

**ZB# 04-34**

**Victor Reich**

**77-11-4**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*GRANTED 6-14-04*

ZBA #04-34 VICTOR REICH (AREA)  
2417 SETTLERS RIDGE (77-11-4)

—04-34

Victor Reich 567-0745

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

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**DATE: April 8, 2004**

**APPLICANT: Victor Reich  
2417 Settlers Ridge**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 4/7/04**

**FOR : Proposed 16x35 ft. attached rear deck.**

**LOCATED AT: 2417 Settlers Ridge**

**ZONE: R-3 Sec/Blk/ Lot: 77-11-4**

**DESCRIPTION OF EXISTING SITE: Existing one-family house**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Proposed 16x35 ft. attached rear deck will not meet minimum 30' rear set-back.**

  
**BUILDING INSPECTOR**

**COPY**

PERMITTED PROPOSED OR VARIANCE  
AVAILABLE: REQUEST:

ZONE: R-3 USE: Bulk Tables See original approved site plan – Mt. Airy Estates

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 30' 20' 10'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

RECEIVED

APR 07 2004

BUILDING DEPARTMENT

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

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

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

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**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 Victor Reich

Address 2417 Settlers Ridge Phone # 567 0745

Mailing Address Same Fax # \_\_\_\_\_

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

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

Name of Contractor Woodchess Carpentry

Address 15 Edward Dr Pine Bush NY Phone 845-744-3903

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

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

1. On what street is property located? On the east side of Settlers Ridge Rd  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_
2. Zone or use district in which premises are situated Residential Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_
3. Tax Map Description: Section ST 77 Block X 11 Lot 28 4
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Single family b. Intended use and occupancy \_\_\_\_\_
5. Nature of work (check if applicable)  New Bldg.  Addition  Alteration  Repair  Removal  Demolition  Other
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front 35' Rear \_\_\_\_\_ Depth 16 Height \_\_\_\_\_ No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_
- Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_
10. Estimated cost 7200.00 Fee \$50.00

**PAID**  
**ZONING BOARD**

CH#580

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

Building Inspector: Michael L. Babcock  
Asst Inspectors: Frank Lal & Louise Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4685 FAX

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

4/67/09  
date

4.07.04

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 Liel & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4685 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, place 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.

*Richard [Signature]*  
\_\_\_\_\_  
(Signature of Applicant)  
*[Signature]*  
\_\_\_\_\_  
(Owner's Signature)

15 Edward dr.  
\_\_\_\_\_  
(Address of Applicant)  
2417 Settlers Ridge  
\_\_\_\_\_  
(Owner's Address)

PLOT PLAN

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





SECTION 57

SECTION 61

# LEGEND

STATE OR COUNTY LINE	—————	FILED PLAN LOT LINE	-----	TAX MAP BLOCK						
CITY TOWN OR VILLAGE	—————	EASEMENT LINE	-----	TAX MAP PARCEL						
BLOCK OR SECTION LIMIT	—————	MATCH LINE	-----Z-----	AREAS						
SPECIAL DISTRICT LINE	<table border="0"> <tr> <td>FIRE</td> <td>---</td> <td>LIGHT</td> </tr> <tr> <td>WATER</td> <td>---</td> <td>SCHOOL</td> </tr> </table>	FIRE	---	LIGHT	WATER	---	SCHOOL	WATER FEATURES	~~~~~	DIMENSIONS
FIRE	---	LIGHT								
WATER	---	SCHOOL								
PROPERTY LINE	—————	GRID COORDINATE/CENTROID	●	PORTION OF TAX MAP						



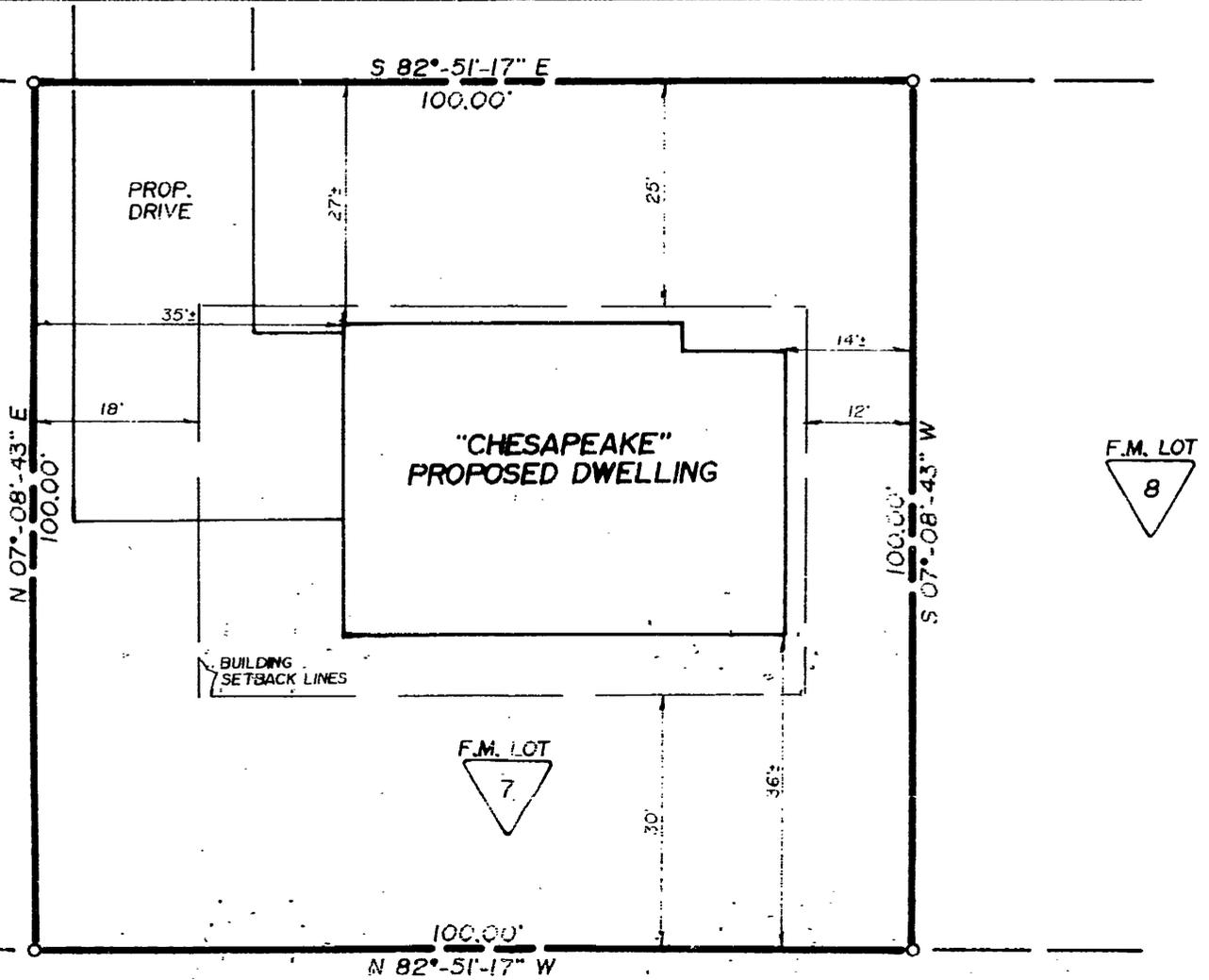
Prepared by  
 Orange County Tax Map Department  
 124 Main Street, Goshen, N.Y. 10924  
 Phone (845)-291-2498 Fax (845)-291-2499

FACE OF CURB

# SETTLERS RIDGE

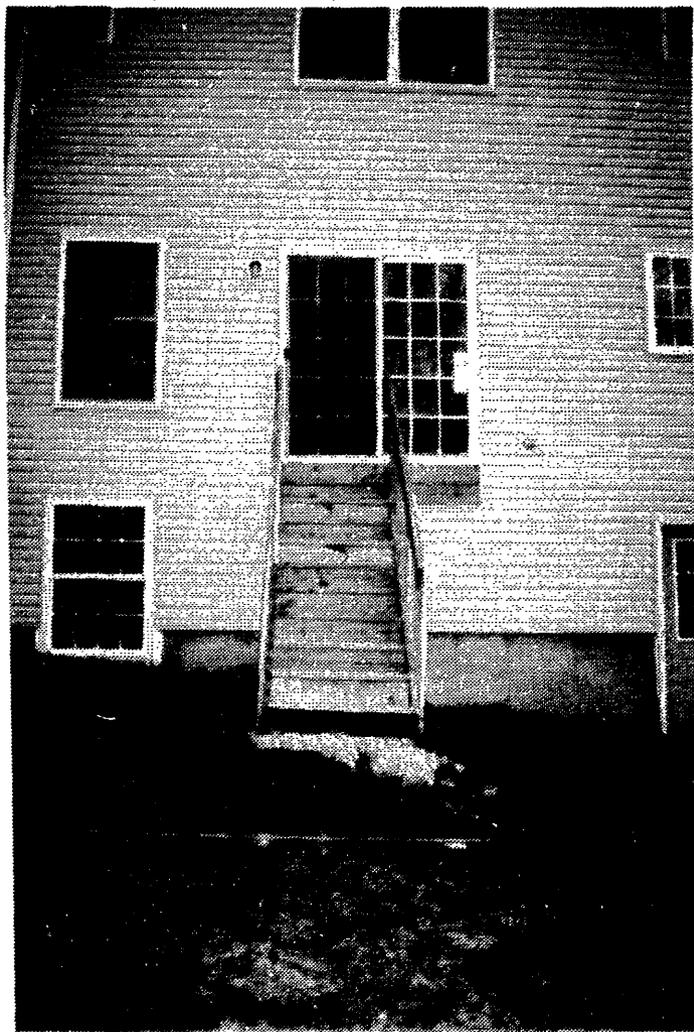
(UNDER CONSTRUCTION)

FACE OF CURB



LANDS N/F OF  
OSTNER  
L. 5053, P. 105  
S. 57, B. 1, L. 28











# 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

September 14, 2004

Victor & Lois Reich  
2417 Settlers Ridge  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-34

Dear Mr. Reich:

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

In the Matter of the Application of  
**VICTOR REICH**

MEMORANDUM OF  
DECISION GRANTING

**AREA**

CASE #04-34  
-----X

**WHEREAS**, Victor Reich , owner(s) of 2417 Settlers Ridge, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 10 ft. Rear Yard Setback for proposed 16 ft X 35 ft. attached rear deck at 2417 Settlers Ridge in an R-3 Zone (77-11-4)

**WHEREAS**, a public hearing was held on June 14, 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 were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) The applicant seeks the variance in order to construct the deck.
  - (c) The applicant will remove no trees or substantial vegetation in constructing the deck.

- (d) Construction of the deck will not create the ponding or collection of water or divert the flow of water drainage.
- (e) The deck will not be on top of, nor will it interfere with, any easements including, but not limited to water, sewer or utilities.
- (f) Construction of the deck is a safety requirement. A person exiting the house would be very likely to sustain serious physical injury without the deck structure being in place next to the exit way.
- (g) The deck is similar in size and appearance to other decks in the neighborhood.

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

1. The requested 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 is/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/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/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**

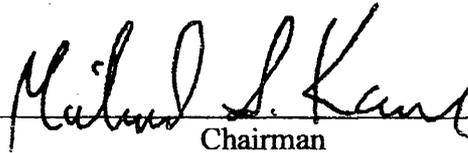
**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 10 ft. Rear Yard Setback for proposed 16 ft X 35 ft. attached rear deck at 2417 Settlers Ridge in an R-3 Zone (77-11-4)

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: June 14, 2004

  
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: 08-09-04**  
**SUBJECT: ESCROW REFUND 04-34**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 197.00 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #04-34**

**NAME & ADDRESS:**

**Victor & Lois Reich  
2417 Settlers Ridge  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

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



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



FILE #04-33      TYPE: AREA

APPLICANT Name & Address:

**Victor & Lois Reich  
2417 Settlers Ridge  
New Windsor, NY 12553**

TELEPHONE:    567-0745

RESIDENTIAL:	\$ 50.00	CHECK # <u>616</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:            RESIDENTIAL \$300.00      CHECK #615



<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$5.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	<u>3</u>	PAGES	\$ <u>16.50</u> \$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	\$ _____      \$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>16.50</u> \$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____      \$ _____

TOTAL:                      \$ 33.00      \$ 70.00



ESCROW POSTED:            \$ 300.00  
LESS: DISBURSEMENTS:    \$ 103.00

AMOUNT DUE:                      \$ \_\_\_\_\_

REFUND DUE:                      \$ 197.00

Cc:

VICTOR REICH (04-34)

Mr. Victor Reich appeared before the board for this proposal.

MR. KANE: Request for 10 ft. rear yard setback for proposed 16 ft. x 35 ft. attached rear deck at 2417 Settler's Ridge in an R-3 zone. You need to speak up so this young lady can hear you.

MR. REICH: Victor Reich, R-E-I-C-H.

MR. KANE: Tell us what you want to do.

MR. REICH: I'd like to build a deck 16 I think by 30 in the back of my house attached to the back of my house.

MR. REIS: Just for the record, proposal says 16 x 35.

MR. REICH: I think it's 35.

MR. KANE: Well then the main question becomes which needs the 10 feet, the 16?

MR. BABCOCK: Yes.

MR. KANE: The 16.

MR. REICH: Yeah, 16 x 35, I'm sorry.

MS. MASON: Mike, check the numbers.

MR. BABCOCK: Yeah, it's 16 x 35.

MS. MASON: I have proposed or available 20, is that right?

MR. BABCOCK: Yes.

MR. KANE: And he needs 30. No, no, his deck is 16, the width of his deck is 16. Will you be cutting down any trees or substantial vegetation in the building of the deck?

MR. REICH: No.

MR. KANE: Create any water hazards or runoffs?

MR. REICH: No.

MR. KANE: Any easements where the deck is going to go?

MR. REICH: I'm sorry, what are easements?

MR. KANE: It's a right-of-way for public utilities for the town.

MR. REICH: No.

MR. KRIEGER: An easement is the right for somebody else to use your property.

MR. REICH: No.

MR. MC DONALD: Looking at the pictures you didn't have a deck if you came out the door you'd have kind of a safety hazard?

MR. REICH: Yes.

MR. KANE: The size and configuration of the deck is similar to other decks that you have seen in the area?

MR. REICH: Yes, my neighbor has one.

MR. KANE: Without the deck, a walk out the rear door is going to be a safety hazard?

MR. REICH: Yes.

MR. KANE: I will ask if there's anybody in the public for this particular hearing? Seeing as there is not, we'll open and close the public hearing and ask Myra how many mailings?

MS. MASON: On the 17th of May, I mailed out 37 addressed envelopes and I had no responses.

MR. KANE: Do you guys have any more questions?

MR. MC DONALD: No.

MR. REIS: Accept a motion?

MR. KANE: Yes.

MR. REIS: I make a motion that we approve Mr. Victor Reich's request for ten foot rear yard setback for proposed 16 x 35 foot attached rear deck at 2417 Settlers Ridge.

MR. MC DONALD: Second it.

ROLL CALL

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



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

In the Matter of the Application for Variance of

VICTOR REICH

AFFIDAVIT OF  
SERVICE  
BY MAIL

#04-34

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

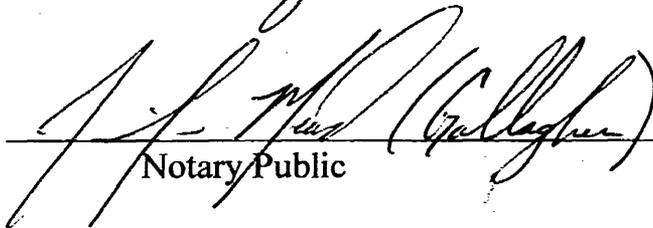
MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 17TH day of MAY, 2004, I compared the 37 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

18<sup>th</sup> day of May, 2004

  
Notary Public

  
Myra L. Mason, Secretary

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

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 on the following Proposition:

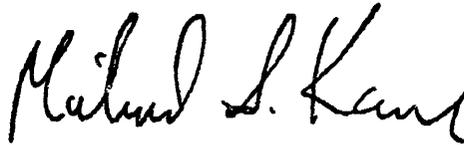
**Appeal No. 04-34**

**Request of VICTOR REICH**

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

**Request for 10 ft. Rear Yard Setback for proposed 16 ft X 35 ft. attached rear deck at 2417 Settlers Ridge in an R-3 Zone (77-11-4)**

**PUBLIC HEARING will take place on JUNE 14, 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) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

June 4, 2004

Victor & Lois Reich  
2417 Settlers Ridge  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-34

Dear Mr. & Mrs. Reich:

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:

2417 Settlers Ridge  
New Windsor, NY

is scheduled for the June 14, 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

VICTOR REICH (04-34)

MR. KANE: Request for 10 ft. rear yard setback for proposed 16 ft. x 35 ft. attached rear deck at 2417 Settlers Ridge in an R-3 zone.

Mr. Victor Reich and Mr. Richard Spoto appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. REICH: I'd like to build a deck on the back of my house, attached to the back of the house.

MR. KANE: And that's going to take the place of the stairs that you have coming out like this?

MR. REICH: That's correct.

MR. KANE: Obviously, without the deck there, you would consider it more of a safety issue too than just having the steep stairs?

MR. REICH: Yes.

MR. KANE: Have to ask the obvious questions, cutting down any trees or substantial shrubbery to build the deck in this area?

MR. REICH: No.

MR. KANE: Creating any water hazards or runoffs?

MR. REICH: No.

MR. KANE: Going over any easements whatsoever?

MR. REICH: No.

MR. KANE: Can you tell me so you're coming 16 foot out

to the back of the house, so the 35 length really doesn't have anything to do with it, it's the 16 foot?

MR. REICH: That's correct.

MR. KANE: And you consider the size of the deck to be similar as other decks that are in your neighborhood?

MR. REICH: Yes.

MR. SPOTO: House next door is almost identical.

MR. KANE: Is this a proposed house or is this your house existing right now?

MR. REICH: That's my house existing.

MR. KANE: Mike, are we ever going to require the builders to put a little deck on the back of the house instead of a set of steps going down? I mean, everybody wants a deck on the back of their house, 5 degree set of steps, pet peeve.

MR. SPOTO: You can't do anything with them.

MR. KANE: You gentlemen have any other questions?

MR. REIS: You're not going over any right-of-way?

MR. REICH: No, I'm not familiar with some of the terms, so I apologize.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we set up Victor Reich for a public hearing for his requested variance for a ten foot rear yard setback for proposed attached rear deck at 2417 Settlers Ridge.

May 10, 2004

9

MR. MINUTA: Second it.

ROLL CALL

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



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

PROJECT: Victor Reich

ZBA # 04-34  
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) RS S) M VOTE: A 3 N 0

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

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

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

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

RIVERA \_\_\_\_\_  
MC DONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

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

Large empty rectangular box for notes or additional information.



# Town of New Windsor

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

6/14  
Meeting

## Assessors Office

April 30, 2004

Victor Reich  
2417 Settlers Ridge  
New Windsor, NY 12553

Re: 77-11-4 ZBA# 04-34

Dear Mr. Reich:

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, IAO  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Zoning Board

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

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

77-7-5  
Wilson Ventura & Ana Arino  
2617 Liberty Ridge  
New Windsor, NY 12553

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

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

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

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

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

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

77-10-4 & 77-10-5  
Mt. Airy Estates, Inc.  
c/o Sarna Enterprises  
15 Engle Street - Suite 100  
Englewood, NJ 07631

65-1-81  
William Schaffer  
Jeanne James  
22 Bethlehem Road  
New Windsor, NY 12553

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

77-7-13  
Edward & Karen D'Esposito  
2508 Constitution Way  
New Windsor, NY 12553

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

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

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

77-8-7  
Thomas & Gina Smith  
2507 Constitution Way  
New Windsor, NY 12553

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

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

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

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

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

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

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

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

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

77-8-14  
Martin & Vivian Pastor  
2408 Settlers Ridge  
New Windsor, NY 12553

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

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

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

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

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

77-11-10  
Angela Roman & Sonia Guzman  
2429 Settlers Ridge  
New Windsor, NY 12553

77-11-5  
Nguyen Tran  
Xiaoqing Zhao  
2419 Settlers Ridge  
New Windsor, NY 12553

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

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

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

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

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 04-26-2004

FOR: **04-33 ESCROW**

FROM: **VICTOR REICH**

**2417 SETTLERS RIDGE**

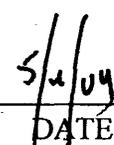
**NEW WINDSOR, NY 12553**

CHECK NUMBER: **615**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

  
\_\_\_\_\_  
DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

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

**RECEIPT**  
**#435-2004**

05/04/2004

Reich, Victor  
8806 21st Street  
Brooklyn, NY 11214

Received \$ 50.00 for Zoning Board Fees, on 05/04/2004. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

ZBA 04-34 application *see*



# 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 26, 2004

Victor & Lois Reich  
2417 Settlers Ridge  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-34

Dear Mr. & Mrs. Reich::

This letter is to inform you that you have been placed on the May 10, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

2417 Settlers Ridge  
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

04-34

# TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 04-26-2004 PROJECT NUMBER: ZBA# 04-34 P.B. # \_\_\_\_\_

APPLICANT NAME: VICTOR REICH

PERSON TO NOTIFY TO PICK UP LIST:

VICTOR REICH  
2417 SETTLERS RIDGE  
NEW WINDSOR, NY

TELEPHONE: 567-0745

TAX MAP NUMBER:      SEC. 77      BLOCK 11      LOT 4  
                                 SEC. \_\_\_\_\_      BLOCK \_\_\_\_\_      LOT \_\_\_\_\_  
                                 SEC. \_\_\_\_\_      B LOCK \_\_\_\_\_      LOT \_\_\_\_\_

PROPERTY LOCATION: 2417 SETTLERS RIDGE  
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: 614

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

# 04-34



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



**APPLICATION FOR VARIANCE**

April 19 2004  
Date

Application Type: Use Variance  Area Variance   
Sign Variance  Interpretation

I. **Owner Information:** Phone Number: (845) 567-0745  
Victor & Lois Reich Fax Number: (845) 567-0745  
(Name)  
2417 Settlers Ridge New Windsor NY 12553  
(Address)

II. **Applicant:** Phone Number: (845) 567-0745  
Victor & Lois Reich Fax Number: (845) 567-0745  
(Name)  
2417 Settlers Ridge New Windsor NY 12553  
(Address)

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

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 744-3803  
Fax Number: ( )  
Wood Chips Carpentry  
(Name)  
15 Edward Drive Pine Bush NY 12566  
(Address)

V. **Property Information:**

Zone: R-3 Property Address in Question: 2417 Settlers Ridge  
Lot Size: \_\_\_\_\_ Tax Map Number: Section 77 Block 11 Lot 4  
a. What other zones lie within 500 feet? None  
b. Is pending sale or lease subject to ZBA approval of this Application? NO  
c. When was property purchased by present owner? \_\_\_\_\_  
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.**

**04-34**

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>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	30'	20'	10'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

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

COMPLETE THIS PAGE

04-34

**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 believe that if I am allowed to build a deck to the exterior of my home, it will be a safe and secure deck. It would not have any adverse effect on the environment, neighboring surrounding or district. Furthermore it would enhance my property value as well as making my home more attractive. In conclusion it would <sup>also</sup> allow my 2 year old to have a more safe and secure place to play

**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:

21 day of April 2004.

*Victor Reich* 250-890965  
 Owner's Signature (Notarized)  
VICTOR REICH  
 Owner's Name (Please Print)

*Mary Ann Hotaling*  
 Signature and Stamp of Notary

MARY ANN HOTALING  
 Notary Public, State of New York  
 No. 01HO5062877  
 Qualified in Orange County  
 Commission Expires July 8, 2006

**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:

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

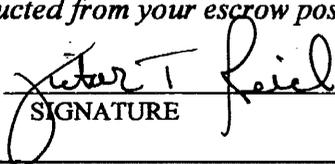
FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

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 \*\***

<b><i>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).</i></b>	
 SIGNATURE	4-19-04 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)

04-34