

ZB# 04-59

Kevin Golden

60-1-9

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

Approved 8-9-04

Kevin Goldex - 496-6466



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

October 26, 2004

Kevin Golden / Bill Nolte
43 Lakeside Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-59

Dear Mr. Golden & Mr. Nolte:

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

MEMORANDUM OF
DECISION GRANTING

WILLIAM NOTLE & KEVIN GOLDEN

AREA

CASE #04-59

WHEREAS, Kevin Golden, owner(s) of 43 Lakeside Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 10 ft. Side Yard Setback (F-7) for proposed side entrance at 43 Lakeside Drive in an R-4 Zone (60-1-9)

WHEREAS, a public hearing was held on August 9, 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 premises consists of a one-family, two-story home in which there is no way to go from one floor to the other without going outside. The applicant seeks to build a staircase connecting the two levels of the house and install a side entrance.
 - (c) The installation of the stairway is a safety issue which would occupants of the house to travel between levels of the house without going outside.

- (d) In erecting this addition no trees or substantial vegetation will be removed.
- (e) The addition will not divert the flow of water drainage nor create the ponding or collection of water. The addition will not interfere with the well on the property
- (f) The proposed addition will not be on top of or interfere with any easements, including, but not limited to, water, sewer and utility easements.
- (g) The premises consists of a one-family home and if the addition is permitted, the home will remain a one-family home and be used at all times as a one-family home.

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. Side Yard Setback (F-7) for proposed side entrance at 43 Lakeside Drive in an R-4 Zone (60-1-9) 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: August 9, 2004


Chairman

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 6/23/04

William Nolte & Kevin Golden
43 Lake Side Drive
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 6/18/04

COPY

FOR : Proposed 60" x 33" enclosed side entrance.

LOCATED AT: 43 Lake Side Drive

ZONE: Sec/Blk/ Lot: 60-1-9

DESCRIPTION OF EXISTING SITE: Existing One Family House

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed 60" x 33" enclosed side entrance will not meet the minimum 15' side yard set back.


BUILDING INSPECTOR

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

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

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underlab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plumbing 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

JUN 18 2004

BUILDING DEPARTMENT

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 William Nate & Kevin Golden
Address 43 Lakeside Drive, New Windsor 12553 Phone # 845-496-6466
Mailing Address same Fax # 845-496-9046
Name of Architect Mary Staikos, AIA
Address P.O. Box 444, Cornwall, NY 12518 Phone 845-496-6167
Name of Contractor to be determined.

Address _____ Phone _____

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

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 W side of Lakeside Drive
(N, S, E or W)
and _____ feet from the intersection of _____

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

3. Tax Map Description: Section 60 Block 1 Lot 9

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

a. Existing use and occupancy single family residence b. Intended use and occupancy single family residence

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 33' Rear 60' Depth 23'0" Height 16' No. of stories 2

8. If dwelling, number of dwelling units: N/A Number of dwelling units on each floor N/A
Additional is an enclosed stair to connect levels

Number of bedrooms 2 Baths 2 Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air X 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 to be determined Fee \$50.00

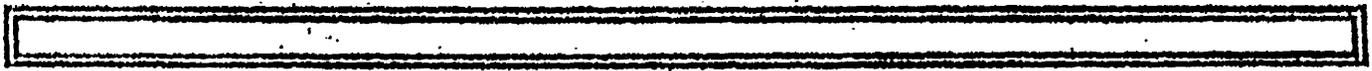
ZONING BOARD

6118104
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) 563-4885 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.

Man Skikow, AIA P.O. Box 444, Cornwall, NY 12518
(Signature of Applicant) (Address of Applicant)

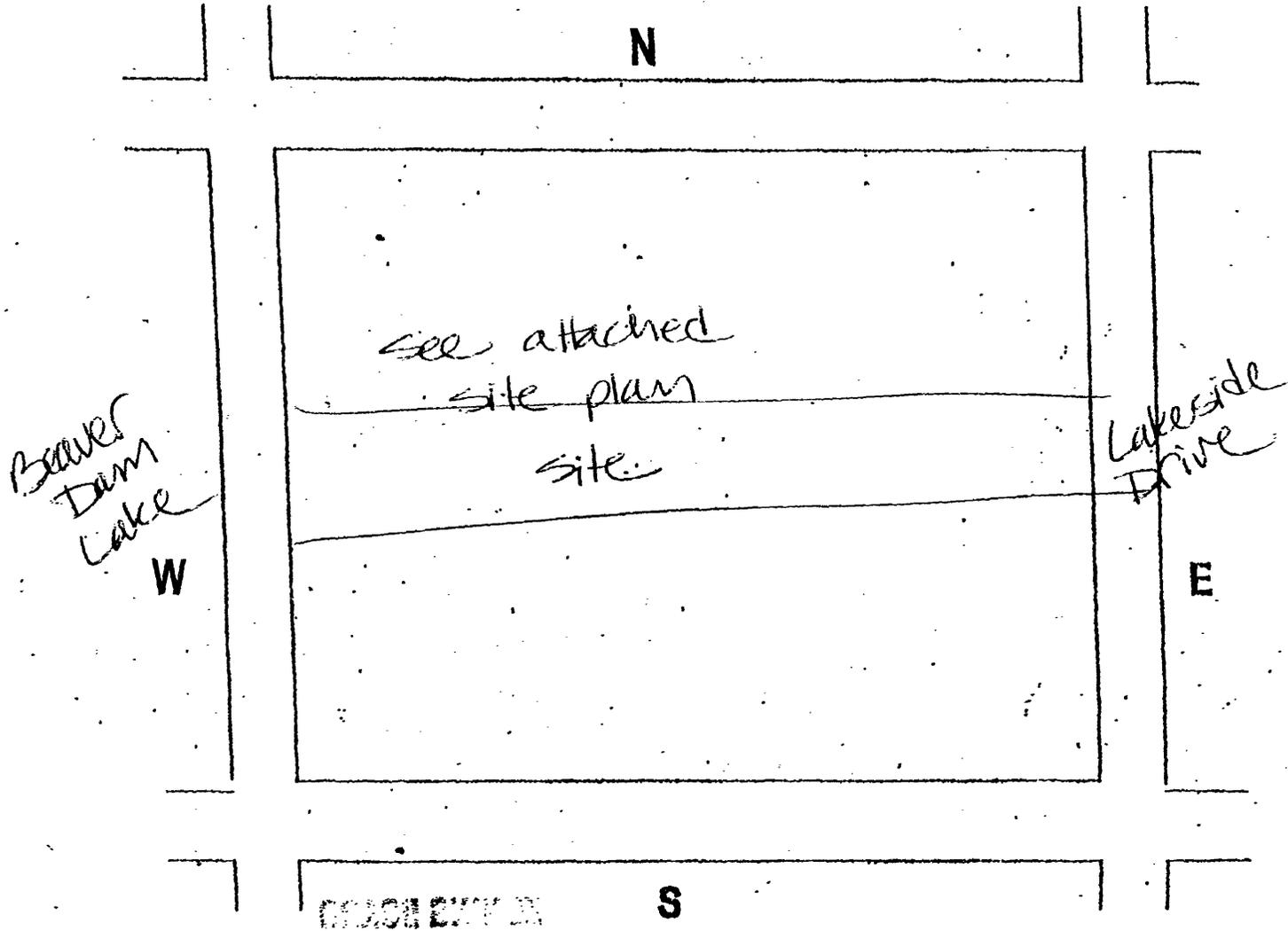
Kevin Holde 43 Lakeside Dr. New Windsor, NY
(Signature of Applicant)

(Owner's Address)

12553

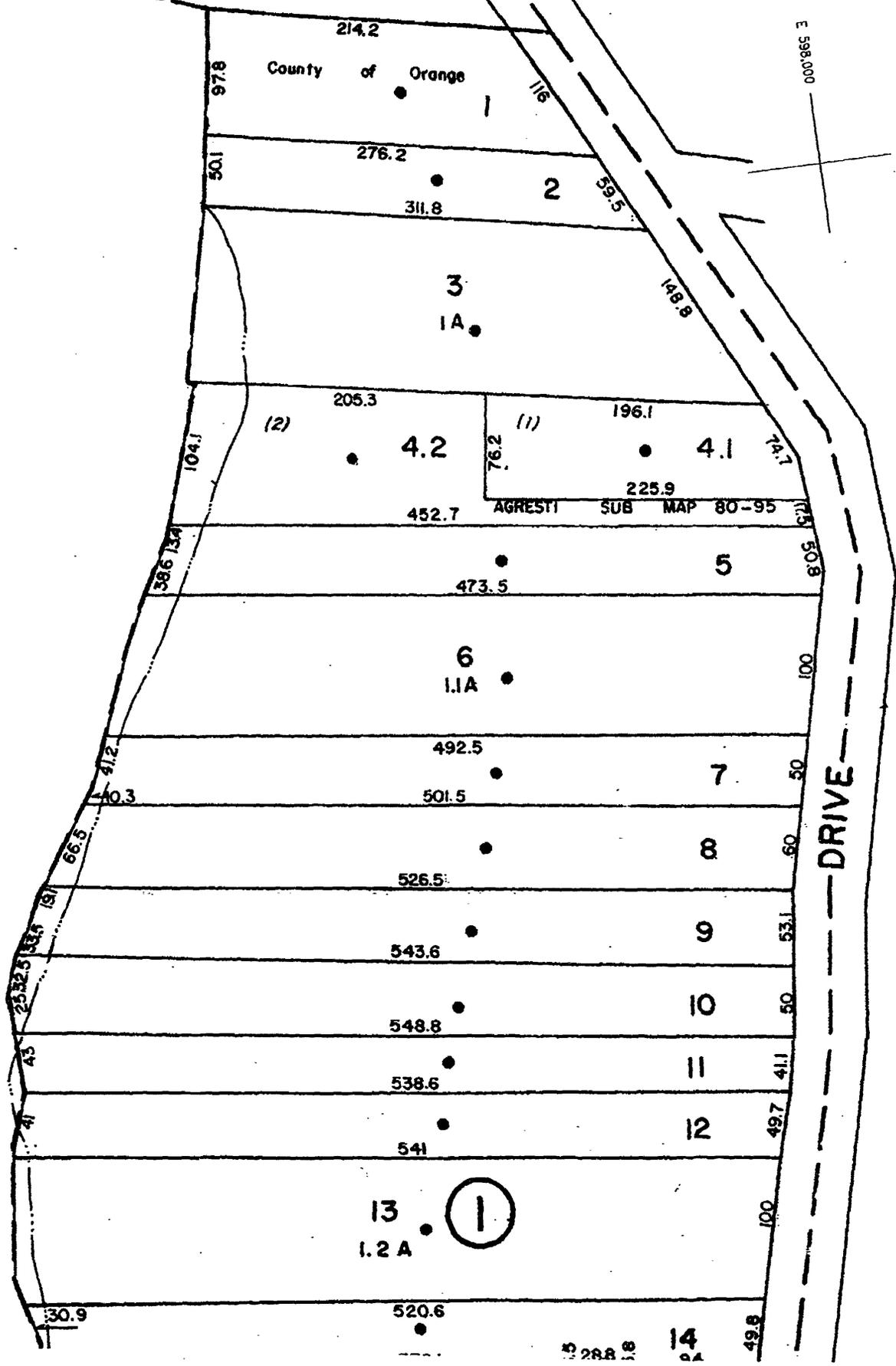
PLOT PLAN

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



SECTION 58

County of Orange



E 598,000

N 954,000

DRIVE

13
1.2 A

1

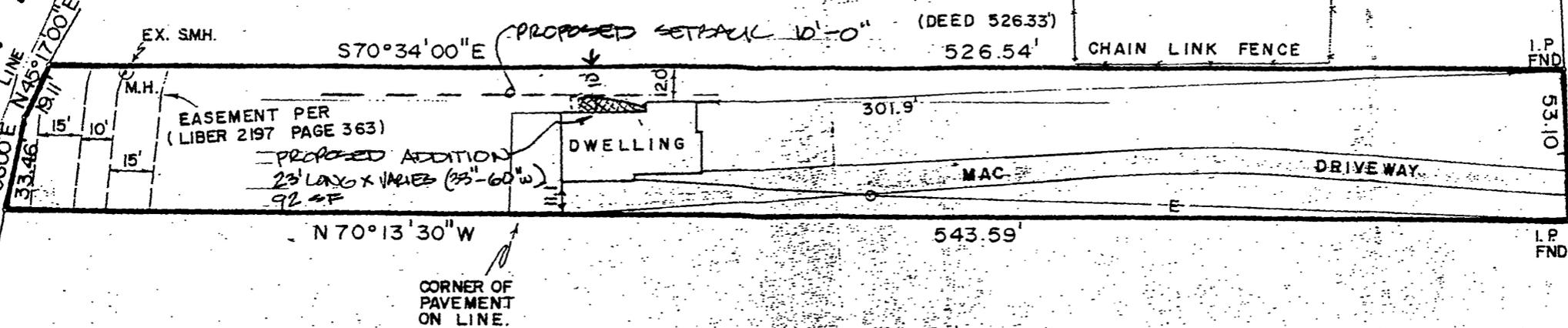
14

288.18

BEAVER DAM LAKE
SHORE LINE
N 32° 06' 00" E 33.46'
N 45° 17' 00" E 19.11'

N/F
ANDERSON

LAKE
SIDE
DRIVE



SURVEY OF PROPERTY
FOR

WILLIAM NOLTE & KEVIN GOLDEN

TOWN OF NEW WINDSOR

ORANGE COUNTY, N.Y.

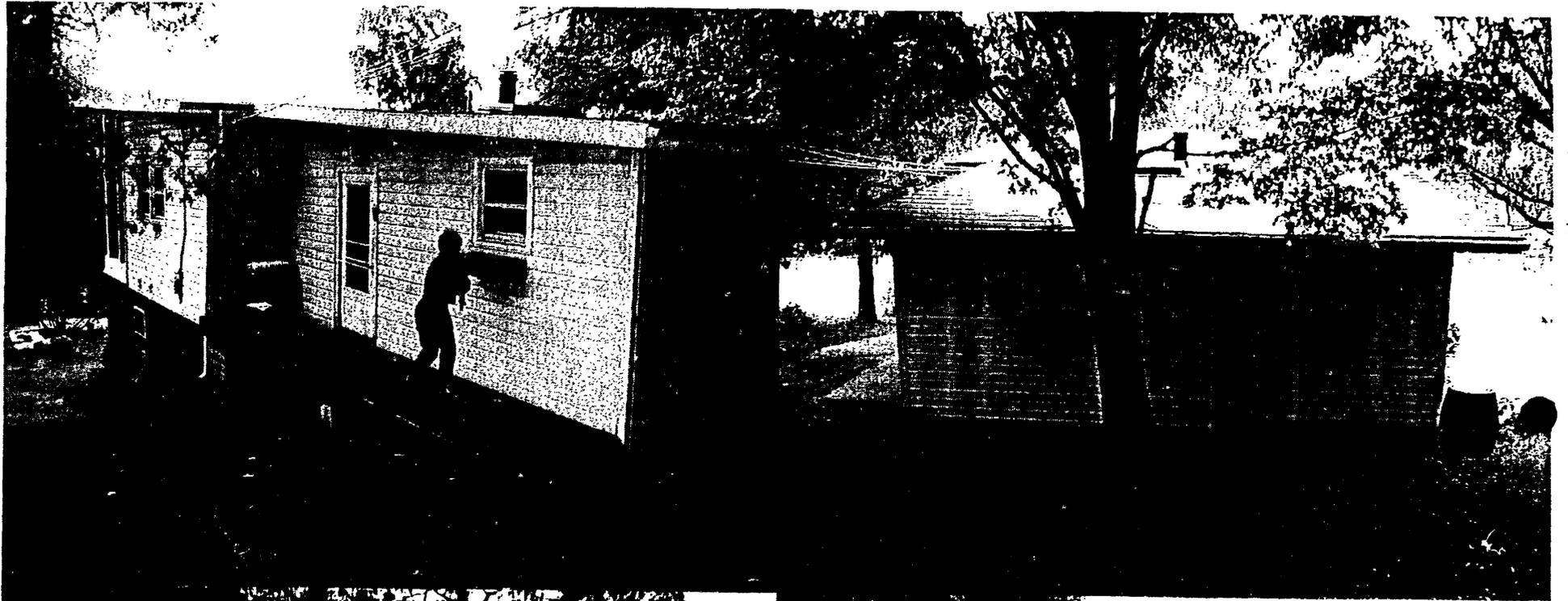
SCALE: 1" = 50'

OCTOBER 17, 1985

AREA = 0.6341 ACS.

CERTIFIED TO WILLIAM NOLTE & KEVIN GOLDEN, CITIBANK, N.A.
AND COMMONWEALTH LAND TITLE INSURANCE COMPANY
TO BE CORRECT AND ACCURATE.

43 LAKESIDE DRIVE
TAX LOT # 60-1-9
ZONING CLASS R-4



04-59

proposed addition on this elevation

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

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: OCTOBER 15, 2004
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 191.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-59

NAME & ADDRESS:

**Kevin Golden / Bill Nolte
43 Lakeside Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.10-18-04



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



FILE #04-59 TYPE:AREA

APPLICANT Name & Address:

**Kevin Golden / Bill Nolte
43 Lakeside Drive
New Windsor, NY 12553**

TELEPHONE: 496-6466

RESIDENTIAL:	\$ 50.00	CHECK # <u>350</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 348



<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$5.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>	
PRELIMINARY:	<u>5</u>	PAGES	<u>\$ 27.50</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>2</u>	PAGES	<u>\$ 11.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

TOTAL: \$ 38.50 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 108.50

AMOUNT DUE: \$ _____

REFUND DUE: \$ 191.50

Cc:

PRELIMINARY MEETING:

KEVIN GOLDEN & WILLIAM NOLTE (04-59)

MR. KANE: Tonight's first preliminary meeting is Kevin Golden and William Nolte request for a 10 foot side yard setback for proposed side entrance at 43 Lakeside Drive. Tell us what you want to do sir, state your name and your address clearly.

MR. GOLDEN: My name is Kevin Golden at 43 Lakeside Drive and this is my architect, Mary Stakous and we propose to build a staircase to connect the basement and the upstairs and make a side entrance.

MS. STAKOUS: There is currently no access inside the house between the two levels so that's what my clients wanted to be able to connect the inside so they can be able to go down and use the lower level without going through the weather.

MR. KANE: Michael, tell me why they're here for an entrance.

MR. BABCOCK: It's part of the house Mr. Chairman so the required setback in an R-4 zone is 15 feet. So this will be part of the house and it will only be 10 foot 6 inches so we rounded it to 10 foot to give them a little play room. They should only be requesting a five foot, that's a typo.

MR. KANE: Okay, so is it correct in the denial. Okay, make sure we just change that in the denial. Not going to create any water hazards or runoffs with the building of the entrance.

MS. STAKOUS: No it will not. The entrance is on the downhill side and there won't be any water coming into it.

MR. KANE: Obvious questions, but you're not cutting down any trees or removing substantial vegetation in the building of the side door opening.

MR. GOLDEN: There are no trees in that area.

MR. KANE: Understood, but, we have to ask that question so the answer would be no. Any easements through that area on your property.

MS. STAKOUS: No not in that area.

MR. REIS: Is the proposed addition slightly wider than the existing ramp area.

MR. KANE: There's no addition, it's just an entrance.

MS. STAKOUS: No, actually it is an addition. You can see that on the site plan, there is a very small hatched area on the site plan that that would be the addition.

MR. KANE: Oh, Okay, sorry Mike.

MS. STAKOUS: I'm not sure where you're referring to as far as the ramp.

MR. REIS: Well, I'm looking at the existing photos that you supplied, thank you very much, and your survey. Are they one and the same as far as..

MS. STAKOUS: This ramp is on the opposite side. This is currently the existing entrance to the home. The stair will be on the opposite side of the ramp, which is this elevation. The lower right hand photograph so, this side faces the lake. This is a walk-out basement that is in use... and there is no way to At this time and this setback in the existing home provided an opportune location for putting in the stair without encroaching too much on the existing site.

MR. KANE: Is there going to be an outside entrance from this stairwell that's going up here.

MS. STAKOUS: Yes.

MR. KANE: Okay and there's no intention or intent to make a downstairs apartment whatsoever.

MR. GOLDEN: No.

MR. KANE: Any other questions.

MR. REIS: Have you asked about the easements.

MR. KANE: Yes.

MR. REIS: Will you accept a motion.

MR. KANE: Yes I will.

MR. REIS: I make a motion that we set up Kevin Golden and William Nolte for their proposed side entrance addition to 43 Lakeside Drive for a public hearing.

MR. MINUTA: Second.

ROLL CALL:

MS. LOCEY	AYE
MS. GANN	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

Motion carried 5 Ayes.

KEVIN GOLDEN & WILLIAM NOLTE (04-59)

Mr. Kevin Golden appeared before the board for this proposal.

MR. KANE: Request for 10 ft. side yard setback for proposed side entrance at 43 Lakeside Drive in an R-4 zone. Tell us again what you want to do.

MR. GOLDEN: I'm Kevin Golden. We're intending to build a little staircase that could connect the two levels of the house that are not connected now and put a side entrance in that would give access.

MR. KANE: And currently you just have the one entrance to the home?

MR. GOLDEN: There's an entrance upstairs and downstairs.

MR. KANE: You have no way from upstairs to downstairs without going outside?

MR. GOLDEN: Yes.

MR. KANE: So you would consider that safety issue also so that in bad weather you don't have to go out and be subject to the elements?

MR. GOLDEN: Yes.

MR. KANE: Cutting down any trees or removing substantial vegetation in the building of this?

MR. GOLDEN: No.

MR. KANE: Create any water hazards or runoffs?

MR. GOLDEN: No.

MR. KANE: Any easements in the area, town septic and water?

MR. GOLDEN: We're on sewer and well water.

MR. KANE: Not going to interfere with the well at all?

MR. GOLDEN: No.

MR. BABCOCK: I just have one correction to make, the last time when they were here on the 26th of last month, the revised agenda says five foot variance, they're going to be ten foot from the property line, they're required to be 15, that was a typo last time said ten.

MR. KANE: Okay, it's a five foot variance, it's on the application here now, I have it right there but it's not in our notice so it's five foot instead of ten foot which makes it easier. At this point, I will open it to the public and ask if there's anybody in the audience here for this particular meeting? Seeing as there's not, we'll close the public hearing portion and ask Myra how many mailings.

MS. MASON: On July 27, I mailed out 32 addressed envelopes and had no response.

MR. KANE: Okay, now, this is going to go from downstairs to upstairs, is there going to be an outside door?

MR. GOLDEN: Yes.

MR. KANE: In no way you're going to use this to create any type of an apartment or anything like that?

MR. GOLDEN: No.

MR. KANE: For the record.

MR. GOLDEN: Right.

MR. KANE: Any other questions guys?

MR. MINUTA: Just one. I'm not familiar with the layout of this but is there any other way to place the stair other than in this area?

MR. ZYCOS: My name is Marci Zycos (phonetic), I'm the architect on the project. This is towards the lake and this is towards the road, this is the area of the lower level, this is a crawl space down below. The current main entrance to the house is at this, at the upper level and going to the lower level they have to walk out around to the lower level. This would be really the only place to put the stair unless you put it out in front towards the lake and then you're blocking your view of the lake, plus you'd be taking up the vast majority of the space, plus you have a screened porch over top of the existing space. So we wanted to put the stair in this area to take advantage of the fact that there's already a step back in the existing foundation so we wouldn't encroach any further on this setbacks and if you put a stair in this area you'd be accessing the crawl space.

MR. MINUTA: Is this an existing foundation wall?

MS. ZYCOS: This ramp is in this location right here you're looking at this side.

MR. MINUTA: So you will be pouring a foundation wall?

MS. ZYCOS: Yes and it would be a block foundation. This is the uphill side right here, this is the main entrance side over here and then these two are the areas in question.

MR. MINUTA: Very good.

MR. MINUTA: Michael, with regard to fire, do we have any considerations with that as far as the side yards, in other words, both side yards are very tight?

MR. BABCOCK: From the house next door.

MR. MINUTA: We have 11 foot one to the one, an existing 12 foot to the other side yard.

MR. BABCOCK: We'll have to look at that but I don't think there's, I think it's 6 foot for each so it would be a 12 foot total, you're saying that the one house has got, I don't have that survey.

MR. MINUTA: What we have right now is the existing, what they're showing is existing is a 12 foot side yard setback on the one side and 11.1 foot on the other. My concern is having let's say there's a fire that a fire truck is able to get through that space.

MS. ZYCOS: This existing house is quite a bit farther back from this property line.

MR. GOLDEN: The driveway is only on one side of the house.

MR. KANE: The 11.1 side, right.

MR. GOLDEN: Yes.

MR. BABCOCK: Typically on a larger building, the fire company may want to get around the back but on this they would pull down the driveway and drag a hose to the back.

MR. MINUTA: Great, thank you.

MR. KANE: Other questions?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we grant Kevin Golden and William Nolte their requested five foot side yard setback for proposed side entrance at 43 Lakeside Drive.

MR. RIVERA: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

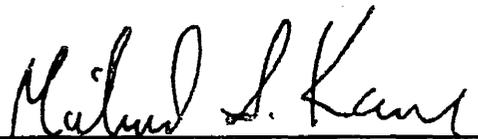
Appeal No. 04-59

Request of KEVIN GOLDEN

for a VARIANCE of the Zoning Local Law to Permit:

Request for 10 ft. Side Yard Setback (F-7) for proposed side entrance at 43 Lakeside Drive in an R-4 Zone (60-1-9)

PUBLIC HEARING will take place on AUGUST 9, 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

July 27, 2004

Kevin Golden / Bill Nolte
43 Lakeside Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-59

Dear Mr. Golden & Mr. Nolte:

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:

43 Lakeside Drive
New Windsor, NY

is scheduled for the AUGUST 9TH, 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



RESULTS OF Z.B.A. MEETING OF: July 26, 2004

PROJECT: Kevin Holden

ZBA # 04-59

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) hs S) _____ VOTE: A 5 N 0

★
 RIVERA Locey ✓
 MCDONALD GANN ✓
 REIS _____
 MINUTA _____
 KANE _____

CARRIED: Y ✓ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

RIVERA Locey _____
 MC DONALD _____
 REIS _____
 MINUTA _____
 KANE _____

CARRIED: Y _____ N _____.

No Water Hazards
No Apartment



Town of New Windsor

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

Assessors Office

July 9, 2004

Kevin Golden
43 Lakeside Drive
New Windsor, NY 12553

Re: 60-1-9 ZBA#: 04-59

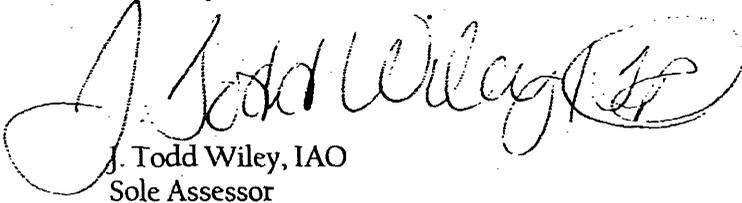
Dear Mr. Golden:

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

57-1-66.1
Gary & Theresa Gawricki
58 Lakeside Drive
New Windsor, NY 12553

57-1-74.2
Carmen & Luis Chaparro
48 Lakeside Drive
New Windsor, NY 12553

57-1-76
John Ducey
Giselle Ulmo
34 Lakeside Drive
New Windsor, NY 12553

57-1-113.1
Thomas & Lucinda Retcho
42 Lakeside Drive
New Windsor, NY 12553

59-2-3.2
Robert Delgado, Jr.
Awilda Cabrera Delgado
211 Lake Road
Salisbury Mills, NY 12577

59-2-37
Phillip & Karen Piracci
1 Amelia Court
Salisbury Mills, NY 12577

60-1-4.2
Gary & Eileen Bromm
55 Lakeside Drive
New Windsor, NY 12553

60-1-7
Edward & Joan Swider
47 Lakeside Drive
New Windsor, NY 12553

60-1-11
Douglas Hirsch
39 Lakeside Drive
New Windsor, NY 12553

60-1-14
Richard Clausen
31 Lakeside Drive
New Windsor, NY 12553

57-1-66.2
Elaine Schiavone
35 Vascello Road
New Windsor, NY 12553

57-1-74.3
Robert & Amy Dragos
46 Lakeside Drive
New Windsor, NY 12553

57-1-78.2
Patricia Furman
28 Lakeside Drive
New Windsor, NY 12553

57-1-113.2
Terrence & Jeannette Retcho
40 Lakeside Drive
New Windsor, NY 12553

59-2-3.3
Thomas & Patricia Larke
221 Lake Road
Salisbury Mills, NY 12577

60-1-2
Natalia Frid
65 Lakeside Drive
New Windsor, NY 12553

60-1-5
Alan Pearson
53 Lakeside Drive
New Windsor, NY 12553

60-1-8
Robert & Joan Anderson
45 Lakeside Drive
New Windsor, NY 12553

60-1-12
Cecelia Llanusa
1641 West Lakewood Drive
Rock Hill, SC 29732

60-1-15 & 60-1-29
Richard Clausen
29 Lakeside Drive
New Windsor, NY 12553

57-1-67.1 & 57-1-67.2
Everett & Mary Smith
27 Vascello Road
New Windsor, NY 12553

57-1-75.1
Robert & Janet Bentkowski
44 Lakeside Drive
New Windsor, NY 12553

57-1-79.2
CGK Construction, LLC
101 Pine Hill Road
Highland Mills, NY 10930

57-2-1 & 59-2-3.1
Beaver Dam Lake Protection
and Rehabilitation District
c/o Dept of Public Works
Route 17M / P.O. Box 509
Goshen, NY 10924

59-2-33
Lorraine Astrab
2 Amelia Court
Salisbury Mills, NY 12577

60-1-3 & 60-1-4.1
Gregory & Ramona Agresti
57 Lakeside Drive
New Windsor, NY 12553

60-1-6
Daniel & Karen Smith
49 Lakeside Drive
New Windsor, NY 12553

60-1-10
Douglas Hirsch
41 Lakeside Drive
New Windsor, NY 12553

60-1-13
Judy Schmidt
33 Lakeside Drive
New Windsor, NY 12553

60-1-16
Frank Kincade, Sr.
P.O. Box 415
Washingtonville, NY 10992

60-1-18.1

Arlene & Brian Henricksen
19 Lakeside Drive
New Windsor, NY 12553

60-1-20 & 60-1-21

Arthur Beal
19 Short Road
New Windsor, NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 07-06-04

FOR: ESCROW 04-59

FROM: KEVIN GOLDEN & MR. BILL NOLTE

43 LAKESIDE DRIVE

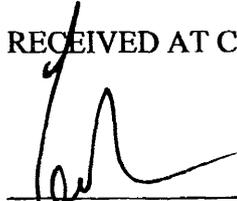
NEW WINDSOR, NY 12553

CHECK NUMBER: 348

TELEPHONE: 496-6466

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

7/6/04

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

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

RECEIPT
#694-2004

07/07/2004

Golden, Kevin Mathew *ZBA 04-59*

Received \$ 50.00 for Zoning Board Fees, on 07/07/2004. 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

July 6, 2004

Kevin Golden / Bill Nolte
43 Lakeside Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-59

Dear Mr. Golden & Mr. Nolte:

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

43 Lakeside 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
REQUEST FOR NOTIFICATION LIST

DATE: 07-06-04 PROJECT NUMBER: ZBA# 04-59 P.B. # _____

APPLICANT NAME: KEVIN GOLDEN & BILL NOLTE

PERSON TO NOTIFY TO PICK UP LIST:

KEVIN GOLDEN
43 LAKESIDE DRIVE
NEW WINDSOR, NY 12553

TELEPHONE: 496-6466

TAX MAP NUMBER: SEC. 60 BLOCK 1 LOT 9
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 43 LAKESIDE 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: 349

TOTAL CHARGES: _____



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



APPLICATION FOR VARIANCE

6-30-04
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. **Owner Information:** Phone Number: (845) 496-6466
KEVIN GOLDEN / BILL NOBLE Fax Number: ()
(Name)
43 LAKESIDE DRIVE
(Address)

II. **Applicant:** Phone Number: (845) 496-6167
MARY STAIKOS (ARCHITECT) Fax Number: (845) 496-9046
(Name)
PO Box 444 Cornwall NY 12519
(Address)

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

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 496-6167
Fax Number: (845) 496-9046
MARY STAIKOS
(Name)
PO Box 444 Cornwall NY 12518
(Address)

V. **Property Information:**

Zone: R-4 Property Address in Question: 43 LAKESIDE DR
Lot Size: .634 ACRES Tax Map Number: Section 60 Block 1 Lot 9
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? 1985
d. Has property been subdivided previously? NO If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? existing shed

****PLEASE NOTE:****

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

COMPLETE THIS PAGE

04-59

**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'	10'	10'
Reqd. Rear Yd.			
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.

04-59

COMPLETE THIS PAGE

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

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

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

To connect 2 living levels
of an existing homes. There is currently no
interior stairs connecting both, and there is
insufficient room to put a stair on the
inside. The design of the proposed staircase
will be a pleasant architectural addition, using
natural materials such as stone, siding
sympsthetic with the character of the home
& surrounding like community.

PLEASE NOTE:

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

04-59

COMPLETE THIS PAGE

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
currently saving existing gardens for replanting around addition, will relandscape after construction.

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:

1 day of July 2004.

Kevin Golden
Owner's Signature (Notarized)

KEVIN GOLDEN
Owner's Name (Please Print)

STACY L. DUNNE
Reg. #01DU608570
Notary Public, State of New York
Qualified in Orange County
Commission Expires Jan. 27, 2007

Stacy L. Dunne
Signature and Stamp of Notary

Applicant's Signature (If not Owner)

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

COMPLETE THIS PAGE

04-59

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

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

KEVIN GOLDEN, deposes and says that he resides
(OWNER)

at 43 LAKESIDE DRIVE NEW WINDSOR in the County of ORANGE
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. _____ Block _____ Lot _____)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in

the foregoing application and that he authorizes:

MARY STALKOS
(Applicant Name & Address, if different from owner)

BOX 444 CORNWALL NY. 12518
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 07/01/04

** Kevin Golden
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:
1 day of July 2004

STACY L. DUNNE
Reg. #01DU6086570
Notary Public, State of New York
Qualified in Orange County
Commission Expires Jan. 27, 2007

Applicant's Signature (If different than owner)

Stacy L. Dunne
Signature and Stamp of Notary

Representative's Signature

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

**** PLEASE NOTE:
ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**



TOWN OF NEW WINDSOR

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: <i>paid once</i>	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT FOR PUBLIC HEARING LIST</u>	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

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

COMMERCIAL: (Three Separate Checks Please)

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

INTERPRETATION: (Three Separate Checks Please)

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

Kevin Gold
SIGNATURE

6.30.04
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)

PAGE 2

COMPLETE THIS PAGE

04-59