changed requiring a lot more frontage and other things which is the reason why we're requesting a variance, granting of the variance wouldn't change anything that's there, the homes are pre-existing, everything is there, we wouldn't be making any other changes, we're just trying to--

MR. KANE: One home has basically been there since 1960 and the other since 1984?

MR. HARRIS: '84, '85.

MR. MINUTA: The reason why you're coming to us is a subdivision of the property?

MR. HARRIS: Yes.

MR. KANE: The two story brick in the back of the dirt road, their exit is going to be out to the gravel and dirt road over here?

MR. HARRIS: Yes.

MR. MINUTA: The gravel and dirt road is owned by whom?

MR. HARRIS: One half by us, the other half by the people who own the property currently, the Fitzgeralds, I don't know their name.

MR. KANE: To your knowledge, have there been any complaints formally or informally?

MR. HARRIS: Not to my knowledge.

MR. KANE: About the second home on the property?

MR. HARRIS: No.

MR. KANE: Cutting down of any trees, substantial shrubbery?

MR. HARRIS: No.

MR. KANE: Create any water hazards or runoffs?

MR. HARRIS: No.

MR. MINUTA: With regard to the, my only concern is the gravel and dirt driveway and with the ownership of the driveway will we need approval from apparently this is owned by two parties?

MR. HARRIS: It's owned by one currently right now my mother owns both.

MR. MINUTA: Including the gravel and dirt drive?

MR. HARRIS: Correct.

MR. KANE: So there will be, is there going to be an easement to this driveway for this house going back here?

MR. HARRIS: That's correct.

MR. KANE: We went over the, I'm going to open it up to the public at this point, okay, any questions you have to ask please ask, try to direct them to me.

MR. MINUTA: Your name for the record?

MR. MCCARTHY: Paul McCarthy, I live right next door. This is the existing, your mom's home?

MR. HARRIS: No, my mother lives in this home.

MR. MC CARTHY: Your mom lives here, this home here is this--

MR. HARRIS: It's also owned by my mother.

MR. MC CARTHY: Where is the development going to be?

MR. KANE: Nowhere. These two homes are on one lot, they want to cut it in half and split it, this home has been existing since 1960, this one since 1984 so basically they're not going to be building anything new, they're just going to separate the lot into two separate lots for each home.

MR. MC CARTHY: This particular leeway and everything now you say that's owned by people who live here, here and yours?

MR. HARRIS: Correct, this used to be a railroad, when the railroad closed down, they took up the tracks, they actually went to court to settle who owned the road that was left behind and the court awarded this property owner one half and awarded us one half of it also.

MR. MC CARTHY: My understanding this was supposed to be a garage, when did that change?

MR. HARRIS: It's always been a house since at least 1984.

MR. KANE: We don't know.

MRS. MC CARTHY: We moved in in 1986, wasn't built until 1990, 1991, if that's the same house.

MR. HARRIS: No, I think my father I think had a stroke.

MR. KANE: Your name and address?

MRS. MC CARTHY: I'm Donna McCarthy.

MR. REIS: While he's researching that, Michael, question, are there existing C.O.s for the houses the way they are?

MR. KANE: With just the splitting of the lot knowing that they're not going to be doing any building, extra building or anything like that, do you have any problems with this?

MR. MC CARTHY: Right now, how many residents are in this home?

MR. HARRIS: There's two.

MR. KANE: They would be considered a single family home. It's not going to be considered anything else.

MR. MC CARTHY: How would that change? When I first moved in, one of the things I was trying to do is the fact that everybody seemed to have like an acre, now it looks like it's being divided up where we're going to have smaller pieces of property.

MR. KANE: Well, the only thing I can say is that we act on this board to each request as an individual item, we don't set any precedents for anybody. My current feeling on this particular one is that the one house predates zoning and the other has been there for I don't know closing 15, 20 years, whatever, depending on whose memory is right. But still the other option would be to make them tear down that house, if I know this board in particular that if this was just coming in to split with the idea of putting up a new home, I highly doubt they would get passed this board in that particular area on that, so but since this is already pre-existing, we would feel that's for the family a financial hardship, at least I would to tear the house down at that point so but we do each thing as an individual thing, there are no precedents set here for

each property owner comes in individually.

MR. MC CARTHY: Were there C.O.s?

MR. BABCOCK: I don't have them in this file.

MR. MC CARTHY: Cause I was under the impression it was going to be a garage and now it's a dwelling and now they're splitting the parcel.

MR. HARRIS: I know it's been in New Windsor records because when I came up to initially research it they had it listed as a dwelling and at least that's where I got the initial data from was from the records.

MR. KANE: You have been paying taxes or the family has been paying taxes on both residents since then?

MR. HARRIS: That's correct.

MRS. MC CARTHY: What exactly does it mean the 35 foot front yard setback?

MR. KANE: It's not going to do anything, this home right here is built right on the property line so it needs to have an offset.

MR. MC CARTHY: One other thing--

MR. KANE: And this predates zoning so this is grandfathered in basically but we like to clear all those things up and put it on the record so people don't have to come back a second time if they want to get a loan from a bank, they'd require something in writing that this has been addressed so we under those circumstances try, try to get everything cleared up.

MR. MC CARTHY: These particular measurements, how recent were these done?

MR. HARRIS: This was done by Daniel Yanosh.

MR. MINUTA: February 5th.

MR. MC CARTHY: One of the things brought to our attention when we bought our home which is an oddity is that actually our property was one foot of our property was covered over their house and I remember bringing this to your father's attention, he was, this is before he had his stroke, he was very upset about it when he did the measurements, he was upset that they come and he said at the time he said that he did not want to argue about this but my lawyer suggested that I bring it to his attention. I know your mom knew about this that one foot of your house is actually on my property now, since then, they have built what was supposed to be a garage, now it's not a garage, it's a dwelling. This is news to us, it's not, and you're telling me there's no C.O.s?

MR. BABCOCK: Well, I don't have any in this file. There would have to be an actual title search to prove that but I do find some paperwork located in here that says garage on it but I don't, it's not something I can do to figure out which one is what you have is multiple buildings on one lot so you've got a file that's got all kinds of different stuff but there's a building permit application here that says garage on it.

MRS. MC CARTHY: What was the date?

MR. BABCOCK: It's not dated there, there's no date, there was some paperwork here as far as an area variance that was sought for a height, it says accessory structure not more than 15 foot high, so there's a very good possibility that this was originally built as a garage, it appears to be now that you're saying that and it shows.

MRS. MC CARTHY: It's fully two stories.

MR. HARRIS: It's always been just like that, my father built that structure now in terms of what it may have started out prior to 1984 I don't know.

MR. BABCOCK: Some of the paperwork says garage and attached to the paperwork they show it's a two story living room with bedrooms, garage, kitchen so I'm not sure, I don't understand the paperwork quite honestly.

MR. KANE: That's enough. So the one foot on your property has nothing to do with this board, that's something between you and the neighbors and your lawyers, that's not something that we can decide right here, all we're deciding on is what they applied for which is their variances which we'll vote on based on the information that we have. So at this point, do you have anything else that you want to add or an opinion that you want to state?

MRS. MC CARTHY: No.

MR. KANE: You're for or against?

MR. MC CARTHY: Well, I feel a little uncomfortable where this is Mr. Harris we're going to tell you what we feel right now in front of Mr. Harris, that's--

MR. KANE: This is when you have to speak up, you're either against it or you're not against it, you can't be in the middle. Well, you can but, you know, as far as where the footage and that building, again, we have no power.

MRS. MC CARTHY: You're simply stating that all you're going to do is break it up into two lots that I assume then you can sell the houses separately.

MR. HARRIS: Correct.

MRS. MC CARTHY: No other construction is going to take place? That what's our biggest concern, that was really the main concern.

MR. KANE: There's no construction application here in front of us, just to clear up the little odds and ends that are on both houses that have been existing as far as we know in the paperwork that we have had for quite a while, this house has been there for 60 years, the one with the one foot problem 1960 rather but that's a long problem if that house is one foot on the other property somewhere a surveyor had a problem.

MR. MC CARTHY: Well, I wanted to address it now because I know that down the line if the properties are going to be sold this is going to come up.

MR. KANE: Not being a lawyer I can't tell you what to do, that's nothing that this board itself can handle, that's something that's litigation, I don't know what the law is with a home that's been there since 1960 and 50 something years later, 45 years later that you're going to argue that it's a foot off, not saying you're wrong, I'm just saying I think there's some kind of a statute of the limitations or something on that but again, that's not our realm, that's not something that we'd handle at all, that's something that has to be done between surveyors, litigation going back on title searches, the whole 9 yards, that goes back a long time.

MR. REIS: Could be a simple agreement between the neighbors saying this will be our yard and that's it but that's something you can take care of.

MR. MC CARTHY: I'd like to do that at another time, we can agree to talk.

MR. REIS: So you have no--

MR. MC CARTHY: I will say I remain neutral.

MR. KANE: Thank you. Anybody else would like to speak for this public hearing?

MS. FRATTO: Can I just see where it in relationship to our house? Tina Fratto (phonetic), 1098 Route 94 in Vails Gate.

MR. KANE: Both these houses are here, this has been existing since 1960, somewhere in the '80s and what they're looking to do is just split it and make it into two existing, the buildings are existing, there's no--

MS. FRATTO: I have no objection. Thank you.

MR. KANE: Anybody else? At this point, we'll close the public portion of the hearing and bring it back to the board. Myra, how many mailings did we have?

MS. MASON: On the 20th of April, I mailed out 33 addressed envelopes and had no responses.

MR. KANE: Any other questions?

MR. REIS: So the sole purpose for doing this?

MR. HARRIS: Just to make right what's already there, I'm not looking to build anything else, not looking to change anything, what's there is there.

MR. REIS: So you have ability to sell the property if you choose to separately?

MR. HARRIS: That's correct.

MR. BABCOCK: Mr. Chairman, just for the board's comfort, if one of these properties are sold and I'm sure some of the members are familiar there will be a title search and if they don't have a C.O. they're

going to need to get one at that time or they're going to have a problem doing it so I'm not able to do that tonight.

MR. KANE: That's fine. So you understand that any, even if you're granted any of these variances right here both homes are still subject to inspection by the building department and bringing them up to snuff.

MR. HARRIS: Okay.

MR. REIS: Just want to make a comment, this is a drastic proposal that's not changing the lay of the land, it's not really affecting the neighbors in any way, but it's just for the record probably one of the most drastic applications that we've had for lot size.

MR. KANE: Yeah, if the homes weren't existing, as long as they were, I'd have a real problem with it but--

MR. BABCOCK: Maybe I can make you feel a little bit comfortable about that, the zoning in this area used to be with water and sewer 15,000 square feet and then one of the lots is 17,223 and the other one is 22 so if he came in with this proposal to do this approximately three years ago he wouldn't need the area variances as far as lot size.

MR. HARRIS: Right, we couldn't do it at that time because they hadn't extended water and sewer, we were just shy and when they did the zoning had changed.

MR. MINUTA: So there's existing water and sewer connected to both residences?

MR. HARRIS: That's correct.

MR. MINUTA: Thank you.

MR. KANE: Just in case we didn't cover it, any

complaints formally or informally about either building?

MR. HARRIS: No.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I'd like to cover this lot 1 and lot 2 together simultaneously, make a motion that we pass Ella Mae Harris' request for variances for lot 1, 62,777 foot minimum lot area, 35 foot front yard setback, 6 percent developmental coverage and 38.6 side yard setback and also for lot 2, 5,666 foot minimum lot area, 19.4 foot rear yard setback and 57.4 foot frontage all at 62 Riley Road.

MR. MINUTA: Second it.

ROLL CALL

|            |     |
|------------|-----|
| MR. REIS   | AYE |
| MR. MINUTA | AYE |
| MR. KANE   | AYE |

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

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 02-18-2004

FOR: ESCROW 04-12

FROM: INTELLIGENT SYSTEMS, INC.

3709 SOUTHGATE COURT

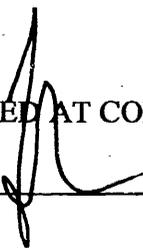
TEMPLE HILLS, MD 20748

for: Ella Mae Harris - 62 Riley Road - New Windsor, NY

CHECK NUMBER: 712

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

 2/20/04

NAME

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

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

**RECEIPT**  
**#176-2004**

02/20/2004

Inc., Intelligent Systems  
3709 Southgate Court  
Temple Hills, MD 20748

Received \$ 50.00 for Zoning Board Fees, on 02/20/2004. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk



RESULTS OF Z.B.A. MEETING OF:

May 10, 2004

PROJECT: Elle Mae Harris

ZBA # 04-12

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/R/S S/M/N VOTE: A 3 N 0.

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

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

38.6 side yard on Lot #1

TOWN OF NEW WINDSOR ZONING BOARD  
PUBLIC HEARING FOR:

Ella Mae Harris

DATE: \_\_\_\_\_

SIGN-IN SHEET

| NAME                     | ADDRESS              |
|--------------------------|----------------------|
| 1. <u>Tina Fratto</u>    | <u>1098 Rt 94 VG</u> |
| 2. <u>Donna McCarthy</u> | <u>58 Riley Rd</u>   |
| 3. <u>Paul McCarthy</u>  | <u>"</u>             |
| 4. _____                 | _____                |
| 5. _____                 | _____                |
| 6. _____                 | _____                |
| 7. _____                 | _____                |
| 8. _____                 | _____                |
| 9. _____                 | _____                |
| 10. _____                | _____                |
| 11. _____                | _____                |
| 12. _____                | _____                |
| 13. _____                | _____                |
| 14. _____                | _____                |
| 15. _____                | _____                |
| 16. _____                | _____                |
| 17. _____                | _____                |
| 18. _____                | _____                |
| 19. _____                | _____                |
| 20. _____                | _____                |



**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. 04-12**

**Request of ELLA MAE HARRIS**

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

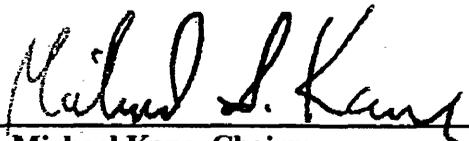
**LOT#1:** 62,777 ft. Minimum Lot Area  
35 Ft. Front Yard Setback  
6% Developmental Coverage

**LOT #2:** 57,666 ft. Minimum Lot Area  
19.4 ft. Rear Yard Setback  
57.4 ft. Frontage

**for property located at: 62 RILEY ROAD IN AN R-3 ZONE**

**known and designated as tax map Section 67 Block 4 Lot 1.2**

**PUBLIC HEARING will take place on MAY 10, 2004 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.**

  
\_\_\_\_\_  
**Michael Kane, Chairman**



# Town of New Windsor

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

## Assessors Office

March 22, 2004

Ella Mae Harris  
62 Riley Road  
New Windsor, NY 12553

Re: 67-4-1.2

Dear Ms. Harris:

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  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Planning Board

65-1-49.12  
Mandato, Frank A & Barbara J  
78 Riley Road  
New Windsor, NY 12553

65-1-49.13  
Keenan, Robert F  
72 Riley Road  
New Windsor, NY 12553

65-1-49.14  
Fitzpatrick, Richard P & Marie  
P.O. Box 526  
Beacon, NY 12508

65-1-50.1  
Klim, Christina & Lankester, Stella  
Rakowski Family  
14 Dean Hill Road  
New Windsor, NY 12553

65-1-50.2  
Reed, Harvey & Ruby E  
P.O. Box 185  
Vails Gate, NY 12584

65-1-50.3  
Dantas, Allen & Kitty  
958 Little Britain Road  
New Windsor, NY 12553

65-1-84.1  
Boggs, Eric L & Debra J  
82 Riley Road  
New Windsor, NY 12553

67-1-2.1  
Escalera, Peter & Elaine  
61 Riley Road  
New Windsor, NY 12553

67-1-2.21  
Dealecio, Guillermo  
7 Dean Hill Road  
New Windsor, NY 12553

67-1-2.22  
Johnson, Floyd & Tamra  
P.O. Box 662  
Newburgh, NY 12550

67-1-3  
Peterson, Alton & Alice  
53 Riley Road  
New Windsor, NY 12553

67-1-4  
Roszkowski, Debbie  
45 Riley Road  
New Windsor, NY 12553

67-1-5  
Kimball, Edward B Jr. & Wendy A  
41 Riley Road  
New Windsor, NY 12553

67-1-6  
Barasky, David  
316-A Jutland Drive  
Monroe, NJ 08831

67-4-1.1  
McCarthy, Paul & Donna  
58 Riley Road  
New Windsor, NY 12553

67-4-2  
Handy, Ronald C, Renee, Michael & Donna  
54 Riley Road  
New Windsor, NY 12553

67-4-3  
Natal, Nilda & Alvarez, Roberto (UX)  
50 Riley Road  
New Windsor, NY 12553

67-4-4.1  
Miele, Edward L  
Station Street  
P.O. Box 116  
Southfields, NY 10975

67-4-4.21  
Miele, Michael  
40 Riley Road - Unit #2  
New Windsor, NY 12553

67-4-12.2  
Erie Properties Corp.  
401 South Water Street  
Newburgh, NY 12553

67-4-13.1  
Jobson, Linda  
P.O. Box 655  
Vails Gate, NY 12584

67-4-15  
Fratto, Tina M  
P.O. Box 104  
Vails Gate, NY 12584

67-4-16  
Hudson Valley Drilling  
2177 Route 94  
Saisbury Mills, NY 12577

67-4-17 & 67-4-18.2  
Ciancio, Sandy & Rhoda L  
593 Lakeside Road  
Newburgh, NY 12550

67-4-18.1  
The Ciancio Corporation  
593 Lakeside Road  
Newburgh, NY 12550

67-4-19  
Peterson, Vernon & Brenda  
P.O. Box 494  
Vails Gate, NY 12584

67-5-1  
Nagy, Daniel J & Carol A  
P.O. Box 66  
Vails Gate, NY 12584

67-5-2  
Sparado, Robert J  
1089 Route 94  
New Windsor, NY 12553

Collini, Ferdinando & Angela  
P.O. Box 116  
Vails Gate, NY 12584

67-5-5  
Waltke, Robert  
Beecher Hill Road  
Box 137A  
Wallkill, NY 12589

67-5-6  
Kanemoto, Edward  
544 Lake Road  
Monroe, NY 10950

67-5-7  
Mayer, Richard G & Karen E  
1113 Route 94  
New Windsor, NY 12553

67-5-8  
Stockdale, Arthur D  
140 Vt Route 117  
Jericho, VT 05465

# TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 03-15-2004 PROJECT NUMBER: ZBA# 04-12 P.B. # \_\_\_\_\_

APPLICANT NAME: ELLA MAE HARRIS

PERSON TO NOTIFY TO PICK UP LIST:

ELLA MAE HARRIS  
62 RILEY ROAD  
NEW WINDSOR, NY 12553

TELEPHONE: 564-6089

TAX MAP NUMBER: SEC. 67 BLOCK 4 LOT 1.2  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: 62 RILEY ROAD  
NEW WINDSOR, NY

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: 713

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

April 22, 2004

Ella Mae Harris  
62 Riley Road  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-12

Dear Ms. Harris:

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:

62 Riley Road  
New Windsor, NY

is scheduled for the May 10, 2004 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:

ELLA MAE HARRIS #04-12

MR. KANE: Request for lot #1, 62,777 ft. minimum lot area, 35 ft. front yard setback, 6% developmental coverage. Lot #2, 57,666 ft. minimum lot area, 19.4 ft. rear yard setback, 57.4 ft. frontage.

Mr. Michael Harris appeared before the board for this proposal.

MR. HARRIS: I'm Michael Harris, son of Ella Mae Harris. I signed to represent here at this hearing. We were requesting the variance, this is basically two dwellings that have been on the same lot, I think the first one has been there for about 44 years, the second one for about 20 years. She had sought to have a subdivision sometime ago but according to the zoning regulations at that time she had to wait for central water and sewer that came in maybe about 2, 2 1/2 years ago to our particular area but by the time she made the process, the zoning regulations had changed expanding the total amount of square footage to have for each lot which is why she's requesting a variance in order to allow her to subdivide it granting of the subdivision wouldn't alter or change the neighborhood in any respect in that both dwellings are there, wouldn't be building anything new or bringing anything else new to the neighborhood, simply divide what's there presently.

MR. KANE: The second home approximately 20 years?

MR. HARRIS: Correct.

MR. KANE: That would be lot number 2 in the application?

MR. HARRIS: Correct.

MR. KANE: Ever have a building permit?

MR. HARRIS: Yes, I was told both the first one was built back in 1960 and the second one I'm told.

MR. KANE: That one predates zoning, so that's fine.

MR. HARRIS: The other one I'm told was built in 1984.

MR. KANE: Do we have any records on that, Mike?

MR. BABCOCK: Don't have the file with me tonight, Mr. Chairman, this was referred from the planning board so I brought the planning board file only. I can get that if you'd like.

MR. KANE: We'll bring it for the public hearing, you don't have to get it right now.

MR. BABCOCK: Okay.

MR. KANE: Both homes now are on town water?

MR. HARRIS: Correct.

MR. KANE: Town sewer?

MR. HARRIS: Correct.

MR. KANE: Separate electrical?

MR. HARRIS: Yes.

MR. KANE: Obviously tearing down one of the buildings so that it conforms would be a financial hardship?

MR. HARRIS: Yes.

MR. KANE: Standard questions. Have there been cutting down of any trees or substantial shrubbery in the

March 8, 2004

5

building of the second home?

MR. HARRIS: No.

MR. KANE: First one predates any complaints formally or informally about the second home on lot number 2?

MR. HARRIS: None.

MR. KANE: Joe, do you have any questions?

MR. MINUTA: I do not.

MR. KANE: Both homes are similar in nature and size to other homes in that particular neighborhood?

MR. HARRIS: Yes.

MR. RIVERA: No questions.

MR. MINUTA: Accept a motion?

MR. KANE: Yes. Michael, for the public hearing, if you can bring that paperwork.

MR. BABCOCK: Yes, I will.

MR. KANE: Yes, I'll accept a motion.

MR. MINUTA: Make a motion that we ask Ella Mae Harris to appear for a public hearing for lot number 1 and lot number 2 in its entirety as listed for number 4-12, planning board number 3-25, we request for minimum lot areas, front yard setbacks and developmental coverage, frontage, minimum lot area and rear yard setback.

MR. REIS: Second it.

ROLL CALL

March 8, 2004

6

|            |     |
|------------|-----|
| MR. RIVERA | AYE |
| MR. MINUTA | AYE |
| MR. KANE   | AYE |
| MR. REIS   | AYE |

MR. KANE: So you understand what we have done everything by law with zoning has to be done in a public hearing. The Town of New Windsor does it with a preliminary to start off so we can get the proper information from you or whoever is going to be coming up next and you have provided pictures, you'll go through the same thing during the public hearing, same questions at that point in time, just follow the directions this young lady has for you.

MR. HARRIS: Thank you.

MR. KRIEGER: Do you have a proxy for them?

MS. MASON: Yes, we do you.



RESULTS OF Z.B.A. MEETING OF: March 8, 2004

PROJECT: Ella Mae Harris

ZBA # 04-12

P.B.# 03-25

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) MN S) R      VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA A \_\_\_\_\_  
~~MCDONALD~~ \_\_\_\_\_  
REIS A \_\_\_\_\_ CARRIED: Y 4 N 0  
MINUTA A \_\_\_\_\_  
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 \_\_\_\_\_

Town water + sewer  
separate electric  
No Complaints



# 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 18, 2004

Michael Harris  
Intelligent Systems, Inc.  
3709 Southgate Court  
Temple Hills, MD 20748

SUBJECT: REQUEST FOR VARIANCE - ELLA MAE HARRIS (04-12)

Dear Mr. Harris:

This letter is to inform you that you have been placed on the March 8<sup>th</sup>, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

Ella Mae Harris  
62 Riley Road  
New Windsor, NY

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

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

Cc: Ella Mae Harris – 62 Riley Road, New Windsor, NY



**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  
 \*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**  
 APPLICATION FEE: \$150.00  
 \*ESCROW: \$500.00  
 \*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**  
 APPLICATION FEE: \$150.00  
 \*ESCROW: \$500.00  
 \*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**  
 APPLICATION FEE: \$150.00  
 \*ESCROW: \$500.00  
 \*\*DEPOSIT 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"

\*\*

RECEIVED  
 TOWN OF NEW WINDSOR  
 FEB 18 2004  
 ENGINEER & PLANNING

|  |        |
|--|--------|
| 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                  |        |

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

**\* \* MUST READ AND SIGN \* \***

***I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).***

*Ella Mae Harris*

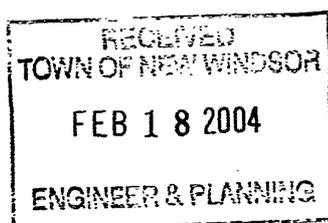
SIGNATURE

*2/5/04*

DATE

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST - ONE MEETING PER MONTH ONLY)



PAGE 2

**04-12**

COMPLETE THIS PAGE



**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)**

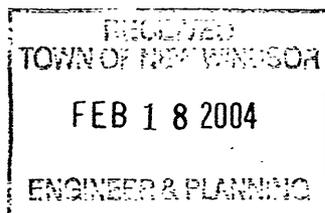
Area Variance requested from New Windsor Zoning Local Law,

|                     | <u>Requirements</u> | <u>Proposed or Available</u> |        | <u>Variance Request</u> |        |
|---------------------|---------------------|------------------------------|--------|-------------------------|--------|
|                     |                     | Lot 1                        | Lot 2  | Lot 1                   | Lot 2  |
| Min. Lot Area       | 80,000 SF           | 17,223                       | 22,334 | 62,777                  | 56,666 |
| Min. Lot Width      | 175                 | 177.34                       | 177.46 | ---                     | ---    |
| Reqd. Front Yd.     | 45                  | 82.7/10                      | 45.4   | 0/35                    | ---    |
| Reqd. Side Yd.      | 40                  | 1.4                          | 43.4   | 38.6                    | ---    |
| Reqd. Rear Yd.      | 0                   | 62.6                         | 30.6   | ---                     | 19.4   |
| Reqd. St Front*     | 70                  | 277.34                       | 12.96  | ---                     | 57.04  |
| Max. Bldg. Hgt.     | 35                  | 18                           | 26     | ---                     | ---    |
| Min. Floor Area*    | n/a                 | ---                          | ---    | ---                     | ---    |
| Dev. Coverage*      | 20%                 | 26%                          | 19%    | 6%                      | ---    |
| Floor Area Ration** | N/A                 | ---                          | ---    | ---                     | ---    |
| Parking Area        | 2                   | 2                            | 2      | ---                     | ---    |

\*Residential Districts Only

\*\*Non-Residential Districts Only

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



**04-12**

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

**APPLICATION FOR VARIANCE - continued**

- DX.** 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:**

1 - Granting of the variance would enable the owner to sell her property to an interested party.

2 - The variance would not change the character of the neighborhood as the structures and dimensions of the property have been in existence for over 40 years.

3 - The property qualified for subdivision under a prior zoning regulation which was recently changed. The owner has expended considerable monies in an attempt to comply with the requirements of that prior regulation.

4 - A variance is the only feasible method available to the owner.

**PLEASE NOTE:**

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

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**04-12**

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**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:

5<sup>th</sup> day of February 2004,

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/2006

Signature and Stamp of Notary

Ella Mae Harris  
Owner's Signature (Notarized)

Ella Mae Harris  
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.**

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**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
**TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS**

Ella Mae Harris, deposes and says that he resides  
**(OWNER)**

at 62 Riley Road, New Windsor 12553 in the County of Orange  
**(OWNER)**

and State of NY and that he is the owner of property tax map

(Sec. 67 Block 4 Lot 1.2 )  
designation number (Sec.          Block          Lot          ) which is the premises described in

the foregoing application and that he authorizes:

Michael Harris, 3709 Southgate Court Temple Hills, Md 20748

**(Applicant Name & Address, if different from owner)**

**(Name & Address of Professional Representative of Owner and/or Applicant)**

to make the foregoing application as described therein.

Date: 2/5/04

**\*\*** Ella Mae Harris  
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:  
5<sup>th</sup> day of February 2003 04 P.M.

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/2006

Michael Harris  
Applicant's Signature (If different than owner)  
Representative's Signature

Signature and Stamp of Notary

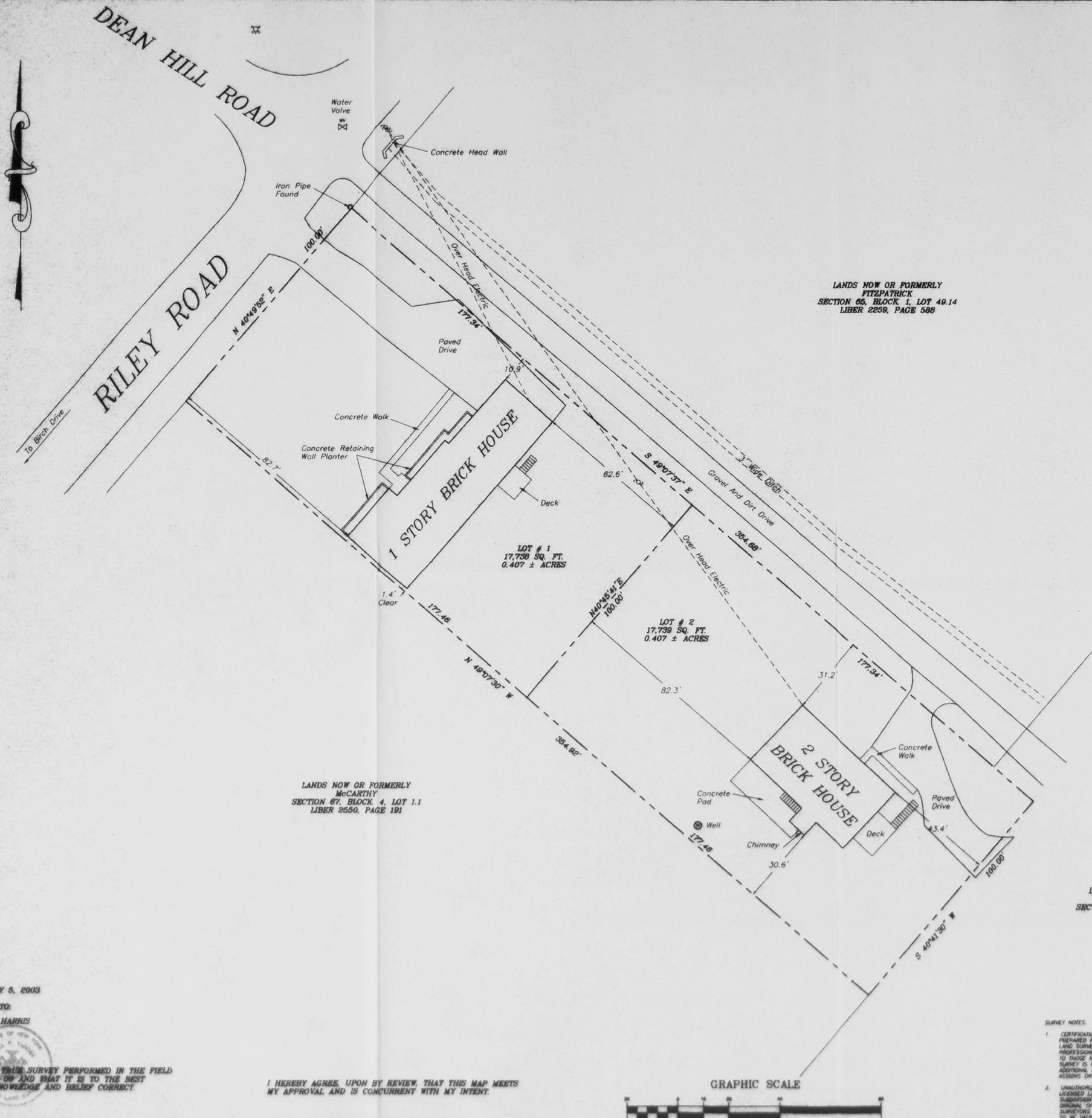
**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:**

**ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

TOWN OF NEW WINDSOR  
FEB 18 2004  
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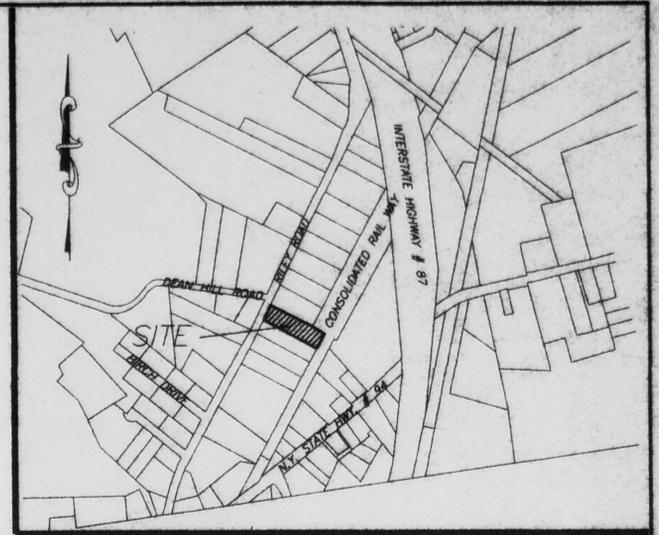
04-12



LANDS NOW OR FORMERLY  
FITZPATRICK  
SECTION 06, BLOCK 1, LOT 49.14  
LIBER 2259, PAGE 588

LANDS NOW OR FORMERLY  
McCARTHY  
SECTION 07, BLOCK 4, LOT 1.1  
LIBER 2550, PAGE 191

LANDS NOW OR FORMERLY  
ERIE PROP. CORP.  
SECTION 07, BLOCK 4, LOT 12.2  
LIBER 2985, PAGE 314



LOCATION MAP  
SCALE 1" = 500 ± FT.

**ZONING REGULATIONS**

ZONE R-3 SUBURBAN RESIDENTIAL  
ONE FAMILY DETACHED DWELLING  
WITH CENTRAL SEWER AND WATER

| MINIMUM REQUIREMENTS:        | PROPOSED LOT 1 | PROPOSED LOT 2 |
|------------------------------|----------------|----------------|
| LOT AREA.....                | 17,739 SQ. FT. | 17,739 SQ. FT. |
| LOT WIDTH.....               | 100 FT.        | 100 FT.        |
| FRONT YARD.....              | 82.7 FT.       | 82.3 FT.       |
| ONE SIDE YARD.....           | 1.4 FT.        | 30.8 FT.       |
| BOTH SIDE YARDS.....         | 12.3 FT.       | 61.5 FT.       |
| REAR YARD.....               | 62.8 FT.       | 48.4 FT.       |
| STREET FRONTAGE.....         | 100 FT.        | 177.34 FT.     |
| LIVABLE FLOOR AREA.....      | 2,400 sq.ft.   | 3,200 sq.ft.   |
| MAXIMUM BUILDING HEIGHT..... | 18 FT.         | 26 FT.         |
| DEVELOPMENT COVERAGE..       | 26%            | 18%            |

\* VARIANCE REQUESTED

- NOTE:  
1. LOT SERVED BY BOTH TOWN OF NEW WINDSOR WATER AND SEWER  
2. BOTH HOUSES ARE EXISTING. NO NEW IMPROVEMENTS ARE PROPOSED.

RECORD OWNER AND SUBDIVIDER  
ELLA MAE HARRIS  
62 RILEY ROAD  
NEW WINDSOR, NEW YORK 12652

TAX MAP DESIGNATION  
SECTION 07, BLOCK 4, LOT 1.2

DEED REFERENCE  
LIBER 1590 PAGE 216

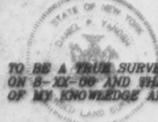
ACREAGE  
35,477 SQ. FT.  
0.814 ± ACRES

PLANNING BOARD APPROVAL BLOCK

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JUL 25 2003  
ENGINEER & PLANNING

FEBRUARY 5, 2003

CERTIFY TO:  
MICHAEL HARRIS



TO BE A TRUE SURVEY PERFORMED IN THE FIELD  
ON 5-XX-00 AND WHAT IT IS TO THE BEST  
OF MY KNOWLEDGE AND BELIEF CORRECT.

I HEREBY AGREE, UPON BY REVIEW, THAT THIS MAP MEETS  
MY APPROVAL AND IS CONCURRENT WITH MY INTENT.

OWNER \_\_\_\_\_ DATE \_\_\_\_\_

DANIEL P. YANOSH L.L.S.  
N.Y.S. L.C. # 48661

GRAPHIC SCALE



- SURVEY NOTES:
- CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THOSE NAMED INDIVIDUALS AND/OR INSTITUTIONS FOR WHOM THE SURVEY IS PREPARED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS, INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS OR SUBSEQUENT OWNERS.
  - UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 2209, SUBDIVISION 2 OF THE N.Y. STATE EDUCATION LAW. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S WAXED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
  - SUBJECT TO AN UP-TO-DATE ABSTRACT OF TITLE. SUBJECT TO UNDERGROUND UTILITIES AND EASEMENTS NOT RECORDED AND/OR NOT VISIBLE AT TIME OF FIELD SURVEY.



DANIEL P. YANOSH N.Y.S. L.S.  
2194 N.Y.S. ROUTE 302 - P.O. BOX 320  
CIRCLEVILLE NEW YORK 10919  
PHONE #: (845) 381 - 4700 FAX #: (845) 381 - 4722

2 - LOT SUBDIVISION

|   |                       |                  |
|---|-----------------------|------------------|
| LANDS OF:<br>ELLA MAE HARRIS                                    |                       | SHEET #          |
| 62 RILEY ROAD<br>TOWN OF NEW WINDSOR<br>ORANGE COUNTY, NEW YORK |                       | 1 of 1           |
| DRAWN BY:<br>S.B.   | CHECKED BY:<br>D.P.Y. | DATE:<br>2-5-03  |
| SCALE:<br>1" = 20'  | DATE:<br>2-5-03       | JOB:<br>2003-008 |