

ZB# 04-25

Richard Farrow

62-9-23

ZBA #04-25 RICHARD FARROW
(AREA) 545 SHORE DRIVE (62-9-23)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 5-10-04

Richard Farrow 496-6563





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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 2/24/04

Revised: 3/8/04

APPLICANT: Richard Farrow
545 Shore Drive
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 8/19/03

FOR : Richard Farrow

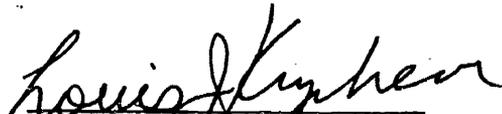
LOCATED AT: 545 Shore Drive

ZONE: R-4 Sec/Blk/ Lot: **62-9-23**

DESCRIPTION OF EXISTING SITE: Single Family Dwelling with attached pool deck

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-12 Use/Bulk Table R-4 Zone Column G-8

1. Required rear yard is 40ft. Existing pool deck attached to the dwelling is 17ft from the rear property line. A variance of 23ft is required. Also, require side yard is 15ft. Existing pool deck attached to the dwelling is 8ft from the side property line. A varaince of 7ft is required.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: Attached pool deck

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: 15ft

8ft

7ft

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 40ft

17ft

23ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

APPROVED

04-25

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TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

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REQUEST:

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MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 40ft 17ft 23ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

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

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

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab 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.

RECEIVED
AUG 15 2003
BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2003-1042

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 RICHARD FARRAW

Address 545 SHORE DR. NEW WINDSOR Phone # 446-6563

Mailing Address _____ Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor CHRIS PHAR

Address 25 DIMICELI ST. NEW WINDSOR N.Y. 12553 Home- 534-9439
Phone CEL-656-0215

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

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

1. On what street is property located? On the SOUTH side of SHORE DR.
(N, S, E or W)
and 1 mile feet from the intersection of Rt 94 and SHORE DR.

2. Zone or use district in which premises are situated Residential Is property a flood zone? Y NO

3. Tax Map Description: Section 62 Block 9 Lot 23

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 Deck AROUND ABOVE GROUND POOL

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

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

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

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 \$10,000 Fee 750
CASH

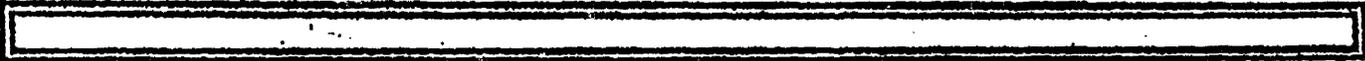
PAID

date

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

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Kryshear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4895 FAX

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



INSTRUCTIONS

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

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

(Signature of Applicant)
Richard Farn

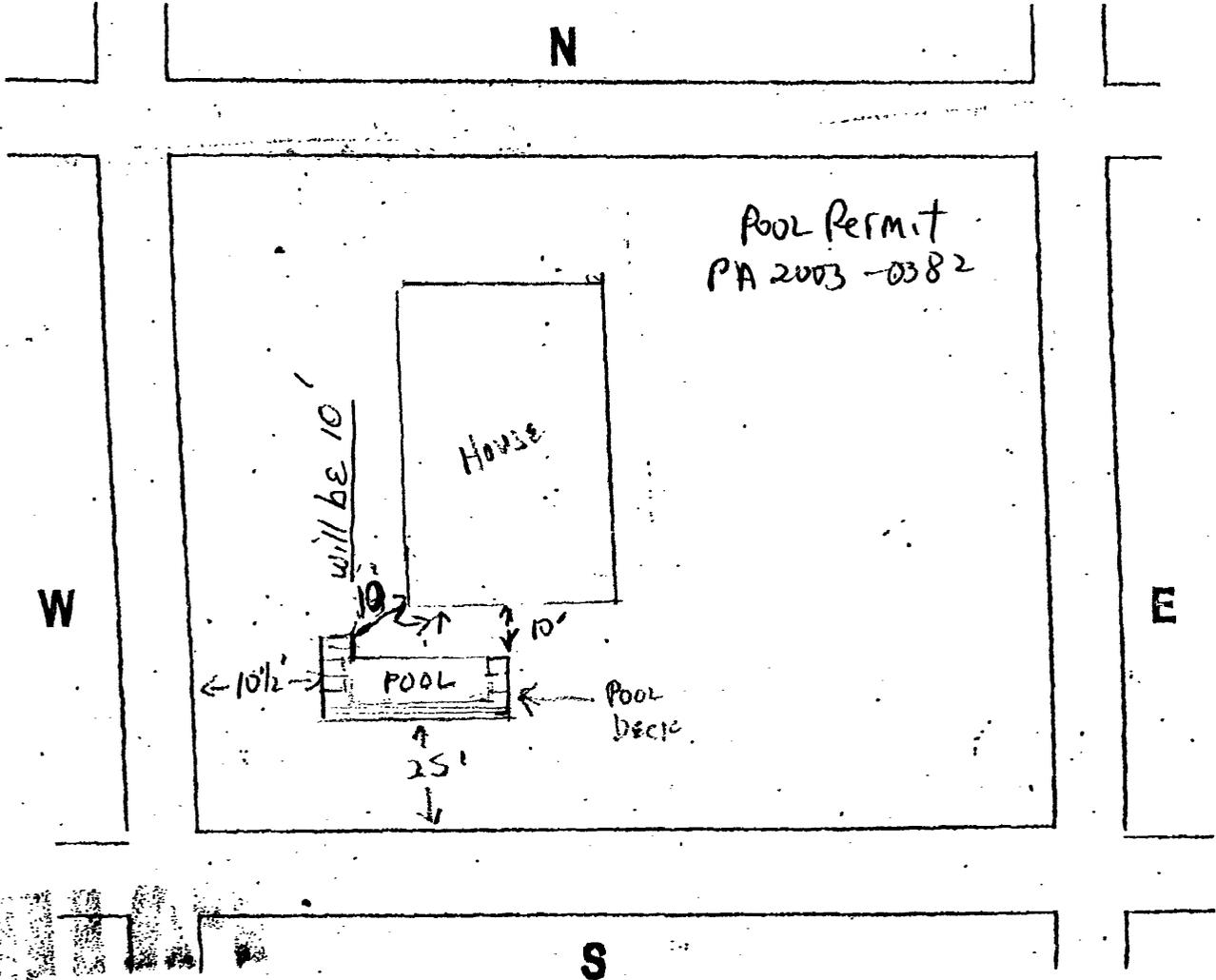
(Owner's Signature)

(Address of Applicant)
545 Shore Dr. New Windsor NY 12553

PLOT PLAN

NOTE:

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



62-9-23
Farrow
575 Shore Dr

Shore Drive

Paved
Parking Area.
R:350.00 L:50.00

P.K. Nail
in RR. Tie

1. Pipe

32

RECEIVED

JAN 27 2004

BUILDING DEPARTMENT

62x10029

139.71'

124.37'

120.13' 20" E

138.50'

115.01'

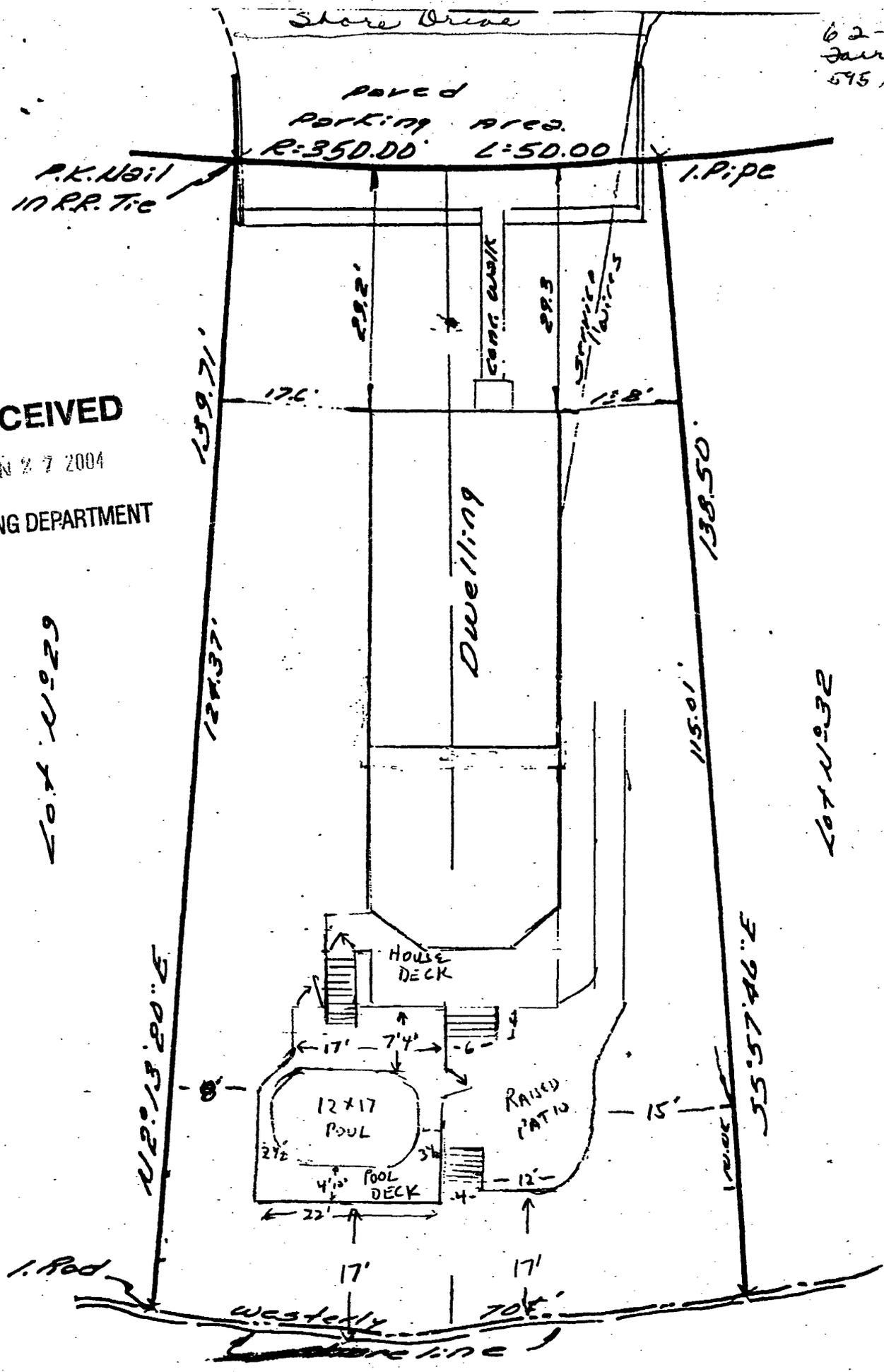
60x10032

55.57' 46" E

1. Rod

Westerly
shore line

34





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

Richard Farrow
545 Shore Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-25

Dear Mr. Farrow:

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

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

MEMORANDUM OF
DECISION GRANTING

RICHARD FARROW

AREA

CASE #04-25
-----X

WHEREAS, Richard Farrow, owner(s) of 545 Shore Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 7 ft. Side Yard Setback and; 23 ft. Rear Yard Setback(48-12; Column G-8) for existing attached pool deck at 545 Shore Drive in an R-4 Zone (62-9-23)

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, the Applicant appeared on behalf of this Application; and

WHEREAS, there was spectator appearing at the public hearing; and

WHEREAS, the spectator at first objected to the proposal, but, then was satisfied after the proposal was amended; 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 put a pool on the property in 2003 but, the construction of a deck adjacent to the pool was not permitted without subject variances.
 - (c) The deck, including the railings, is a safety feature limiting access to the pool.

- (d) The deck contains self-closing, self-latching gates.
- (e) The deck will be similar in size and appearance to other decks in the neighborhood.
- (f) In constructing the deck, the deck will not be on top of nor interfere with any easements including, but not limited to, water, sewer and electric.
- (g) In constructing the deck the applicant will not remove any trees or substantial vegetation.
- (h) The property in the area of the deck slopes. In order to enhance and preserve the privacy of the neighbor, the applicant will construct a six foot high railing on the portion of the deck adjacent to the neighbor's property, which railing shall be made impervious to vision with either privacy slats or being board fence.

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). As a condition of this variance, the applicant will cause an esthetic screen

element in the form of a fence or railing impervious to vision so that persons on the deck as constructed cannot view the neighbor's property.

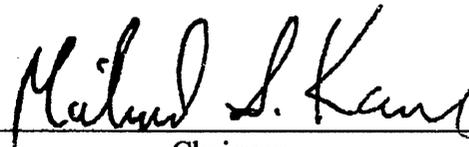
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 7 ft. Side Yard Setback and; 23 ft. Rear Yard Setback(48-12; Column G-8) for existing attached pool deck at 545 Shore Drive in an R-4 Zone (62-9-23) 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

A handwritten signature in black ink, appearing to read "Michael S. Kaur", is written over 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: 6-28-04
SUBJECT: ESCROW REFUND

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

ZBA FILE #04-25

NAME & ADDRESS:

**Richard Farrow
545 Shore Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.6-28-04



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



FILE #04-25 TYPE: AREA

APPLICANT Name & Address:

Richard Farrow
545 Shore Drive
New Windsor, NY 12553

TELEPHONE: 496-6563

RESIDENTIAL:	\$ 50.00	CHECK # <u>159</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 160



<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$5.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>	
PRELIMINARY:	<u>4</u>	PAGES	<u>\$ 22.00</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	—	PAGES	<u>\$ _____</u>	<u>\$ _____</u>
PUBLIC HEARING:	<u>12</u>	PAGES	<u>\$ 66.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	—	PAGES	<u>\$ _____</u>	<u>\$ _____</u>

TOTAL: \$ 88.00 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 158.00

AMOUNT DUE: \$ _____

REFUND DUE: \$ 142.00

Cc:

RICHARD FARROW (04-25)

MR. KANE: Request for 7 ft. side yard setback and 23 ft. rear yard setback for existing attached pool deck at 545 Shore Drive in an R-4 zone.

Mr. Richard Farrow appeared before the board for this proposal.

MR. FARROW: Richard Farrow, Shore Drive. This is to complete the pool deck.

MR. KANE: Right.

MR. REIS: How long has the pool been there including the deck?

MR. FARROW: The pool was put in last August and the deck was starting to be constructed last September and we had called in the inspectors to, I had some contractors putting the deck up to guide us on it and then we found out that because it was after we got the permit we found out because it was as close to the house, the existing house as it is that it had to be considered part of the house and therefore we had to use the same setbacks that you would for a normal deck which we didn't know at the time that we put the pool up.

MR. KANE: Taking the deck all the way around the pool?

MR. FARROW: Yes.

MR. KANE: You consider the deck with the railings to be a safety feature for you with that pool?

MR. FARROW: Yes, definitely, cause we had to build a railing to 4 feet.

MR. KANE: Self-closing, self-latching gates?

MR. FARROW: Right.

MR. MINUTA: The photos are unclear to me, is that a gate at the stair?

MR. FARROW: Yes, they had to cover it up, I think that was a spec for the gate but now we're going, if you go to the plan what we're going to do is just eliminate that gate and put it here off the patio and then just complete this section of the--

MR. MINUTA: So you would be moving to this section, is that correct, this stair?

MR. FARROW: There won't be a stair, it will just be from the patio to the pool just one entrance.

MR. MINUTA: Okay.

MR. KANE: The deck itself is going to be similar in nature and size to other decks in your neighborhood?

MR. FARROW: Yes, I would think so.

MR. KANE: You do feel the construction of the deck is going to be--

MR. FARROW: It's required for safety and comfort at the pool, it's an above-ground pool.

MR. REIS: You're not going over any easements or right-of-ways?

MR. FARROW: No.

MR. KANE: Cut down any substantial shrubbery?

MR. FARROW: No.

MR. KANE: Okay, at this point, I will ask if there's anybody in the public for this particular meeting? Your name and address, please?

MS. LIPPER: I'm Lois Lipper, I'm at 547 Shore Drive.

MR. KANE: What question do you have?

MS. LIPPER: I have several questions. Number one, the deck is not like, I do not know of another deck that's 23 feet from the lake and that's over 6 feet high, I have not seen another deck like that in our neighborhood, that's number one. Number two, I bought my house, it had a stockade fence, it's a privacy fence, it's taller than I am, I would assume it's 6 feet high. When people stand on his deck, their feet are at the top of my privacy fence, they can look into my yard. Not only have I lost my privacy, but it makes my house much less salable in the future. I would not buy a house where people could be standing peering into my yard like that, so I find this very upsetting.

MR. MINUTA: From your explanation, I take it you own the property adjacent?

MS. LIPPER: Yes, I do and he wants to build 7 feet from my existing fence, he's already close enough that if people were standing there, there's no way I can screen it either because what I have on that side is hard scrabble, I don't even know, I think there used to be a long time ago there must have been asphalt or something there, nothing's going to grow there for me so it's just very upsetting because you know if it were 15 feet even that would be upsetting because somebody whose feet go to the top of my fence means that I have lost my total privacy.

MR. FARROW: Lois, we spoke about this.

MS. LIPPER: No, you told me you did it, there would be

a variance.

MR. FARROW: And you said that--

MS. LIPPER: I didn't say.

MR. FARROW: You said if we get a tree.

MS. LIPPER: No, I didn't say that.

MR. FARROW: You said I'll chip in with you to get a tree.

MS. LIPPER: No, I said I would think about it, you spoke to me after this letter was sent out and I said maybe and I have thought about it, there's no tree that's going to grow there.

MR. FARROW: This is Mrs. Lipper's house right here and as you can see, it's raised above, right now the trees have grown, there's a huge pear tree and two other trees and there's about 4 feet of space that you can actually see into Lois' yard now, Lois just added a deck.

MS. LIPPER: Fifteen feet, that's okay, you have decks over here, I have never objected to your decks because when I bought the house my understanding was someone could build a deck but they could not build, they had to be 40 feet from the lake if they went over 3 feet in height, that was my understanding.

MR. KANE: So I take it you're against?

MS. LIPPER: I really am, yes.

MR. FARROW: Well, I think Lois just one thing for clarification I'm not a speculator, I'm not a developer, five years ago we through sickness and death we inherited our grandchildren and we're raising two

grandchildren that are 10 and 11 years old, this back yard is basically for them with the pool and the trampoline and things like that so we didn't do this to upset Lois and I think there's a way that, I mean, the lots are small, there's no getting away from them.

MS. LIPPER: You should of asked for a variance before you built it.

MR. FARROW: Well, what happened is we had gotten the pool okay for the above-ground pool, we got the permit and there was no variance needed, it was just fine and then we, when we decided to put the deck around it all of a sudden things changed.

MS. LIPPER: But you didn't ask for a variance.

MR. KANE: Can't get a variance until you put in the application but we're not here for you to debate with your neighbor, you're here to express your opinion to me.

MS. LIPPER: Okay, may I say something? I don't want to be made out as a bad guy because somebody built not according to code without permission to a public hearing, I'm not a bad guy.

MR. KANE: Nobody's making you to be a bad guy but that's what a court of appeals is is for them to get, to appeal for a change, a variation in the loss and that's why he's here, this is exactly the place he should be.

MS. LIPPER: Okay.

MR. KANE: Okay, do you have anything else that you want to say for this?

MS. LIPPER: Let me just think for a minute.

MR. KANE: Sure, sure, take your time.

MS. LIPPER: I guess there's nothing. The only other thing as I said before if you look along Shore Drive and you look at all the houses and I have been on a boat so I know there's not a house that has that kind of structure.

MR. KANE: No, when we were talking about similar in size, we're talking about the nature of the deck itself around the pool, this is not an overly big deck in the location that it is, it might be a little unusual but it's not an overly big deck, but just from what I see here in the records but so noted. Anything else?

MS. LIPPER: No, that's it.

MR. KANE: Thank you very much. Anybody else? At this point, I'll close the public portion of the meeting and ask for how many mailings we had?

MS. MASON: On April 20th, I mailed out 45 envelopes and no responses.

MR. REIS: Michael, is there a minimum? I don't know what the code is on this so help me out here and the board perhaps is there a minimum requirement setback from the lake, from the shore of the lake?

MR. BABCOCK: No, there's a setback from his rear property line but not the lake, you know, the lake could get higher or lower where his property line is by Town Code is what his setback is, he's not affecting that.

MR. MINUTA: So there are no special requirements on the lake as far as the setback? She mentioned 40 feet 3 feet tall within 40 feet.

MR. BABCOCK: Well, that's not a Town of New Windsor

regulation that she might be speaking of, she may be speaking of a deed restriction, I don't know if there's a deed restriction anywhere but the Town of New Windsor's requirements is that the rear yard be 40 feet but it's from his property line, it's not from the water edge.

MS. LIPPER: I was told I couldn't build a deck in the front of my house toward the lake because I'm too close and my neighbor was told the same thing that's now building this that we have to be 40 feet from the lake to build something.

MR. BABCOCK: It's a 40 feet rear yard.

MS. LIPPER: From the lake.

MR. KANE: The property line.

MR. REIS: His property line may go into the water.

MR. KANE: It's from the property line, not from the lake and some people depending on how high the lake gets sometimes your property line is under water out there, that's just the way it is out there.

MS. LIPPER: I know my neighbor wanted to build a deck and was told not to.

MR. KANE: Ma'am, honestly right now that's hearsay, your neighbor's not here, I don't know who told him, I don't know the specifics of it, anything specific would be more than welcome. The deck right here going all the way around the pool, is this all the same level?

MR. FARROW: Yes.

MR. KANE: And this is level with the height of the pool?

MR. FARROW: Yes.

MR. KANE: You have a 52 inch high ledge?

MR. FARROW: Yes.

MR. KANE: So the height off the ground on your deck back here has to do with the ground sloping down a little bit?

MR. FARROW: Yes.

MR. KANE: You built up to put the pool in?

MR. FARROW: No, we actually took dirt away and made a pad for it with reinforcements around it and then put the pool on that and then we were building the deck up from that.

MR. KANE: So this whole platform around the deck that's all one height and it's equal to the pool, it's not higher than the pool?

MR. FARROW: That's correct.

MR. MINUTA: Counselor, is there any requirements for privacy screening within the zoning law?

MR. KRIEGER: No.

MR. REIS: Mr. Farrow fortunately started this without the necessary approvals, okay, and you got from what I am looking at these pictures you have extensive cost and created something that's very attractive but you've got a lot of cost.

MR. FARROW: Yes, very observant.

MR. REIS: We don't want to be difficult but in due respect to your neighbor, is there any way that you

could take part of your deck and just help me out here, your neighbor is to this side?

MR. FARROW: Yes, this is her yard. As you can see, it's fairly low grown with shrubbery and then this is her house.

MR. REIS: It's unfortunate that's the way it is, before you go any further, just a suggestion, I'm not making any demands, is there any way you can take this away and bring more deck around this side so you're not going to have this?

MR. FARROW: Not really because let me get you one other picture, see we have, we put this patio here that's adjacent to the deck and we're going to come back and put the deck from there to here and just have a gate onto the deck and the patio.

MR. MINUTA: And your neighbor is this house?

MR. FARROW: That's her, yeah.

MR. MINUTA: So the stated objection is that there's a privacy issue but the deck is here and because there's currently nothing to screen except this portion here?

MR. FARROW: Well, this is wintertime but this is the space between where the deck is now and where the fence is and this is all this, this tree, now fully bloomed and there's two other trees, you can't really get close to the fence, that's why when I spoke to Lois and she said well, maybe if we put up another tree that would be, you know, good enough for her but now she's changed her mind a little bit so--

MR. MINUTA: I'm not here to arbitrate whether you should or should not but I sympathize with her request from the privacy issue, I'm not sure what avenue we can take to assist in that, whether evergreen trees being

planted along that line may help.

MR. KANE: You can add that in as part of it.

MS. LIPPER: I have a question about is it possible to put a fence, a 6 foot, add 6 feet of fence just where I see the pool? That would be satisfy me totally.

MR. BABCOCK: The railing of your deck instead of being 4 foot high the area that she's talking about--

MS. LIPPER: No, what I'm saying is for my privacy, I have a 6 foot fence, can they put, because if somebody stands on their deck, they're going to be 6 feet above my 6 foot fence, can a 6 foot fence be tacked on to my fence just in that area?

MR. MINUTA: That becomes a structural issue.

MR. BABCOCK: I don't know how big this area is where your deck is but on the edge of your deck that faces her house in that area put a 6 foot high railing with privacy slates in it so when he's sitting on his deck--

MS. LIPPER: That would be fine.

MR. BABCOCK: And I haven't been there myself for this, is her house here and she's complaining that from the deck you can look into her yard?

MR. FARROW: So on the side where the railing is back you're suggesting--

MR. BABCOCK: Board and batten fence maybe.

MR. FARROW: To come up along that side.

MR. BABCOCK: Well, this is the side of her house here, there's only a section that, you know, a section from where her--

MS. LIPPER: It would more than satisfy me, I don't want to be difficult, I just don't want to lose my privacy and I think I have that right.

MR. FARROW: She seems to be saying if we put one of those crisscross kind of lattice type lattice, I guess.

MS. LIPPER: Whatever, just so people can't look into my yard.

MR. KANE: You'd be willing to do that if it was approved?

MR. FARROW: I think so. Do we need to do that to get it approved?

MR. KANE: If that's the way the motion may be carried for you to do something like that, so it depends on what the board wants. Any other questions?

MR. MINUTA: I'd like to make a motion if you'll accept one.

MR. KANE: I'll accept one.

MR. MINUTA: Mr. Chairman, I make a motion that we grant Richard Farrow his requested 7 foot side yard setback and 23 foot rear yard setback for the existing attached pool deck at 545 Shore Drive in an R-4 zone with the contingency that anesthetic screen element be placed between the properties as acceptable to both parties.

MR. KANE: Fair enough for you, sir?

MR. BABCOCK: Along the top of the deck, right.

MR. MINUTA: Along the top of the deck or that may come out another option thinking off the top of my head

maybe the tall evergreens, that way the deciduous trees are not losing the leaves.

MR. KANE: To put anything on the fence when the wind comes through it's probably going to take off, to double up the fence that's not an option so it--

MS. LIPPER: Lattice is okay.

MR. BABCOCK: If you make his railing 6 foot high.

MR. KRIEGER: She's talking about him putting it.

MR. MINUTA: He could attach, if the railing is three foot now attach another three foot section would give you 6 feet and unless you have, your guests were over 6 foot tall peaking over.

MR. BABCOCK: So in this section just raise the railing and put the lattice and she would be satisfied and that would make the board--

MS. LIPPER: That would be fine.

MR. REIS: Second it.

MR. KANE: That's okay with you, sir?

MR. FARROW: That would be fine.

MR. REIS: Second it.

ROLL CALL

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

RICHARD FARROW (04-25)

MR. KANE: Request for 7 ft. side yard setback and 23 ft. rear yard setback for existing attached pool deck at 545 Shore Drive in an R-4 zone.

Mr. Richard Farrow appeared before the board for this proposal.

MR. KANE: Sir?

MR. FARROW: Richard Farrow, 454 Shore Drive. What happened is I got a permit to put an above-ground pool which we did and then we decided to put a deck around it.

MR. KANE: And the deck's attached to your house?

MR. FARROW: Well, it's not and it wasn't supposed to be but because I was told because it's within ten feet of the existing house, it's considered an attached deck to the house and so once that happened, I had to follow all the rules for an attached deck.

MR. KANE: All your setbacks changed?

MR. FARROW: Exactly so then I ran out of the space in the back yard because we're on Beaver Dam Lake so the back yard--

MR. KANE: Is out in the lake?

MR. FARROW: Well, the deck doesn't go that far but unfortunately, the property ran out. Then the other surprise I had was that on the side where we're asking for 7 feet when we put the pool in, I think they said if we were 12 feet from the property line we were fine and we were actually 15 but now by putting the deck around it we're out of room.

MR. KANE: All your setbacks change once that deck--I don't remember the 10 foot from the house?

MR. BABCOCK: There's no ten foot. What I think there is is a little confusion there, if you can walk from the house deck from the house to the house deck from the house deck to the pool deck it's considered attached so you can go from one deck to the next deck out to the pool.

MR. FARROW: Well--

MR. BABCOCK: You don't go down on the ground and come back up?

MR. FARROW: The way it is now you do.

MR. KANE: We don't make the rules, we just try to figure out what they are.

MR. BABCOCK: It's considered to be attached the ten foot maybe that was the misunderstanding.

MR. FARROW: We had a stairway coming down from the deck that would land on the pool deck so that probably made it attached.

MR. KANE: Once the steps land on the pool deck you're attached.

MR. FARROW: So the problem is then now we have to consider it as a deck on the house so--

MR. KANE: The deck around the pool you consider the deck to be there for safety issues?

MR. FARROW: Yes, safety and because the back yard is slanted it kind of levels it out so you can sit around the pool.

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

MR. FARROW: Yeah.

MR. KANE: Don't consider it overly big for your neighborhood?

MR. FARROW: No.

MR. KANE: Create any water hazards or runoffs with the building of the deck?

MR. FARROW: No.

MR. KANE: You cut down any trees, substantial vegetation?

MR. FARROW: No.

MR. KANE: Any easements back there? Doesn't seem to be.

MR. FARROW: There's sewer.

MR. KANE: But not where the deck and the pool is?

MR. FARROW: No.

MR. KANE: And once we go to the public hearing, if everything is approved, you understand that you still have to go and pass all the inspections from the building department?

MR. FARROW: Of course. No, as a matter of fact, we called in the inspectors a couple times to help us to make sure it stayed within the spec and then when the third time Frank or Lou, I don't know which said hey, you know, you're going to run into some problems, better get a variance. So unfortunately or

fortunately, do you think I can get this done by the end of this summer or--

MR. KANE: I'll accept a motion.

MR. RIVERA: I make a motion that we set up Mr. Richard Farrow for a public hearing for the requested 7 foot side yard setback and 23 foot rear yard setback for existing attached pool deck at 545 Shore Drive.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: May 10, 2004

PROJECT: Richard Farrow

ZBA # 04-25

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) MN S) RS VOTE: A ___ N ___

~~RIVERA~~ _____
~~MCDONALD~~ _____ CARRIED: Y ___ N ___
REIS A
MINUTA A
KANE A

Need screening between the properties (evergreens or fencing on deck rail)

TOWN OF NEW WINDSOR ZONING BOARD

PUBLIC HEARING FOR:

Richard Farrow

DATE: May 10, 2004

SIGN-IN SHEET

NAME

ADDRESS

1. Lois Yappin 5417 Shore Drive New Windsor
2. _____
3. _____
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. 04-25

Request of RICHARD FARROW

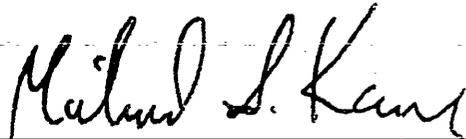
for a VARIANCE of the Zoning Local Law to Permit:

Request for 7 ft. Side Yard Setback and; 23 ft. Rear Yard Setback for existing attached pool deck being a VARIANCE of Section (48-12; Column G-8)

for property located at: 545 Shore Drive in an R-4 Zone

known and designated as tax map Section 62 Block 9 Lot 23

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



1763

Town of New Windsor

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

Assessors Office

April 15, 2004

Richard Farrow
545 Shore Drive
New Windsor, NY 12553

Re: 62-9-23 ZBA# 04-25

Dear Mr. Farrow:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property. Please note this property is also within 500' of the Town of Cornwall.

The charge for this service is \$65.00 , minus your deposit of \$25.00.

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

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Planning Board

57-2-1
Beaver Dam Lake Protection &
Rehabilitation District
c/o Dept. of Public Works
Route 17M
Goshen, NY 10924

62-3-16.2
Vincent & Emily Mastellone
360 Oak Drive
New Windsor, NY 12553

62-8-1
Linda Leone
584 Shore Drive
New Windsor, NY 12553

62-8-5
Mildred, Anthony & Paul Proietto
308 Walnut Avenue
New Windsor, NY 12553

62-8-8
Francis Cirigliano
359 Oak Drive
New Windsor, NY 12553

62-8-18, 62-8-19, 62-8-20 & 62-8-21
Dolores Schimenti
305 Maple Avenue
New Windsor, NY 12553

62-8-28, 62-8-29, 62-8-30,
62-9-26 & 62-9-27
Adele & William Widmayer
/o Manfredo
67 Park Lane North
Franklin Square, NY 11010

62-8-36
Barbara McIntosh
568 Shore Drive
New Windsor, NY 12553

62-8-43 & 62-8-44
John Kolp & Cynthia Seibels
582 Shore Drive
New Windsor, NY 12553

62-9-9
Harold & Kathryn Spencer
c/o Mr. & Mrs. Frank Spencer
575 Shore Drive
New Windsor, NY 12553

62-2-19
Michael & Debra Rydlewski
586 Shore Road
New Windsor, NY 12553

62-3-18.1
David & Valerie Abbott
354 Oak Drive
New Windsor, NY 12553

62-8-2
Peter & Emma Gasparini
300 Walnut Avenue
New Windsor, NY 12553

62-8-6 & 62-8-37
Douglas Williams
363 Oak Drive
New Windsor, NY 12553

62-8-9
Kenneth Rozenberg
3 Hunters Run
Suffern, NY 10901

62-8-22
Dorothy, Dolores & Donald Schimenti
1227 Barry Drive South
Valley Stream, NY 11580

62-8-31, 62-8-32 & 62-8-33
Donald & Deborah Aldridge
558 Shore Drive
New Windsor, NY 12553

62-8-40
James William Dainty
348 Old Dutch Hollow Road
Monroe, NY 10950

62-9-6
Camille Corallo
581 Shore Drive
New Windsor, NY 12553

62-9-10
Eric & Michael Johnson
573 Shore Drive
New Windsor, NY 12553

62-3-15
Barbara Salony, Trustee
Salony Family Irr. Trust
362 Oak Drive
New Windsor, NY 12553

62-7-48
Chris Tomas & Gloria Mylonas
532 Shore Drive
New Windsor, NY 12553

62-8-3
Frank & Lorraine DiMitre
304 Walnut Avenue
New Windsor, NY 12553

62-8-7
Frank Lombardi
361 Oak Drive
New Windsor, NY 12553

62-8-15.1
Edward & Margaret Janatsch
353 Oak Drive
New Windsor, NY 12553

62-8-25, 62-8-26 & 62-8-27
Michael Falchi
546 Shore Drive
New Windsor, NY 12553

62-8-34 & 62-8-35
John Bays & Amy Bjerke
562 Shore Drive
New Windsor, NY 12553

62-8-41, 62-8-42 & 62-9-15
Edward & Ann Marie McCartney
2 Dover Place
Hempstead, NY 11550

62-9-7 & 62-9-8
Charles & Dorothy Collard
579 Shore Drive
New Windsor, NY 12553

62-9-11
Frank & Elvina Spencer
571 Shore Drive
New Windsor, NY 12553

62-9-12
Denis Symington
23 The Lindens
Harington Road
London, UK W43UQ

62-9-16
Gayle Gavin & Suzanne Hajj
35 West 90th Street - #5J (55)
NY, NY 10024

62-9-19
Paul Dearnaley
549 Shore Drive
New Windsor, NY 12553

62-9-25.2
Michael Jacobs
541 Shore Drive
New Windsor, NY 12553

62-9-30
Beaver Dam Lake Water Corp.
c/o Emily Mastellone, Treasurer
360 Oak Drive
New Windsor, NY 12553

62-9-13
Joseph Drexler, Trustee
The Scruffy Irr. Trust
9 Station Road
Salisbury Mills, NY 12577

62-9-17
The County of Orange
Beaver Dam Lake Protection
255-275 Main Street
Goshen, NY 10924

62-9-21
Lios Lipper
547 Shore Drive
New Windsor, NY 12553

62-9-28
Louise Aceto
531 Shore Drive
New Windsor, NY 12553

62-9-32 & 62-9-33
Leon, Victoria & Natalie Dondysh
521 Shore Drive
New Windsor, NY 12553

62-9-14
Francis & Frances Kilroy
565 Shore Drive
New Windsor, NY 12553

62-9-18
Silvia & Brian Locke
551 Shore Drive
New Windsor, NY 12553

62-9-24.1
Catherine Cassara
30 Colonial Drive
Farmingdale, NY 11735

62-9-29
Lynn Dalcin
529 Shore Drive
New Windsor, NY 12553

62-9-35
James & Catherine Lowe
519 Shore Drive
New Windsor, NY 12553

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 04-13-04 PROJECT NUMBER: ZBA# 04-25 P.B. # _____

APPLICANT NAME: RICHARD FARROW

PERSON TO NOTIFY TO PICK UP LIST:

RICHARD FARROW
545 SHORE DRIVE
NEW WINDSOR, NY

TELEPHONE: 496-6563

TAX MAP NUMBER:	SEC. <u>62</u>	BLOCK <u>9</u>	LOT <u>23</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	BLOCK _____	LOT _____

PROPERTY LOCATION: 545 SHORE DRIVE
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: 161

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

Richard Farrow
545 Shore Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-25

Dear Mr. Farrow:

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:

545 Shore Drive
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

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 03-29-04

FOR: 04-25 ESCROW

FROM: RICHARD FARROW

545 SHORE DRIVE

NEW WINDSOR, NY 12553

CHECK NUMBER: 160

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

3/30/07

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

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

**RECEIPT
#315-2004**

03/30/2004

Farrow, Richard

ZBA 04.25 application

Received \$ 50.00 for Zoning Board Fees, on 03/30/2004. 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

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

ZONING BOARD OF APPEALS

March 29, 2004

Richard Farrow
545 Shore Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-25

Dear Mr. Farrow:

This letter is to inform you that you have been placed on the April 12th, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

545 Shore Drive
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



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

3-16-04
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. Owner Information: Phone Number: (845) 496-6563
RICHARD FARROW Fax Number: ()
(Name)
545 SHORE DR New Windsor
(Address)

II. Applicant: (Same) Phone Number: ()
(Name) Fax Number: ()
(Address)

III. Forwarding Address, if any, for return of escrow: Phone Number: ()
Fax Number: ()
(Name)
(Address)

IV. Contractor/Engineer/Architect/Surveyor/: Phone Number (845) 656-0215
Chris Phair Fax Number: ()
(Name)
(Address)

V. Property Information:

Zone: R4 Property Address in Question: 545 SHORE DR.
Lot Size: 70 x 139 Tax Map Number: Section 62 Block 9 Lot 23
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? NO
c. When was property purchased by present owner? 9/1989
d. Has property been subdivided previously? NO If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:*****

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

**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.	15 ft	8 ft	7 ft
Reqd. Rear Yd.	40 ft	17 ft	23 ft
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.**

**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:

I received a permit to build this pool deck. Since the property is small, my contractor called ⁱⁿ a town inspector for advice to keep the deck in spec. The inspector was called ⁱⁿ a second time to confirm everything was on track. We then called for a final OK and a different inspector came and advised us to ask for a variance before completing the project. This came as a surprise, but in order to be safe, we are applying for the variance. This project will complete the renovation of the yard and will have a positive effect on the appearance of the property to go along with other property upgrades along the lake front. This renovation does not effect the physical or environmental condition of the neighborhood.

I am respectfully asking the ZBA to grant this variance so we can complete the project.

PLEASE NOTE:

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

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 (if available) showing the size and location of the lot, 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 THREE(3) 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:

16th day of March 2004,

Richard Farrow

Owner's Signature (Notarized)

RICHARD FARROW

Owner's Name (Please Print)

Mary Reddiconto

Signature and Stamp of Notary

MARY REDDICONTO

NOTARY PUBLIC OF NEW JERSEY

Commission Expires 4/6/2005

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:

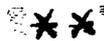
RESIDENTIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
MULTI-FAMILY: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
COMMERCIAL: (Three 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	

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).

Richard Farn

SIGNATURE

3-16-04

DATE

NOTE:

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